

No. 1-11-2968

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).

IN THE APPELLATE
COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

CHRIS SATO and	)	Appeal from the
JOE NUDELMAN,	)	Circuit Court of
	)	Cook County.
Plaintiffs-Appellees,)	
)	
v.	)	No. 09M1165267
)	
RAY DEMOS, individually,	)	The Honorable
and d/b/a VMC Properties,	)	Laurence J. Dunford,
HARRY DEMOS, Parthenon Properties, LLC,	)	Judge Presiding,
and 2316-26 W. Sunnyside, LLC,	)	and
	)	The Honorable
Plaintiff/Appellee/Cross-Appellant.	)	James E. Snyder,
	)	Judge Presiding.

JUSTICE FITZGERALD SMITH delivered the judgment of the court.
Presiding Justice Lavin and Justice Pucinski concur in the judgment.

ORDER

¶ 1 *Held:* Service by special order of the court was proper where plaintiffs made sufficient showing to trial court that they had made a diligent inquiry as to the defendant's location and reasonable efforts to serve summons and complaint upon defendant; denial of motion to quash summons was not in error. Trial court affirmed.

¶ 2 Appellant Harry Demos appeals from the denial of a motion to quash summons and a

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subsequent default judgment entered in favor of appellees Chris Sato and Joe Nudelman (appellees). Appellant argues he was not properly served with process and that, as a result, the default judgment is void for lack of personal jurisdiction. For the following reasons, we affirm.

¶ 3

I. BACKGROUND

¶ 4 This cause arises from a landlord-tenant dispute. The appellees filed a complaint in August 2009¹, alleging that they are former tenants of apartment 2M at 2326 West Sunnyside in Chicago, of which VMC Properties was the landlord. In the complaint, the appellees alleged that VMC Properties committed various violations of the Residential Landlord and Tenant Ordinance of the City of Chicago (RLTO) (Chicago Municipal Code § 5-12-010 *et seq.* (2009)). Specifically, the appellees alleged the landlord failed to disclose the identification of the owner and agents as required by the RLTO, having only provided a Post Office box as an address of the landlord; failed to pay interest on the tenants' security deposit as required by the RLTO; failed to return the tenants' security deposit in compliance with the RLTO; and failed to provide them with a copy of the RLTO, including current interest rates, as required by the RLTO.

¶ 5 The record on appeal shows a series of attempted service on the defendants. Appellees initially attempted to serve VMC Properties at 2326 W. Sunnyside, 2M. According to the return,

¹ Initially, the complaint named only VMC Properties as the defendant. Eventually, the appellees requested and were granted leave to amend the complaint to name additional parties. Counsel for appellees then amended the motion to include Ray Demos individually and d/b/a VMC Properties, Harry Demos, Parthenon Properties, LLC., and 2316-26 W. Sunnyside, LLC., as defendants.

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when the sheriff attempted to serve the summons in September 2009, he was told by the current tenant that the defendant was a company that owned the building, but the company did not have an office in the building. The appellees then issued an alias summons for VMC at the same address, which summons was returned in September 2009 "not served no contact, not listed on buzzer, secure door." The appellees then issued a third summons for the same address. The special process server noted in the affidavit of special process server that he:

"was unable to serve the within named party VMC

Properties located at 2326 West Sunnyside, Suite 2M, Chicago IL 60625 for the reason: Attempted service on 11/4/09 @ 11:00 am and per tenant of 2M (Male, Caucasian, 35-40), the subject, VMC Properties, was the property management company. This was an apartment building, with 2M listed to J. Easter/E. Giordano.

Therefore, I was unable to locate the subject and effect service."

¶ 6 Appellees then issued a summons for VMC Properties at 2961 Landwehr Road in Northbrook. After four attempts, the special process server again was unable to effect service, noting in his affidavit of special process server:

"[t]hat he was unable to serve the within named party VMC

Properties located at 2961 Landwehr Road, Northbrook, IL 60062 for the reason: Attempted service on 12/8/09 @ 11:55 am and per housekeeper (Female, Caucasian, 70) in broken English, nobody was home. She answered through the door. There were 3 vehicles

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in the driveway * * *. Attempted service on 12/10/09 @ 4:10 pm and per occupant (Male, Caucasian, 75), his son and authorized person was not home. Further, he stated that he was in New York. Attempted service on 12/13/09 @ 11:20am and no answer. The interior lights were on and noise was heard inside the residence. Attempted service on 12/28/09 and per housekeeper, nobody was home. The occupant (Male, Caucasian, 75) was visible in the kitchen of the residence. Therefore, I was unable to contact the subject and effect service."

¶ 7 Upon the court granting leave to do so, appellees filed an amended complaint adding Ray Demos, individually and d/b/a VMC Properties, Harry Demos, Parthenon Properties, LLC, and 2316-26 W. Sunnyside, LLC, as defendants in January 2010. The appellees began attempting to effect service upon these defendants, issuing a summons for the defendants at 2322 West Sunnyside. A sheriff's deputy attempted service on February 10, 2010, and was unsuccessful, noting in the return that "mailbox for company no unit number named defendant not on bells."

¶ 8 In March 2010, counsel for appellees filed an affidavit of due diligence in which he averred, in pertinent part:

- "1. This cause arises out of a landlord/tenant dispute.
2. A Summons and Complaint was filed on August 12, 2009 and placed with the Sheriff of Cook County for service on the Defendant, VMC PROPERTIES.

3. On September 12, 2009, our office was advised from the Sheriff of Cook County that the Defendants were not served due to "No Contact".

4. An Alias Summons was issued on September 11, 2008 and placed with the Sheriff of Cook County for service on the Defendant, VMC PROPERTIES.

5. Our office was advised from the Sheriff of Cook County that the Defendant was not served.

6. On October 19, 2009, this Honorable Court granted our office leave to appoint a Special Process Server, It's Your Serve.

7. On October 20, 2009, our office issued a Second Alias Summons and placed it with It's Your Serve for service on the Defendant, VMC PROPERTIES.

8. On November 6, 2009, our office was advised by It's Your Serve that the Defendant was not served because this address was an apartment building and VMC PROPERTIES is the management company.

9. On December 2, 2009, our office issued a Third Alias Summons and placed it with It's Your Serve to serve the Defendant at the address of 2961 Landwehr Road, Northbrook, Illinois.

10. On December 30, 2009, our office was advised by It's

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Your Serve that after numerous attempts to serve the Defendant, they were unable because no one would answer the door.

11. On January 8, 2010, this Honorable Court granted our office leave to amend the Verified Complaint to add Defendants.

12. On January 19, 2010, our office issued a Fourth Alias Summons and placed it with the Sheriff to serve the Defendants at the address of 2322 West Sunnyside, Chicago, Illinois.

13. On February 19, 2010, our office was advised by the Sheriff that the defendants were not served due to "No Contact".

14. Our office will issue a Fifth Alias Summons to be served on the Defendants and place [*sic*] with It's Your Serve."

In June 2010, counsel for appellees filed another affidavit of due diligence which included all of the information quoted above from the first affidavit of due diligence in addition to:

"15. On March 29, 2010 our office placed a Fifth Alias Summons to be served on the Defendants with It's Your Serve.

16. On March 31, 2010, our office was advised that all the Defendants were not listed at the address of 2322 West Sunnyside, Chicago, Illinois and therefore service could not be effectuated.

17. Our office is conducting a US Postal Search and will obtain a new address for all of the Defendants and place an Alias Summons with It's Your Serve."

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¶ 9 Thereafter, counsel issued a summons for appellants at 2634 West Argyle Street in Chicago.

¶ 10 In November 2010, appellees' counsel filed a third affidavit of due diligence, which included all of the above-quoted text from the prior affidavits, plus:

"18. On June 16, 2010 our office issued a Sixth Alias Summons to be served on the Defendants at the address of 2961 Landwehr Road, Northbrook, Illinois and on July 16, 2010, our office was advised that the male occupant at the address would not accept service and did not answer the door.

19. On March 29, 2010 our office issued a Seventh Alias Summons to the Defendants at the address of 2322 West Sunnyside, Chicago, Illinois.

20. On April 30, 2010, our office received an Affidavit from It's Your Serve stating that none of the Defendants were listed on the multi-unit building."

¶ 11 In December 2010, appellees filed a motion for service by special order of court pursuant to section 203.1 of the Code of Civil Procedure (735 ILCS 5/2-203.1 (West 2010)). In that motion, appellees stated, in pertinent part, that they had previously entered into a rental agreement with appellants, which rental agreement only provided a Post Office box as the address for the landlord. The appellees sent the landlord a letter requesting disclosure of an address sufficient for service of process. They also requested from the United States Postal

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Service the street address for the landlord's listed Post Office box. In July 2009, the Post Office responded to the request with "Box Open, good as addressed," but did not disclose an address sufficient for service of process. The appellees also noted that the Cook County Treasurer's Office lists the Post Office box as the mailing address for defendant Harry Demos on his property tax bill.

¶ 12 Appellees further argued:

"7. The landlord has gone to great lengths to avoid service.

The Plaintiffs had attempted service attempts of 7 or more times, including the multi-unit apartment building that is subject of the lawsuit, and at a corporate address in Northbrook, Illinois, in which the defendants have vacated the building. However, all address searches list "PO BOX 25787" as the address for the Defendants. The Cook County Property Tax Bill is also delivered to "PO Box 25787", and the lease agreement provides "PO Box 25787" as the address for the landlord. * * *

8. As a result, the Plaintiffs request[] permission for Special Service by mailing the summons and complaint by regular and certified mail to Post Office Box 25787 * * *."

Appellees attached various documents to this motion, including a letter from appellees to the landlord requesting a physical address for the landlord, the "good as addressed" letter from the Post Office, and a printout of the Cook County Property Tax and Payment Information reflecting

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the Post Office box as the address for Harry Demos. They also attached an "affidavit of due diligence and for special service on the defendant in compliance with 735 ILCS 5/2-203.1" in which appellees' counsel averred to all of the information quoted above from the first, second, and third affidavits of due diligence, as well as:

"21. Our office found an additional case, in which Defendant Harry Demos was the landlord (2009 M1 729855) in an eviction action, regarding the property at 2316 W. Sunnyside, #1A, Chicago, IL. However, no additional address for Harry Demos was found.

22. The Plaintiffs had attempted service attempts of 7 or more times, including the multi-unit apartment building that is subject of the lawsuit, and at a corporate address in Northbrook, Illinois, in which the defendants have vacated the building.

23. All address searches list "PO BOX 25787" as the address for the Defendants. The Cook County Property Tax Bill is also delivered to "PO Box 25787", and the lease agreement provides "PO Box 25787" as the address for the landlord. * * *

¶ 13 On December 10, 2010, the trial court granted plaintiffs-appellees' motion:

"This coming upon the motion of plaintiff for service of process by special order of court,

IT IS HEREBY ORDERED:

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1) Plaintiff's motion is granted.

2) Service upon Ray Demos and Harry Demos may be had by service of summons & complaint by regular mail to the P.O.Box 25787, Chicago 60625 by plaintiffs' lawfirm and by regular & certified mail to 2961 Landwehr Road, Northbrook, IL.

3) Service upon 2316-26 W Sunnyside LLC may be had through the Secretary of State."

¶ 14 After this court order, appellees took out another summons on the defendants. An "affidavit of special service" filed on March 4, 2010, states that service was effected upon the defendants:

"Service was mailed upon Ray Demos via regular mail on December 23, 2010 at the address of P.O. Box 25787, Chicago, Illinois 60625.

Service was mailed upon Harry Demos via regular mail on December 23, 2010 at the address of P.O. Box 25787, Chicago, Illinois 60625.

Service was mailed upon VMC Properties via regular mail and certified mail on December 23, 2010 at the address of 2961 Landwehr Road, Northbrook, Illinois 60062.

Service was mailed upon 2316-26 W. Sunnyside, Chicago, Illinois 60625 via regular mail on December 23, 2010 at the

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address of P.O. Box 25787, Chicago, Illinois 60625."

¶ 15 The appellees appeared at an arbitration in June 2011, without defendants present, and gained an award of \$8,810 for appellees, plus \$810 for attorney's fees.

¶ 16 Appellant Harry Demos, by his attorney, filed a motion to quash service of summons, alleging, in part, that appellees failed to establish they used due diligence in their attempts to find Demos. He argued that:

"Demos' residential address could have easily been located by the Plaintiffs. His address was listed in the hallway of their apartment building and they knew his home phone number from the reminder notice and posting in the hallway. In addition, the Tenants received a card from VMC Real Estate and Rentals, which clearly list the phone number as * * *. Had the Plaintiffs attempted to investigate this phone number through reverse information, they would have learned this address coincides with Harry Demos' personal residence at 2536 W. Eastwood, Unit 1, Chicago, Illinois."

Appellant Harry Demos attached numerous documents to this motion, including his own affidavit in which he averred, in pertinent part, that appellees could have discovered his address by calling (during the time of their tenancy) Demos' telephone number they had been given, by noticing the postings in the common area of the apartment building which listed Demos' home address, and by searching the Cook County Treasurer's Office listings. Demos never alleged that

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the Post Office Box 25787 was not his.

¶ 17 Appellees filed a response to the motion to quash, to which they attached an affidavit from appellee Chris Sato. In his affidavit, Sato averred, in pertinent part, that:

"3. At no time during my tenancy at 2326 West Sunnyside was I ever given any address for an individual named H. Demos nor was I ever informed that H. Demos and VMC Properties, whom I was given an address for, were one and the same.

4. At no time during my tenancy at 2326 West Sunnyside did I see any signs posted for an emergency contact number for H. Demos as none were posted."

Parthenon Properties and 2316-26 W. Sunnyside also filed a motion to quash service of process, arguing that service should be quashed because appellees failed to show why service on them was impracticable, as required by section 203.1.

¶ 18 In September 2011, after hearing arguments from the parties, the trial court denied Demos' motion to quash. Soon thereafter, judgment was entered on the arbitration award, in favor of appellees and against appellants Ray Demos, individually and d/b/a VMC Properties, Harry Demos, Parthenon Properties, LLC., and 2316-26 W. Sunnyside, LLC.

¶ 19 Defendant Harry Demos appeals.

¶ 20 II. ANALYSIS

¶ 21 a. Proper Service Pursuant to Special Order of the Court

¶ 22 On appeal, appellant contends that the trial court erred in denying his motion to quash the

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summons. Specifically, appellant argues he was not served in accordance with section 2-203.1 of the Code. He argues that appellees "failed to properly effect the service ordered by the court on any of the defendants" because appellees did not serve appellants in the precise manner ordered by the court.

¶ 23 Before addressing the merits of appellant's claims, we must note that appellees' brief fails to comply with the requirements of Illinois Supreme Court Rule 341. Ill.S.Ct.R. 341. That rule provides that all briefs should contain an argument section which includes citation to appropriate authorities relied upon. Ill. S.Ct.R. 341(e), (f). In the present case, appellees cite but one case in the entirety of their brief. In fact, the one case they cite, *Smith v. Airoom, Inc.*, 114 Ill. 2d 209 (1986), is cited as a reference to how a reviewing court should treat the review of a petition for relief under section 2-1401 of the Code of Civil Procedure (735 ILCS 5/2-1401 (West 2010)). The brief then focuses on the review of this case as though it were an appeal to a section 2-1401 motion when, in fact, this case is a review of the denial a motion to quash. No section 2-1401 motion was filed in the court below. The rules of procedure concerning appellate briefs are rules, not mere suggestions, and it is within the appellate court's discretion to strike a brief and dismiss the appeal for failure to comply with those rules. See *Niewold v. Fry*, 306 Ill. App. 3d 735, 737 (1999). However, we find that appellees' lack of compliance with Rule 341(b) does not preclude our review, as the errors are not dispositive to our decision. Accordingly, despite these deficiencies, we will not strike appellees' brief.

¶ 24 Next, we consider the deficiencies in appellant's notice of appeal. Appellant filed his notice of appeal on October 7, 2011. The notice reads:

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"Now comes defendant Harry Demos, named individually and allegedly d/b/a VMC Properties, LLC and VMC Properties, to whatever extent said entity exists or has existed, and hereby appeal the order entered September 12, 2011 by the honorable Judge James E. Snyder Denying defendants' Motion to Quash Service of Summons and the judgment subsequently entered against the defendants on September 19, 2011 by the honorable Judge Laurence J. Dunford. Demos and allegedly-existing VMC Properties request that the purported service upon them in this cause be quashed and the judgment against them vacated."

¶ 25 Although appellees have not contested this notice of appeal, "proper notice of what is being appealed from under [Supreme Court] Rule 303 is a jurisdictional prerequisite to our being able to hear a matter on review." *In re Marriage of Betts*, 159 Ill. App. 3d 327, 330 (1987). "An appellate court is under a duty to consider its jurisdiction whether or not it is raised by the parties." *In re Betts*, 159 Ill. App. 3d at 330. Accordingly, we consider herein the notice of appeal in the instant case to determine whether we may even review the merits.

"A notice of appeal is to be liberally construed. [Citation.]

Where an existing deficiency is one of form and not substance, as where a timely notice fails to clearly specify the judgment appealed from [Citation.], appellate jurisdiction may still be conferred if the notice fairly and accurately advises the successful party of the

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nature of the appeal. Accordingly, if the appellee is not prejudiced thereby, the absence of strict compliance with form will not be fatal." *In re Betts*, 159 Ill. App. 3d at 330.

¶ 26 Here, the notice of appeal, even when liberally construed, does not fairly and accurately advise the successful party of the appeal. Rather, the notice of appeal refers to "Harry Demos, named individually and allegedly d/b/a VMC Properties, LLC and VMC Properties" as the appealing party. The filings below, however, refer to both a Harry Demos and a Ray Demos. On our review of the record, only Ray Demos is alleged in the complaint as doing business as VMC Properties. In fact, the complaint names "Ray Demos, individually, and d/b/a/ VMC Properties, Harry Demos, Parthenon Properties, LLC, and 2316-26 W. Sunnyside, LLC." The motion at issue here, "Defendant's Amended Motion to Quash Service of Summons," was brought solely by Harry Demos through his attorney, although it did state: "Now comes the Defendant, Harry Demos, by his attorney, [], hereby moves this Court to quash service of summons as to him and VMC Properties." Then, the court denied the motion, stating:

"This matter coming before the court on Harry Demos's motion to quash service of summons, due notice given. The court after reviewing the motion, the plaintiff's response and defendant's reply brief, and hearing oral argument, does order:

That the motion filed by Harry Demos is denied."

Thereafter, Harry Demos filed the notice of appeal quoted above. We find that Harry Demos, and not Ray Demos nor VMC Properties, is a proper appellant to this action.

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¶ 27 Moreover, to the extent appellant argues that the service of process as to Parthenon Properties, LLC. and 2316-26 W. Sunnyside was improper, we decline to consider this claim.

We are unable to review this claim because appellant's notice of appeal does not specify that he is seeking relief in our court for the trial court's disposition regarding Parthenon Properties and 2316-26 W. Sunnyside's separate motion to quash service filed in October, 2011. Illinois Supreme Court Rule 303(b) makes clear that an appellant's notice of appeal must "specify the judgment or part thereof * * * appealed from and the relief sought from the reviewing court." 155 Ill. 2d R. 303(b)(2). Where the appellant fails to designate an order from which he is appealing in his notice of appeal, an appellate court cannot consider that order upon review. *McGrath v. Price*, 342 Ill. App. 3d 19, 30-31 (2003) ("[A]lthough a notice of appeal is to be liberally construed, if the appellant fails to designate an order he is appealing from in his notice of appeal, the appellate court cannot consider that order upon review.")

¶ 28 In the instant case, appellant's notice of appeal states only that "defendant HARRY DEMOS, named individually and allegedly d/b/a VMC PROPERTIES, LLC and VMC PROPERTIES, to whatever extent said entity exists or has existed" appeals from the order of the trial court "entered September 12, 2011 by the honorable Judge James E. Snyder Denying defendants' Motion to Quash Service of Summons and the judgment subsequently entered against the defendants on September 19, 2011 by the honorable Judge Laurence J. Dunford. DEMOS and allegedly-existing VMC PROPERTIES request that the purported service upon them in this cause be quashed and the judgment against them vacated." He does not mention any ruling pertaining to Parthenon Properties, LLC. or 2316-26 W. Sunnyside. Due to this failure, we have

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no jurisdiction to review appellant's claims with respect to the motion to quash filed by Parthenon Properties, LLC. and 2316-26 W. Sunnyside. Pursuant to the notice of appeal, then, we review herein only the trial court's denial of the motion to quash as to Harry Demos.

¶ 29 Finally, we move on to a consideration of the merits of the case as they pertain to Harry Demos. The trial court does not have jurisdiction over a party that has not been properly served with summons. *In re Marriage of Schmitt*, 321 Ill. App. 3d 360, 367 (2001) (citing *DiNardo v. Lamela*, 183 Ill. App. 3d 1098, 1101 (1989)). Any order entered by a trial court which does not have personal jurisdiction over a party is void *ab initio*. *In re Schmitt*, 321 Ill. App. 3d at 367.

¶ 30 Generally, personal jurisdiction by service of process is obtained by leaving a copy of the summons with the respondent personally or by leaving a copy at the respondent's usual place of abode with some person of the family or a person residing there of the age 13 years or older. 735 ILCS 5/2-203 (West 2010). Section 2-203.1 provides for an alternative manner of service by special order of court where service is otherwise impractical. It provides as follows:

"Service by special order of court. If service upon an individual defendant is impractical under items (1) and (2) of subsection (a) of Section 2-203, the plaintiff may move, without notice, that the court enter an order directing a comparable method of service. The motion shall be accompanied with an affidavit stating the nature and extent of the investigation made to determine the whereabouts of the defendant and the reasons why service is impractical under items (1) and (2) of subsection (a) of Section 2-

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203, including a specific statement showing that a diligent inquiry as to the location of the individual defendant was made and reasonable efforts to make service have been unsuccessful. The court may order service to be made in any manner consistent with due process." 735 ILCS 5/2-203.1 (West 2010).

Where, as here, the trial court did not hear testimony or make factual findings, our review of whether the trial court had personal jurisdiction over the parties is *de novo*. *People ex rel. Waller v. Harrison*, 348 Ill. App. 3d 976, 979 (2004), see also *Equity Residential Properties Management Corporation v. Nasolo*, 364 Ill. App. 3d 26, 31 (2006) ("We will review the trial judge's ruling *de novo* since it was based entirely on documentary evidence.").

¶ 31 Appellees argue that appellant has waived this claim by failing to raise it in the trial court. However, this claim is not waived because "the lack of effective service renders the judgment void for lack of personal jurisdiction, and such a judgment may be attacked at any time." *Mugavero v. Kenzler*, 317 Ill. App. 3d 162, 166 (2000).

¶ 32 Appellant contends that he was not served in accordance with section 2-203.1 because appellees did not comply with the trial court's specific order. The trial court's order allowed appellees to serve appellant as follows:

"This coming upon the motion of plaintiff for service of process by special order of court,

IT IS HEREBY ORDERED:

1) Plaintiff's motion is granted.

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2) Service upon Ray Demos and Harry Demos may be had by service of summons & complaint by regular mail to the P.O.Box 25787, Chicago 60625 by plaintiffs' lawfirm and by regular & certified mail to 2961 Landwehr Road, Northbrook, IL."

The record on appeal includes an affidavit of special service in which appellees' counsel averred that service was effected upon appellant in the following manner:

"Service was mailed upon Harry Demos via regular mail on December 23, 2010 at the address of P.O. Box 25787, Chicago, Illinois 60625."

Attached to the affidavit of special service is copy of a stamped envelope addressed to Harry Demos at the Post Office Box address. Appellant argues that this service was insufficient because it did not comply with the court's order. Specifically, there is no indication that appellees sent the summons and complaint to Harry Demos by both regular and certified mail to the Lendwehr Road address, but only that they sent the summons and complaint by regular mail to his Post Office box.

¶ 33 Based on the record before us, we find there was sufficient service to comply with the court order. Every litigant in Illinois is entitled to receive the best possible notice of the pending suit. See *Bell Federal Savings and Loan Association v. Horton*, 59 Ill. App. 3d 923, 927 (1978). "The objectives of any service of process are (1) to notify interested parties of pending litigation, and (2) to vest jurisdiction in the court." *In re Application of City Treasurer and Ex Officio County Collector*, 307 Ill. App. 3d 350, 353 (1999); *Charter Bank & Trust of Illinois v. Novak*,

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218 Ill. App. 3d 548, 552 (1991).

¶ 34 Here, appellees attempted on multiple occasions to serve appellant, but were unable to serve him because they could not find his physical address. Eventually, appellees requested a section 2/203.1 exception from the court, allowing them to mail the summons and complaint to appellant. The court so allowed, ordering:

"Service upon Ray Demos and Harry Demos may be had by service of summons & complaint by regular mail to the P.O. Box 25787, Chicago 60625 by plaintiffs' lawfirm and by regular & certified mail to 2961 Landwehr Road, Northbrook, IL."

Although the record shows only that the summons and complaint were mailed to appellant's Post Office box, mailing to the Post Office box was one of the enumerated ways the trial court allowed appellees to serve appellant. This Post Office box was where appellees had been instructed to mail their rent checks and was also appellant's address of record with the Cook County Treasurer's Office. We are cognizant that one of the main objectives of service of process is to notify the defendant of pending litigation. See *In re Application of City Treasurer*, 307 Ill. App. 3d at 353 ("The objectives of any service of process are (1) to notify interested parties of pending litigation, and (2) to vest jurisdiction in the court."). Per the trial court's 2-203.1 order, the parties mailed the summons and complaint to the Post Office box, which, in our opinion, fulfilled the objective of service of process by notifying appellant of the pending litigation.

¶ 35 b. Appellant's Challenge to the Affidavit and Investigation

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¶ 36 Appellant also challenges the summons itself. Specifically, appellant contends that the trial court erred in allowing service by special order of the court under section 2-203.1 because the affidavit accompanying appellees' motion requesting the service by special order of the court was insufficient where it described an incomplete investigation conducted prior to requesting the special service. We disagree.

¶ 37 In order for a trial court to grant service by special order of the court, a plaintiff must submit an affidavit describing the difficulties presented in serving process on the defendant.

Section 2-203.1 provides:

"The motion shall be accompanied with an affidavit stating the nature and extent of the investigation made to determine the whereabouts of the defendant and the reasons why service is impractical under [subsections 2-203(a)(1) and (a)(2) (735 ILCS 5/2-203(a)(1), (a)(2) (West 2010))], including a specific statement showing that a diligent inquiry as to the location of the individual defendant was made and reasonable efforts to make service have been unsuccessful. The court may order service to be made in any manner consistent with due process." 735 ILCS 5/2-203.1 (West 2010).

A party seeking service in accordance with the provisions of section 2-203.1 must strictly comply with the provisions of that section. See *Mugavero*, 317 Ill. App. 3d at 166. Nonetheless, the requirements of section 2-203.1 "are not magic words that must be slavishly copied before

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alternative service will be permitted." *People ex rel. Waller*, 348 Ill. App. 3d at 980-81 (affidavit pursuant to motion under section 2-203.1 found sufficient where the "trial court could clearly infer from [the information in the affidavit] that defendant could not be located and, therefore, personal or substituted service was impractical.").

¶ 38 Here, we find appellees' motion was sufficient. It alleged that service by the methods outlined in subsection 2-203(a)(1) or (a)(2) was impractical because:

"[t]he landlord has gone to great lengths to avoid service.

The Plaintiffs had attempted service attempts of 7 or more times, including the multi-unit apartment building that is subject of the lawsuit, and at a corporate address in Northbrook, Illinois, in which the defendants have vacated the building. However, all address searches list "PO BOX 25787" as the address for the Defendants. The Cook County Property Tax Bill is also delivered to "PO Box 25787", and the lease agreement provides "PO Box 25787" as the address for the landlord."

¶ 39 In addition, attached to the motion was an affidavit of due diligence prepared by appellees' attorney in which he described the many attempts at service made by appellees, including "service attempts of seven or more times." Also attached to the motion was a copy of appellees' lease, which showed only the Post Office box as the landlord's address; a copy of the letter from appellees to VMC Properties addressed to the Post Office box, in which appellees requested the name, address, and telephone number of "(a) the owner or person authorized to

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manage the premises; and (b) a person authorized to act for and on behalf of the owner for the purposes of service of process and for the purpose of receiving and receipting for notices and demands;" the letter from the Post Office reflecting that the Post Office box 25787 was open and "good as addressed;" and a printout from the Cook County Treasurer's Office showing Harry Demos' address as "PO BOX 25787." The trial court could clearly infer from this motion and its attached documents that appellant could not be located. We find, as did the trial court both when it granted the motion pursuant to section 2-203.1 and when it denied the motion to quash, that this information was sufficient for the court to grant service by special order of the court pursuant to section 2-203.1.

¶ 40

III. CONCLUSION

¶ 41 For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

¶ 42 Affirmed.