**Case No. 127458**

**IN THE SUPREME COURT OF ILLINOIS**

CHICAGO TITLE LAND TRUST COMPANY, as Trustee and as Successor to North Star Trust Company, Successor to Harris Bank, Successor to First National Bank, under a Trust Agreement Dated October 21, 1979 and known as Trust Number 1689, by HENRY E. JAMES, the Holder of the Power of Direction and the owner of the Beneficial Interest of the Land Trust.

Plaintiffs/Appellants

vs.

VILLAGE OF BOLINGBROOK,

Intervenor/Defendant/Appellee

On Appeal from the Appellate Court Of Illinois, Third District

Appellate Case No: 3-19-0564

Petition Allowed by Supreme Court: September 29, 2021

Rule 307(a)(1) Appeal from the Circuit Court for the 12th Judicial Circuit Will County, Illinois

Circuit Court Number 15 MR 2972

Honorable Roger D. Rickmon
Judge Presiding

Date of Order: September 24, 2019

Supreme Court rule which confers jurisdiction upon the reviewing Court: Supreme Court Rule 315

# REPLY BRIEF OF THE PLAINTIFFS/APPELLANTS, CHICAGO TITLE LAND TRUST CO. AND HENRY E. JAMES

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CYNTHIA A. GRANT
SUPREME COURT CLERK

**ORAL ARGUMENT REQUESTED**

## POINTS AND AUTHORITIES

## ARGUMENT

### I. STANDARD OF REVIEW

Even though the parties contested the standard of the review before the Third District, in *Chicago Title Land Trust Company v. Village of Bolingbrook*, 2021 IL App (3d) 190564-U, (the "Decision"), the majority failed to indicate the standard of review it was applying when it overturned the stay issued by the trial court in its September 24, 2019 Court Order (the "Stay Order"), A057-059, that enjoined the Defendant/Intervenor/Appellee, the VILLAGE OF BOLINGBROOK (the "Village") from attempting to force annex the Plaintiffs/Appellants', CHICAGO TITLE LAND TRUST CO. and HENRY E. JAMES (collectively referred to as "James") property a second time while Plaintiff's Complaint for Administrative Review, Declaratory Judgment and Mandamus (the "Zoning Complaint"), C.Supp.032-148, was still pending against Defendant, THE COUNTY OF WILL (the "County") and the Village; and after the trial court ordered the County grant the relief requested by James. Instead, the majority concluded "that under either standard our analysis remains the same." Decision, 2021 IL App (3d) 190564-U ¶ 13. It has long been held that even in the absence of conducting an evidentiary hearing, "a preliminary injunction will not be overturned absent an abuse of discretion." *In re T.M.H.*, 2019 IL App (2d) 190614 ¶ 17. Likewise, since a trial court has the inherent power to control the parties before it, a court's ruling on a motion to stay is reviewed under an abuse of discretion standard, *State Farm Fire & Casualty Company v. John*, 2017 IL App (2d) 1701193 ¶ 18. Only when a trial court does not make any factual findings, is the standard of review *de novo*. *Smith v. Department of Natural Resources*, 2015 IL App (5th) 140583 ¶ 23.

When the trial court granted Plaintiffs' Motion for Entry of an Order on Will County to Issue a Building Permit to Plaintiff and Stay the Village of Bolingbrook on Force Annexing the Plaintiffs' Property Until the Court has Ruled in this Case (the "Motion to Stay"), A126-136, and issued the stay against the Village, the trial court made factual findings that are clearly stated in the trial court's September 24, 2019 Order (the "Stay Order"). A057-059. The Village does not dispute in its Brief that the trial court made factual findings regarding the issuance of the stay; and, thus, the proper standard of review should be abuse of discretion. Regardless of the standard of review applied, the Appellate Court's vacation of the stay entered should be overturned.

## II. IT WAS ERRONEOUS FOR THE APPELLATE COURT TO HOLD THAT JAMES WAS REQUIRED TO FILE A SEPARATE COMPLAINT AGAINST THE VILLAGE, AN INTERVENOR, WHILE THE ZONING COMPLAINT WAS STILL PENDING

### A. There is no dispute the Zoning Complaint Was and Is Still Pending Against the Village

The basis of the majority's reasoning and the Village's position is that James was precluded from seeking the stay the trial court granted that prevented the Village from force annexing James' property a second time because no complaint was pending against the Village. Decision, 2021 IL App (3d) 190564-U ¶ 15-16. This reasoning completely ignores the undisputed fact the Zoning Complaint, originally filed on December 22, 2015, was still pending against both the County and the Village when the stay was entered. Almost immediately after the Zoning Complaint was filed and continuing its long history of attempting to frustrate and obstruct James' efforts to bring his property into compliance with the County's current zoning ordinance, the Village requested to intervene in this lawsuit and be named a "Defendant" to the Zoning Complaint. A060-061, C000024.

Despite the Village's request to intervene being granted on January 20, 2016 and being granted several extensions to file an answer to the Zoning Complaint, the Village never elected to file an answer or responsive pleadings articulating the Village's interest in the relief sought by James in the zoning case.

Even at the County level, before the filing of the Zoning Complaint, James repeatedly attempted to address the objections of the Village, which started in 2013, concerning the use of James' property, an irregular shaped parcel containing approximately 3.1 acres that lies along Interstate I-55 South Frontage Road east of Veterans Parkway in unincorporated Will County (the "Property"). C.Supp.033, 035 & 049, A137. At the recommendation of the County's planning staff, James initially filed for a special use permit for outdoor storage. C.Supp.054-059. Although the Property has only ever had 60 feet of frontage measured at its lot line along South Frontage Road and ignoring the provision in its zoning ordinance which dictates that the front yard should be measured at the building setback line, where the Property had a width of 231 feet, the County also required James to file a front yard lot width variance request from 80 feet to 60 feet and a fence height variance request despite the fence being installed and approved by the County in 1989. C.Supp.054-059. The Village passed a resolution objecting to the variance requests and sent representatives, including Mayor Roger Claar, to publicly object to the special use and variance requests at the public meetings before the County. C.Supp.036-040 & 071-075, C.000029, A060. Due to the Village's legal objection, James was required to obtain super majority approval of the variance requests, which was obtained on the fence height variance but fell one vote short of a super majority before the full County Board on the front yard variance request, making the special use request meaningless. C.Supp.039.

James then withdrew the request for a special use permit but in an attempt to resolve the objections of the Village and to settle the matter with the County zoning authorities about the use of the property for outdoor storage, James agreed that he would seek a building permit to construct a pole barn on the Property which would contain a concrete floor and comply with all applicable Will County Ordinances, including but not limited to landscaping, fencing, outside storage bins, and screening. C.Supp.108-129. However, the County still insisted James file a front yard lot width variance request from 80 to 60 feet which was once again denied by the County Board, falling short of the super majority required due to the Village's legal objection. C.Supp.040.

As a result, James filed the Zoning Complaint challenging the denial of the front yard lot width variance in order to obtain a building permit for the pole barn. While the intervenor Village in the zoning case can file an answer to protect its interest and even file a cause of action if necessary, the Village never filed an answer and has offered no reasonable explanation of how it would be harmed by the issuance of a front yard lot width variance from 80 feet to 60 feet under the Will County Zoning Ordinance for the construction of a pole barn on an industrial zoned property located on an industrial corridor on the southwest Frontage Road of I-55, east of Veterans Parkway in unincorporated Will County (the "Property"). A031, C000024.

Instead, the Village attempted to exert its control over the Property by force annexing the Property, along with an adjoining parcel owned by James. However, the forced annexation relied on annexation corridor that the Village created through the annexation of a portion of an adjacent utility right-of-way owned by Commonwealth Edison ("ComEd") to claim James' properties were wholly bound. This first attempt to

force annex James' properties and the annexation agreement creating the annexation corridor through ComEd's utility right-of-way was declared "a sham transaction created exclusively for the purpose of allowing the Village to reach the James property" and was declared a nullity. *Chicago Title Land Trust Co. v. County of Will*, 2018 IL App (3d) 160713, ¶42 ("*James I*").

On November 2, 2018, the mandate from *James I* was filed with the trial court and on November 28, 2018, the trial court entered judgment in James favor and against the Village on James' Complaint in Quo Warranto contesting the first forced annexation which had been consolidated into the Zoning Complaint (the "Quo Warranto Judgment"). C000161, C.Supp.024-025. The Quo Warranto Judgment did not end the litigation or result in a dismissal of the Village as a "Defendant" to the Zoning Complaint. Despite never answering the Zoning Complaint, the Village was allowed to file a response to James' previously filed Motion for Judgment on the Pleadings on the Zoning Complaint and vigorously participated in all court appearances, including the hearing on the Motion for Judgment. C.Supp.027-031, A029-031, C000170.

It is without dispute that while the parties were waiting for a ruling on the Motion for Judgment, something the trial court admitted was due to its own delay, C000286:10-19; the Village entered into a second annexation agreement with ComEd establishing a new annexation corridor through ComEd's utility right-of-way to wholly bound James' two properties making them again subject to forced annexation and preventing the trial court from granting or enforcing the relief James had long sought in the Zoning Complaint. C000200-000218, C000178. Rather than allow this second forced annexation to proceed that would have nullified the trial court's simultaneous ruling contained in the Stay Order

ordering the County grant James a front yard lot width variance and a building permit, A0057-059; and rather than impose upon James additional years of litigation to potentially regain the relief just ordered, the trial court properly granted the Motion to Stay and enjoined the Village from force annexing James' properties a second time while the Zoning Complaint was pending. A057-059. The trial court also found the second attempt to force annex James' properties did not address the holding from *James I*. A057-059. However, the trial court did not enter a final judgment disposing of the Zoning Complaint which still remained pending against both the County and the Village so the trial court could retain jurisdiction to ensure the County actually granted the variance and issued the building permit and James would have time to act on the relief ordered by constructing the pole barn and bringing the Property into compliance with the County's current zoning ordinance absent interference from the Village. A057-059.

The Decision overturned the stay issued by the trial court based on the majority's incorrect reasoning that James did not have a pending complaint against the Village. This reasoning ignores the undisputed fact the Zoning Complaint was still pending when the stay was granted. The Decision concluded that James was required to file a second complaint against the Village, while the Zoning Complaint was still pending against the Village, in order to prevent the Village from interfering with the relief the trial court had just ordered in the zoning case. This reasoning ignores that although the trial court ordered the County to grant the variance and issue a building permit, the County was unprepared to comply because it had not by September 24, 2019 started reviewing James' plans for the pole barn submitted on May 6, 2016; and ignores that without the stay, James would have no opportunity to actually construct the pole barn once the building permit was issued.

Acts which would have to occur prior to the Zoning Complaint being dismissed. The Decision is based on an erroneous conclusion that no complaint was pending against the Village, and it should be overturned.

### B. A Trial Court has the Inherent Power to Control an Intervenor and Promote the Orderly Administration of Justice and Parties have a Right to Prosecute the Original Action to Justice

In addition, the reasoning of the majority completely contradicts the well-established role of an intervenor, that if adopted and allowed to stand, would set a dangerous precedent that would not only thwart the ability of a court to control an intervenor and promote the orderly administration of justice, but deny a party the right to prosecute an original action to justice. As an intervenor, the Village has all of the rights of an original party, but that right is not unfettered, as an intervenor "shall not raise new issues or add new parties, or in other respects, . . . interfere with the control of the litigation, as justice and the avoidance of undue delay may require." *735 ILCS 5/2-408(f)*. The whole purpose of intervention is to promote judicial economy. *Urban Partnership Bank v. Chicago Title Land Trust Co.*, 2017 IL App (1st) 162086 ¶ 27. While an intervenor can oppose the actions of both parties in litigation, *Seil v. Board of Sup'rs of Will County*, 93 Ill.App.2d 1, 8 (1968), or establish a cause of action and prosecute it to judgment to protect the rights of the intervenor, *Id citing Gage v. Cameron*, 212 Ill. 146, 171-172 (1904); should an intervenor desire "to obstruct the litigation, except as qualified in the foregoing, they must do so by an original action." *Wightman v. Evanston Yaryan Co.*, 217 Ill. 371, 380 (1905). It's clear then that the intervenor must take the suit as he finds it and can only interfere as necessary to protect or prove his right. *Id.*

Rather than allow the Zoning Complaint to come to its natural conclusion, the Village, clearly upset with the ruling from *James I* as it publicly declared when it was required to enact the detachment ordinance removing James' properties from the jurisdiction of the Village, C000258, attempted to circumvent the authority of the trial court to grant the relief sought in the Zoning Complaint by entering into a second annexation agreement with ComEd, strikingly similar to the sham annexation agreement from *James I* and not as a natural extension of its boundaries but solely so it could claim James' properties were subject to forced annexation. The comments made by the Mayor at the Village's August 27, 2019 meeting, included in the meeting minutes, https://www.bolingbrook.com/vertical/sites/%7B55EB27CA-CA9F-40A5-A0EF-1E4EEF52F39E%7D/uploads/Minutes_08.27.19.pdf, and the video of the August 27, 2019 Village Board meeting at time stamp 1:04:29 – 1:05:35, https://boxcast.tv/view/village-of-bolingbrook-board-meeting-082719-915405 clearly illustrate the second attempt at forced annexation was nothing more than a continuation of the sham which resulted in the nullifying of the first sham forced annexation. With all due respect to the opinion of the majority, the reasoning adopted makes very little legal sense. The trial court has the inherent power to control the parties before it, including the Village, an intervenor who requested be named a Defendant to the Zoning Complaint which was still pending when the Motion to Stay was granted. James, who has had the fortitude to stand up and fight the conduct of the Village for all these years should not be required now to file separate, duplicative and unnecessary complaints against the Village simply to prevent the Village from interfering with James' right to prosecute the Zoning Complaint to a conclusion. Allowing the Decision to stand would establish a dangerous precedent that would obstruct

the ability of a court to control intervenors under the court's jurisdiction and would not encourage judicial economy or the orderly administration of justice but would require the filing of more and extremely duplicative litigation. The majority's reasoning is clearly erroneous and the Decision should be overturned.

## III. JAMES HAS ESTABLISHED A NEED FOR INJUNCTIVE RELIEF

While it's true that courts treat the grant or denial of a motion to stay the same as the grant or denial of a preliminary injunction, *Lundy v. Farmers Group, Inc.*, 322 Ill.App.3d 214, 216 (2nd Dist. 2001); both the Village and the majority ignore that in deciding a motion to stay, not only is the court's inherent power to control the parties before it considered, but "trial courts consider a variety of factors, including the orderly administration of justice, judicial economy, comity, prevention of multiplicity, vexation, and harassment." *Lisk v. Lisk*, 2020 IL App (4th) 190364 ¶ 23. Even if this Court were to ignore that the Village never answered the Zoning Complaint and the inherent authority of a trial court to control the parties before it and the additional factors it may consider when granting a motion to stay, it is clear from the undisputed facts that James has demonstrated the need for injunctive relief against the Village.

### A. James Has Rights in Need of Protection and Would Suffer Irreparable Harm without the Issuance of a Stay or Injunction

In addition to granting the Motion to Stay, the Stay Order also ordered the County to grant James the front yard lot width variance and issue the long-sought after building permit. On September 24, 2019, when this relief was ordered, the County admitted that despite having James' plans for the pole barn since at least May 6, 2016 it had not even started to review the plans submitted by James. C000295:20-297:21. Due in part to the Covid-19 Pandemic, the County did not issue the building permit until June 4, 2020, with

an initial expiration date of June 4, 2021 which has been since extended to June 4, 2022. A021. If the Village was allowed to proceed with its forced annexation of James' properties, scheduled for the evening of September 24, 2019, the same day the Stay Order was entered, then the relief ordered by the trial court that very same day would have been completely nullified. The Village would have annexed the property into the Village transferring jurisdiction to the Village, making the County's variance and building permit worthless and without effect. Further, upon annexation the Village would have rezoned James' properties to an E-1, Estate Residential, Zoning Classification under the Village's Zoning Code. C000245. After years of litigation simply seeking to bring the Property into compliance with the County's current zoning ordinance, and when the end was in sight, both the relief obtained from the trial court and the use of the Property since 1989 would be voided. This would not be an equitable and just result for James.

It is undisputed that James has continually utilized the Property for outdoor storage since at least 1989. C.Supp.034. In 2013, when it was determined that such use was not allowed under the County's current zoning ordinance, James has spent almost (9) years trying to bring his property into compliance with the County's current zoning ordinance despite constant objections and interference from the Village. The Village appeared and objected at every single public hearing on James' requests before the County. It intervened in the Zoning Complaint and repeatedly contested the relief sought by James. It attempted to force annex James' property based on a sham annexation. Now, when it became apparent the trial court was going to find the County's denial of James' front yard lot width variance was arbitrary and capricious, the Village hurriedly sought to force annex the Property a second time to nullify the relief of the trial court. This is an attack on the

inherent power of the trial court to grant relief and control the parties under its jurisdiction, including the Village. It is also denies James the right to prosecute the Zoning Complaint to conclusion. A second forced annexation does not maintain the status quo, it immediately eliminates James vested right in the continued use of his property and completely nullifies not only the relief just ordered by the trial court but denies James the right to prosecute the Zoning Complaint to a conclusion.

The logical and reasonable consequences of the trial court ordering the County to grant the variance and issue the building permit is to allow time for the County to actually grant the variance and issue the building permit and then allow James time to complete the construction pursuant to the building permit, obtain an occupancy permit and in all respects cure any alleged zoning violations raised by the County and vigorously initiated by complaint of the Village. Based on the overzealous and undisputed actions of the Village for the last nine (9) years against James and the Property, James' need for protection did not expire simply because the trial court ordered the County grant a variance and issue a building permit. Without protection from the trial court, the Village's forced annexation set to occur that same evening would negate the relief just ordered before the County even acted on the order of the trial court and without affording James an opportunity to bring the Property into compliance with the County's zoning ordinance. It is clear James has rights in need of protection and would suffer irreparable harm absent the issuance of the Stay Order.

**B. James has no Adequate Remedy at Law**

It is also clear that James has no adequate remedy at law as he had no standing to contest the second attempt to force annex his properties until after the annexation had

occurred and before any relief granted by the trial court would be extinguished by the forced annexation. A party challenging an annexation in quo warranto cannot challenge the annexation until the annexation actually occurs. *Petition of Kildeer to Annex Certain Property*, 162 Ill.App.3d 262, 271 (2nd Dist. 1987). The two cases cited by the Village do not support the Village's assertion that the Plaintiff "may have standing" to challenge the second ComEd annexation before the Property is forced annexed. *Koplin v. Vill. of Hinsdale*, 38 Ill.3d 714 (2nd Dist. 1976) dealt with whether a trial court's denial of motions requesting leave to file complaints in quo warrnato attacking Hinsdale's voluntary annexation of the adjacent property and the forced annexation of the plaintiff's property was proper. In *People ex rel. Ryan v. City of W. Chicago*, 216 Ill.App.3d 683 (2nd Dist. 1991) the court held that it was not proper to dismiss the complaint in quo warranto in which the DuPage State's Attorney was attacking the authority of the DuPage Airport Authority and the City of West Chicago to enter into an annexation agreement and delegate authority as contemplated. Neither case suggests that a property owner has standing to challenge the annexation of adjoining property or can contest the annexation of his own property before the annexation occurs.

Moreover, requiring James to indulge in potentially years of additional litigation to potentially and without any certainty gain back the relief ordered by the trial court so James could continue to utilize the Property in the same manner as he has done since 1989, which would be immediately nullified by the forced annexation, is not an adequate remedy at law. Very few property owners would have the fortitude, financial ability and stamina to stand up to the Village's never ending attack against James and the Property. Forcing James to engage in potentially years of additional litigation to perhaps gain back his protected rights

without any guarantee they would be restored, is not an adequate remedy at law. James has demonstrated that absent the Stay Order, he has no adequate remedy at law.

**C. James Has Demonstrated a Likelihood of Success on the Merits**

While it should not be necessary to continually point out the similarity of the provisions of the second annexation agreement with ComEd compared to the sham annexation from *James I*, as this is adequately addressed in James' Brief, it is quite telling that the majority did not even address the trial court's holding that the second annexation with ComEd did not address the holding from *James I* or why this was not an abuse of discretion as raised by Justice O'Brien in the dissent. Decision, 2021 IL App (3d) 190564-U ¶ 23. This holding of the trial court should not have been overlooked by the majority and certainly should not have been completely ignored. What is even more telling is that both the majority and the Village ignore that James has demonstrated a likelihood of success on the merits in the Zoning Complaint. As Justice O'Brien expressed in the dissent, "the likelihood of success on the merits depends on the relief sought." Decision, 2021 IL App (3d) 190564-U ¶ 23. Justice O'Brien recognized that James sought the Stay Order for "the purposes of obtaining a building permit from the county and constructing a building on the property in accordance with the current applicable zoning ordinance" something that despite the trial court ordering the County to issue was unprepared to immediately comply with. *Id.* Therefore, it is very clear James "demonstrated a likelihood of success on the merits of his request for a building permit, absent interference from the Village." *Id*. As James has clearly demonstrated the need of injunctive relief, it was reversable error for the majority to overturn the stay entered that protected and allowed James to act on the relief just ordered by the trial court without interference from the Village.

## IV. THE STAY ORDER WAS NOT A PERMANENT INJUNCTION

Finally, this is not a permanent stay or injunction as suggested by the Village. James' request was straightforward and simple. James sought a stay to prevent the Village from force annexing James' properties a second time to protect the relief the trial court had just ordered until the Zoning Complaint was dismissed. Further, once James receives an occupancy permit from the County the need to protect his property rights by injunction preventing a forced annexation would dissipate since even under a forced annexation his property would be considered a legal non-confirming use (although a lesser use than a permitted use) and allowed to continue under the Village's nonconformities ordinance. The Village's argument that the stay would exist forever or that Village had no mechanism to dissolve the stay are not well taken. The stay entered would be naturally dissolved once the Zoning Complaint has concluded and the parties were no longer under the jurisdiction of the trial court.

## V. CONCLUSION

The majority's reasoning that James could not seek injunctive relief or a stay against the Village without filing a separate complaint is without justification. It ignores that when the Stay Order was granted, James had a pending complaint against the Village, the Zoning Complaint, in which the Village had requested to intervene and be named a defendant but never elected to answer setting forth the rights of the Village jeopardized by the County granting James a front yard lot width variance or by the County issuing James a building permit. It also ignores the well-established role of an intervenor in a lawsuit and would establish a dangerous precedent that would thwart the ability of a court to control an

intervenor and deny James the right to prosecute the Zoning Complaint to conclusion and would not promote the orderly administration of justice. It is clear that based on the undisputed facts, James has demonstrated he has rights in need of protection, not only his vested property right but the right to protect the relief just ordered by the trial court. It is also clear that absent the Stay Order, these rights would have been immediately extinguished causing James irreparable harm with no adequate remedy at law; and that he has clearly shown a likelihood of success on the Zoning Complaint. The inherent authority of the trial court to control the parties under its jurisdiction, including intervenors, and to promote the orderly administration of justice should not be so easily ignored. Nor should it be so overwhelmingly difficult for an original party to prevent an intervenor from interfering with the original party's right to prosecute a case to final judgment or prevent the intervenor from nullifying the relief sought in the original action. The Decision should be overturned and the stay reinstated until the Zoning Complaint has concluded.

Respectfully submitted,

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Plaintiffs-Appellees, CHICAGO TITLE LAND TRUST COMPANY, as Trustee and as Successor to North Star Trust Company, Successor to Harris Bank, Successor to First National Bank, under a Trust Agreement Dated October 21, 1979 and known as Trust Number 1689, by HENRY E. JAMES, the Holder of the Power of Direction and the owner of the Beneficial Interest of the Land Trust.

By: _____
one of their attorneys

**SUPREME COURT RULE 341(C) CERTIFICATE OF COMPLIANCE**

I, Michael R. Martin, an attorney, certify that this reply brief conforms to the requirements of Rules 341(a) and (b). The length of the reply brief, excluding the pages containing the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, is 15 pages.

By: /s/ Michael R. Martin
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## VERIFICATION AND CERTIFICATE OF SERVICE

Under penalties as provided for by law pursuant to Section 1-109 of the Code of Civil Procedure, I, Michael R. Martin, an attorney, hereby certifies that the statements made in this instrument are true and correct, except those matters therein to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes to be true and I caused to be served a copy of the foregoing **Reply Brief of the Plaintiffs/Appellants, Chicago Title Land Trust Co. and Henry E. James** to the following parties by electronic mail at the email addresses stated below and also filed the Brief, Appendix and Notice of Filing with the Court's il.i2file System on February 3, 2022.

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**Case No. 127458**

**IN THE SUPREME COURT OF ILLINOIS**

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**NOTICE OF FILING**

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**PLEASE TAKE NOTICE** that on **February 3, 2022**, the undersigned electronically filed with the Clerk of the Illinois Supreme Court **REPLY BRIEF OF THE PLAINTIFFS/APPELLANTS, CHICAGO TITLE LAND TRUST CO. AND HENRY E. JAMES**, a copy of which is attached hereto and hereby served upon you.

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CHICAGO TITLE LAND TRUST COMPANY, as Trustee and as Successor to North Star Trust Company, Successor to Harris Bank, Successor to First National Bank, under a Trust Agreement Dated October 21, 1979 and known as Trust Number 1689, by HENRY E. JAMES, the Holder of the Power of Direction and the owner of the Beneficial Interest of the Land Trust.

By: *__/s/ Michael J. Martin__*