2026 IL App (1st) 252377-U
No. 1-25-2377
Order filed November 12, 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NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).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

FIRST DISTRICT

THIRD DIVISION

AXIOM ACQUISITION VENTURE, LLC, Plaintiff-Appellee,

v.

JOSEPH WISNIEWSKI, Defendant-Appellant.

Appeal from the Circuit Court of Cook County.
Honorable Michael James Zink, Judge, Presiding.
No. 2025 M1 116333

JUSTICE ROCHFORD delivered the judgment of the court.
Presiding Justice Quish and Justice Lampkin concur in the judgment.

ORDER

¶ 1 *Held*: Default judgment entered against defendant is affirmed, where defendant did not show that the circuit lacked personal jurisdiction.

¶ 2 Defendant-appellant, Joseph Wisniewski, appeals from a default judgment entered against him, claiming that the judgment is void for lack of personal jurisdiction. For the following reasons, we affirm.

¶ 3 Plaintiff-appellee, Axiom Acquisition Venture, LLC, filed a complaint in this matter against defendant on May 22, 2025. Therein, plaintiff, acting as a successor in interest, sought to recover $16,248.23 in unpaid credit card debt allegedly owed by defendant.

¶ 4 After several unsuccessful attempts to serve defendant, plaintiff filed an affidavit of service with the circuit court on July 14, 2025. Therein, the process server averred that he served defendant personally at 1:24 p.m. on that same day at a building located at 6115 South Rutherford Avenue in Chicago, Illinois. The process server more specifically averred: "I delivered the documents to JOSEPH WISNIEWSKI with identity confirmed by subject nodding when named. The individual accepted service with direct delivery. The individual appeared to be a gray-haired white male [] 55-65 years of age, 5'10"-6'0" tall and weighing 160-180 lbs."

¶ 5 On October 21, 2025, the circuit court entered a $16,248.23 default judgment against defendant, noting that defendant had failed to appear or file an answer. On November 19, 2025, defendant filed a notice of appeal from that order. Plaintiff did not file an appearance or brief in this court, and on September 21, 2026, this court entered an order taking this case for consideration on the record and defendant's brief only. See *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976) (allowing consideration of appeal on appellant's brief only where the record is simple and errors can be considered without additional briefing).

¶ 6 On appeal, defendant—acting *pro se*—contends that the default judgment entered against him is invalid because he was never actually served and therefore the circuit court never acquired jurisdiction over him. Specifically, defendant contends in the argument section of his brief that contrary to the assertions in the affidavit of service filed below: (1) he was not at 6115 South Rutherford Avenue at the time of service stated in the affidavit, but was rather at work elsewhere in Chicago, (2) defendant has brown hair, not gray, (3) defendant is only 5 foot, six inches tall, and (4) no one else at the address matched the description of the person named in the affidavit.

Appellate courts review *de novo* whether personal jurisdiction was conferred. *C.T.A.S.S. & U. Federal Credit Union v. Johnson*, 383 Ill. App. 3d 909, 910 (2008).

¶ 7 Absent the appearance of defendant or waiver of process, the service of summons "in the manner directed by statute" is necessary to create personal jurisdiction over a defendant. *Kappel v. Errera*, 164 Ill. App. 3d 673, 677 (1987); *State Bank of Lake Zurich v. Thill*, 135 Ill. App. 3d 747, 754 (1985). "Service to be effective must be by personal service unless designated otherwise by law." *Bell Federal Savings & Loan Ass'n v. Horton*, 59 Ill. App. 3d 923, 927 (1978) (citing *Haj v. American Bottle Co*., 261 Ill. 362 (1913)).

¶ 8 Section 2–203(a) of Article II of the Code of Civil Procedure (Code) states in relevant part that "service of summons upon an individual defendant shall be made (1) by leaving a copy of the summons with the defendant personally." 735 ILCS 5/2–203(a) (West 2024). The statute further provides: "The officer, in his or her certificate or in a record filed and maintained in the Sheriff's office, or other person making service, in his or her affidavit or in a record filed and maintained in his or her employer's office, shall (1) identify as to sex, race, and approximate age the defendant or other person with whom the summons was left and (2) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant or other person." 735 ILCS 5/2–203(b) (West 2024).

¶ 9 A return of service for personal service is presumed valid. *Walker v. Ware*, 2013 IL App (1st) 122364, ¶ 21 (citing *Dec v. Manning*, 248 Ill. App. 3d 341, 348 (1993)). Moreover, an affidavit of service is *prima facie* evidence that process was properly served. *In re Jafree*, 93 Ill. 2d 450, 455 (1982) (*per curiam*). The return of service should not be set aside unless "the return has been impeached by clear and satisfactory evidence." *Id.*

¶ 10 As an initial matter, we note that defendant did not file an appearance or present a challenge to personal service in the circuit court. Generally, "[a]rguments not raised before the circuit court are forfeited and cannot be raised for the first time on appeal." *U.S. Bank National Ass'n. v. Prabhakaran*, 2013 IL App (1st) 111224, ¶ 24. "However, a judgment that is entered without personal jurisdiction over a party can be attacked directly or collaterally at any time." *Citimortgage, Inc. v. Cotton*, 2012 IL App (1st) 102438, ¶ 13. Thus, we may consider the arguments raised by defendant on appeal with respect to his jurisdictional challenge. *Id*.

¶ 11 That said, it is also true that defendant's argument on appeal relies exclusively on factual assertions that are made in his appellate brief and which find no support in the record on appeal filed with this court. This reliance upon matters that are *de hors* the record is improper, as we must rely solely on the information contained in the circuit court record before us in deciding this appeal. See *Gehrett v. Chrysler Corp*., 379 Ill. App. 3d 162, 171 (2008) (where party's brief included information *de hors* the record on appeal, this court "disregarded any improper information" and disposed of the case "based entirely on information contained in the record"); *People v. Mehlberg*, 249 Ill. App. 3d 499, 532 (1993) ("A reviewing court must determine the issues before it on appeal solely on the basis of the record made in the trial court.").

¶ 12 Turning to that record, we observe that plaintiff filed an affidavit of service which fully complies with the requirements of section 2–203(a) of Article II of the Code, and there is nothing—certainly no clear and satisfactory evidence—contained in the record to impeach this proof of service. We therefore find this affidavit to be *prima facia* evidence of proper service and presume it to be valid. *Supra* ¶ 9. Defendant's jurisdictional challenge is therefore rejected.

¶ 13 We understand defendant has proceeded *pro se* on appeal. However, a *pro se* litigant is not relieved of following the procedural rules of the court. *Tannenbaum v. Lincoln National Bank*, 143

Ill. App. 3d 572, 574 (1986). "Although his right to appear *pro se* is well established, it is equally well established that when he does appear *pro se*, he must comply with the established rules of procedure." *Id*. at 574. Similarly, a *pro se* litigant is not entitled to more lenient treatment than attorneys. In Illinois, parties choosing to represent themselves without a lawyer must comply with the same rules and are held to the same standards as licensed attorneys. *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 78.

¶ 14 For the reasons stated, we affirm the judgment of the circuit court.

¶ 15 Affirmed.