

Iris Y. Martinez

Clerk of the Circuit Court
of Cook County



A Guide

To The

Chancery

Division

The Chancery Division hears matters of equity filed under the following categories:

Injunctions: A court order commanding or preventing an action. To get an injunction, the complainant must show that there is no plain, adequate, and complete remedy at law and that an irreparable injury will result unless relief is granted.

Class actions: A lawsuit brought by a representative member(s) of a large group of persons on behalf of all members of the group. The class must be ascertainable and the members must share a common interest in the question of law and fact raised by the plaintiff(s), among other special requirements.

Mortgage foreclosures: A lawsuit filed by a lender seeking to compel payment of a mortgage. It is precipitated by non-payment of the debt and leads to the selling of the property to which the mortgage is attached in order to satisfy the debt.

Declaratory judgment: A lawsuit seeking the judgment of the court establishing the rights of the parties or expressing the court's opinion on a question of law without ordering anything to be done. No executory process follows as a matter of course.

Mechanic's liens: A lawsuit seeking to enforce a lien filed for the purpose of securing priority of payment of the price or value of work performed and materials furnished in erecting or repairing a building or other structure, and as such attaches to the land as well as building and improvements erected thereon.

Administrative reviews: Lawsuit seeking a judicial review of a final decision by an administrative agency.

General Chancery filings include but are not limited to the following:

Accounting: A lawsuit brought to secure a formal statement of account from one partner to others in order to obtain a judicial determination of rights of the parties in a shared asset.

Appointment of Trustees, successor trustees, and the removal of trustees (other than during the period of an estate administration): A Lawsuit concerning trustees outside of the period of estate administration.

Arbitration: The submission of controversies, by the agreement of the parties thereto, to person chosen by themselves for determination.

Certiorari except under the Workers' Compensation Act: A lawsuit seeking review of a matter by the Supreme Court.

Contributions: A lawsuit seeking to enforce right of one required to compensate a victim for their injury to demand reimbursement from another party jointly responsible for that injury.

Creditors' Rights: A lawsuit in which a judgment creditor attempts to gain a discovery, accounting and deliverance of property owed to him by the judgment debtor, which property cannot be reached by execution at law.

Declarations of Trusts and Wills: A lawsuit concerning trusts and wills outside of the period of estate administration.

Dissolution of Corporations and Partnerships: A lawsuit regarding the statutory act ruling the formation and dissolution of corporations and partnerships.

General Chancery filings continued:

Equitable Lien: A lawsuit seeking to enforce equitable right to have specific property applied in satisfaction of a debt.

Interpleader: A lawsuit in which a debtor, not knowing to whom among his creditors a certain debt is owed, and having no claim or stake in the fund or other thing in dispute other than its proper disposition, petitions the court to require that the creditors litigate the claim among themselves.

Mandamus: A lawsuit seeking an extraordinary writ from the court to an official compelling performance of a ministerial act that the law recognizes as an absolute duty, as distinct from other types of acts, which may be at the official's discretion.

Ne Exeat: A lawsuit filed to secure the payment of a co-obligor who is about to move outside of the jurisdictional limits of the state and taking their property with them.

Partition: A lawsuit seeking the judicial separation of the respective interest in land of joint owners, or tenants in common thereof, so that the parties hold their estates in severalty.

Quiet Title and the Setting Aside of Deeds: A lawsuit seeking to determine all adverse claims to the property in question so as to obtain a final determination as to the title to a specific piece of property.

Quo Warranto: A lawsuit to determine whether a corporation was validly organized or whether it has power to engage in the business in which it is involved.

Receiverships: A lawsuit seeking the court appointment of a receiver to control and preserve property for the benefit of affected parties.

Redemption Rights: A lawsuit seeking to enforce statutory rights to redeem property that has been forfeited because the mortgagor defaulted on the mortgage payments, which can be exercised only after a foreclosure and sale of property.

Rescission and Reformation of Contracts: A lawsuit seeking the decree of the court that (a) A contract is can-celled and the parties are returned to the positions they would have occupied if the contract had not been made; or (b) That the contract should be "rewritten" because the written terms of the contract do not express what was actually agreed upon.

Specific Performance: A lawsuit seeking a court order requiring a party to perform a specific act, such as to complete performance of the contract.

Subpoena, Action Out of State, Compliance in Illinois: A lawsuit filed seeking to have a subpoena issued to be served in another state.

Uniform Gifts to Minor Act: A lawsuit regarding the statutory method for making a gift in trust to minors.

Statutory Review: A lawsuit challenging the legality of a statute.

And all other actions or proceedings formerly cognizable in courts of Chancery not otherwise provided for.

Iris Y. Martinez

Clerk of the Circuit Court
of Cook County



Office of the Clerk of the Circuit Court of Cook County
Chancery Division
Richard J. Daley Center
50 West Washington St., Room 802 Chicago, IL 60602
(312) 603-5133
chancerydivservices@cookcountycourt.com

Hours of Operation:
Monday - Friday
9 a.m. to 12 p.m.



www.cookcountyclerkofcourt.org  **CookCountyClerkofCourt**

This handout is not a substitute for professional legal advice.