

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – PROBATE DIVISION

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) No. 2020 P 04
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GENERAL ADMINISTRATIVE ORDER
CONCERNING AGREED DECEDENT PETITIONS

In light of Cook County Cir. Ct. G.A.O. 2020-01 (amended April 3, 2020),

IT IS HEREBY ORDERED THAT:

1. The following procedures regarding Non-Emergency agreed petitions to open or close decedent’s estates and requests to enter agreed orders without parties and persons appearing in court shall apply only during the time the Judges in the Probate Division are working remotely.

2. All petitions submitted pursuant to this Administrative Order shall be E-filed in accordance with Ill. S. Ct. R. 9 (eff. Jan. 1, 2020) and will be reviewed by the Judge assigned to the designated Calendar. All proposed orders shall contain one email address so that a stamped order can be returned to the moving party. If you are working remotely, you may want to use your personal email address.

3. Notwithstanding this Administrative Order, Duty Judges will continue to hear Emergency petitions remotely on a daily basis pursuant to GAO 2020 P 01 (amended April 13, 2020).

4. Petitions for opening uncontested **INTESTATE** estates shall include copies of the following documents:

- a. Petition for Letters of Administration including an accurate Exhibit A (E-filed);
- b. Affidavit of Heirship (E-filed);
- c. Waivers of notice from all heirs equally entitled to nominate or with preference to nominate with a known last address. The court will not accept 30-day notice (755 ILCS 5/9-5(a)) under this Administrative Order;
- d. Fully executed and notarized Oath of Office and Bond. (not E-filed) Estate counsel shall write on the bond the following: “Estate counsel shall present the original embossed bond to the Clerk of the Court at the next court date after Court reopens.”;
- e. Proposed Agreed Order Declaring Heirship (not E-filed);
- f. Proposed Agreed Order Appointing Representative of Decedent’s Estate (not E-filed); and

g. A Designation of Resident Agent shall be indicated if the proposed administrator resides out of state.

5. If, after the opening of a intestate estate under this Administrative Order, counsel for the estate receives from an heir, or learns that an heir has filed, a petition to terminate independent administration, counsel and the representative shall immediately cease administration of the estate, consider letters of office suspended, and, within one business day, notify the court of the change in administration status.

6. Petitions for opening **TESTATE** estates **WILL NOT** be accepted under this Administrative Order. Judges do not have access to original wills. Attorneys working remotely may seek Letters for Administrator to Collect (755 ILCS 5/10-1) as an emergency pursuant to GAO 2020-01 (amended April 13, 2020) and include the same documents outlined above except waiver of notice from all heirs.

7. Uncontested **MOTIONS TO CLOSE** a decedent's estate shall include copies of the following documents:

- a. Petition for Letters including exhibit A;
- b. Previously admitted Last Will, if any, and the date of admission;
- c. Previously entered Order Declaring Heirship and any amended orders declaring heirship;
- d. Previously entered Order Appointing a Representative or a successor representative if applicable;
- e. E-Filed fourteen-day certificate of notice to heirs and legatees or e-filed waivers of notice;
- f. E-Filed receipts and approval on closing of decedent's estate in independent administration from all heirs/legatees. The court will not approve closing and discharge under this Administrative Order unless a signed receipt and approval is obtained from all heirs/legatees. (42-day notice will not be considered a receipt and approval under this Administrative Order);
- g. E-filed Proof of Publication certificate;
- h. E-filed Final Report of Independent Representative; and
- i. Order of Discharge.

8. **PROPOSED AGREED ORDERS** may be submitted by either party to the Court by email to the Judge assigned to that designated Calendar, and shall including the following:

- a. All Proposed Agreed Orders shall bear the heading: "AGREED ORDER SUBMITTED BY ELECTRONIC MEANS";
- b. All Proposed Agreed Orders shall contain, when feasible, the electronic signature of all counsel of record and self-represented litigants in the cause. If not feasible, a written statement that all parties and persons entitled to notice have received and affirmatively agreed to the Proposed Agreed Order shall be submitted by the presenting attorney;

c. All Proposed Agreed Orders shall contain a law firm or personal email address and contact telephone number of each counsel of record and self-represented litigant in the cause;

d. The party submitting the Proposed Agreed Order shall include all counsel of record and all self-represented litigants as recipients of the email; and

e. After review and approval by the Court, the Clerk shall send a stamped copy of the entered Agreed Order to the moving party. The movant shall circulate the order to all parties and persons entitled to notice. However, no Proposed Agreed Order shall be entered by the Court unless all counsel of record and self-represented litigants are included as recipients of the email containing the Proposed Agreed Order.

9. Upon E-filing all required documents, the movant shall email courtesy copies to the individual judge assigned to the designated Calendar as follows:

Calendar 2: Judge Gallagher, carolyn.gallagher@cookcountyil.gov

Calendar 7: Judge Malone, daniel.malone@cookcountyil.gov

Calendar 8: Judge Delgado, kent.delgado@cookcountyil.gov

Calendar 11: Judge McGuire, terrence.mcguire@cookcountyil.gov

Calendar 25: Judge Murphy, james.murphy2@cookcountyil.gov

10. The Calendar Judge reserves the right to amend the Proposed Agreed Order or to continue the petition to a later date.

11. If, upon presentment to the Court, the assigned Judge denies the petition or motion, the movant may be directed to place the petition on the Court's regular motion call after May 31, 2020.

12. This Administrative Order shall be published in the Chicago Daily Law Bulletin, and at www.cookcountycourts.org/ProbateDivision to inform litigants and attorneys about these procedures. If attorneys and self-represented litigants do not have access to the Internet or have questions regarding the Probate Division or this Administrative Order, they may contact the administrative assistant at (312) 603-7545 or (312) 603-7546.

Enter: Daniel B. Malone #2012
Daniel B. Malone
Acting Presiding Judge
Probate Division

DATED: April 29, 2020