

2026 IL App (2d) 260095-U
Nos. 2-26-0095 & 2-26-0096 cons.
Order filed October 2, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

DIANA COLIN, Petitioner-Appellee,

v.

LATOSHA MONTGOMERY, Respondent-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable Reginald N. Campbell, Judge, Presiding.
No. 24-OP-1293

ARLENE SANCHEZ, Petitioner-Appellee,

v.

LATOSHA MONTGOMERY, Respondent-Appellant.

Appeal from the Circuit Court of Kane County.
Honorable Reginald N. Campbell, Judge, Presiding.
No. 24-OP-1294

JUSTICE McLAREN delivered the judgment of the court.
Justices Jorgensen and Schostok concurred in the judgment.

ORDER

- ¶ 1 *Held:* The denials of respondent's petitions under section 2-1401 of the Code of Civil Procedure (735 ILCS 5/2-1401 (West 2022)) are affirmed because her arguments on appeal are either forfeited (for various reasons), lack a sufficient record to support them, or exceed the jurisdiction of this court in this appeal.

¶ 2 On November 25, 2024, the trial court entered plenary stalking/no contact orders in favor of petitioners, Diana Colin and Arlene Sanchez, in case Nos. 24-OP-1293 and 24-OP-1294, respectively. *Pro se* respondent, Latosha Montgomery, appealed in each case. While the appeals were pending, Montgomery filed (in each case) a petition under section 2-1401 of the Code of Civil Procedure (Code) (735 ILCS 5/2-1401 (West 2022)) to vacate the plenary stalking/no contact orders. The petitions remained pending below while the appeals were pending. We consolidated Montgomery's appeals for decision and affirmed. See *Colin v. Montgomery*, 2025 IL App (2d) 240765-U. Thereafter, the trial court denied the petitions. Montgomery, still *pro se*, filed a notice of appeal in each case. We have again consolidated the appeals for decision. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On August 21, 2024, Colin and Sanchez, employees of the Boys & Girls Club of the Northwest Suburbs (Club), each filed a verified petition for a stalking/no contact order against Montgomery, whose two children were Club participants. That same day, the trial court issued an emergency stalking/no contact order in each case, effective through September 11, 2024. On September 11, 2024, the same counsel entered an appearance for Colin and Sanchez. The court extended the emergency orders of protection and set the matters for a hearing on October 2, 2024. Summonses were issued.

¶ 5 On September 30, 2024, an authorized process server filed affidavits of service, indicating that, on September 25, 2024, the server had attempted to serve Montgomery at her residence, but Montgomery refused to open her door. The server ultimately left the documents at the residence.

¶ 6 Montgomery did not appear at the October 2, 2024, plenary hearing. The trial court entered plenary stalking/no-contact orders in each case, effective through October 2026.

¶ 7 On October 23, 2024, Montgomery filed, in each case, motions to rehear and vacate the plenary orders. On October 30, 2024, over objections, the trial court granted the motions and vacated the default plenary stalking/no-contact orders. The court reinstated and extended the emergency stalking/no-contact orders through November 14, 2024, and continued the matters for rehearing. Each order stated that the parties had until November 7, 2024, to exchange discovery.

¶ 8 Two separate hearings (one for each petition) were held on November 14, 2024. The hearing on Colin's petition occurred first. Colin and her counsel attended via Zoom; Montgomery was present in the courtroom. Colin and Montgomery each testified. After Montgomery testified, Colin's counsel indicated that he wanted to present rebuttal evidence. The trial court indicated that it had an emergency to address and asked whether the parties could return at 1:15 p.m. Montgomery stated: "My daughters have a dentist appoint at 2:00. So I mean, I can do it; but it would have to be on Zoom[.]" The parties agreed to continue via Zoom at 1:15 p.m., and all parties appeared via Zoom at that time. The hearing on Colin's petition continued. After that hearing concluded, the court stated that it would rule on both petitions after conducting the hearing on Sanchez's petition. The matter then proceeded to a hearing on Sanchez's petition. At the close of evidence, the court took the matters under advisement.

¶ 9 A complete recitation of the evidence presented at both hearings can be found in *Colin v. Montgomery*, 2025 IL App (2d) 240765-U, ¶¶ 14-28. In summary, both Colin and Sanchez testified that Montgomery engaged in threatening acts. Colin testified to incidents that occurred at a community pool in the summer of 2024 and at the Club office on August 19, 2024. Regarding the alleged August 19, 2024, incident, Montgomery testified that it was video-recorded and that the video would show she did not threaten Colin. In rebuttal, Colin attempted to introduce a video, but the trial court did not allow it because counsel failed to satisfy the foundational requirements.

Sanchez testified regarding incidents occurring in the summer of 2024—on August 14 or 15, 2024, and on August 19, 2024. Sanchez introduced video footage from the Club lobby from August 19, 2024, which the court admitted into evidence. Montgomery testified at each hearing, generally disputing Colin’s and Sanchez’s accounts. She did not admit any videos into evidence.

¶ 10 On November 19, 2024, the trial court entered plenary stalking/no contact orders in favor of each petitioner against Montgomery, effective from November 19, 2024, through November 19, 2026. Corrected plenary orders were entered on November 25, 2024, effective from November 25, 2024, through November 19, 2026. Montgomery filed, in each case, the same motions that she filed on October 23, 2024, to rehear and vacate the plenary orders. On December 2, 2024, the court denied the motions.

¶ 11 On December 13, 2024, Montgomery filed a notice of appeal in each case. Montgomery raised the following arguments on appeal: (1) she was denied due process because she was never served with the petitions and learned of the hearing at the last minute, (2) the trial court abused its discretion in denying her request for a continuance, (3) the court erred in refusing to reopen proofs despite Montgomery’s claim that she had new evidence that contradicted Colin’s and Sanchez’s claims, (4) the court relied on false testimony regarding video evidence that was never presented, and (5) the evidence was insufficient because it was uncorroborated and did not meet the required burden. See *id.* ¶¶ 39, 45, 47, 49, 53.

¶ 12 While that appeal was pending, on May 29, 2025, Montgomery filed, in each case, a petition for relief from judgment (see 735 ILCS 5/2-1401 (West 2022)). The petitions were essentially identical. In each, Montgomery claimed as follows: (1) Montgomery had “obtained new, material evidence that could not have been presented at trial despite due diligence” and that “directly contradicts key witness testimony” (in Colin’s case, Montgomery specified an August

15, 2024, video; in Sanchez’s case, she specified an August 14, 2024, video); (2) Montgomery “was not served with the primary witness statement until December 11, 2024—after judgment had already been entered,” and, thus, she “was denied an opportunity to review and respond to it at trial”; and (3) Montgomery “informed the judge she had a previously scheduled dentist appointment for her underage children” but was “forced to participate via Zoom from the dental office, without privacy or the ability to defend herself meaningfully.” In addition, in Colin’s case, Montgomery claimed that she had “[t]ext messages to prove that [she] wasn’t at [the community pool] [on] July 11th 2024.” Montgomery argued that the foregoing circumstances constituted “procedural unfairness” and violated her right to due process. She further alleged that she acted with due diligence in submitting each petition.

¶ 13 Attached to each petition were the following exhibits: (1) a page created by Montgomery bearing a handwritten case number and handwritten references to “Exhibit A & Exhibit E” along with preprinted text stating: “USB Drive stored in Records Team. Can be provided upon request to Records Supervisor or Records Manager”; (2) a plenary stalking/no contact order issued on October 2, 2024, between petitioner Liuri Coria and Montgomery; (3) a piece of paper bearing the following handwritten words: “Served 12-11-24”; and (4) a “Proof of School Dental Examination Form” and a “School Excuse Letter” from “1st Family Dental of Elgin” dated November 14, 2024. (Attached to the petition in Sanchez’s case was a portion of a petition for a stalking/no contact order (identifying a respondent (Montgomery) but no petitioner) and two pages containing screenshots of text messages—one message was dated August 19 and the other was dated August 20.)

¶ 14 On July 7, 2025, Colin and Sanchez filed substantially similar responses. Colin and Sanchez argued that Montgomery’s section 2-1401 petitions should be dismissed as

“fundamentally defective” as the petitions and affidavits were neither signed nor verified. On the merits, Colin and Sanchez argued that, although Montgomery claimed to have “new material evidence including a video that could not have been presented at trial despite her due diligence,” she failed to explain why the evidence could not have been presented at trial despite her due diligence. Colin and Sanchez argued further that, although Montgomery claimed that she “was not served with ‘the primary witness statement’ until December 11, 2024,” it was entirely unclear to which statement she was referring and, regardless, the court conducted a full evidentiary hearing, without objection from Montgomery, and “based its ruling on live witness testimony that was also subject to cross-examination.” Finally, as to Montgomery’s claim that she was forced to participate via Zoom from her child’s dentist appointment, Colin and Sanchez cited the hearing transcript where Montgomery expressly agreed to continue the hearing via Zoom.

¶ 15 On July 18, 2025, Montgomery filed a reply in each case. In Colin’s case, Montgomery filed a document entitled “Comprehensive Response to False Testimony,” which was in the form of a letter to Colin’s counsel. The filing included ten exhibits, consisting generally of screenshots, portions of prior pleadings, fragments of hearing transcripts, an affidavit of Rashida Thompson, a piece of paper with handwriting claiming that the court has a “copy of [a] USB” of a voicemail from Colin, and various e-mails.

¶ 16 In Sanchez’s case, Montgomery filed a “Comprehensive Response to Petition for Stalking No Contact Order.” She attached numerous exhibits, including purported video references, photographs, medical and school records, e-mail exchanges, screenshots of videos and text messages, a court receipt, an appellate court order, and a copy of the affidavit of service, among other miscellaneous materials.

¶ 17 On September 16, 2025, we issued our decision in Montgomery’s appeals from the stalking/no contact orders entered with respect to Colin and Sanchez. See *Colin*, 2025 IL App (2d) 240765-U. We affirmed. See *id.* ¶ 59. We held that Montgomery’s claims were either (1) improperly developed and, thus, forfeited or (2) patently without merit. *Id.* ¶ 37. More specifically, we found that (1) Montgomery’s due process challenge failed because emergency orders did not require prior notice and because the record contained valid affidavits of service that she did not rebut (*id.* ¶¶ 40-42); (2) Montgomery’s assertions that the trial court denied her a continuance or refused to reopen proofs were unsupported as the record reflected no such requests (*id.* ¶¶ 45, 47); (3) Montgomery’s claim that the court relied on false testimony about absent video evidence was unfounded because Colin never referenced a video and Sanchez testified about a video that was properly admitted and viewed by the court (*id.* ¶¶ 50-51); and (4) any challenge to the sufficiency of the evidence was forfeited due to inadequate briefing and, in any event, Colin’s and Sanchez’s testimonies, if believed, sufficiently established stalking under the governing statute (*id.* ¶¶ 55-57).

¶ 18 On February 4, 2026, the trial court denied Montgomery’s section 2-1401 petitions “for reasons as stated on the record.” The record does not contain a report of this proceeding.

¶ 19 On March 3, 2026, Montgomery filed a notice of appeal in each case.

¶ 20 On March 6, 2026, Montgomery filed in each case a motion for preparation of transcripts. On March 13, 2026, the trial court entered the following order:

“[Montgomery] appears before the [c]ourt on this date, and the [c]ourt rules as follows: [Montgomery’s] motion to prepare complete hearing transcripts, with respect to the dates stated in the motion is denied in part and granted in part. The [c]ourt denies waiving the transcript fees, but if [Montgomery] still requires the preparation of the transcripts, she

must pay for them. The 3/5/26 [o]rder waiving [c]ourt fees is related to clerk fees only, if any, for any subsequent appeal filings.”

The record does not contain a report of this proceeding.

¶ 21 On April 16, 2026, Montgomery filed in each case a motion to settle and approve a bystander’s report. On April 21, 2026, the trial court entered the following order:

“[Montgomery’s] motion for approval of bystander’s report is denied, based on the reasons as stated on the record. Court informed [Montgomery] as it has done before, that the relevant transcripts that she is seeking could be provided to her with he [sic] paying for them. Court also reminded [Montgomery] that her previous request to waive the transcript fees was denied. Court admonished [Montgomery] that she must seek leave of court before she files any other pleadings in this case, and also admonished her that her subsequent filings of pleadings without leave of court could lead to the [c]ourt ordering [Montgomery] to pay the opposing side’s attorney fees.”

The record does not contain a report of this proceeding.

¶ 22 On April 21, 2026, Montgomery filed in this court a motion to supplement each record on appeal with a bystander’s report and a supplemental bystander’s report. On April 29, 2026, we denied her motions, stating: “This court cannot accept an uncertified bystander’s report, and only the circuit court can certify one. (This court observes, however, that appellant’s proposed bystander’s report is clearly argumentative and thus improper.)”

¶ 23 Colin and Sanchez have not filed briefs, but the appeals are appropriate for our resolution without their input. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). We consolidated the appeals for decision.

¶ 25 At issue on appeal is whether the trial court abused its discretion in denying Montgomery's petitions for relief from judgment. Montgomery raises additional claims that fall outside the scope of this review. Before commenting on these additional claims, we first address Montgomery's arguments that are related to the court's denial of her petitions.

¶ 26 We begin by setting forth the applicable legal principles. Section 2-1401 of the Code (735 ILCS 5/2-1401 (West 2022)) provides a comprehensive statutory procedure by which final orders and judgments may be vacated more than 30 days after their entry. *People v. Shinaul*, 2017 IL 120162, ¶ 8. It is a collateral attack that commences "a new cause of action and is not a continuation of the proceeding in which the prior judgment was entered." *Browning, Ektelon Division v. Williams*, 348 Ill. App. 3d 830, 833 (2004). A proceeding under section 2-1401 is not intended to give the petitioner a new opportunity to do that which should have been done in an earlier proceeding or to relieve the party of the consequences of any mistake or negligence. *In re Marriage of Himmel*, 285 Ill. App. 3d 145, 148 (1996). In the context of a collateral proceeding, "issues that were raised and decided on direct appeal are barred from consideration by the doctrine of *res judicata*; issues that could have been raised, but were not, are considered forfeited." *People v. Davis*, 2014 IL 115595, ¶ 13.

¶ 27 "The purpose of a section 2-1401 petition is to bring before the court facts not appearing in the record, which, if known at the time of the entry of judgment, would have prevented its rendition." *In re Marriage of Lyman*, 2015 IL App (1st) 132832, ¶ 55.

"To be entitled to relief under section 2-1401, the petitioner must affirmatively set forth specific factual allegations supporting each of the following elements: (1) the existence of a meritorious defense or claim; (2) due diligence in presenting this defense or claim to the

circuit court in the original action; and (3) due diligence in filing the section 2-1401 petition for relief.” *Smith v. Airoom, Inc.*, 114 Ill. 2d 209, 220-21 (1986).

The petitioner must establish these elements by a preponderance of the evidence. *Id.* at 221. When a petition is based on a claim of newly discovered evidence, the petitioner must show that the evidence was not known at the time of the original proceeding and “could not have been discovered *** with the exercise of reasonable diligence.” *In re Marriage of Goldsmith*, 2011 IL App (1st) 093448, ¶ 15.

¶ 28 When the petition presents a fact-dependent challenge to the final judgment or order, as here, we review a trial court’s ultimate decision for an abuse of discretion. *Warren County Soil & Water Conservation District v. Walters*, 2015 IL 117783, ¶ 51; *Smith*, 114 Ill. 2d at 221. “An abuse of discretion exists where no reasonable person would take the position adopted by the trial court or where the trial court acts arbitrarily, fails to employ conscientious judgment, and ignores recognized principles of law.” *Bhutani v. Barrington Bank & Trust Co.*, 2024 IL App (2d) 230162, ¶ 31; see also *People v. J.F.*, 2024 IL App (2d) 230259, ¶ 56 (“An abuse of discretion occurs when the court’s ruling was arbitrary, fanciful, or unreasonable, or when no reasonable person would take the court’s view.”).

¶ 29 Montgomery contends that the trial court abused its discretion in denying her section 2-1401 petitions because, although the parties were ordered on October 30, 2024, to exchange discovery by November 7, 2024, Colin and Sanchez disclosed only a video and audio recording before the November 14, 2024, hearings. According to Montgomery, “new and additional allegations” surfaced at the hearings “that went far beyond the two items that had been disclosed.” She claims that, because she had no notice of the new allegations, she was deprived of a meaningful opportunity to investigate and prepare a defense. (Montgomery does not specify the nature of

these “new allegations.”) Montgomery claims further that she “possessed screenshots and other documentary evidence that directly addressed and contradicted the undisclosed allegations” and that had she been able to present this evidence, “the outcome of the proceedings would have been different.” She states: “The deprivation was not abstract. Appellant had the evidence—screenshots and other responsive materials—that would have addressed those undisclosed allegations. She simply did not know she needed to bring it.”

¶ 30 First, we note that the record is insufficient to adequately support Montgomery’s claim of error. Under the rule in *Foutch v. O’Bryant*, 99 Ill. 2d 389, 391 (1984), when a trial court’s ruling is discretionary, as it is here, we generally cannot reverse that ruling absent a record sufficient to show the basis for the court’s decision. Under *Foutch*, the appellant has the burden of providing this court with a sufficiently complete record to support a claim of error. *Id.* at 391-92. “[I]n the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis.” *Id.* at 392. Any doubt arising from the incompleteness of the record will be construed in favor of the judgment. *Id.*

¶ 31 Here, Montgomery has failed to provide this court with transcripts from the February 4, 2026, hearing on her section 2-1401 petitions. Nor did she provide an acceptable substitute, such as a bystander’s report or agreed statement of facts.¹ See Ill. S. Ct. R. 323(c), (d) (eff. July 1, 2017). The trial court’s February 4, 2026, orders state only that the court denied Montgomery’s section 2-1401 petition “for reasons as stated on the record.” Without knowing the basis of the court’s ruling, we must presume that it was correct.

¹As noted, Montgomery attempted to supplement the record with a bystander’s report. However, we denied that motion as the report was uncertified and, as we further observed, “clearly argumentative and thus improper.”

¶ 32 Further, Montgomery has forfeited review of the trial court’s denial of her section 2-1401 petition by failing to make the *necessary* arguments, *i.e.*, that she established, by a preponderance of the evidence, the elements required for a claim under section 2-1401. See *Smith*, 114 Ill. 2d at 220-21. In her petitions, Montgomery asserted that she had “obtained *new*, material evidence that *could not have been presented at trial* despite due diligence.” (Emphasis added.) However, she makes no such argument on appeal. Instead, she argues that she “had the evidence” but “simply did not know she needed to bring it.” See *Goldsmith*, 2011 IL App (1st) 093448, ¶ 15 (When a petition is based on a claim of newly discovered evidence, the petitioner must show that the evidence was not known at the time of the original proceeding and “could not have been discovered *** with the exercise of reasonable diligence.”). Thus, any such argument is forfeited. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (“Points not argued are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.”).

¶ 33 In addition, Montgomery has forfeited any argument regarding the specific claims in her petitions that (1) she “was not served with the primary witness statement until December 11, 2024,” and thus was denied an opportunity to review and respond to it; and (2) she was “forced to participate via Zoom from the dental office, without privacy or the ability to defend herself meaningfully.” Neither of those arguments is contained in her briefs. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (“Points not argued are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.”).

¶ 34 Moreover, as noted, in the context of a collateral proceeding, “issues that were raised and decided on direct appeal are barred from consideration by the doctrine of *res judicata*; issues that could have been raised, but were not, are considered forfeited.” *Davis*, 2014 IL 115595, ¶ 13. Here, the argument that Montgomery *does* attempt to make—*i.e.*, that she had evidence to refute

the new allegations raised at the hearing but was denied a meaningful opportunity to present it—is barred by forfeiture because she could have raised the argument on direct appeal. See *id.* Also forfeited would be any argument related to the petitions’ allegations that she did not receive “the primary witness statement until December 11, 2024—after judgment had already been entered.” Montgomery filed her notices of appeal on December 13, 2024, from the judgments, and, thus, could have raised the argument on appeal. See *id.* The same is true as to any argument related to the petitions’ claims that Montgomery “was forced to participate via Zoom from the dental office.” This too could have been argued on appeal.²

¶ 35 Montgomery makes additional claims on appeal that fall outside the scope of our review of the trial court’s ruling on her section 2-1401 petitions. Montgomery argues that the record is incomplete despite her “diligent and repeated” efforts to reconstruct it through the procedures of Illinois Supreme Court Rule 323 (eff. July 1, 2017), leaving this court without the materials necessary for meaningful review. She contends that the trial court repeatedly rejected, or failed to meaningfully address, those preservation efforts, compounding earlier procedural deficiencies.

¶ 36 First, any argument regarding the trial court’s actions as to Montgomery’s efforts to supply this court with a complete record during her first appeal was not raised in her petitions and thus is not properly before us. See *Smith*, 114 Ill. 2d at 229 (“These arguments *** were not raised as a meritorious defense in Airoom’s section 2-1401 petition, out of which this appeal arises. It is well

²Montgomery *did* argue on direct appeal that the trial court abused its discretion by denying her request for a continuance so that she could prepare her defense and by refusing to reopen proofs after she discovered new evidence. *Colin*, 2025 IL App (2d) 240765-U, ¶¶ 45, 47. We rejected both arguments because the record contained no evidence that she ever requested—let alone was denied—a continuance or an opportunity to reopen proofs. *Id.*

established that matters not presented to or ruled upon by the trial court may not be raised for the first time on appeal.”).

¶ 37 Second, to the extent Montgomery attempts to raise a challenge to the trial court’s denial of her motion to certify the proposed bystander’s report in the present appeal, we find that we do not have jurisdiction to consider it. Recently, in *Cavalry SPV I, LLC. v. Bernard*, 2026 IL App (1st) 251248-U, ¶ 23³, the First District held that it lacked jurisdiction—in the context of an appeal from the dismissal of a section 2-1401 petition—over the appellant’s additional challenge to the denial of his motion to set a hearing on a bystander’s report under Illinois Supreme Court Rule 323(c) (eff. July 1, 2017). The court held that it lacked jurisdiction because (1) “[t]he denial of the bystander’s report was not a step in the procedural progression leading to the final judgment but was instead a collateral issue within the circuit court’s jurisdiction after the appeal was filed” and (2) “[n]o amendment or notice of appeal was filed to seek review of the court’s ruling on the bystander’s report motion.” *Id.* ¶ 26. So too here. Montgomery’s notice of appeal indicated that she was appealing only from the “February 4, 2026[,] [order] denying [the] [p]etition for [r]elief from [j]udgment.” The motion to certify the bystander’s report was denied on April 21, 2026. Montgomery did not file a notice of appeal from that denial.

¶ 38 Even if the argument were properly before us, we would find no error. Montgomery has failed to provide us with a report of the April 21, 2026, proceeding or an acceptable substitute. See Ill. S. Ct. R. 323(c), (d) (eff. July 1, 2017). The trial court’s order states only that it denied Montgomery’s motion for approval of the bystander’s report “based on the reasons as stated on the

³Cited as persuasive authority in accordance with Illinois Supreme Court Rule 23(e)(1) (eff. June 3, 2025).

record.” Without knowing the basis of the court’s ruling, we must presume that it was correct. See *Foutch*, 99 Ill. 2d at 392.

¶ 39 The trial court’s order seems to suggest that its denial was based on the fact that the relevant transcripts *were* available to Montgomery, given the court’s statement that the relevant transcripts would be provided to her if she paid for them. Thus, assuming this is so, the court properly concluded that preparation of a bystander’s report was not warranted. See Ill. S. Ct. R. 323(c) (eff. July 1, 2017) (“*If no verbatim transcript of the evidence of proceedings is obtainable* the appellant may prepare a proposed report of proceedings from the best available sources, including recollection.” (Emphasis added.)). And, further, as we noted, Montgomery’s proposed bystander’s report (which she attempted to file in this court without certification) was “clearly argumentative and thus improper.”

¶ 40

III. CONCLUSION

¶ 41 For the reasons stated, we affirm the judgment of the circuit court of Kane County.

¶ 42 Affirmed.