

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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FEDERAL NATIONAL MORTGAGE ASSOCIATION,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County
	)	
v.	)	No. 10 M1 703329
	)	
MICHAEL SULLIVAN,	)	Honorable
	)	Sheldon C. Garber,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE FITZGERALD SMITH delivered the judgment of the court.  
Presiding Justice Lavin and Justice Epstein concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* Where forcible entry and detainer case was brought in proper division of court and non-party's request to intervene had been denied, circuit court correctly denied motion to transfer case and found that non-party lacked standing; the judgment of the circuit court was affirmed.
- ¶ 2 Defendant Michael Sullivan appeals *pro se* the circuit court's order denying his motion to stay his eviction from 4317 West Maypole Avenue in Chicago and also denying the request of Sullivan and a third party, Chancellor Turner, to transfer those proceedings to a different division of the court. Possession of the subject property had been granted to plaintiff Federal National Mortgage Association (Federal). We affirm the circuit court's order.

¶ 3 The record on appeal establishes that on February 8, 2010, Federal filed a forcible detainer complaint against Sullivan and other occupants of the first floor of the Maypole property seeking possession of that property. According to documents attached to that complaint, Federal obtained ownership of the property in foreclosure proceedings in 2009. The complaint was filed in the municipal department of the circuit court of Cook County.

¶ 4 On March 24, 2010, Sullivan filed a *pro se* motion to vacate the sale of the property as fraudulent. The motion stated that the sale purported by Federal "was base[d] on fraud" and the "property was sold by a John Smiley Jr. – April of 2006." The motion asked that the court "deny motion for use of occupancy and transfer this case to chancery division."

¶ 5 On March 25, 2010, Federal filed a motion for summary judgment on its complaint for possession only. Federal also filed a motion seeking use and occupancy of the property, stating that it had been awarded possession of the property and that Sullivan and other occupants refused to relinquish possession. On March 30, 2010, a motion brought by Sullivan "et al." sought transfer of the case from eviction court to chancery court "on the grounds that this action is thereby commenced in the wrong venue."

¶ 6 On April 15, 2010, Sullivan filed a response to Federal's complaint for possession, asserting that Federal had brought its forcible detainer action in the wrong venue and that his interest in the property was superior to that of Federal. In response, Federal asserted that the deed attached to Sullivan's filing in which Smiley conveyed the property to Sullivan was fraudulent. Federal attached a copy of the identically numbered deed in which Smiley conveyed the property to Kenneth Gholar, who was the defendant in the underlying foreclosure proceeding.

Turner was granted time to prepare a petition to intervene. On May 13, 2010, the circuit court denied Turner's request to intervene in the proceedings, finding he had not demonstrated an ownership interest in the property. At a hearing later that day, the circuit court granted Federal's

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motion for summary judgment and ordered possession of the property in favor of Federal. The court also denied Sullivan's request to transfer the proceedings to a different court.

¶ 7 Despite the court's denial of Turner's request to intervene, Turner continued to file *pro se* motions in this proceeding, including a June 2010 motion for substitution of judge for cause, a July 2010 motion to "stay any eviction," and a September 2010 motion to consolidate, claiming the case should be heard in the law division. All of those motions were denied. Meanwhile, Federal's attempt to gain possession of the property was continued numerous times to June 2011.

¶ 8 On June 2, 2011, Turner filed a *pro se* motion listing himself and Sullivan as defendants and requesting that the case be moved "from Eviction Court to Chancery Court." Turner asked the court to stay any eviction proceedings "until the ownership issues are resolved in the proper Court." On June 23, 2011, the court entered an order denying the motion to transfer the case and to stay the eviction. The court further stated that Turner was not a party to the action and therefore lacked standing in the case.

¶ 9 On July 20, 2011, Sullivan filed a notice of appeal of the June 23 order, which he amended later that day to include Turner as an appellant. According to the notice of appeal, Sullivan and Turner asked this court to "send this case to law division and jury trial." Federal moved to dismiss the appeal as untimely. Although this court initially granted Federal's motion to dismiss this appeal, this court on October 14, 2011, vacated its dismissal order and allowed the appeal to proceed.

¶ 10 On appeal, Sullivan and Turner assert the property was fraudulently conveyed. Before considering defendant's contentions, we note that their briefs to this court consist of an extended recitation of facts and a litany of indiscernible and unsupported contentions that fails to conform with the requirements of Supreme Court Rule 341 (eff. July 1, 2008) in numerous respects.

¶ 11 A *pro se* litigant is held to the same standards as a litigant represented by counsel. *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009). Defendants have provided limited legal arguments accompanied by scant citations to authority. Notably, defendant's reply brief consists of photocopied pages of the initial appellate brief surrounded by various factual assertions. Nevertheless, this court may consider the facts and allegations in a case where they can be reasonably discerned and where the record is straightforward. See *In re Marriage of Betts*, 159 Ill. App. 3d 327, 330-31 (1987). We also have the benefit of Federal's cogent appellate brief. See *Tannenbaum v. Lincoln National Bank*, 143 Ill. App. 3d 572, 575 (1986).

¶ 12 Federal contends this court lacks jurisdiction to entertain this appeal. Federal points out that Sullivan and Turner now challenge the order of possession that was entered in May 2010 and from which a notice of appeal was not taken until July 2011. Federal further asserts that although this court vacated its previous order dismissing the appeal, this court still can dismiss the appeal based on a consideration of the arguments and the record. Indeed, this court has a duty to consider jurisdiction before proceeding to the merits of the case. See *Dus v. Provena St. Mary's Hospital*, 2012 IL App (3d) 091064, ¶ 9 (that duty "includes the obligation to reconsider the basis of our jurisdiction if our earlier ruling finding jurisdiction appears to be erroneous").

¶ 13 Defendants argue that this court can exercise jurisdiction over this appeal pursuant to Supreme Court Rule 301 (eff. Feb. 1, 1994). However, that rule simply states that an appeal is initiated by filing of a notice of appeal. More pertinent to this case is Supreme Court Rule 303(a)(1) (eff. May 30, 2008), which provides that a notice of appeal must be filed with the circuit court within 30 days after the entry of the final judgment or the entry of the order disposing of the last pending post-judgment motion directed against that judgment or order. Defendants have timely appealed the June 2011 order in which the circuit court (1) denied the

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motion to transfer the case to the chancery division and stay the eviction proceedings; and (2) held that Turner lacked standing in the case.

¶ 14 As to the first point, Federal contends its complaint was properly filed in the municipal department of the circuit court. An action for forcible entry and detainer commences when the party seeking possession files a complaint in the circuit court for the county in which the premises are located. 735 ILCS 5/9-106 (West 2010). Although defendants claim the case should have been transferred to the circuit court's chancery division, they cite no authority to support that contention. Moreover, defendants' brief refers to "issues of ownership" and other court proceedings involving property and various individuals who are not involved in this action. A forcible entry and detainer proceeding is a summary statutory proceeding to adjudicate possession rights and should not be burdened by other matters unrelated to the issue of possession. *People ex rel. Department of Transportation v. Walliser*, 258 Ill. App. 3d 782, 788 (1994).

¶ 15 As to the second portion of the court's ruling, *i.e.*, that Turner lacked standing in the case, the circuit court ruled that Turner lacked standing because he was not a party to the case. Turner's requests to intervene in the case had been denied.

¶ 16 The issue of standing is a matter of law and is subject to *de novo* review. *Nationwide Advantage Mortgage Co. v. Ortiz*, 2012 IL App (1st) 112755, ¶ 19. The doctrine of standing requires that a party, either an individual or in a representative capacity, have a real interest in the action brought and in its outcome. *Bennett v. Chicago Title and Trust Co.*, 404 Ill. App. 3d 1088, 1095 (2010). In Illinois, standing requires only some injury in fact to a legally cognizable interest. *Id.*

¶ 17 Serious title disputes may not be determined in a forcible entry and detainer action. *Wells Fargo Bank, N.A. v. Watson*, 2012 IL App (3d) 110930, ¶ 15 (summary judgment for plaintiff on

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forcible entry and detainer complaint was proper because matters asserted by defendant in opposition to summary judgment motion were not germane to possession but constituted collateral attack of mortgage foreclosure judgment). Turner cannot use this proceeding to resolve his claims of ownership against Smiley as to other properties.

¶ 18 Accordingly, for all of the reasons set forth, the judgment of the circuit court is affirmed.

¶ 19 Affirmed.