

No. 1-12-1231

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

LASALLE TOWERS CONDOMINIUM ASSOCIATION,)	Appeal from the
ASSOCIATION, N.A.,)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
v.)	No. 11 M1 700271
1007302022000017042220631039 LLC 1,)	Honorable
and ALL UNKNOWN OCCUPANTS,)	Sheldon Garber,
Defendants-Appellants.)	Judge Presiding.

JUSTICE ROCHFORD delivered the judgment of the court.
Presiding Justice Hoffman and Justice Delort concurred in the judgment.

ORDER

¶ 1 **Held:** Summons in forcible entry and detainer action was not invalid because it was "signed" by the clerk of the circuit court using a stamp. Use of a special process server authorized by a standing court order was proper. Defendant waived argument that affidavit evidencing return of service was invalid by failing to support argument with authority.

¶ 2 This appeal arises from a forcible entry and detainer action filed by plaintiff, LaSalle Towers Condominium Association (LaSalle), against defendant, 1007302022000017042220631039 LLC 1 (LLC 1), and unknown occupants which alleged LLC 1 had failed to pay condominium assessments and fees. LLC 1 appeals from the adverse judgment entered in the case claiming service was improper. We affirm.

¶ 3 On January 5, 2011, LaSalle filed the forcible entry action in the First Municipal District of the circuit court of Cook County (First Municipal) and placed summons for service with the Cook

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County sheriff's (the sheriff) office. The sheriff filed three affidavits of service. The first affidavit indicated the sheriff had served LLC 1's registered agent on January 6, 2011. The second and third affidavits indicated the sheriff was unable to serve LLC 1 and unknown occupants at the subject property.

¶ 4 On February 8, 2011, LaSalle caused an alias summons to be issued. LaSalle's special process server, Security Management and Investigations, Inc. (Security), filed a return of service indicating it had served LLC 1's registered agent on February 17, 2011. LaSalle filed an affidavit for service by posting on unknown occupants on March 9, 2011. The return date on the notice was March 29, 2011.

¶ 5 On March 29, 2011, the trial court continued the matter to allow LLC 1 to appear with counsel. On April 5, 2011, the trial court entered an order for possession in favor of LaSalle and entered judgment against LLC 1 in the amount of \$6,908.70, including unpaid assessments, attorney fees, and court costs.

¶ 6 On July 19, 2011, LLC 1, through counsel, filed a motion to quash service alleging, *inter alia*, that the special process server was not properly appointed by the trial court. On August 9, 2011, the trial court granted the motion, vacated the order of possession, and ordered issuance of an alias summons. The order does not reflect the basis for the trial court's order. Security returned an affidavit indicating it was unable to serve LLC 1's registered agent, and a third alias summons was issued.

¶ 7 On September 27, 2011, LaSalle filed an affidavit of service indicating LLC 1's registered agent had been served on September 22, 2011. The affidavit of service stated, *inter alia*, that "Security Management & Investigations, Inc. being first duly sworn on oath deposes and says" that LLC 1's registered agent was served with summons and a copy of the complaint. The affidavit was signed by "Laura Pohl."

¶ 8 On December 12, 2011, LLC 1 filed a motion to quash service of the third alias summons.

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The motion alleged the summons was not properly signed by the clerk of the circuit court. The motion also alleged that although LaSalle referenced a standing order appointing a special process server, that order was not attached to the summons. LaSalle filed a response and attached a copy of a standing order that appointed Security as special process server for the quarter ending September 30, 2011, in cases filed by LaSalle's attorneys in the First Municipal. The trial court subsequently denied LLC 1's motion to quash service.

¶ 9 LaSalle filed a motion for summary judgment against LLC 1 and all unknown occupants which the trial court granted giving LaSalle possession and a judgment in the amount of \$7,410.66. A subsequent order added attorney fees in the amount of \$3,741. LLC 1 timely appeals.

¶ 10 On appeal, LLC 1 contends the trial court erred when it denied its motion to quash summons because: (1) the summons was not signed by the clerk of the circuit court as required by Supreme Court Rule 101(a) (Ill. S. Ct. R. 101(a) (eff. May 30, 2008)); (2) the special process server was not properly appointed; and (3) the return of service was not in proper form. LaSalle responds the summons, service, and return of process complied with court rules and, further, contends it is entitled to additional attorney fees for the defense of this appeal.

¶ 11 LLC 1 first contends the summons was not in proper form because it lacked the seal and signature of the clerk of the circuit court. However, a copy of the summons which is contained in the record bears both the seal of the circuit court and a stamped signature with the date of issuance. LLC 1 acknowledges that in *National City Bank v. Majerczyk*, 2011 IL App (1st) 110640, this court held that a stamped signature was adequate and there was no requirement for a signature in cursive form. LLC 1 notes that LaSalle did not cite *Majerczyk* in its response to the motion to quash service. However, LaSalle did argue that a stamp signature was sufficient, and LLC 1 provides no authority for the proposition that a point of law can be waived by failing to cite all supportive authority. Accordingly, we continue to follow the holding in *Majerczyk* and find that the summons was in proper form.

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¶ 12 LLC 1 next contends the special process server was not properly appointed. The record on appeal contains a copy of an order entitled "Order Appointing Standing Special Process Server" (standing order), entered on June 28, 2011, by Judge E. Kenneth Wright, presiding judge of the First Municipal. The standing order granted the application (application) of the law firm of Kovitz Shifrin Nesbit–LaSalle's attorneys—for a standing order for the appointment of a special process server pursuant to Municipal Order 88-5 in all cases to be filed by the firm in the First District. The second amended General Order 88-5(M) (Municipal Order 88-5(M)), which was in effect at the time the application was presented, provides:

"[A] law firm or [i]ndividual [a]ttorney who files [s]eventy-five (75) or more [f]orcible [e]ntry and [d]etainer [a]ction [c]ases each month shall qualify for the appointment of a [s]pecial [p]rocess [s]erver as pursuant to a [s]tanding [o]rder on a quarterly basis ***."

Cook Co. Cir. Ct. (1st Mun. Dist.) G.O. 88-5(M), ¶ 10 (Apr. 3, 2009).

The standing order stated, *inter alia*, "that [e]ach of the following private detective agencies *** are hereby appointed [s]tanding [s]pecial [p]rocess [s]ervers for the [q]uarter [e]nding September 30, 2011." The order then listed Security Management & Investigations Inc., and identified two license numbers for the corporation. LLC 1 acknowledges this court has approved such a procedure for the entry and use of such standing orders by the chancery division of the circuit court in *OneWest Bank, FSB v. Markowicz*, 2012 IL App (1st) 111187.

¶ 13 LLC 1 first argues the standing order was not complied with because LaSalle did not "allege" an attempt at service through the sheriff prior to use of a special process server. LLC 1 does not identify in which document LaSalle was required to allege compliance, and cites no authority for the proposition that failure to properly allege compliance invalidates service. Nonetheless, in the application, Kovitz Shifrin Nesbit represented that it would first attempt service by the sheriff before using the appointed special process server. Municipal Order 88-5(M) and the standing order specifically required that an attempted service by the sheriff was to be made "at the commencement

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of any cause." We note the record is clear that, when this case was initially filed, summons was placed unsuccessfully with the sheriff. LLC 1's argument fails.

¶ 14 LLC 1 next argues the standing order is invalid because, although only one process server is listed– Security– two license numbers have been listed. LLC 1 provides no authority for the proposition that a licensed private detective agency cannot properly have two license numbers. In the absence of such authority, we find that the standing order is valid.

¶ 15 LLC 1 also argues that, although it presumes there exists a general order in the municipal division similar to the one approved in *Markowicz*, there is no copy of a general order for the First Municipal in the record and, thus, the service was improper. Once again, LLC 1 raises this argument without citation to authority. LaSalle's attorney obtained the standing order pursuant to Municipal Order 88-5(M). The application and standing order specifically referred to Municipal Order 88-5, and gave LLC 1 notice of its existence. Our decision in *Markowicz* strongly suggests it is irrelevant whether such a general order is widely known or published. *Id.* at ¶ 34. LLC 1 has provided no authority for the suggestion that the use of the standing order violated due process, or a relevant statute. Accordingly, we find it irrelevant that the municipal general order, which authorized the standing order, is absent from the record.

¶ 16 LLC 1 finally argues, for the first time in its reply brief, that the standing order only applied to cases filed after July 1, 2011, and that it is inapplicable because the case at bar was filed on January 5, 2011. We disagree. We have examined the language of the standing order and find no such limitation. It appointed Security as special process server for the quarter ending September 30, 2011, for cases "filed in the municipal department," but placed no limitation on when those cases are to be filed. The service on LLC 1 was accomplished before September 30, 2011. Accordingly, we find the use of Security as special process server was in accordance with the standing order.

¶ 17 Finally, LLC 1 contends the return of summons was not in proper form because, although signed by an individual, the affidavit stated Security served LLC 1, and a corporation cannot be

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sworn under oath. Supreme Court Rule 341(h)(7) requires a litigant to support the contentions in its brief with citation to relevant authority. Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013). This court is not a repository into which an appellant may force upon the burden of research and argument. *People v. Universal Public Transportation, Inc.* 2012 IL App (1st) 073303-B, ¶ 50 (citing *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993)). Accordingly, LLC 1 has waived this contention on appeal. LLC 1 has not presented a substantiated and viable challenge to service. We find that the circuit court properly denied the motion to quash that service.

¶ 18 LaSalle asserts that it is entitled to additional attorney fees for the defense of this appeal pursuant to section 5/9-111(b) of the Illinois Code of Civil Procedure. 735 ILCS 5/9-111(b) (West 2002), and requests a remand. LLC 1 does not contend such an award of fees would be improper. Accordingly, we remand this matter to the circuit court.

¶ 19 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed and is remanded for further proceedings.

¶ 20 Affirmed and remanded.