2016 IL App (2d) 150645-U
No. 2-15-0645
Order filed August 5, 2016

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

WACHOVIA MORTGAGE FSB, f/k/a World Savings Bank,	)	Appeal from the Circuit Court of Lake County.
Plaintiff-Appellee,	)	
v.	)	No. 08-CH-3594
CHRISTOPHER STOLLER,	)	
Defendant/Petitioner-Appellant.	)	
(LaSalle Bank National Association; Savannah Homeowners Association; PPSP, LTD; Unknown Owners and Non-Record Claimants, Defendants; Amy and Erick Hulting, Respondents-Appellees).	)	Honorable Margaret A. Marcouiller, Judge, Presiding.

JUSTICE JORGENSEN delivered the judgment of the court.
Justices Hutchinson and Zenoff concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court properly dismissed defendant's second amended section 2-1401 petition. We affirm.

¶ 2 Defendant, Christopher Stoller, appeals the trial court's June 24, 2015, order, dismissing with prejudice his second amended petition, pursuant to section 2-1401(e) and (f) of the Code of

Civil Procedure (735 ILCS 5/2-1401(e), (f) (2012)), to vacate foreclosure orders.[1] For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 In August 2001, defendant's wife, Bernice, obtained a mortgage loan from World Savings Bank, FSB, for a property in Lake Barrington. The loan note was later lost, and plaintiff filed an affidavit attesting to that effect.

¶ 5 In June 2003, Bernice transferred the property by quitclaim deed to Russell Stoller; Russell quitclaimed the property to Janine Mazzocco in November 2003; Mazzocco quitclaimed the property to Stephanie Stoller in May 2007; Stephanie quitclaimed the property to PPSP, Ltd. (a Bahamian corporation), in April 2008. In the interim, in June 2007, Bernice died.

¶ 6 After the 2008 transfer to PPSP, Ltd., mortgage payments ceased. Accordingly, plaintiff filed a foreclosure action against defendant, PPSP, Ltd., and others. Bernice was not named as a defendant. Further, because on December 31, 2007, World Savings Bank, FSB changed its name, Wachovia Mortgage, FSB, was the named plaintiff.

¶ 7 Plaintiff's attempts to serve defendant and PPSP, Ltd. failed, and plaintiff filed affidavits for service on defendant by publication, as well as affidavits by special process servers that had tried to locate defendant at multiple addresses, which were found vacant. The Clerk of the Court published the notices in more than 12 newspapers in 4 counties for 3 weeks, and the notices directed defendant to answer or appear by December 8, 2008, or risk default. When defendant did not appear, on December 24, 2008, at the "9:00 a.m. hearing," the court entered against him a default judgment and entered in plaintiff's favor both summary judgment and a judgment of foreclosure and sale.

[1] Defendant PPSP, Ltd., did not file a notice of appeal and is not before this court.

¶ 8 Also on December 24, 2008, at 12:53 p.m. in the District of Arizona (*i.e.*, two hours behind Illinois time), defendant filed a bankruptcy petition. That petition was dismissed on February 23, 2009, and no orders in the Illinois foreclosure case were entered while the bankruptcy petition was pending.

¶ 9 On April 7, 2009, defendant's brother, Leo Stoller, moved to vacate the December 24, 2008, and February 23, 2009, orders for improper service (defendant was incarcerated in Arizona) and the alleged violation of the bankruptcy stay, and, further, for leave to intervene. Those motions were denied on April 15, 2009, and March 23, 2011 (when Leo failed to appear), respectively. By denying the motion to vacate, the April 15, 2009, order issued by Judge Mitchell Hoffman thereby rejected the improper-service argument. Among other filings, defendant also moved to remove the case to federal court, but, on July 29, 2010, district court judge Samuel Der-Yeghiayan determined that the notice of removal was not timely filed and that "[defendant] was properly served in the state court action with notice by publication between November 6, 2008[,] and November 20, 2008."

¶ 10 Meanwhile, plaintiff noticed the judicial sale of the property for August 13, 2010. At the sale, plaintiff bid the full judgment amount and there was no deficiency. The court approved the judicial sale on May 6, 2011. In December 2011, plaintiff sold the property to third-party purchasers, Amy and Erik Hulting.

¶ 11 In the interim, however, in June 2011 (one month after the judicial sale was approved), defendant's current attorney, Wayne Rhine, was granted leave to represent defendant. In November 2011, Rhine filed on defendant's behalf a section 2-1401 petition. Plaintiff moved to dismiss the section 2-1401 petition, and defendant filed an amended petition. However, on October 3, 2012, before the court ruled on the motion to dismiss or the amended petition,

defendant was granted leave to voluntarily dismiss all pending petitions. As such, pursuant to section 13-217 of the Code of Civil Procedure (735 ILCS 5/13-217 (West 1994)[2] (plaintiff who voluntarily dismisses action may commence new action within one year or within the remaining period of limitation, whichever is greater)), the court later determined that the last day to file a new 2-1401 petition, *i.e.*, a new claim, was one year thereafter, or October 3, 2013. However, nothing further was filed by defendant for almost 16 months. Specifically, on February 6, 2014, defendant filed a new section 2-1401 petition. In part, the petition raised, for the first time, the allegation that, in 2011, defendant had been declared disabled and a guardian of his estate and person had been established. Voluminous filings followed, and the Hultings appeared for the first time. Ultimately, on July 16, 2014, the court determined that the numerous filings made the record confusing and that "there is wisdom in getting everything together in one motion, letting everyone have a chance to respond to the motion, and getting the matter resolved." Accordingly, on August 13, 2014, defendant filed an amended petition, which plaintiff and the Hultings moved to dismiss.

¶ 12 On November 10, 2014, the court granted the Hultings' motion to dismiss, finding that:

> "The Amended Motion does not contain separate designations and numbers for each claim, there are no paragraph numbers, and allegations of fact are jumbled together with contentions of law in a confusing manner that precludes any ordered response to the motion.
>
> ***

[2] The 1994 version applies because a 1995 amendment was found unconstitutional in *Best v. Taylor Machine Works*, 179 Ill. 2d 367 (1997).

> *** The problem with the record at present is that the Court cannot determine what Defendants claims and defenses are, and in particular the Court cannot determine which claims are believed to support a motion under 2-1401(f). Defendants contend that they have shown due diligence by virtue of facts alleged in response to the motion to dismiss, but allegations contained in a response to a motion to dismiss cannot salvage a deficient pleading."

¶ 13 The court granted defendant leave to file a second amended petition, which he did on December 10, 2014. Plaintiff and the Hultings moved to dismiss the petition as time-barred, noting that the final order approving the judicial sale of the subject property was entered on May 6, 2011, and the second amended section 2-1401 petition was not filed until December 2014. Further, even under section 13-217, defendant did not file the new petition until more than one year after he voluntarily dismissed his initial petitions on October 3, 2012. Defendant argued the petition was not time-barred because the limitations period did not apply to a petition filed under section 2-1401(f), seeking relief from void orders or judgments. Defendant responded that the December 24, 2008, foreclosure and May 6, 2011, approval of the foreclosure sale were void judgments because: (1) he was not properly served; (2) the judgment was entered in violation of a bankruptcy stay; (3) plaintiff lacked standing; (4) plaintiff lacked requisite licensures; and (5) no special representative was appointed for Bernice or her estate. Further, defendant argued that he was under a legal disability from January 2009 until October 2013, and, pursuant to section 2-1401(c), that period that must be excluded when computing the two-year limitations period.

¶ 14 After briefing and hearing argument, the court, on June 24, 2015, dismissed defendant's second amended section 2-1401 petition. Addressing defendant's claims concerning section 2-1401(f), the court first found that it had personal jurisdiction over defendant when the

foreclosure judgment was entered. It noted that the argument concerning service by publication was not properly before the court because no facts pertaining to the argument were included in the second amended petition to vacate. In any event, the court found that the service by publication was proper, as was also found previously by two other judges (specifically, Judges Hoffman and Der-Yeghiayan). Second, the court found that there was no violation of a bankruptcy stay because the record was clear that the bankruptcy stay was entered in Arizona in the afternoon, but the foreclosure judgment had been entered that same day at the 9 a.m. call; accordingly, there was no stay in effect when the judgment was entered. Third, the court rejected the argument that plaintiff lacked standing, finding no genuine issue existed that plaintiff was the original lender, following a "simple" name change and, in any event, a judgment is not void for lack of standing because standing is not an element of subject matter jurisdiction. Fourth, the court found that defendant failed to allege specific facts reflecting plaintiff lacked proper licensure but, even assuming a lack of proper licensure, the judgment would not be rendered void. The court found that a lack of licensure may render the mortgage void, but it would not deprive the court of subject matter jurisdiction so as to render the judgment void. Fifth, the court rejected the argument that the foreclosure judgment was void because the court failed to appoint a special administrator for Bernice. The court found distinguishable the decision in *ABN AMRO Mortgage Group v. McGahan*, 237 Ill. 2d 526 (2010), noting that it "does not stand for the proposition that a special representative must be appointed for a mortgagor who holds no interest in the property at the time of death." Here, the court found, defendant agreed with the conveyance history that had been presented by the Hultings' counsel, which reflected that Bernice had quitclaimed the subject property in June 11, 2003, to defendant's father; thereafter, there were multiple transfers to family members other than

Bernice, and those family members all allegedly held the property for defendant's benefit. Bernice died on June 2, 2007. Then, in 2008, the property was quitclaimed to PPSP, Ltd., who transferred it to defendant. As such, and as defendant specifically alleged, when the suit was filed in September 2008, he held all rights in the property and no deficiency judgment was sought or entered against Bernice. In sum, the court found that defendant held the property, defendant was the administrator of Bernice's estate, the court had jurisdiction over defendant, and a special representative is not required when a living person holds 100% of the interest in the property that is the subject of the foreclosure. "There was no practical purpose to be served by appointing a special administrator for a deceased individual who holds no interest in the property at the time of death." Accordingly, the court found the judgment was not void for failing to appoint a special representative for Bernice.

¶ 15 The court next rejected defendant's argument that his petition was not time-barred because he was under a legal disability from January 2009 until September 2013, and, pursuant to section 2-1401(c), that period that must be excluded when computing the two-year limitations period. It noted that court records attached to the petition reflected that a judge appointed a guardian *ad litem* for defendant on April 26, 2010, and that another judge had terminated that guardianship on October 30, 2013. However, the court found that a judgment against a legally-disabled individual is not void or voidable; rather, the proper remedy would be to restrain proceedings against such individual, something neither defendant's guardian nor counsel Rhine ever did. Rhine appeared for defendant as early as June 2011, just one month after the final order approving the sale, and had authority thereafter to appear on defendant's behalf for several years. The court rejected defendant's argument that somehow Rhine did not have authority to appear as he did. The court concluded that:

> "[B]y the time the final order was entered in this case, [defendant] had a guardian who had elected not to move to restrain the proceedings *** and just over a month after entry of the final order Mr. Rhine had appeared for [defendant] and has thereafter represented him consistently as his attorney.
>
> Mr. Rhine had the ability to file a 2-1401 petition on [defendant's] behalf during the limitations period and, in fact, he did so before withdrawing all of the pending motions in 2012. The Court finds no reason to extend the limitations period in 2-1401 all the way to January of 2014 based on all the circumstances of this case.
>
> As reflected in the transcript of our last hearing, the last day to file the 2-1401 petition was one year after the withdrawal of the prior petitions on October 3, 2012. Even if the limitations period were to exclude the month after the final order before Mr. Rhine appeared, the January 2014 filing still came too late and is time-barred."

The court dismissed with prejudice the second amended petition to vacate the foreclosure. The next day, defendant filed a *pro se* notice of appeal. However, Rhine now represents defendant on appeal.

¶ 16 II. ANALYSIS

¶ 17 A. Motions

¶ 18 We start by addressing three motions taken with the case. First, in August 2015, defendant filed a motion for judicial notice, attaching: (1) a purported certificate from the Office of the Secretary of State reflecting that, on August 5, 2011, Wachovia Mortgage Corporation was merged into Wells Fargo Bank, N.A., "thereby terminating the existence of Wachovia Mortgage Corporation in this state;" and (2) a letter dated April 23, 2015, from the Secretary of State's office stating, "to whom it may concern," that "the authority of Wachovia Mortgage Corporation,

a North Carolina corporation, to transact business in the State of Illinois ceased and was terminated on August 5, 2011." No objection to the motion was filed. We *grant* the motion and take judicial notice of the attached documents.

¶ 19 Defendant filed a second motion for judicial notice in March 2016. Noting that this court had allowed plaintiff Wells Fargo (as opposed to Wachovia) to substitute into the appeal,[3] and that plaintiff had filed a response brief, defendant argued in a three-paragraph motion that, pursuant to a 2002 unpublished decision from the Seventh Circuit Court of Appeals, plaintiff has no standing before this court because it did not defend itself in the foreclosure action. See *Olive v. Lyttle*, 2002 U.S. App. LEXIS 21255 (7th Cir. 2002). Defendant requested that we take judicial notice of the unpublished decision. Plaintiff filed a response, arguing that judicial notice of the unpublished decision should be rejected. In his third motion taken with the case, defendant moves for leave to file a reply to the response (it is not clear that the motion for leave to file the reply was served on plaintiff's counsel).

¶ 20 We *deny*: (1) the March 2016 motion to take judicial notice of the 2002 unpublished decision; and (2) defendant's motion for leave to file a reply to that motion. First, unpublished decisions are not precedential and taking judicial notice of one serves no purpose. See Ill. Sup. Ct. R. 23(e) (eff. July 1, 2011); Fed. R. App. P. 32.1(b) (Dec. 1, 2014). Further, defendant's challenge is ultimately one concerning plaintiff's standing, an argument that is also generally raised in the substance of his appeal. Second, the proposed reply to the motion raises substantive

[3] On November 13, 2015, in a motion to correct party misnomer, plaintiff-appellee Wachovia Mortgage FSB f/k/a World Savings Bank moved to substitute Wells Fargo Bank, N.A., as the proper party appellee. Defendant did *not* file an objection. We granted the motion on November 25, 2015.

arguments concerning standing that do not appear in the body of his original motion, as well as additional requests for relief. It is generally inappropriate to raise new matters in a reply. See, *e.g.*, Ill. Sup. Ct. R. 341(h)(7) (eff. Jan. 1, 2016). Third, we note that, when plaintiff moved to substitute as the proper party appellee, defendant failed to object. Fourth, the original lender was World Savings Bank, which later became Wachovia Mortgage and, then, Wells Fargo Bank, N.A. Further, the documents that *defendant* asked us to take notice of reflect the merger between Wachovia and Wells Fargo.[4]

¶ 21 B. Rule 341(h)

¶ 22 Turning to defendant's appeal, we note outright that his briefs are replete with confusing, unstructured arguments, lacking cohesive flow, and he fails to present his arguments within the framework by which the case comes before the court, namely, the trial court's dismissal of the second amended section 2-1401 petition on the grounds that it was time-barred. Defendant instead dives right into arguments about service, standing, competency, jurisdiction, voidness, etc., without establishing how those issues pertain to the dismissal of the second amended section 2-1401 petition. The lack of structure alone makes discerning and ruling upon the arguments in a cogent fashion difficult, but the task is then made incredibly more complicated: the alleged factual statements are often argumentative; defendant cites authority that is often irrelevant and sometimes unpublished; and the briefs lack pinpoint record citations, at best occasionally referencing the appendix, but, again, without a page citation. Defendant provides a 15-page, 43-

[4] See also https://research.fdic.gov/bankfind (last visited July 22, 2016), which reflects, when searching on World Savings Bank FDIC #27076, that, on December 31, 2007, World Savings Bank, FSB changed its name to Wachovia Mortgage, FSB and, on November 1, 2009, Wachovia Mortgage, FSB changed its name to Wells Fargo Bank Southwest, N.A.

paragraph section titled "Issues Presented for Review," followed by six "Questions Presented For Review" and then only a four-page "Argument" section, which itself fails to address the actual June 24, 2015, dismissal of the section 2-1401 petition.[5] The brief contains no concise statement of the applicable standard of review for each issue, nor a jurisdictional statement.

¶ 23 Wells Fargo (and the Hultings, who filed a separate response brief but also join Wells Fargo's brief), argue that we should find defendant's arguments forfeited. In his reply to Wells Fargo, defendant asserts that he "incorporates the specific pleading into the record by reference all of which contain specific citations to the record *** [and] the appendix is replete with supporting documents from the record with [*sic*] support [defendant's] arguments on appeal." In reply to the Hultings, he adopts a peculiar, "whether" paragraph structure that is nonresponsive to their brief and then asserts, for example, "appellants submit their [*e.g.*, memorandum, reply,

[5] As just one example of the randomness of the argument presentation, we note that, near the end of his argument section, defendant discusses what appears to be his contention that the trial court improperly found he forfeited an argument, and then he ends the argument section with the following random suggestion of an ethics violation: "Appellees' argument is based on a knowingly false representation of law constitutes dishonesty toward the tribunal. A lawyer is not required to make a disinterested exposition of the law, but must recognize the existence of pertinent legal authorities. Furthermore, as stated in paragraph (a)(3), an advocate has a duty to disclose directly adverse authority in the controlling jurisdiction which has not been disclosed by the opposing party. The underlying concept is that legal argument is a discussion seeking to determine the legal premises properly applicable to the case. Attorneys for Wachovia and James J. Barbowice violated Rule 3.3 Candor toward the Tribunal." Again, this paragraph lacks context, any citation to the record, and is confusing.

motion] in support of this Reply, Re-asserts, Re-alleges, paragraph by paragraph in support hereof."

¶ 24 Defendant's assertion that the record contains documents and pleadings that support his arguments is virtually a concession that he has improperly treated this court as a repository into which he is dumping the burden of argument and research. See *Parkway Bank and Trust Co. v. Korzen,* 2013 IL App (1st) 130380, ¶ 10. The record in this case exceeds 3,000 pages. It is not proper to simply "re-assert, re-allege" or incorporate documents from the record without any specific record citation. "This court is entitled to be presented with clearly defined issues, citations to pertinent authority[,] and cohesive arguments." *Id.* Rule 341(h) requires a statement of the issues presented for review without detail or citation of authorities; a concise statement of the applicable standard of review for each issue, with citation to authority; a statement of jurisdiction; and a statement of facts containing all facts necessary to an understanding of the case "stated accurately and fairly without argument or comment, and with appropriate reference to the *pages* of the record on appeal, *e.g.*, R. C7, or R. 7, or to the *pages* of the abstract, *e.g.*, A. 7." (Emphasis added.) Ill. Sup. Ct. R. 341(h)(3)-(4), (6) (eff. Feb. 6, 2013). Further, the rule requires an argument section that contains the appellant's contentions, the reasons therefore, citation of authority, and the *pages* of the record relied upon. Points not argued are forfeited and may not be raised in the reply. Ill. Sup. Ct. R. 341(h)(7).

¶ 25 It is within our discretion to strike defendant's brief and dismiss the appeal for failure to comply with those rules. *Parkway Bank*, 2013 IL App (1st) 130380, ¶ 10. Here, however, we instead affirm the dismissal of the second amended section 2-1401 petition, finding forfeited defendant's arguments where necessary.

¶ 26 C. Dismissal of Petition

¶ 27 We consider the dismissal of a section 2-1401 petition *de novo*, to the extent it raises legal questions, and for an abuse of discretion, to the extent factual questions arise. *Water County Soil & Water Conservation District v. Walters*, 2015 IL 117783, ¶¶ 49-51.

¶ 28 The trial court dismissed the section 2-1401 petition as time-barred. However, we conclude that dismissal was also warranted because a section 2-1401 petition cannot be asserted to vacate the confirmation of a foreclosure sale. Specifically, the Illinois Mortgage Foreclosure Law (Foreclosure Law) provides that, "unless otherwise specified in the judgment of foreclosure," the vesting of title to property by delivery of a deed following a foreclosure sale "shall be an *entire bar* of *** *all claims* of parties to the foreclosure." 735 ILCS 5/15-1509(c) (West 2012). In *U.S. Bank National Assoc. v. Prabhakaran*, 2013 IL App (1st) 111224, ¶ 30, the court held that "[t]here is simply no Illinois authority to support the defendant's argument that she can utilize section 2-1401 to circumvent *** section 15-1509(c) of the Foreclosure Law after the circuit court confirmed the sale of the property." Further, the court held, "[t]he clear and unambiguous language of section 15-1509(c) of the Foreclosure Law bars the defendant's claims in her section 2-1401 petition and is dispositive." *Id.*; see also *U.S. Bank v. Harris*, 2015 IL App (1st) 133017, ¶ 48 (following *Prabhakaran* and holding section 15-1509(c) of the Foreclosure Law barred the pending section 2-1401 petition). As the Hultings were delivered a deed following the foreclosure sale, section 15-1509(c) bars defendant, a party to the foreclosure, from bringing a section 2-1401 claim.

¶ 29 Moreover, we note, as did the court in *Harris*, that section 2-1401(e) of the Code also prohibits a section 2-1401 petition from "affecting the disposition of property transferred to a third party after the entry of the challenged judgment." Section 2-1401(e) provides that:

> "(e) Unless lack of jurisdiction affirmatively appears from the record proper, the vacation or modification of an order or judgment pursuant to the provisions of this Section does not affect the right, title or interest in or to any real or personal property of any person, not a party to the original action, acquired for value after the entry of the order or judgment but before the filing of the petition, nor affect any right of any person not a party to the original action under any certificate of sale issued before the filing of the petition, pursuant to a sale based on the order or judgment." 735 ILCS 5/2-1401(e) (West 2012).

Here, on May 6, 2011, the trial court entered an order approving the report of sale. On August 22, 2011, the Hultings, who were not a party to the original action, acquired the deed to the subject property. This was after the May 6, 2011, confirmation of sale, and far before the December 2014 second amended 2-1401 petition was filed.[6] As such, the petition is barred not only by section 15-1509(c) of the Foreclosure Law, but also by section 2-1401(e).

¶ 30 We note that defendant also failed to refile his section 2-1401 petition within one year of his voluntarily dismissal thereof, as required by section 13-217 of the Code. 735 ILCS 5/13-217 (West 2012). The filing of a section 2-1401 petition is considered a new proceeding. 735 ILCS 5/2-1401(b) (West 2012). In that regard, it is similar to filing a complaint. *Blazyk v. Daman Express, Inc.*, 406 Ill. App. 3d 203, 207 (2010) ("As an initial pleading, a section 2-1401 petition is procedurally the counterpart of a complaint and subject to all the rules of civil practice that that character implies."). According to section 13-217, after voluntarily dismissing an action, a party generally has one year in which to refile. 735 ILCS 5/13-217 (West 2012). Here,

[6] Again, although defendant filed a section 2-1401 petition in November 2011 (one month prior to the Hultings' purchase), he voluntarily dismissed it.

defendant voluntarily dismissed his initial section 2-1401 petition on October 3, 2012, such that one year to refile expired October 3, 2013. However, nothing further was filed by defendant until February 6, 2014, with his second amended petition being filed in December 2014. Thus, the amended and second amended petitions were time-barred under section 13-217 of the Code.

¶ 31 Finally, even if the petition were not barred by section 15-1509(c) of the Foreclosure Law, section 2-1401(e) of the Code, or due to his failure to re-plead within one year under section 13-217 of the Code, we would uphold the dismissal of the petition as time-barred under section 2-1401. There is no question that defendant's December 2014 second amended section 2-1401 petition was filed more than two years after the entry of the challenged December 2008 and May 2011 judgments. Section 2-1401(c) provides that "the petition must be filed not later than 2 years after the entry of the order or judgment." 735 ILCS 5/2-1401(c) (West 2012). However, section 2-1401(c) also provides that, when computing the two-year period, the "[t]ime during which the person seeking relief is under legal disability" shall be excluded. *Id.* Further, section 2-1401(f) provides: "Nothing contained in this Section affects any existing right to relief from a void order or judgment, or to employ any existing method to procure that relief." 735 ILCS 5/2-1401(f) (West 2012). Accordingly, defendant's position is that the petition was not time-barred because he was under a legal disability for a period that, when excluded, brings his claim within the two-year period, and, further, that the 2008 foreclosure order and 2011 confirmation of sale were void and, therefore, may be attacked at any time.

¶ 32 Although we *acknowledge* that void judgments can be attacked at any time (see, *e.g.*, *Wells Fargo Bank, N.A. v. Sanders*, 2015 IL App (1st) 141272, ¶ 34 (noting that the movant in *Prabhakaran* had not challenged the judgment as void) and that *Prabhakaran* may not apply where lack of jurisdiction due to service of process is the petition's basis (see, *e.g.*, *M.B.*

Financial Bank, N.A. v. Ted & Paul, LLC, 2013 IL App (1st) 122077, ¶ 17 and n.3), we nevertheless reject defendant's arguments. We first find defendant's specific arguments on these points forfeited pursuant to Rule 341(h) as discussed above. See, *e.g.*, *Parkway Bank*, 2013 IL App (1st) 130380, ¶ 10. Further, we note that we see no obvious legal error in the trial court's systematic and thorough rejection and analysis of defendant's arguments as raised below and no abuse of discretion in its findings that: service by publication was properly effected (as also previously found by two other judges); plaintiff underwent simple name changes, nor was there sufficient evidence that plaintiff lacked licensure (which would not render the judgment void anyway); defendant held the interest in the property, not Bernice (so no estate representative was necessary); there was no bankruptcy stay in effect when the foreclosure orders were entered; and any legal disability was for a minimal period due to legal and guardianship representation and was insufficient to bring the petition back into the two-year limitation. Thus, where the underlying judgments were not void and there is no legitimate challenge to personal jurisdiction, the petition cannot escape the timeliness and other bars discussed above. We affirm.

¶ 33 III. CONCLUSION

¶ 34 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 35 Affirmed.