

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	MOTION TO VACATE DEFAULT JUDGMENT OF FORECLOSURE	<i>For Court Use Only</i>
Instructions ▼ Enter above the county name where this 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.	_____ Plaintiff <i>(Name of Bank or Mortgage Company)</i> v. _____ _____ Defendants	_____ Case Number

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.

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

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.

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.

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

☐ Yes ☐ No

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

_____, 20 _____
Date

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.

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.

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](#).

Defendant Signature

Defendant Printed Name

After you finish this form, each Defendant on the form must sign and print their name, current addresses and phone number.

Street Address, Apt #

City

State

ZIP

Phone

Defendant Signature

Defendant Printed Name

Street Address, Apt #

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 attach the *Additional Defendant Signatures, Names, & Addresses* Form.

In **2**, enter the date you send this form to the other parties. You must send this form by 5:00 p.m. on the same day it was filed with the Circuit Clerk.

Proof of Delivery

1. I sent the *Motion to Vacate Default Judgment of Foreclosure*.

2. At or before 5:00 P.M. on: _____, 20_____
Date

3. To:

Name:

First

Middle

Last

Address:

Street, Apt #

City

State

ZIP

Email: _____

By:

☐ Hand Delivery

☐ Regular, First-Class Mail, deposited into the U.S. Mail with postage paid

☐ Email

In **3**, enter the full name and address of the parties or lawyers you are sending a copy of this form, and check if you will send copies of this form by hand, by mail, or by email.

If a party has a lawyer, you must send a copy of this form to the lawyer.

CAUTION: You may only send this form by email if the other party has agreed to receive documents in the lawsuit by email.

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

By: ☐ Hand Delivery
☐ Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
☐ Email

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

By: ☐ Hand Delivery
☐ Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
☐ Email

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.

Sign and print your name in front of an official Illinois notary public.

I certify that everything in the Proof of Delivery 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](#).

Your Signature

Print Your Name

DO NOT complete this section. The notary will complete it.

Notary

State of Illinois

County of _____

Signed and sworn to before me on _____ by _____
Date Name

Seal

Signature of Notary