

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ <b>COUNTY</b>	<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.	<div style="border-bottom: 1px solid black; margin-bottom: 10px;"> <b>Plaintiff</b> <i>(Name of Bank or Mortgage Company)</i> </div> <div style="text-align: center; margin-bottom: 10px;">v.</div> <div style="border-bottom: 1px solid black;"> <b>Defendants</b> </div>	<div style="border-bottom: 1px solid black; margin-bottom: 10px;"> <b>Case Number</b> </div>

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.