NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2017 IL App (3d) 170304-U

Order filed December 4, 2017

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2017

ELLIOTT BOSTON, JR., and MARTIE BOSTON,	)	Appeal from the Circuit Court of the 14th Judicial Circuit, Rock Island County, Illinois,
Plaintiffs-Appellees,	)	
v.	)	
SMITH FURRIERS,	)	Appeal No. 3-17-0304 Circuit No. 17-SC-374
Defendant,	)	
and	)	
WENDY BOSTON-ROBINSON,	)	Honorable Norma Kauzlarich,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE O'BRIEN delivered the judgment of the court.
Justices McDade and Wright concurred in the judgment.

ORDER

¶ 1 *Held*: Defendant may not raise a defense to the claims in the complaint for the first time on appeal from a default judgment.

¶ 2 Defendant, Wendy Boston-Robinson, appeals the circuit court's order of a default judgment, arguing that (1) the judgment should not have been entered as plaintiffs did not have rights to the mink fur coat, and (2) $3000 was not the proper value of the coat. We affirm.

¶ 3 FACTS

¶ 4 Plaintiffs, Elliott Boston, Jr., and Martie Boston, filed a small claims complaint against Wendy and Smith Furriers, a fur service business. The complaint alleged that defendants owed plaintiffs $3000 plus court costs for a mink fur coat.

¶ 5 A hearing was held on March 24, 2017. Wendy was not present at the hearing. The owner of Smith Furriers was at the hearing and stated that his customer was Wendy and Elliott's mother. At the time of their mother's death, Smith Furriers was in possession of their mother's mink fur coat. They gave it to Wendy as the legal appointee under her mother's will. The court dismissed the case against Smith Furriers.

¶ 6 As to the claim against Wendy, Elliott stated that he had an affidavit showing his mother's intent that she wanted his wife, Martie, to get the coat. He further provided proof that Wendy was served with the complaint and had not answered the complaint or appeared. The court told Elliott he needed to provide some proof of what the coat was worth. As a furrier in the fur service business, the owner of Smith Furriers stated that he could testify as to the value of the coat. He testified that there were two values of the coat: (1) the replacement or appraisal value, and (2) the actual value or resale value. He stated the replacement value was between $3000 and $4000 and the actual value was between $300 and $400. Based on Wendy's failure to appear, the court entered a default judgment against her in the amount of $3000. Wendy did not file any postjudgment motions, but filed a timely notice of appeal.

¶ 7 ANALYSIS

¶ 8 On appeal, Wendy argues that plaintiffs were not entitled to the coat. She also argues that $3000 was not the value of the coat. We find the issues Wendy raises on appeal are not properly before this court as they should have been raised in defense of the claims in the circuit court.

¶ 9 Before considering the merits of Wendy's appeal, we must consider two procedural matters. First, plaintiffs have not filed a brief on appeal. However, we will consider the case because the "the record is simple and the issues can be easily decided without the aid of the appellee's brief." *Thomas v. Koe*, 395 Ill. App. 3d 570, 577 (2009). Second, we note that Wendy does not cite any law in support of her arguments. See Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016). Failure to cite authority can result in forfeiture of the arguments. *Velocity Investments, LLC v. Alston*, 397 Ill. App. 3d 296, 298 (2010). The fact that Wendy filed her brief without an attorney does not relieve her of the obligation to follow the correct procedure. *Id.* However, "we choose to reach the merits of this argument, as we understand the issue defendant intends to raise, and the merits of the issue can be readily ascertained from the record on appeal." *Id.* Thus, we now turn to the merits of Wendy's appeal.

¶ 10 A circuit court may enter a default judgment when a defendant fails to appear in court or fails to plead. 735 ILCS 5/2-1301(d) (West 2016). "On appeal from a default judgment the only issues which can be raised concern errors appearing on the face of the record and the sufficiency of the complaint." *People v. Krueger*, 146 Ill. App. 3d 530, 534 (1986); see also *Dillman v. Dillman*, 409 Ill. 494, 499 (1951). A defendant may not raise on appeal from a default judgment "matters which should have been raised in defense." *Krueger*, 146 Ill. App. 3d at 534. Stated another way, because a default judgment impliedly admits the claims in the complaint against the defendant, the defendant may not, on appeal, deny or defend against the claims in the complaint. *Id.*

¶ 11 Here, Wendy does not challenge the sufficiency of the complaint or point to errors on the face of the complaint. Moreover, our review of the record reveals no errors or insufficiencies with the complaint. See *Tannenbaum v. Fleming*, 234 Ill. App. 3d 1041, 1043-44 (1992) (The pleading requirements in small claims are relaxed; a complaint in small claims is sufficient if it clearly notifies defendant of plaintiff's claim). Instead, Wendy raises, for the first time on appeal, issues that needed to be decided by the trial court. Specifically, Wendy tries to explain why the plaintiffs are not entitled to the coat and why the coat was worth a different amount. These are defenses and must be presented in the circuit court before they can be reviewed. Therefore, the issues raised by Wendy are not properly before this court on appeal. The proper place to raise these issues is in a petition for relief from judgment. See 735 ILCS 5/2-1401 (West 2016).

¶ 12 CONCLUSION

¶ 13 The judgment of the circuit court of Rock Island County is affirmed.

¶ 14 Affirmed.