

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION

GENERAL ADMINISTRATIVE ORDER NO. 2011- 01

**SUBJECT: ALTERED AFFIDAVITS – FISHER AND SHAPIRO**

Representatives from the law firm of Fisher and Shapiro have reported to the Court that affidavits filed in pending mortgage foreclosure cases by the law firm of Fisher and Shapiro were altered without the affiants' knowledge. The affidavits were altered in such a way that included changing the content of the original affidavit by removing the signature page and reattaching the signature page by the affiant to the altered content. The alteration of the contents in the affidavits included, but were not limited to, adding attorneys' fees and costs, adding in insurance costs, inspection costs, preservation costs, and/or taxes incurred on the property. Depending on the case, these additional items may have been incurred before or after the affiant signed the original affidavit. Any change, no matter the type of change, made to an affidavit without a re-execution of the affidavit by the affiant is considered by this Court as an altered affidavit and each altered affidavit will be treated in the same manner.

Fisher and Shapiro has notified the Court that approximately 1,700 foreclosures are pending in which an altered affidavit was filed with the Court. These foreclosures are in various stages of the mortgage foreclosure process.

In order to protect the integrity of the Court, the Illinois Mortgage Foreclosure Law, the Illinois Code of Civil Procedure, and the Illinois Supreme Court Rules, the following remedial steps are to be taken. The Court must protect the judicial process and ensure that the appropriate remedial steps are taken by Fisher and Shapiro to correct the pending foreclosures affected by altered affidavits.

**IT IS, HEREBY, ORDERED AS FOLLOWS:**

1. All pending mortgage foreclosure cases in which Fisher and Shapiro filed an altered affidavit are stayed. A list of pending foreclosure cases identified by Fisher and Shapiro in which altered affidavits were filed is attached to this General Order as Attachment A and is incorporated into this Order. The stay entered by the court applies to all identified cases as well as non-identified cases in which affidavits were altered. Fisher and Shapiro is prohibited from proceeding on any of its pending foreclosure actions set forth in Attachment A attached hereto. Fisher and Shapiro shall not seek any order in any such pending case including, but not limited to, any default, summary judgment, judgment of foreclosure, or order approving sale, or proceed to sale in any of the affected foreclosures, until the remedial steps identified in paragraphs 2 to 4

are completed. This Order applies not only to the law firm of Fisher & Shapiro but to any successor law firm or any law firm substituting for Fisher & Shapiro.

2. Fisher and Shapiro will be required to present in each stayed case, at a minimum, the following motions:

- (a) A Motion to Vacate Judgment of Foreclosure and Sale;
- (b) A Motion for Leave to File an Amended Affidavit, including the amended affidavit;
- (c) A Motion to Vacate Judicial Sale (if the sale has occurred);
- (d) A Motion to Lift the Stay which at a minimum shall aver that the most recent affidavit filed with the Court is true and correct and based upon the personal knowledge of the affiant; and
- (e) A Motion to Vacate Confirmation of Sale, if applicable.

These motions must be filed in all cases including those cases which have gone to sale, the sale has been confirmed, and the successful purchaser has not yet taken possession.

3. Fisher and Shapiro shall give notice to all parties, including those who have been found to be in default, of any motions filed and any orders entered in the case as a result of the motions. In those cases in which sales have been held and third party purchasers have submitted successful bids, the third party purchaser(s) shall be given notice of all motions and all orders entered. Notice shall be given to any tenants in the property, if known; if not known, then generic notices addressed to 'Tenants' shall be given to each unit on the property.

4. In any case in which the Judgment of Foreclosure is vacated, the redemption period will be reset based on the date of entry of the judgment as provided by 735 ILCS 5/15-1603.

5. Fisher and Shapiro shall vacate all judgment of foreclosures and any sales that have occurred on a special call held in Courtroom 2802. The Clerk of the Circuit Court shall establish calls as follows: Mondays (9:30 AM and 2:00 PM), Wednesdays (10:00 AM and 2:00 PM), and Fridays (9:30 AM and 2:00 PM). The Clerk shall limit each call to fifty (50) motions per call. The special calls will begin on April 4, 2011 and continue until all cases are resolved. Fisher and Shapiro shall present no more than fifty (50) motions per special call until the cases are resolved.

6. Fisher and Shapiro shall present a Motion to Vacate Judgment of Foreclosure and Sale, a Motion to Vacate Judicial Sale (if the sale has occurred), a Motion to Vacate Confirmation of Sale (if applicable) upon proper notice to all parties in the foreclosure case. In addition to those motions to vacate, Fisher and Shapiro may also present a Motion for Entry of

New Judgment of Foreclosure and to Reset the Redemption Date upon proper notice to all parties. There will be no piggybacking of other motions allowed on these calls.

7. Fisher and Shapiro shall properly spindle all motions for the special calls with the Clerk of the Circuit Court, Room 802, Richard J. Daley Center, and pay any applicable fees at the time of filing. Fisher and Shapiro shall present to Chief Deputy Clerk for the Chancery Division, Jan M. Basile, the motions for spindling as follows: Fisher and Shapiro shall submit no more than 300 motions one week in advance of the court dates. The 300 motions shall be bundled in groups of no more than 50 motions and labeled by the date and time on which the cases are to be heard the following week. Each bundle of 50 cases shall have affixed to it a check for payment of the motions to vacate in each bundle. If the motions to vacate include vacating orders entered less than 30 days prior to the motion and vacating orders entered more than 30 days prior to the motion, then the payment shall be broken out by those two categories according to the fee schedule set by the Clerk of the Court. Further, Fisher and Shapiro shall present a separate Motion to Vacate for each order that needs to be vacated. Any other motion allowed to be filed at this time, as identified in Paragraph 6 above, which does not require a filing fee, may be grouped together with a motion to vacate as may be logical. (For example, if Fisher seeks to vacate a Judgment of Foreclosure and also reset the redemption date with the entry of a new Judgment of Foreclosure, Fisher may file a Motion to Vacate Judgment of Foreclosure and Sale and for Entry of a New Judgment of Foreclosure and Sale. However, Fisher may not file a single motion to vacate two different orders.) Fisher and Shapiro shall also include a notice of motion for each motion delivered to the Clerk for spindling.

8. In the event a defendant or third party purchaser appears at the presentment of the motion, files any document contesting the motions, and/or files an appearance in the matter relating to the motions being filed by Fisher and Shapiro, the matter shall be transferred and heard on the contested call of the calendar to which the case has been previously assigned. In each case, the judge presiding over the calendar assigned to the case will rule on the motions presented based on the facts and circumstances of each case and will decide on the appropriate remedy.

9. Fisher and Shapiro shall deliver courtesy copies of all motions and a draft order for each motion to the Court four (4) days prior to presentment of the motion(s).

**ENTERED**  
JUDGE MOSHE JACOBUS-1556  
MAR 02 2011  
ROBERTA BROWN  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL  
DEPUTY CLERK

ENTER:

Moshe Jacobus  
Presiding Judge  
Chancery Division

Date: March 2, 2011

