

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, SECOND DIVISION

Royal Oak Condominium Association, Inc. v. Stevenson

2025 IL App (1st) 242317 · No. 1-24-2317 · Decided November 25, 2025

SUMMARY

The Illinois Appellate Court considered an appeal arising from a condominium eviction judgment based on unpaid assessments. The court held that the notice of appeal was untimely as to the eviction judgment and related post-judgment motions, and it dismissed those portions of the appeal. It also addressed the circuit court's jurisdiction over collateral motions and affirmed the denial of the defendant's motion for a rule to show cause.

CASE DETAILS

COURT	Appellate Court of Illinois, First District, Second Division
WRITING FOR THE COURT	Justice Ellis; Presiding Justice Van Tine; Justice D.B. Walker
JURISDICTION	Illinois Appellate Court, First District, Second Division
DECIDED	November 25, 2025
DOCKET	1-24-2317
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed an eviction judgment and orders denying successive motions to reconsider, a motion to clarify, and a motion for a rule to show cause. The appellate court dismissed the portions of the appeal over which it lacked jurisdiction and affirmed the denial of the contempt-related motion.
STANDARD OF REVIEW	Appellate jurisdiction is reviewed de novo. Whether a motion is directed against a final judgment is determined from the substance of the motion rather than its title. The denial of a motion for a rule to show cause was reviewed on the jurisdictional and legal issues presented.
PRECEDENTIAL VALUE	precedential
PARTIES	Brittaney M. Stevenson v. Royal Oak Condominium Association, Inc.

TOPICS

- appellate jurisdiction
- final judgment rule
- motion for reconsideration
- eviction
- contempt

PRACTICE AREAS

Appellate Procedure

Civil Procedure

Landlord-Tenant Law

Real Estate

Contempt

QUESTIONS PRESENTED

1. Whether the notice of appeal was timely as to the July 31, 2024 eviction judgment after denial of a timely first motion to reconsider.
2. Whether a successive motion to reconsider tolled the appeal period or renewed the circuit court's jurisdiction over the final eviction judgment.
3. Whether the denial of the first or second motion to reconsider and the motion to clarify was independently appealable.
4. Whether the circuit court retained jurisdiction to consider collateral motions filed within 30 days after denial of the timely post-judgment motion.
5. Whether the Association could be held in indirect civil contempt for proceeding with the eviction while the successive motion to reconsider was pending.

HOLDINGS

1. A notice of appeal from a final judgment must be filed within 30 days after denial of a timely post-judgment motion directed against that judgment. Because Stevenson filed her notice of appeal three days late, the appellate court lacked jurisdiction to review the eviction judgment.
2. A successive motion to reconsider does not toll the time for appealing the underlying final judgment and does not renew the circuit court's jurisdiction over that judgment.
3. An order denying a motion to reconsider a final judgment is not independently appealable; it is reviewable only in an appeal from the underlying final judgment. When the appellate court lacks jurisdiction over the final judgment, it likewise lacks jurisdiction to review the denial of the motion to reconsider.
4. Although the circuit court loses jurisdiction over the final judgment after ruling on the timely post-judgment motion, it retains jurisdiction for 30 days after that ruling to consider motions collateral or incidental to the judgment.
5. The Association was not subject to contempt for proceeding with the eviction because no stay was in effect when the sheriff evicted Stevenson.

KEY QUOTATIONS

“No request for reconsideration of a ruling on a postjudgment motion will toll the running of the time within which a notice of appeal must be filed under this rule.” (¶ 19)

“The salient point is that a motion to reconsider the final judgment is not independently reviewable; it is only reviewable alongside the final judgment it attacks.” (¶ 33)

“The court retains jurisdiction to consider motions collateral to the final judgment even after it loses jurisdiction over the final judgment itself.” (¶ 51)

*“An untimely one will not. See Sears, 85 Ill. 2d at 259 (“[A]n untimely motion *** neither stays the judgment nor extends the time for appeal.”).”* (¶ 74)

FACTUAL BACKGROUND

Stevenson owned a condominium unit and allegedly failed to pay assessments. After the Association filed an eviction action, the parties entered an agreed repayment order providing that the Association could obtain possession, common expenses, attorney fees, and costs if Stevenson defaulted. Following an alleged default, the circuit court reinstated the case, entered a July 31, 2024 eviction judgment with \$16,552.62 in damages, and the sheriff evicted Stevenson on November 12, 2024.

PROCEDURAL HISTORY

The Association sued Stevenson for unpaid condominium assessments and possession of her unit. The parties entered an agreed order dismissing the action without prejudice under a repayment agreement, but the Association later moved to reinstate the case after alleging default. On July 31, 2024, the circuit court entered an eviction judgment awarding possession and damages. Stevenson timely moved to reconsider, but filed her notice of appeal three days after the deadline following denial of that motion. While a successive motion to reconsider was pending, the sheriff evicted Stevenson, and the circuit court denied her motion to clarify and motion for a rule to show cause.

DISPOSITION

other

CASES CITED

- *Sears v. Sears*, 85 Ill. 2d 253 (1981)
- *In re Application of the County Treasurer*, 214 Ill. 2d 253 (2005)
- *Parker v. Liberty Insurance Underwriters, Inc.*, 2022 IL App (1st) 200812
- *Gibson v. Belvidere National Bank & Trust Co.*, 326 Ill. App. 3d 45 (2001)
- *Huber v. American Accounting Ass'n*, 2014 IL 117293
- *People v. Lyles*, 217 Ill. 2d 210 (2005)
- *Kingbrook, Inc. v. Pupurs*, 202 Ill. 2d 24 (2002)
- *Heiden v. DNA Diagnostics Center, Inc.*, 396 Ill. App. 3d 135 (2009)
- *Djikas v. Grafft*, 344 Ill. App. 3d 1 (2003)
- *Vanderplow v. Krych*, 332 Ill. App. 3d 51 (2002)
- *Westcon/Dillingham Microtunneling v. Walsh Construction Co. of Illinois*, 319 Ill. App. 3d 870 (2001)
- *JPMorgan Chase Bank, N.A. v. Ontiveros*, 2015 IL App (2d) 140145
- *Relander v. Phoenix Mutual Life Insurance Co.*, 262 Ill. App. 3d 525 (1994)
- *Department of Transportation v. Roodhouse*, 104 Ill. App. 3d 880 (1982)
- *Old Second National Bank, N.A. v. Karolewicz*, 2022 IL App (1st) 192091

- People v. Orahim, 2019 IL App (2d) 170257
- General Motors Corp. v. Pappas, 242 Ill. 2d 163 (2011)
- Illinois Department of Financial & Professional Regulation v. Rodriquez, 2012 IL 113706
- Herlehy v. Bistersky, 407 Ill. App. 3d 878 (2010)
- F.H. Prince & Co. v. Towers Financial Corp., 266 Ill. App. 3d 977 (1994)
- Won v. Grant Park 2, L.L.C., 2013 IL App (1st) 122523
- Lakeshore Centre Holdings, LLC v. LHC Loan, LLC, 2019 IL App (1st) 180576
- Gaynor v. Walsh, 219 Ill. App. 3d 996 (1991)
- Santella v. Kolton, 393 Ill. App. 3d 889 (2009)
- Gardner v. Mullins, 234 Ill. 2d 503 (2009)
- In re Marriage of Gutman, 232 Ill. 2d 145 (2008)

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