

Circuit Court of Tazewell County

Tenth Judicial Circuit of Illinois

Administrative Office, Rm. 102
Tazewell Co. Courthouse
342 Court Street
Pekin, IL 61554
309 – 477 - 2201



Scott A. Shore, Circuit Judge
Presiding Circuit Judge
342 Court Street
Pekin, IL 61554
309 - 478 - 5871

May 13, 2009

PLAINTIFFS' ATTORNEY PROTOCOL FOR FORECLOSURE PROCEEDINGS AND SALES IN TAZEWELL COUNTY, ILLINOIS

1. Foreclosure proceedings will be held in Courtroom 101 unless otherwise directed.
2. Case management hearings will be set on the same day as foreclosure hearings, following the regular call, for the convenience of counsel, avoiding the congestion of the regular case management call and the need for multiple court appearances.
3. Prior to hearing for entry of judgment or order confirming sale, plaintiff's counsel will be provided the Court's file to tab the following items: legal description in mortgage; return of service as to each defendant; any pleading or filing submitted by any defendant(s). Plaintiff's counsel must bring to the court's attention any such defense pleading or filing and any discrepancy in the legal description, address or PIN of the subject property when comparing the proposed order or judgment to the original (or copy of original) mortgage and assignments if any. Presentation of a proposed judgment or order for signature indicates to the Court that counsel has met these requirements.
4. Hearings will be conducted in the following order, to the extent possible, unless counsel's schedule in other courts require prioritization: Cases for which litigants are personally present will be heard first, followed by the handling of cases for counsel with the fewest cases on the docket, and next-fewest etc., to allow their earlier departure.
5. Plaintiff may stay proceedings from time to time to allow for negotiation or settlement. A further case management hearing date will be included in any such order allowing continuance. Defendants who have entered their appearance may seek continuance of pending foreclosure proceedings or foreclosure sale if they demonstrate that they have made timely efforts to contact the Plaintiff and/or counsel to resolve their case and have the ability to do so, but have not received or are awaiting response or finalization of settlement. Proof of attempted contact may include receipt for certified mailing, telephone records or other proof of attempted contact. Defendants who claim entitlement to a stay of proceedings pursuant to statute, including but not limited to the Illinois Homeowner Protection Act of 2009, must either obtain agreement of Plaintiff's counsel or must affirmatively seek such relief by appropriate pleading, or such right is waived.

6. All foreclosure judgments entered on and after May 1, 2009, will provide for Sheriff's sale, unless hardship has been shown at the time judgment is rendered, in which case any party of record may request inclusion in the foreclosure judgment of alternate means of foreclosure sale.
7. Sales will be placed on the schedule only after a Judgment of Foreclosure has been entered.
8. As a convenience to Plaintiff's counsel, counsel are to schedule sales via the Tazewell County Court Administrator (Room 102) who will coordinate sale dates with the Court, Circuit Clerk and Sheriff.
9. Sale dates will be made available generally on Thursdays at 1:00 pm, in Courtroom 101, Tazewell County Courthouse. Special settings will be made available at Noon on Mondays upon Court approval.
10. As soon as possible after scheduling a sale date, Plaintiff's counsel will provide a copy of Plaintiff's Notice of Sale to the Court Administrator who will provide a copy to the Sheriff, confirming the sale date. The Notice will contain the common address or description of the property and proposed terms of sale.
11. The Sheriff will post a listing of pending sales on a bulletin board or other conspicuous place available to the public at the Tazewell County Justice Center, Courthouse Lobby and at the McKenzie (County Offices) Building, referring interested persons to a loose-leaf binder containing pending Notices of Sale; One such binder will be available at the Sheriff's office and another will be available at the office of the Court Administrator. The public may obtain copies of Notices of Sale for a nominal fee.
12. At time of sale, the Courthouse and particularly courtroom 101 will be open to the public. The Sheriff or his designee will preside, without need of the presence of the Judge or Circuit Clerk.
13. Parties, counsel, and prospective bidders present for the sale will be required to "sign in." By "signing in," third party bidders confirm that they have certified funds in hand to satisfy the minimum payment required per stated terms of sale, if their bid is accepted.
14. A foreclosure sale may be cancelled or postponed without prior notice, as may occur when the property owner and lender are working on settlement. By statute, if the sale is adjourned to a new date within 60 days of the originally scheduled sale date, no further publication need be given by the Plaintiff. When a sale is adjourned to a new date within 60 days, the Sheriff has indicated that his staff will endeavor to note the new date on each posted Notice of Sale. When a sale is adjourned to a date more than 60 days after the originally scheduled sale date, requiring new publication, the Plaintiff's counsel is to provide a new Notice of Sale to the Court Administrator who will provide a copy to the Sheriff for posting.

15. The Sheriff or his designee will preside over sale proceedings. (The Sheriff's Protocol provides guidance as to the procedure the Sheriff will follow.) Plaintiff's attorney present for the sale will be asked to identify counsel, the property to be sold, and the terms of sale. Any objection to the sale or process of sale must be made by pleading filed with the Circuit Clerk upon payment of applicable fees unless waived pursuant to statute.
16. Plaintiff's attorney will provide the Sheriff with a proposed Certificate of Sale (Receipt of Sale) to be executed by the Sheriff, in favor of the purchaser. Providing the Sheriff with such Certificate indicates that Plaintiff has accepted payment in full satisfaction of the bid. The Original Certificate of Sale will be given to the purchaser, with a copy to Plaintiff's attorney. Plaintiff's attorney will also provide the Sheriff with a proposed Report of Sale, to be executed by the Sheriff. The original is to be filed with the Circuit Clerk, with a copy to Plaintiff's attorney.
17. The Sheriff will collect \$600 at the time of sale from the Plaintiff's attorney, by attorney check or money order, payable to Tazewell County Sheriff.
18. Upon motion for confirmation of sale, if a personal deficiency is sought against one or more named defendants, it will be incumbent upon Plaintiff's counsel to prove the basis for such deficiency judgment, i.e. the reasonableness of the sale bid *vis a vis* the appraised value of the property. If not shown, the Court may grant confirmation but may reserve the issue of personal deficiency judgment, pending hearing to provide such proof.
19. It is neither the purpose nor the intent of the Court to require the Sheriff to perform any act or accept any responsibility other than as required by statute. Posting of notices, as set forth above, is voluntary on the part of the Sheriff as an accommodation to parties and does not impose any requirement to do so, in any or all cases, whether or not voluntarily undertaken.
20. Counsel may reach Tazewell County court personnel in reference to foreclosure matters, as follows:

Court Administrator:

Tel: 309-477-2201; Fax: 309-347-3979

email: CourtAdministrator@Tazewell.com

Sheriff's Office:

Tel: 309-478-5608; Fax 309-478-5612

Email: SCleaver@Tazewell.com

Courtroom Clerk:

Tel: 309-478-5882; Fax: 309-347-3979

Email: CivilCourt@Tazewell.com