

# Getting Started

## Motion to Vacate Default Judgment of Foreclosure

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**IMPORTANT:** This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to ask the judge to withdraw the previous order allowing the bank to sell your property. Your use of the forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the HOW TO ASK THE COURT TO VACATE A DEFAULT JUDGMENT OF FORECLOSURE instruction sheet and the instructions on the forms.

<b>Names of forms:</b>	<ul style="list-style-type: none"><li>• <i>Motion to Vacate Default Judgment of Foreclosure</i></li><li>• <i>Additional Defendant Signatures, Names, &amp; Addresses</i> (if needed)</li><li>• <i>Notice of Motion to Vacate Default Judgment of Foreclosure</i></li><li>• <i>Order to Vacate Default Judgment of Foreclosure</i></li></ul>
<b>Purpose of the forms:</b>	<ul style="list-style-type: none"><li>• Ask the court to withdraw the previous order allowing the bank to sell your property.</li><li>• Tell everyone else in the court case that you are asking the judge to withdraw the Default Judgment of Foreclosure.</li><li>• Tell everyone the date and time of the court hearing on your <i>Motion to Vacate Default Judgment of Foreclosure</i>.</li></ul>
<b>Types of cases the forms CAN be used for:</b>	Mortgage foreclosure cases in which a Default Judgment of Foreclosure has been entered.
<b>Types of cases the forms CANNOT be used for:</b>	Any other types of cases.
<b>Special information or papers needed to complete the forms:</b>	<ul style="list-style-type: none"><li>• Mortgage Foreclosure Complaint and Summons;</li><li>• Order for Default; AND</li><li>• Judgment of Foreclosure you received.</li></ul>
<b>Statutes covering the forms:</b>	<a href="#">735 Illinois Compiled Statutes</a> , section 5/15-1101 through section 5/15-1706.
<b>Where to find the forms and instruction sheet:</b>	<a href="http://www.illinoiscourts.gov/Forms/approved/">http://www.illinoiscourts.gov/Forms/approved/</a>
<b>For more information:</b>	Read the HOW TO ASK THE COURT TO VACATE A DEFAULT JUDGMENT OF FORECLOSURE instruction sheet that comes with these forms. You may also find more information, resources, and the location of your local county self-help center at <a href="http://www.illinoislegalaid.org/foreclosure">www.illinoislegalaid.org/foreclosure</a> .

# HOW TO ASK THE COURT TO VACATE A DEFAULT JUDGMENT OF FORECLOSURE

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## What is a default judgment?

- You are in default if you do not respond to a Mortgage Foreclosure Complaint and do not file an Appearance or Answer with the court.
- If you are in default, the judge may enter a default judgment in favor of the other party without hearing from you first.
- You may be able to vacate (undo) the default judgment by filing a *Motion to Vacate Default Judgment of Foreclosure*.

## When should I file my *Motion to Vacate*?

- Do not wait! File your *Motion to Vacate Default Judgment of Foreclosure* as soon as you learn that a default judgment has been entered against you.
- The court is more likely to grant your *Motion to Vacate Default Judgment of Foreclosure* if you file it no later than 30 days after the date the default judgment was entered against you.
- You can file the *Motion to Vacate Default Judgment of Foreclosure* up until the date the Plaintiff files a Motion to Confirm the Foreclosure Sale.

**NOTE:** If you have legal reason to challenge (quash) the claim that you were served with the summons and a copy of the Foreclosure Complaint, you need to file a Motion to Quash under [735 ILCS 5/2-301](#) before you file your *Motion to Vacate a Default Judgment of Foreclosure* or at the same time under [735 ILCS 5/2-619.1](#). You may want to consult with a lawyer about whether you have a legal reason to challenge (quash) service.

## What do these terms mean?

- **Order:** A direction given by a judge requiring or allowing a person to do or not do something.
- **Judgment of Foreclosure:** A court document that a judge signs allowing the bank to sell the property.
- **Vacate an Order or Judgment:** to undo an order or judgment that has been signed by a judge.

## When can I file a *Motion to Vacate Default Judgment of Foreclosure*?

- Your name is listed on the Summons and the Mortgage Foreclosure Complaint as a “Defendant”;
- An “Order of Default” has been entered; AND
- A “Judgment of Foreclosure” was entered.

**NOTE:** Each party in default must file a *Motion to Vacate Default Judgment of Foreclosure*, either separately or together.

## What forms do I fill out to ask the judge to vacate a Default Judgment of Foreclosure?

- ***Motion to Vacate Default Judgment of Foreclosure*** asks the judge to undo the previous order allowing the bank to sell the property; AND
- ***Notice of Motion to Vacate Default Judgment of Foreclosure*** tells all parties in the foreclosure case that you are asking the judge to undo the Default Judgment of Foreclosure.

## Where can I find the forms that I need?

- You can find the forms at: [illinoiscourts.gov/Forms/approved/](http://illinoiscourts.gov/Forms/approved/).

## What costs will I need to pay to ask the court to vacate a Default Judgment of Foreclosure?

- There may be a fee to file your *Motion to Vacate Default Judgment of Foreclosure* with the Circuit Clerk.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees* found at [illinoiscourts.gov/Forms/approved/](http://illinoiscourts.gov/Forms/approved/).

## What do I do after I fill out my *Motion to Vacate Default Judgment of Foreclosure*?

### Step 1: File your forms with the Circuit Clerk in the county where the court case is filed.

- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.
  - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; or (2) you have trouble reading or speaking in English.
  - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: [illinoiscourts.gov/Forms/approved/default.asp](http://illinoiscourts.gov/Forms/approved/default.asp).
  - To receive an exemption, file the original and 1 copy of your *Motion to Vacate Default Judgment of Foreclosure*, and the *Certification*, with the Circuit Clerk’s office in person or by mail.
- To e-file, create an account with an e-filing service provider.
  - Visit [illinoiscourts.gov/service-providers.htm](http://illinoiscourts.gov/service-providers.htm) to select a service provider. Some service providers are free while others charge a

processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here:

[illinoiscourts.gov/CivilJustice/Resources/Self-Represented\\_Litigants/self-represented.asp](http://illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp)

- If you do not have access to a computer or if you need help e-filing, take your forms to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
  - You can bring your forms on paper or saved on a flash drive.
  - The terminal will have a scanner and computer that you can use to e-file your forms

### **Step 2: Ask for a court date.**

- Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date or you may have to speak with other court staff.
- When you get your court date, ask if the court will send notice of the court date to the other party or if you need to.
- Enter the date and time in section 1 of the *Notice of Motion to Vacate Default Judgment of Foreclosure*.

### **Step 3: Send a copy of your *Motion to Vacate Default Judgment of Foreclosure* to the other parties.**

- You must send your *Motion to Vacate Default Judgment of Foreclosure* to the other parties in the case. If a party has a lawyer, send the form to the lawyer.
- You may send your *Motion to Vacate Default Judgment of Foreclosure* to the other parties personally, by mail, third-party commercial carrier (e.g., FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider.
  - You may send your *Motion to Vacate Default Judgment of Foreclosure* to a party by email if they have listed their e-mail address on a court document. Complete the Proof of Delivery with information of how you sent the form to each party. It has room for 3 parties. If you are sending your form to more than 3 parties, fill out and file one or more *Additional Proof of Service* forms with the main form.

### **Step 4: Get ready for your court date.**

- Decide and write down:
  - What you want to ask the judge to do for you; AND
  - What you will say to the judge if asked to tell your side of the case.

- Gather and make copies of pictures and documents you want the judge to see. Bring the original for the judge and one copy for you and each of the other parties in the case.

### **Step 5: Go to your court date.**

- Bring these items with you to court:
  - A copy of the Mortgage Foreclosure Complaint and Summons;
  - Two copies of your completed and stamped *Motion to Vacate Default Judgment of Foreclosure* and *Notice of Motion to Vacate Default Judgment of Foreclosure*;
  - An *Order to Vacate Default Judgment of Foreclosure*; AND
  - Other documents related to your mortgage or home such as: proof of your payment history, loan modification packet, information from a housing counselor, real estate sale contract, proof of employment or other income.
- Get to the courthouse at least 30 minutes early
- Go to the courtroom number listed on your court form. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself, and briefly tell the judge what you are asking for. The judge will let you know what will happen next.

### **How do I present my case to the judge?**

#### **Step 1: Tell the judge your side of the case and answer questions.**

- Bring any important documents relating to your foreclosure including documents mentioned above.
  - Give a copy to the judge and a copy to the other parties. Be prepared to explain why the document is important.
- The judge decides what documents can be considered in making a decision about your case.

#### **Step 2: What do I do when the other party presents their case?**

- The other party will also get to present their case by testifying, giving the judge evidence, and questioning witnesses.
- You will get to see any documents and photos the other party brings to court. If you do not think the judge should consider them in making a decision about your case, tell the judge why.
- You may ask questions of the other party's witnesses. Write down your questions while they are speaking to the other party or judge.

**Step 3: What happens after both sides present their case?**

- The judge has to make a decision. The decision is called a court order.
- If the judge needs more information to make a decision, the judge may set up another court date. Make sure you understand what information is needed and get it before the new court date.
- If the judge needs to think about it more, the judge may let you know the decision later by mailing a court order or at another court date.
- If the judge has enough information, the judge may decide right then and fill out a court order. Get a file-stamped copy of the order.
- If the other party was not in court to get a copy, you must send them a copy by 5:00 p.m. on the date you get the order. Fill out and file a *Proof of Delivery* court form with the Circuit Clerk to show that you sent the copy. You may find the *Proof of Delivery* at: [illinoiscourts.gov/Forms/approved/](http://illinoiscourts.gov/Forms/approved/).

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>MOTION TO VACATE DEFAULT JUDGMENT OF FORECLOSURE</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Directly above, enter the name of the county where the case was filed. Enter the name of the bank or mortgage company as Plaintiff. Enter your names as Defendants. Enter the Case Number from the Complaint you received.	_____ <b>Plaintiff</b> <i>(Name of Bank or Mortgage Company)</i>  v.  _____  _____ <b>Defendants</b>	_____         _____ <b>Case Number</b>

Enter your full names as Defendants. You will be called "Defendants" on the rest of this form even if there is only one person using this form. You can file this Motion by yourself or with any other Defendants listed in the Complaint you received.

In **A1**, enter the complete address of the property involved in this foreclosure case listed in the Complaint.

In **A2**, check "Yes" if you have a mortgage loan for the property involved in this foreclosure case.

In **A3**, check "Yes" if you live in the property involved in this foreclosure case.

In **A4**, check "Yes" if the property involved in this foreclosure case is a single family home or has 1 to 4 separate units where people live.

In **A5**, check "Yes" if you went to court and saw a judge in this case about the property involved in this foreclosure case.

**Defendants:** \_\_\_\_\_  
*Your Names*

**A. Defendants state:**

1. The address of the property involved in this foreclosure case:  
 \_\_\_\_\_  
*Street Address, Apt #*  
 \_\_\_\_\_  
*City State ZIP*

2. Defendants are the borrowers of a mortgage loan on the property involved in this foreclosure case:

Yes  No

3. Defendants live in the property involved in this foreclosure case and it is their main home:

Yes  No

4. The property involved in this foreclosure case is a single family home or has 1 to 4 residential units:

Yes  No

5. Defendants have already been in front of a judge about this foreclosure case::

Yes  No

In A6, enter the date the judge signed the Judgment of Foreclosure and Sale you received.

In A7, check (a.) OR (b.) If you check (a.), also check the reason you were not at the court hearing when the judge ordered the foreclosure of your property.

In A8, check "Yes" in the first part if you have applied to get your mortgage loan changed so that you can keep the property. In the second part, check the box about whether the modification is under the HAMP program.

In A9, check "Yes" if you have a contract to sell the property as a short sale.

6. The judge signed the order for a Judgment of Foreclosure and Sale on:

\_\_\_\_\_

7.  a. I was not at the court hearing when the judge ordered the foreclosure because:

I was late to court because \_\_\_\_\_

I did not make it to court because \_\_\_\_\_

I did not get a notice of the court hearing because \_\_\_\_\_

Other: \_\_\_\_\_

b. I was at the court hearing when the judge ordered the foreclosure but:

the judge did not give me extra time to answer.

Other: \_\_\_\_\_

8. Defendants have a loan modification application pending:

Yes  No  Do Not Know

It is a HAMP loan modification:

Yes  No  Do Not Know

Under the terms of the modification, the lender is not permitted to go forward with the case at this time (attach a copy of the modification contract to this *Motion*).

Yes  No  Do Not Know

9. Defendants have a short sale contract for the property being sold as a result of a foreclosure:

Yes  No  Do Not Know

**B. Under §2-1301 of the Illinois Code of Civil Procedure, Defendants ask the Court to:**

1. Vacate the default order and judgment;
2. Allow Defendants to file their appearance;
3. Grant Defendants time to answer;
4. Award other such relief as the Court deems just and equitable; AND/OR
5. Set a date for Defendants to appear before the judge.

**Defendants certify that everything on the *Motion to Vacate Default Judgment of Foreclosure* is true and correct. Defendants understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/ \_\_\_\_\_  
Defendant Signature Defendant Printed Name

\_\_\_\_\_ Street Address, Apt #

\_\_\_\_\_ City State ZIP Phone

\_\_\_\_\_ Defendant Signature Defendant Printed Name

\_\_\_\_\_ Street Address, Apt #

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Each Defendant on the form must sign and print their name, current addresses and phone number.

\_\_\_\_\_  
City State ZIP Phone

\_\_\_\_\_  
Defendant Signature Defendant Printed Name

\_\_\_\_\_  
Street Address, Apt #

\_\_\_\_\_  
City State ZIP Phone

Defendants have attached the *Additional Defendant Signatures, Names, & Addresses*

Check if you need more room and file the *Additional Defendant Signatures, Names, & Addresses* with this form.

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

**CAUTION:** If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court

**PROOF OF DELIVERY**

1. I sent this document:

a. To:

Name: \_\_\_\_\_  
First Middle Last

Address: \_\_\_\_\_  
Street, Apt # City State ZIP

Email address: \_\_\_\_\_

- b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
Address of Post Office or Mailbox

- Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
Name (for example, FedEx or UPS ) and office address

- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

- Email (not through an EFM or EFSP)

- Mail from a prison or jail at:

\_\_\_\_\_  
Name of prison or jail

c. On: \_\_\_\_\_  
Date

At: \_\_\_\_\_  a.m.  p.m.  
Time

In **c**, fill in the date and time that you sent the document.

2. I sent this document:

a. To:

Name: \_\_\_\_\_  
First Middle Last

Address: \_\_\_\_\_  
Street, Apt # City State ZIP

Email address: \_\_\_\_\_

- b. By:  Personal hand delivery

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (*not through an EFM or EFSP*)

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_

*Date*

At: \_\_\_\_\_  a.m.  p.m.

*Time*

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:

Name:

\_\_\_\_\_  
*First*

\_\_\_\_\_  
*Middle*

\_\_\_\_\_  
*Last*

Address:

\_\_\_\_\_  
*Street, Apt #*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*ZIP*

Email address: \_\_\_\_\_

b. By:  Personal hand delivery

Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (*not through an EFM or EFSP*)

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_

*Date*

At: \_\_\_\_\_  a.m.  p.m.

*Time*

If you sent your document to more than 3 parties or lawyers, check the box and file the *Additional Proof of Delivery* form with this form.

I have attached an *Additional Proof of Delivery* form.



Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

**I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/  
*Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Print Your Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Telephone*

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>NOTICE OF MOTION TO VACATE DEFAULT JUDGMENT OF FORECLOSURE</b>	For Court Use Only
Instructions ▼		
Directly above, enter the name of the county where the case was filed.	<b>Plaintiff</b> <i>(Name of Bank or Mortgage Company)</i>	
Enter the name of the bank or mortgage company as Plaintiff.	v.	
Enter your names as Defendants.		
Enter the Case Number from the Complaint you received.	<b>Defendants</b>	<b>Case Number</b>

In **1a**, enter the date and time of your hearing. The Circuit Clerk will give you the date and time of the hearing when you file your *Motion*.

In **1b**, enter the address of the court and court room number for the hearing.

**1. Hearing Information**

I filed a *Motion to Vacate Default Judgment of Foreclosure* with the court.

The hearing for the *Motion* I filed is scheduled for:

a. Date: \_\_\_\_\_, 20 \_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. Address: \_\_\_\_\_  
Street City State ZIP

Court Room: \_\_\_\_\_

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete current address and telephone number.

**I certify that everything in the *Notice of Motion to Vacate Default Judgment of Foreclosure* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/ \_\_\_\_\_  
*Your Signature*

\_\_\_\_\_ Street Address

\_\_\_\_\_ Print Your Name

\_\_\_\_\_ City, State, ZIP

\_\_\_\_\_ Telephone

### PROOF OF DELIVERY

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

**CAUTION:** If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a, b**, and **c**. Otherwise leave **2** blank.

1. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

- b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

- Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

- Email (*not through an EFM or EFSP*)

- Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

At: \_\_\_\_\_  a.m.  p.m.  
*Time*

2. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

- b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

- Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

- Email (*not through an EFM or EFSP*)

- Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
Date

At: \_\_\_\_\_  a.m.  p.m.  
Time

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:  
Name: \_\_\_\_\_  
First Middle Last  
Address: \_\_\_\_\_  
Street, Apt # City State ZIP  
Email address: \_\_\_\_\_

b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
Address of Post Office or Mailbox

Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
Name (for example, FedEx or UPS ) and office address

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:

\_\_\_\_\_  
Name of prison or jail

c. On: \_\_\_\_\_  
Date

At: \_\_\_\_\_  a.m.  p.m.  
Time

If you sent your document to more than 3 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

I have attached an *Additional Proof of Delivery* form.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

**I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

/s/ \_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Print Your Name

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Telephone

After you finish this form, sign and print your name.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>ORDER TO VACATE DEFAULT JUDGMENT OF FORECLOSURE</b>	For Court Use Only
Instructions ▼	_____ <b>Plaintiff</b> <i>(Name of Bank or Mortgage Company)</i>  v.  _____  _____ <b>Defendants</b>	_____ <b>Case Number</b>
Directly above, enter the name of the county where the case was filed.		
Enter the name of the bank or mortgage company as Plaintiff.		
Enter your names as Defendants.		
Enter the Case Number from the Complaint you received.		

Enter the names of the Defendants.

**The Court has reviewed the *Motion to Vacate Default Judgment* and finds:**

Defendants, \_\_\_\_\_  
*Your Names*

have filed a *Motion to Vacate Default Judgment of Foreclosure*.

**IT IS HEREBY ORDERED:**

- Defendants' *Motion to Vacate Default Judgment of Foreclosure* is **DENIED**
- Defendants' *Motion to Vacate Default Judgment of Foreclosure* is **GRANTED**.
  - Defendants are allowed until \_\_\_\_\_, 20 \_\_\_\_ to file an *Appearance* AND file an *Answer* or otherwise plead.  
 \_\_\_\_\_  
*Date*
  - The next court date is scheduled for: \_\_\_\_\_, 20 \_\_\_\_ in  
 \_\_\_\_\_  
*Date*  
 room \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Other orders as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**DO NOT** complete this section. The judge will sign and date here.

**ENTERED:**

\_\_\_\_\_  
*Judge*

\_\_\_\_\_  
*Date*

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>ADDITIONAL DEFENDANT SIGNATURES, NAMES, &amp; ADDRESSES</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Directly above, enter the name of the county where the case was filed.  Enter the name of the bank or mortgage company as Plaintiff.  Enter your names as Defendants.  Enter the Case Number from the Complaint you received.	_____ <b>Plaintiff</b> ( <i>Name of Bank or Mortgage Company</i> )  V.  _____  _____ <b>Defendants</b>	_____ <b>Case Number</b>

<p>Each additional Defendant must sign and print their name, current addresses and phone number. You may not sign on behalf of another Defendant.</p> <p><a href="#"><u>735 ILCS §5/2-605(a)</u></a> requires that if the Complaint/Petition is verified by oath that the Answer must also be verified.</p> <p><a href="#"><u>735 ILCS §5/2-610(b)</u></a> requires that you swear to a lack of knowledge if you cannot admit or deny any of the statements in the Complaint/Petition.</p> <p><a href="#"><u>IL Supreme Court Rule 137</u></a> requires Answer/Response be signed.</p>
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**If the Complaint/Petition is verified by oath, then Defendants certify that their answers above are true and correct understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

**Where Defendants answer “Do Not Know” to paragraphs in section 2, above, Defendants certify that they do not have enough information to admit or deny the statements in these paragraphs. Defendants understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

_____	_____
<i>Defendant Signature</i>	<i>Defendant Printed Name</i>

_____			
<i>Street Address, Apt #</i>			
_____	_____	_____	_____
<i>City</i>	<i>State</i>	<i>ZIP</i>	<i>Phone</i>

_____	_____
<i>Defendant Signature</i>	<i>Defendant Printed Name</i>

_____			
<i>Street Address, Apt #</i>			
_____	_____	_____	_____
<i>City</i>	<i>State</i>	<i>ZIP</i>	<i>Phone</i>

_____	_____
<i>Defendant Signature</i>	<i>Defendant Printed Name</i>

_____			
<i>Street Address, Apt #</i>			
_____	_____	_____	_____
<i>City</i>	<i>State</i>	<i>ZIP</i>	<i>Phone</i>

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>ADDITIONAL PROOF OF DELIVERY</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b>	<hr/> <b>Plaintiff / Petitioner</b> <i>(First, middle, last name or Company)</i>  v.  <hr/> <b>Defendants / Respondents</b> <i>(First, middle, last name, or business name)</i>	
Directly above, enter the name of the county where the case was filed.		
Enter the name of the person or company that filed this case as Plaintiff/Petitioner.		
Enter the name of the Defendants/ Respondents.		
Enter the Case Number given by the Circuit Clerk.		<hr/> <b>Case Number</b>

In **1**, enter the name of each court document you are sending.

In **1a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **1b**, check the box to show how you are sending the document. **CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In **c**, fill in the date and time that you are sending the document.

**1. I am sending the following court document:** \_\_\_\_\_

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

b. By:

- An approved electronic filing service provider (EFSP)
- Email *(not through an EFSP)*

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

- Personal hand delivery to:
  - The party
  - The party's family member who is 13 or older, at the party's residence
  - The party's lawyer
  - The party's lawyer's office
- Mail or third-party carrier

c. On: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.  
*Date Time*

In **2**, if you are sending the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

In **2a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **2b**, check the box to show how you are sending the document. **CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the

In **c**, fill in the date and time that you are sending the document.

**2. I am sending this document:**

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

b. By:

An approved electronic filing service provider (EFSP)

Email (*not through an EFSP*)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

Personal hand delivery to:

The party

The party's family member who is 13 or older, at the party's residence

The party's lawyer

The party's lawyer's office

Mail or third-party carrier

c. On: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.  
*Date Time*

**I certify that everything in the *Proof of Delivery* is true and correct. I understand that a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

      
*/s/ Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Print Your Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Email*

\_\_\_\_\_  
*Attorney # (if any)*

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.