

HB3359



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3359

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Forcible Entry and Detainer Article of the Code of Civil Procedure. Changes references to forcible entry and detainer actions and actions for possession to references to eviction actions. Changes references to orders of possession and judgment of possession to references to eviction orders. Makes corresponding changes to the Counties Code; the Illinois Municipal Code; the Illinois Service Member Civil Relief Act; the Environmental Protection Act; the Clerks of Courts Act; the Code of Civil Procedure; the Controlled Substance and Cannabis Nuisance Act; the Condominium Property Act; the Landlord and Tenant Act; the Mobile Home Landlord and Tenant Rights Act; and the Safe Homes Act.

LRB100 08856 HEP 18999 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Sections 4-5001, 4-12001, and 4-12001.1 as follows:

6 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

7 Sec. 4-5001. Sheriffs; counties of first and second class.
8 The fees of sheriffs in counties of the first and second class,
9 except when increased by county ordinance under this Section,
10 shall be as follows:

11 For serving or attempting to serve summons on each
12 defendant in each county, \$10.

13 For serving or attempting to serve an order or judgment
14 granting injunctional relief in each county, \$10.

15 For serving or attempting to serve each garnishee in each
16 county, \$10.

17 For serving or attempting to serve an order for replevin in
18 each county, \$10.

19 For serving or attempting to serve an order for attachment
20 on each defendant in each county, \$10.

21 For serving or attempting to serve a warrant of arrest, \$8,
22 to be paid upon conviction.

23 For returning a defendant from outside the State of

1 Illinois, upon conviction, the court shall assess, as court
2 costs, the cost of returning a defendant to the jurisdiction.

3 For taking special bail, \$1 in each county.

4 For serving or attempting to serve a subpoena on each
5 witness, in each county, \$10.

6 For advertising property for sale, \$5.

7 For returning each process, in each county, \$5.

8 Mileage for each mile of necessary travel to serve any such
9 process as Stated above, calculating from the place of holding
10 court to the place of residence of the defendant, or witness,
11 50¢ each way.

12 For summoning each juror, \$3 with 30¢ mileage each way in
13 all counties.

14 For serving or attempting to serve notice of judgments or
15 levying to enforce a judgment, \$3 with 50¢ mileage each way in
16 all counties.

17 For taking possession of and removing property levied on,
18 the officer shall be allowed to tax the actual cost of such
19 possession or removal.

20 For feeding each prisoner, such compensation to cover the
21 actual cost as may be fixed by the county board, but such
22 compensation shall not be considered a part of the fees of the
23 office.

24 For attending before a court with prisoner, on an order for
25 habeas corpus, in each county, \$10 per day.

26 For attending before a court with a prisoner in any

1 criminal proceeding, in each county, \$10 per day.

2 For each mile of necessary travel in taking such prisoner
3 before the court as Stated above, 15¢ a mile each way.

4 For serving or attempting to serve an order or judgment for
5 the possession of real estate in an action of ejectment or in
6 any other action, or for restitution in an eviction action ~~of~~
7 ~~forcible entry and detainer~~ without aid, \$10 and when aid is
8 necessary, the sheriff shall be allowed to tax in addition the
9 actual costs thereof, and for each mile of necessary travel,
10 50¢ each way.

11 For executing and acknowledging a deed of sale of real
12 estate, in counties of first class, \$4; second class, \$4.

13 For preparing, executing and acknowledging a deed on
14 redemption from a court sale of real estate in counties of
15 first class, \$5; second class, \$5.

16 For making certificates of sale, and making and filing
17 duplicate, in counties of first class, \$3; in counties of the
18 second class, \$3.

19 For making certificate of redemption, \$3.

20 For certificate of levy and filing, \$3, and the fee for
21 recording shall be advanced by the judgment creditor and
22 charged as costs.

23 For taking all bonds on legal process, civil and criminal,
24 in counties of first class, \$1; in second class, \$1.

25 For executing copies in criminal cases, \$4 and mileage for
26 each mile of necessary travel, 20¢ each way.

1 For executing requisitions from other States, \$5.

2 For conveying each prisoner from the prisoner's own county
3 to the jail of another county, or from another county to the
4 jail of the prisoner's county, per mile, for going, only, 30¢.

5 For conveying persons to the penitentiary, reformatories,
6 Illinois State Training School for Boys, Illinois State
7 Training School for Girls and Reception Centers, the following
8 fees, payable out of the State Treasury. For each person who is
9 conveyed, 35¢ per mile in going only to the penitentiary,
10 reformatory, Illinois State Training School for Boys, Illinois
11 State Training School for Girls and Reception Centers, from the
12 place of conviction.

13 The fees provided for transporting persons to the
14 penitentiary, reformatories, Illinois State Training School
15 for Boys, Illinois State Training School for Girls and
16 Reception Centers shall be paid for each trip so made. Mileage
17 as used in this Section means the shortest practical route,
18 between the place from which the person is to be transported,
19 to the penitentiary, reformatories, Illinois State Training
20 School for Boys, Illinois State Training School for Girls and
21 Reception Centers and all fees per mile shall be computed on
22 such basis.

23 For conveying any person to or from any of the charitable
24 institutions of the State, when properly committed by competent
25 authority, when one person is conveyed, 35¢ per mile; when two
26 persons are conveyed at the same time, 35¢ per mile for the

1 first person and 20¢ per mile for the second person; and 10¢
2 per mile for each additional person.

3 For conveying a person from the penitentiary to the county
4 jail when required by law, 35¢ per mile.

5 For attending Supreme Court, \$10 per day.

6 In addition to the above fees there shall be allowed to the
7 sheriff a fee of \$600 for the sale of real estate which is made
8 by virtue of any judgment of a court, except that in the case
9 of a sale of unimproved real estate which sells for \$10,000 or
10 less, the fee shall be \$150. In addition to this fee and all
11 other fees provided by this Section, there shall be allowed to
12 the sheriff a fee in accordance with the following schedule for
13 the sale of personal estate which is made by virtue of any
14 judgment of a court:

15 For judgments up to \$1,000, \$75;

16 For judgments from \$1,001 to \$15,000, \$150;

17 For judgments over \$15,000, \$300.

18 The foregoing fees allowed by this Section are the maximum
19 fees that may be collected from any officer, agency, department
20 or other instrumentality of the State. The county board may,
21 however, by ordinance, increase the fees allowed by this
22 Section and collect those increased fees from all persons and
23 entities other than officers, agencies, departments and other
24 instrumentalities of the State if the increase is justified by
25 an acceptable cost study showing that the fees allowed by this
26 Section are not sufficient to cover the costs of providing the

1 service. A statement of the costs of providing each service,
2 program and activity shall be prepared by the county board. All
3 supporting documents shall be public records and subject to
4 public examination and audit. All direct and indirect costs, as
5 defined in the United States Office of Management and Budget
6 Circular A-87, may be included in the determination of the
7 costs of each service, program and activity.

8 In all cases where the judgment is settled by the parties,
9 replevied, stopped by injunction or paid, or where the property
10 levied upon is not actually sold, the sheriff shall be allowed
11 his fee for levying and mileage, together with half the fee for
12 all money collected by him which he would be entitled to if the
13 same was made by sale to enforce the judgment. In no case shall
14 the fee exceed the amount of money arising from the sale.

15 The fee requirements of this Section do not apply to police
16 departments or other law enforcement agencies. For the purposes
17 of this Section, "law enforcement agency" means an agency of
18 the State or unit of local government which is vested by law or
19 ordinance with the duty to maintain public order and to enforce
20 criminal laws.

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

23 Sec. 4-12001. Fees of sheriff in third class counties. The
24 officers herein named, in counties of the third class, shall be
25 entitled to receive the fees herein specified, for the services

1 mentioned and such other fees as may be provided by law for
2 such other services not herein designated.

3 Fees for Sheriff

4 For serving or attempting to serve any summons on each
5 defendant, \$35.

6 For serving or attempting to serve each alias summons or
7 other process mileage will be charged as hereinafter provided
8 when the address for service differs from the address for
9 service on the original summons or other process.

10 For serving or attempting to serve all other process, on
11 each defendant, \$35.

12 For serving or attempting to serve a subpoena on each
13 witness, \$35.

14 For serving or attempting to serve each warrant, \$35.

15 For serving or attempting to serve each garnishee, \$35.

16 For summoning each juror, \$10.

17 For serving or attempting to serve each order or judgment
18 for replevin, \$35.

19 For serving or attempting to serve an order for attachment,
20 on each defendant, \$35.

21 For serving or attempting to serve an order or judgment for
22 the possession of real estate in an action of ejectment or in
23 any other action, or for restitution in an eviction action ~~of~~
24 ~~forcible entry and detainer~~, without aid, \$35, and when aid is
25 necessary, the sheriff shall be allowed to tax in addition the
26 actual costs thereof.

1 For serving or attempting to serve notice of judgment, \$35.

2 For levying to satisfy an order in an action for
3 attachment, \$25.

4 For executing order of court to seize personal property,
5 \$25.

6 For making certificate of levy on real estate and filing or
7 recording same, \$8, and the fee for filing or recording shall
8 be advanced by the plaintiff in attachment or by the judgment
9 creditor and taxed as costs. For taking possession of or
10 removing property levied on, the sheriff shall be allowed to
11 tax the necessary actual costs of such possession or removal.

12 For advertising property for sale, \$20.

13 For making certificate of sale and making and filing
14 duplicate for record, \$15, and the fee for recording same shall
15 be advanced by the judgment creditor and taxed as costs.

16 For preparing, executing and acknowledging deed on
17 redemption from a court sale of real estate, \$15; for
18 preparing, executing and acknowledging all other deeds on sale
19 of real estate, \$10.

20 For making and filing certificate of redemption, \$15, and
21 the fee for recording same shall be advanced by party making
22 the redemption and taxed as costs.

23 For making and filing certificate of redemption from a
24 court sale, \$11, and the fee for recording same shall be
25 advanced by the party making the redemption and taxed as costs.

26 For taking all bonds on legal process, \$10.

1 For taking special bail, \$5.

2 For returning each process, \$15.

3 Mileage for service or attempted service of all process is
4 a \$10 flat fee.

5 For attending before a court with a prisoner on an order
6 for habeas corpus, \$9 per day.

7 For executing requisitions from other States, \$13.

8 For conveying each prisoner from the prisoner's county to
9 the jail of another county, per mile for going only, 25¢.

10 For committing to or discharging each prisoner from jail,
11 \$3.

12 For feeding each prisoner, such compensation to cover
13 actual costs as may be fixed by the county board, but such
14 compensation shall not be considered a part of the fees of the
15 office.

16 For committing each prisoner to jail under the laws of the
17 United States, to be paid by the marshal or other person
18 requiring his confinement, \$3.

19 For feeding such prisoners per day, \$3, to be paid by the
20 marshal or other person requiring the prisoner's confinement.

21 For discharging such prisoners, \$3.

22 For conveying persons to the penitentiary, reformatories,
23 Illinois State Training School for Boys, Illinois State
24 Training School for Girls, Reception Centers and Illinois
25 Security Hospital, the following fees, payable out of the State
26 Treasury. When one person is conveyed, 20¢ per mile in going to

1 the penitentiary, reformatories, Illinois State Training
2 School for Boys, Illinois State Training School for Girls,
3 Reception Centers and Illinois Security Hospital from the place
4 of conviction; when 2 persons are conveyed at the same time,
5 20¢ per mile for the first and 15¢ per mile for the second
6 person; when more than 2 persons are conveyed at the same time
7 as Stated above, the sheriff shall be allowed 20¢ per mile for
8 the first, 15¢ per mile for the second and 10¢ per mile for
9 each additional person.

10 The fees provided for herein for transporting persons to
11 the penitentiary, reformatories, Illinois State Training
12 School for Boys, Illinois State Training School for Girls,
13 Reception Centers and Illinois Security Hospital, shall be paid
14 for each trip so made. Mileage as used in this Section means
15 the shortest route on a hard surfaced road, (either State Bond
16 Issue Route or Federal highways) or railroad, whichever is
17 shorter, between the place from which the person is to be
18 transported, to the penitentiary, reformatories, Illinois
19 State Training School for Boys, Illinois State Training School
20 for Girls, Reception Centers and Illinois Security Hospital,
21 and all fees per mile shall be computed on such basis.

22 In addition to the above fees, there shall be allowed to
23 the sheriff a fee of \$900 for the sale of real estate which
24 shall be made by virtue of any judgment of a court. In addition
25 to this fee and all other fees provided by this Section, there
26 shall be allowed to the sheriff a fee in accordance with the

1 following schedule for the sale of personal estate which is
2 made by virtue of any judgment of a court:

3 For judgments up to \$1,000, \$100;

4 For judgments over \$1,000 to \$15,000, \$300;

5 For judgments over \$15,000, \$500.

6 In all cases where the judgment is settled by the parties,
7 replevied, stopped by injunction or paid, or where the property
8 levied upon is not actually sold, the sheriff shall be allowed
9 the fee for levying and mileage, together with half the fee for
10 all money collected by him or her which he or she would be
11 entitled to if the same were made by sale in the enforcement of
12 a judgment. In no case shall the fee exceed the amount of money
13 arising from the sale.

14 The fee requirements of this Section do not apply to police
15 departments or other law enforcement agencies. For the purposes
16 of this Section, "law enforcement agency" means an agency of
17 the State or unit of local government which is vested by law or
18 ordinance with the duty to maintain public order and to enforce
19 criminal laws or ordinances.

20 The fee requirements of this Section do not apply to units
21 of local government or school districts.

22 (Source: P.A. 94-1104, eff. 6-1-07.)

23 (55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

24 Sec. 4-12001.1. Fees of sheriff in third class counties;
25 local governments and school districts. The officers herein

1 named, in counties of the third class, shall be entitled to
2 receive the fees herein specified from all units of local
3 government and school districts, for the services mentioned and
4 such other fees as may be provided by law for such other
5 services not herein designated.

6 Fees for Sheriff

7 For serving or attempting to serve any summons on each
8 defendant, \$25.

9 For serving or attempting to serve each alias summons or
10 other process mileage will be charged as hereinafter provided
11 when the address for service differs from the address for
12 service on the original summons or other process.

13 For serving or attempting to serve all other process, on
14 each defendant, \$25.

15 For serving or attempting to serve a subpoena on each
16 witness, \$25.

17 For serving or attempting to serve each warrant, \$25.

18 For serving or attempting to serve each garnishee, \$25.

19 For summoning each juror, \$4.

20 For serving or attempting to serve each order or judgment
21 for replevin, \$25.

22 For serving or attempting to serve an order for attachment,
23 on each defendant, \$25.

24 For serving or attempting to serve an order or judgment for
25 the possession of real estate in an action of ejectment or in
26 any other action, or for restitution in an eviction action ~~of~~

1 ~~forcible entry and detainer~~, without aid, \$9, and when aid is
2 necessary, the sheriff shall be allowed to tax in addition the
3 actual costs thereof.

4 For serving or attempting to serve notice of judgment, \$25.

5 For levying to satisfy an order in an action for
6 attachment, \$25.

7 For executing order of court to seize personal property,
8 \$25.

9 For making certificate of levy on real estate and filing or
10 recording same, \$3, and the fee for filing or recording shall
11 be advanced by the plaintiff in attachment or by the judgment
12 creditor and taxed as costs. For taking possession of or
13 removing property levied on, the sheriff shall be allowed to
14 tax the necessary actual costs of such possession or removal.

15 For advertising property for sale, \$3.

16 For making certificate of sale and making and filing
17 duplicate for record, \$3, and the fee for recording same shall
18 be advanced by the judgment creditor and taxed as costs.

19 For preparing, executing and acknowledging deed on
20 redemption from a court sale of real estate, \$6; for preparing,
21 executing and acknowledging all other deeds on sale of real
22 estate, \$4.

23 For making and filing certificate of redemption, \$3.50, and
24 the fee for recording same shall be advanced by party making
25 the redemption and taxed as costs.

26 For making and filing certificate of redemption from a

1 court sale, \$4.50, and the fee for recording same shall be
2 advanced by the party making the redemption and taxed as costs.

3 For taking all bonds on legal process, \$2.

4 For taking special bail, \$2.

5 For returning each process, \$5.

6 Mileage for service or attempted service of all process is
7 a \$10 flat fee.

8 For attending before a court with a prisoner on an order
9 for habeas corpus, \$3.50 per day.

10 For executing requisitions from other States, \$5.

11 For conveying each prisoner from the prisoner's county to
12 the jail of another county, per mile for going only, 25¢.

13 For committing to or discharging each prisoner from jail,
14 \$1.

15 For feeding each prisoner, such compensation to cover
16 actual costs as may be fixed by the county board, but such
17 compensation shall not be considered a part of the fees of the
18 office.

19 For committing each prisoner to jail under the laws of the
20 United States, to be paid by the marshal or other person
21 requiring his confinement, \$1.

22 For feeding such prisoners per day, \$1, to be paid by the
23 marshal or other person requiring the prisoner's confinement.

24 For discharging such prisoners, \$1.

25 For conveying persons to the penitentiary, reformatories,
26 Illinois State Training School for Boys, Illinois State

1 Training School for Girls, Reception Centers and Illinois
2 Security Hospital, the following fees, payable out of the State
3 Treasury. When one person is conveyed, 15¢ per mile in going to
4 the penitentiary, reformatories, Illinois State Training
5 School for Boys, Illinois State Training School for Girls,
6 Reception Centers and Illinois Security Hospital from the place
7 of conviction; when 2 persons are conveyed at the same time,
8 15¢ per mile for the first and 10¢ per mile for the second
9 person; when more than 2 persons are conveyed at the same time
10 as stated above, the sheriff shall be allowed 15¢ per mile for
11 the first, 10¢ per mile for the second and 5¢ per mile for each
12 additional person.

13 The fees provided for herein for transporting persons to
14 the penitentiary, reformatories, Illinois State Training
15 School for Boys, Illinois State Training School for Girls,
16 Reception Centers and Illinois Security Hospital, shall be paid
17 for each trip so made. Mileage as used in this Section means
18 the shortest route on a hard surfaced road, (either State Bond
19 Issue Route or Federal highways) or railroad, whichever is
20 shorter, between the place from which the person is to be
21 transported, to the penitentiary, reformatories, Illinois
22 State Training School for Boys, Illinois State Training School
23 for Girls, Reception Centers and Illinois Security Hospital,
24 and all fees per mile shall be computed on such basis.

25 In addition to the above fees, there shall be allowed to
26 the sheriff a fee of \$600 for the sale of real estate which

1 shall be made by virtue of any judgment of a court. In addition
2 to this fee and all other fees provided by this Section, there
3 shall be allowed to the sheriff a fee in accordance with the
4 following schedule for the sale of personal estate which is
5 made by virtue of any judgment of a court:

6 For judgments up to \$1,000, \$90;

7 For judgments over \$1,000 to \$15,000, \$275;

8 For judgments over \$15,000, \$400.

9 In all cases where the judgment is settled by the parties,
10 replevied, stopped by injunction or paid, or where the property
11 levied upon is not actually sold, the sheriff shall be allowed
12 the fee for levying and mileage, together with half the fee for
13 all money collected by him or her which he or she would be
14 entitled to if the same were made by sale in the enforcement of
15 a judgment. In no case shall the fee exceed the amount of money
16 arising from the sale.

17 All fees collected under Sections 4-12001 and 4-12001.1
18 must be used for public safety purposes only.

19 (Source: P.A. 97-333, eff. 8-12-11.)

20 Section 10. The Illinois Municipal Code is amended by
21 changing Sections 1-2-11, 11-31-2.2, and 11-31.1-8 as follows:

22 (65 ILCS 5/1-2-11) (from Ch. 24, par. 1-2-11)

23 Sec. 1-2-11. (a) A sheriff may serve any process or make
24 any arrest in a municipality or a part of a municipality

1 located in the county in which the sheriff was elected that any
2 officer of that municipality is authorized to make under this
3 Code or any ordinance passed under this Code.

4 (b) Police officers may serve summons for violations of
5 ordinances occurring within their municipalities. In
6 municipalities with a population of 1,000,000 or more, active
7 duty or retired police officers may serve summons for
8 violations of ordinances occurring within their
9 municipalities.

10 (c) In addition to the powers stated in Section 8.1a of the
11 Housing Authorities Act, in counties with a population of
12 3,000,000 or more inhabitants, members of a housing authority
13 police force may serve process for eviction ~~forcible entry and~~
14 ~~detainer~~ actions commenced by that housing authority and may
15 execute eviction orders ~~of possession~~ for that housing
16 authority.

17 (Source: P.A. 98-503, eff. 8-16-13.)

18 (65 ILCS 5/11-31-2.2) (from Ch. 24, par. 11-31-2.2)

19 Sec. 11-31-2.2. If a receiver is appointed pursuant to
20 Section 11-31-2 of this Code, the receiver may file in the
21 appointing Court an eviction ~~a forcible entry and detainer~~
22 action as provided in Article IX of the Code of Civil
23 Procedure. Filing fees and court costs shall be waived for a
24 receiver filing under this Section.

25 (Source: P.A. 85-634.)

1 (65 ILCS 5/11-31.1-8) (from Ch. 24, par. 11-31.1-8)

2 Sec. 11-31.1-8. Eviction - Rights of the occupants. No
3 action for eviction, abatement of a nuisance, ~~forcible entry~~
4 ~~and detainer~~ or other similar proceeding shall be threatened or
5 instituted against an occupant of a dwelling solely because
6 such occupant agrees to testify or testifies at a code
7 violation hearing.

8 (Source: Laws 1967, p. 1905.)

9 Section 15. The Illinois Service Member Civil Relief Act is
10 amended by changing Section 35 as follows:

11 (330 ILCS 63/35)

12 Sec. 35. Eviction action; ~~Action for possession of~~
13 residential premises of a tenant. A residential eviction ~~An~~
14 ~~action for possession of residential premises of a tenant,~~
15 including eviction of a tenant who is a resident of a mobile
16 home park, who is a service member that has entered military
17 service, or of any member of the tenant's family who resides
18 with the tenant, shall be subject to Section 9-107.10 of the
19 Code of Civil Procedure.

20 (Source: P.A. 97-913, eff. 1-1-13.)

21 Section 20. The Environmental Protection Act is amended by
22 changing Section 44.1 as follows:

1 (415 ILCS 5/44.1) (from Ch. 111 1/2, par. 1044.1)

2 Sec. 44.1. (a) In addition to all other civil and criminal
3 penalties provided by law, any person convicted of a criminal
4 violation of this Act or the regulations adopted thereunder
5 shall forfeit to the State (1) an amount equal to the value of
6 all profits earned, savings realized, and benefits incurred as
7 a direct or indirect result of such violation, and (2) any
8 vehicle or conveyance used in the perpetration of such
9 violation, except as provided in subsection (b).

10 (b) Forfeiture of conveyances shall be subject to the
11 following exceptions:

12 (1) No conveyance used by any person as a common carrier in
13 the transaction of business as a common carrier is subject to
14 forfeiture under this Section unless it is proven that the
15 owner or other person in charge of the conveyance consented to
16 or was privy to the covered violation.

17 (2) No conveyance is subject to forfeiture under this
18 Section by reason of any covered violation which the owner
19 proves to have been committed without his knowledge or consent.

20 (3) A forfeiture of a conveyance encumbered by a bona fide
21 security interest is subject to the interest of the secured
22 party if he neither had knowledge of nor consented to the
23 covered violation.

24 (c) Except as provided in subsection (d), all property
25 subject to forfeiture under this Section shall be seized

1 pursuant to the order of a circuit court.

2 (d) Property subject to forfeiture under this Section may
3 be seized by the Director or any peace officer without process:

4 (1) if the seizure is incident to an inspection under an
5 administrative inspection warrant, or incident to the
6 execution of a criminal search or arrest warrant;

7 (2) if the property subject to seizure has been the subject
8 of a prior judgment in favor of the State in a criminal
9 proceeding, or in an injunction or forfeiture proceeding based
10 upon this Act; or

11 (3) if there is probable cause to believe that the property
12 is directly or indirectly dangerous to health or safety.

13 (e) Property taken or detained under this Section shall not
14 be subject to eviction ~~forcible entry and detainer~~ or replevin,
15 but is deemed to be in the custody of the Director subject only
16 to the order and judgments of the circuit court having
17 jurisdiction over the forfeiture proceedings. When property is
18 seized under this Act, the Director may:

19 (1) place the property under seal;

20 (2) secure the property or remove the property to a place
21 designated by him; or

22 (3) require the sheriff of the county in which the seizure
23 occurs to take custody of the property and secure or remove it
24 to an appropriate location for disposition in accordance with
25 law.

26 (f) All amounts forfeited under item (1) of subsection (a)

1 shall be apportioned in the following manner:

2 (1) 40% shall be deposited in the Hazardous Waste Fund
3 created in Section 22.2;

4 (2) 30% shall be paid to the office of the Attorney General
5 or the State's Attorney of the county in which the violation
6 occurred, whichever brought and prosecuted the action; and

7 (3) 30% shall be paid to the law enforcement agency which
8 investigated the violation.

9 Any funds received under this subsection (f) shall be used
10 solely for the enforcement of the environmental protection laws
11 of this State.

12 (g) When property is forfeited under this Section the court
13 may order:

14 (1) that the property shall be made available for the
15 official use of the Agency, the Office of the Attorney General,
16 the State's Attorney of the county in which the violation
17 occurred, or the law enforcement agency which investigated the
18 violation, to be used solely for the enforcement of the
19 environmental protection laws of this State;

20 (2) the sheriff of the county in which the forfeiture
21 occurs to take custody of the property and remove it for
22 disposition in accordance with law; or

23 (3) the sheriff of the county in which the forfeiture
24 occurs to sell that which is not required to be destroyed by
25 law and which is not harmful to the public. The proceeds of
26 such sale shall be used for payment of all proper expenses of

1 the proceedings for forfeiture and sale, including expenses of
2 seizure, maintenance of custody, advertising and court costs,
3 and the balance, if any, shall be apportioned pursuant to
4 subsection (f).

5 (Source: P.A. 85-487.)

6 Section 25. The Clerks of Courts Act is amended by changing
7 Sections 27.1a, 27.2, and 27.2a as follows:

8 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

9 Sec. 27.1a. The fees of the clerks of the circuit court in
10 all counties having a population of not more than 500,000
11 inhabitants in the instances described in this Section shall be
12 as provided in this Section. In those instances where a minimum
13 and maximum fee is stated, the clerk of the circuit court must
14 charge the minimum fee listed and may charge up to the maximum
15 fee if the county board has by resolution increased the fee.
16 The fees shall be paid in advance and shall be as follows:

17 (a) Civil Cases.

18 With the following exceptions, the fee for filing a
19 complaint, petition, or other pleading initiating a civil
20 action shall be a minimum of \$40 and shall be a maximum of
21 \$160 through December 31, 2021 and a maximum of \$154 on and
22 after January 1, 2022.

23 (A) When the amount of money or damages or the
24 value of personal property claimed does not exceed

1 \$250, \$10.

2 (B) When that amount exceeds \$250 but does not
3 exceed \$500, a minimum of \$10 and a maximum of \$20.

4 (C) When that amount exceeds \$500 but does not
5 exceed \$2500, a minimum of \$25 and a maximum of \$40.

6 (D) When that amount exceeds \$2500 but does not
7 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

8 (E) For the exercise of eminent domain, a minimum
9 of \$45 and a maximum of \$150. For each additional lot
10 or tract of land or right or interest therein subject
11 to be condemned, the damages in respect to which shall
12 require separate assessment by a jury, a minimum of \$45
13 and a maximum of \$150.

14 (a-1) Family.

15 For filing a petition under the Juvenile Court Act of
16 1987, \$25.

17 For filing a petition for a marriage license, \$10.

18 For performing a marriage in court, \$10.

19 For filing a petition under the Illinois Parentage Act
20 of 2015, \$40.

21 (b) Eviction ~~Forcible Entry and Detainer~~.

22 In each eviction ~~forcible entry and detainer~~ case when
23 the plaintiff seeks eviction possession only or unites with
24 his or her claim for eviction possession of the property a
25 claim for rent or damages or both in the amount of \$15,000
26 or less, a minimum of \$10 and a maximum of \$50. When the

1 plaintiff unites his or her claim for eviction ~~possession~~
2 with a claim for rent or damages or both exceeding \$15,000,
3 a minimum of \$40 and a maximum of \$160.

4 (c) Counterclaim or Joining Third Party Defendant.

5 When any defendant files a counterclaim as part of his
6 or her answer or otherwise or joins another party as a
7 third party defendant, or both, the defendant shall pay a
8 fee for each counterclaim or third party action in an
9 amount equal to the fee he or she would have had to pay had
10 he or she brought a separate action for the relief sought
11 in the counterclaim or against the third party defendant,
12 less the amount of the appearance fee, if that has been
13 paid.

14 (d) Confession of Judgment.

15 In a confession of judgment when the amount does not
16 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
17 the amount exceeds \$1500, but does not exceed \$15,000, a
18 minimum of \$40 and a maximum of \$115. When the amount
19 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

20 (e) Appearance.

21 The fee for filing an appearance in each civil case
22 shall be a minimum of \$15 and a maximum of \$60, except as
23 follows:

24 (A) When the plaintiff in an eviction ~~a forcible~~
25 ~~entry and detainer~~ case seeks eviction ~~possession~~
26 only, a minimum of \$10 and a maximum of \$50.

1 (B) When the amount in the case does not exceed
2 \$1500, a minimum of \$10 and a maximum of \$30.

3 (C) When that amount exceeds \$1500 but does not
4 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

5 (f) Garnishment, Wage Deduction, and Citation.

6 In garnishment affidavit, wage deduction affidavit,
7 and citation petition when the amount does not exceed
8 \$1,000, a minimum of \$5 and a maximum of \$15; when the
9 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
10 of \$5 and a maximum of \$30; and when the amount exceeds
11 \$5,000, a minimum of \$5 and a maximum of \$50.

12 (g) Petition to Vacate or Modify.

13 (1) Petition to vacate or modify any final judgment or
14 order of court, except in eviction ~~forcible entry and~~
15 ~~detainer~~ cases and small claims cases or a petition to
16 reopen an estate, to modify, terminate, or enforce a
17 judgment or order for child or spousal support, or to
18 modify, suspend, or terminate an order for withholding, if
19 filed before 30 days after the entry of the judgment or
20 order, a minimum of \$20 and a maximum of \$50.

21 (2) Petition to vacate or modify any final judgment or
22 order of court, except a petition to modify, terminate, or
23 enforce a judgment or order for child or spousal support or
24 to modify, suspend, or terminate an order for withholding,
25 if filed later than 30 days after the entry of the judgment
26 or order, a minimum of \$20 and a maximum of \$75.

1 (3) Petition to vacate order of bond forfeiture, a
2 minimum of \$10 and a maximum of \$40.

3 (h) Mailing.

4 When the clerk is required to mail, the fee will be a
5 minimum of \$2 and a maximum of \$10, plus the cost of
6 postage.

7 (i) Certified Copies.

8 Each certified copy of a judgment after the first,
9 except in small claims and eviction ~~forcible entry and~~
10 ~~detainer~~ cases, a minimum of \$2 and a maximum of \$10.

11 (j) Habeas Corpus.

12 For filing a petition for relief by habeas corpus, a
13 minimum of \$60 and a maximum of \$100.

14 (k) Certification, Authentication, and Reproduction.

15 (1) Each certification or authentication for taking
16 the acknowledgment of a deed or other instrument in writing
17 with the seal of office, a minimum of \$2 and a maximum of
18 \$6.

19 (2) Court appeals when original documents are
20 forwarded, under 100 pages, plus delivery and costs, a
21 minimum of \$20 and a maximum of \$60.

22 (3) Court appeals when original documents are
23 forwarded, over 100 pages, plus delivery and costs, a
24 minimum of \$50 and a maximum of \$150.

25 (4) Court appeals when original documents are
26 forwarded, over 200 pages, an additional fee of a minimum

1 of 20 cents and a maximum of 25 cents per page.

2 (5) For reproduction of any document contained in the
3 clerk's files:

4 (A) First page, a minimum of \$1 and a maximum of
5 \$2.

6 (B) Next 19 pages, 50 cents per page.

7 (C) All remaining pages, 25 cents per page.

8 (l) Remands.

9 In any cases remanded to the Circuit Court from the
10 Supreme Court or the Appellate Court for a new trial, the
11 clerk shall file the remanding order and reinstate the case
12 with either its original number or a new number. The Clerk
13 shall not charge any new or additional fee for the
14 reinstatement. Upon reinstatement the Clerk shall advise
15 the parties of the reinstatement. A party shall have the
16 same right to a jury trial on remand and reinstatement as
17 he or she had before the appeal, and no additional or new
18 fee or charge shall be made for a jury trial after remand.

19 (m) Record Search.

20 For each record search, within a division or municipal
21 district, the clerk shall be entitled to a search fee of a
22 minimum of \$4 and a maximum of \$6 for each year searched.

23 (n) Hard Copy.

24 For each page of hard copy print output, when case
25 records are maintained on an automated medium, the clerk
26 shall be entitled to a fee of a minimum of \$4 and a maximum

1 of \$6.

2 (o) Index Inquiry and Other Records.

3 No fee shall be charged for a single
4 plaintiff/defendant index inquiry or single case record
5 inquiry when this request is made in person and the records
6 are maintained in a current automated medium, and when no
7 hard copy print output is requested. The fees to be charged
8 for management records, multiple case records, and
9 multiple journal records may be specified by the Chief
10 Judge pursuant to the guidelines for access and
11 dissemination of information approved by the Supreme
12 Court.

13 (p) (Blank).

14 (q) Alias Summons.

15 For each alias summons or citation issued by the clerk,
16 a minimum of \$2 and a maximum of \$5.

17 (r) Other Fees.

18 Any fees not covered in this Section shall be set by
19 rule or administrative order of the Circuit Court with the
20 approval of the Administrative Office of the Illinois
21 Courts.

22 The clerk of the circuit court may provide additional
23 services for which there is no fee specified by statute in
24 connection with the operation of the clerk's office as may
25 be requested by the public and agreed to by the clerk and
26 approved by the chief judge of the circuit court. Any

1 charges for additional services shall be as agreed to
2 between the clerk and the party making the request and
3 approved by the chief judge of the circuit court. Nothing
4 in this subsection shall be construed to require any clerk
5 to provide any service not otherwise required by law.

6 (s) Jury Services.

7 The clerk shall be entitled to receive, in addition to
8 other fees allowed by law, the sum of a minimum of \$62.50
9 and a maximum of \$212.50, as a fee for the services of a
10 jury in every civil action not quasi-criminal in its nature
11 and not a proceeding for the exercise of the right of
12 eminent domain and in every other action wherein the right
13 of trial by jury is or may be given by law. The jury fee
14 shall be paid by the party demanding a jury at the time of
15 filing the jury demand. If the fee is not paid by either
16 party, no jury shall be called in the action or proceeding,
17 and the same shall be tried by the court without a jury.

18 (t) Voluntary Assignment.

19 For filing each deed of voluntary assignment, a minimum
20 of \$10 and a maximum of \$20; for recording the same, a
21 minimum of 25 cents and a maximum of 50 cents for each 100
22 words. Exceptions filed to claims presented to an assignee
23 of a debtor who has made a voluntary assignment for the
24 benefit of creditors shall be considered and treated, for
25 the purpose of taxing costs therein, as actions in which
26 the party or parties filing the exceptions shall be

1 considered as party or parties plaintiff, and the claimant
2 or claimants as party or parties defendant, and those
3 parties respectively shall pay to the clerk the same fees
4 as provided by this Section to be paid in other actions.

5 (u) Expungement Petition.

6 The clerk shall be entitled to receive a fee of a
7 minimum of \$15 and a maximum of \$60 for each expungement
8 petition filed and an additional fee of a minimum of \$2 and
9 a maximum of \$4 for each certified copy of an order to
10 expunge arrest records.

11 (v) Probate.

12 The clerk is entitled to receive the fees specified in
13 this subsection (v), which shall be paid in advance, except
14 that, for good cause shown, the court may suspend, reduce,
15 or release the costs payable under this subsection:

16 (1) For administration of the estate of a decedent
17 (whether testate or intestate) or of a missing person, a
18 minimum of \$50 and a maximum of \$150, plus the fees
19 specified in subsection (v) (3), except:

20 (A) When the value of the real and personal
21 property does not exceed \$15,000, the fee shall be a
22 minimum of \$25 and a maximum of \$40.

23 (B) When (i) proof of heirship alone is made, (ii)
24 a domestic or foreign will is admitted to probate
25 without administration (including proof of heirship),
26 or (iii) letters of office are issued for a particular

1 purpose without administration of the estate, the fee
2 shall be a minimum of \$10 and a maximum of \$40.

3 (C) For filing a petition to sell Real Estate, \$50.

4 (2) For administration of the estate of a ward, a
5 minimum of \$50 and a maximum of \$75, plus the fees
6 specified in subsection (v) (3), except:

7 (A) When the value of the real and personal
8 property does not exceed \$15,000, the fee shall be a
9 minimum of \$25 and a maximum of \$40.

10 (B) When (i) letters of office are issued to a
11 guardian of the person or persons, but not of the
12 estate or (ii) letters of office are issued in the
13 estate of a ward without administration of the estate,
14 including filing or joining in the filing of a tax
15 return or releasing a mortgage or consenting to the
16 marriage of the ward, the fee shall be a minimum of \$10
17 and a maximum of \$20.

18 (C) For filing a Petition to sell Real Estate, \$50.

19 (3) In addition to the fees payable under subsection
20 (v) (1) or (v) (2) of this Section, the following fees are
21 payable:

22 (A) For each account (other than one final account)
23 filed in the estate of a decedent, or ward, a minimum
24 of \$10 and a maximum of \$25.

25 (B) For filing a claim in an estate when the amount
26 claimed is \$150 or more but less than \$500, a minimum

1 of \$10 and a maximum of \$25; when the amount claimed is
2 \$500 or more but less than \$10,000, a minimum of \$10
3 and a maximum of \$40; when the amount claimed is
4 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
5 provided that the court in allowing a claim may add to
6 the amount allowed the filing fee paid by the claimant.

7 (C) For filing in an estate a claim, petition, or
8 supplemental proceeding based upon an action seeking
9 equitable relief including the construction or contest
10 of a will, enforcement of a contract to make a will,
11 and proceedings involving testamentary trusts or the
12 appointment of testamentary trustees, a minimum of \$40
13 and a maximum of \$60.

14 (D) For filing in an estate (i) the appearance of
15 any person for the purpose of consent or (ii) the
16 appearance of an executor, administrator,
17 administrator to collect, guardian, guardian ad litem,
18 or special administrator, no fee.

19 (E) Except as provided in subsection (v) (3) (D),
20 for filing the appearance of any person or persons, a
21 minimum of \$10 and a maximum of \$30.

22 (F) For each jury demand, a minimum of \$62.50 and a
23 maximum of \$137.50.

24 (G) For disposition of the collection of a judgment
25 or settlement of an action or claim for wrongful death
26 of a decedent or of any cause of action of a ward, when

1 there is no other administration of the estate, a
2 minimum of \$30 and a maximum of \$50, less any amount
3 paid under subsection (v) (1) (B) or (v) (2) (B) except
4 that if the amount involved does not exceed \$5,000, the
5 fee, including any amount paid under subsection
6 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
7 maximum of \$20.

8 (H) For each certified copy of letters of office,
9 of court order or other certification, a minimum of \$1
10 and a maximum of \$2, plus a minimum of 50 cents and a
11 maximum of \$1 per page in excess of 3 pages for the
12 document certified.

13 (I) For each exemplification, a minimum of \$1 and a
14 maximum of \$2, plus the fee for certification.

15 (4) The executor, administrator, guardian, petitioner,
16 or other interested person or his or her attorney shall pay
17 the cost of publication by the clerk directly to the
18 newspaper.

19 (5) The person on whose behalf a charge is incurred for
20 witness, court reporter, appraiser, or other miscellaneous
21 fee shall pay the same directly to the person entitled
22 thereto.

23 (6) The executor, administrator, guardian, petitioner,
24 or other interested person or his or her attorney shall pay
25 to the clerk all postage charges incurred by the clerk in
26 mailing petitions, orders, notices, or other documents

1 pursuant to the provisions of the Probate Act of 1975.

2 (w) Criminal and Quasi-Criminal Costs and Fees.

3 (1) The clerk shall be entitled to costs in all
4 criminal and quasi-criminal cases from each person
5 convicted or sentenced to supervision therein as follows:

6 (A) Felony complaints, a minimum of \$40 and a
7 maximum of \$100.

8 (B) Misdemeanor complaints, a minimum of \$25 and a
9 maximum of \$75.

10 (C) Business offense complaints, a minimum of \$25
11 and a maximum of \$75.

12 (D) Petty offense complaints, a minimum of \$25 and
13 a maximum of \$75.

14 (E) Minor traffic or ordinance violations, \$10.

15 (F) When court appearance required, \$15.

16 (G) Motions to vacate or amend final orders, a
17 minimum of \$20 and a maximum of \$40.

18 (H) Motions to vacate bond forfeiture orders, a
19 minimum of \$20 and a maximum of \$40.

20 (I) Motions to vacate ex parte judgments, whenever
21 filed, a minimum of \$20 and a maximum of \$40.

22 (J) Motions to vacate judgment on forfeitures,
23 whenever filed, a minimum of \$20 and a maximum of \$40.

24 (K) Motions to vacate "failure to appear" or
25 "failure to comply" notices sent to the Secretary of
26 State, a minimum of \$20 and a maximum of \$40.

1 (2) In counties having a population of not more than
2 500,000 inhabitants, when the violation complaint is
3 issued by a municipal police department, the clerk shall be
4 entitled to costs from each person convicted therein as
5 follows:

6 (A) Minor traffic or ordinance violations, \$10.

7 (B) When court appearance required, \$15.

8 (3) In ordinance violation cases punishable by fine
9 only, the clerk of the circuit court shall be entitled to
10 receive, unless the fee is excused upon a finding by the
11 court that the defendant is indigent, in addition to other
12 fees or costs allowed or imposed by law, the sum of a
13 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
14 services of a jury. The jury fee shall be paid by the
15 defendant at the time of filing his or her jury demand. If
16 the fee is not so paid by the defendant, no jury shall be
17 called, and the case shall be tried by the court without a
18 jury.

19 (x) Transcripts of Judgment.

20 For the filing of a transcript of judgment, the clerk
21 shall be entitled to the same fee as if it were the
22 commencement of a new suit.

23 (y) Change of Venue.

24 (1) For the filing of a change of case on a change of
25 venue, the clerk shall be entitled to the same fee as if it
26 were the commencement of a new suit.

1 (2) The fee for the preparation and certification of a
2 record on a change of venue to another jurisdiction, when
3 original documents are forwarded, a minimum of \$10 and a
4 maximum of \$40.

5 (z) Tax objection complaints.

6 For each tax objection complaint containing one or more
7 tax objections, regardless of the number of parcels
8 involved or the number of taxpayers joining on the
9 complaint, a minimum of \$10 and a maximum of \$50.

10 (aa) Tax Deeds.

11 (1) Petition for tax deed, if only one parcel is
12 involved, a minimum of \$45 and a maximum of \$200.

13 (2) For each additional parcel, add a fee of a minimum
14 of \$10 and a maximum of \$60.

15 (bb) Collections.

16 (1) For all collections made of others, except the
17 State and county and except in maintenance or child support
18 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
19 of the amount collected and turned over.

20 (2) Interest earned on any funds held by the clerk
21 shall be turned over to the county general fund as an
22 earning of the office.

23 (3) For any check, draft, or other bank instrument
24 returned to the clerk for non-sufficient funds, account
25 closed, or payment stopped, \$25.

26 (4) In child support and maintenance cases, the clerk,

1 if authorized by an ordinance of the county board, may
2 collect an annual fee of up to \$36 from the person making
3 payment for maintaining child support records and the
4 processing of support orders to the State of Illinois KIDS
5 system and the recording of payments issued by the State
6 Disbursement Unit for the official record of the Court.
7 This fee shall be in addition to and separate from amounts
8 ordered to be paid as maintenance or child support and
9 shall be deposited into a Separate Maintenance and Child
10 Support Collection Fund, of which the clerk shall be the
11 custodian, ex-officio, to be used by the clerk to maintain
12 child support orders and record all payments issued by the
13 State Disbursement Unit for the official record of the
14 Court. The clerk may recover from the person making the
15 maintenance or child support payment any additional cost
16 incurred in the collection of this annual fee.

17 The clerk shall also be entitled to a fee of \$5 for
18 certifications made to the Secretary of State as provided
19 in Section 7-703 of the Family Financial Responsibility Law
20 and these fees shall also be deposited into the Separate
21 Maintenance and Child Support Collection Fund.

22 (cc) Corrections of Numbers.

23 For correction of the case number, case title, or
24 attorney computer identification number, if required by
25 rule of court, on any document filed in the clerk's office,
26 to be charged against the party that filed the document, a

1 minimum of \$10 and a maximum of \$25.

2 (dd) Exceptions.

3 (1) The fee requirements of this Section shall not
4 apply to police departments or other law enforcement
5 agencies. In this Section, "law enforcement agency" means
6 an agency of the State or a unit of local government which
7 is vested by law or ordinance with the duty to maintain
8 public order and to enforce criminal laws or ordinances.
9 "Law enforcement agency" also means the Attorney General or
10 any state's attorney.

11 (2) No fee provided herein shall be charged to any unit
12 of local government or school district.

13 (3) The fee requirements of this Section shall not
14 apply to any action instituted under subsection (b) of
15 Section 11-31-1 of the Illinois Municipal Code by a private
16 owner or tenant of real property within 1200 feet of a
17 dangerous or unsafe building seeking an order compelling
18 the owner or owners of the building to take any of the
19 actions authorized under that subsection.

20 (4) The fee requirements of this Section shall not
21 apply to the filing of any commitment petition or petition
22 for an order authorizing the administration of
23 psychotropic medication or electroconvulsive therapy under
24 the Mental Health and Developmental Disabilities Code.

25 (ee) Adoptions.

26 (1) For an adoption \$65

1 (2) Upon good cause shown, the court may waive the
2 adoption filing fee in a special needs adoption. The term
3 "special needs adoption" shall have the meaning ascribed to
4 it by the Illinois Department of Children and Family
5 Services.

6 (ff) Adoption exemptions.

7 No fee other than that set forth in subsection (ee)
8 shall be charged to any person in connection with an
9 adoption proceeding nor may any fee be charged for
10 proceedings for the appointment of a confidential
11 intermediary under the Adoption Act.

12 (Source: P.A. 99-85, eff. 1-1-16; 99-859, eff. 8-19-16.)

13 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

14 Sec. 27.2. The fees of the clerks of the circuit court in
15 all counties having a population in excess of 500,000
16 inhabitants but less than 3,000,000 inhabitants in the
17 instances described in this Section shall be as provided in
18 this Section. In those instances where a minimum and maximum
19 fee is stated, counties with more than 500,000 inhabitants but
20 less than 3,000,000 inhabitants must charge the minimum fee
21 listed in this Section and may charge up to the maximum fee if
22 the county board has by resolution increased the fee. In
23 addition, the minimum fees authorized in this Section shall
24 apply to all units of local government and school districts in
25 counties with more than 3,000,000 inhabitants. The fees shall

1 be paid in advance and shall be as follows:

2 (a) Civil Cases.

3 With the following exceptions, the fee for filing a
4 complaint, petition, or other pleading initiating a civil
5 action shall be a minimum of \$150 and shall be a maximum of
6 \$190 through December 31, 2021 and a maximum of \$184 on and
7 after January 1, 2022.

8 (A) When the amount of money or damages or the
9 value of personal property claimed does not exceed
10 \$250, a minimum of \$10 and a maximum of \$15.

11 (B) When that amount exceeds \$250 but does not
12 exceed \$1,000, a minimum of \$20 and a maximum of \$40.

13 (C) When that amount exceeds \$1,000 but does not
14 exceed \$2500, a minimum of \$30 and a maximum of \$50.

15 (D) When that amount exceeds \$2500 but does not
16 exceed \$5,000, a minimum of \$75 and a maximum of \$100.

17 (D-5) When the amount exceeds \$5,000 but does not
18 exceed \$15,000, a minimum of \$75 and a maximum of \$150.

19 (E) For the exercise of eminent domain, \$150. For
20 each additional lot or tract of land or right or
21 interest therein subject to be condemned, the damages
22 in respect to which shall require separate assessment
23 by a jury, \$150.

24 (F) No fees shall be charged by the clerk to a
25 petitioner in any order of protection including, but
26 not limited to, filing, modifying, withdrawing,

1 certifying, or photocopying petitions for orders of
2 protection, or for issuing alias summons, or for any
3 related filing service, certifying, modifying,
4 vacating, or photocopying any orders of protection.

5 (b) Eviction ~~Forcible Entry and Detainer~~.

6 In each eviction ~~forcible entry and detainer~~ case when
7 the plaintiff seeks eviction possession only or unites with
8 his or her claim for eviction possession of the property a
9 claim for rent or damages or both in the amount of \$15,000
10 or less, a minimum of \$40 and a maximum of \$75. When the
11 plaintiff unites his or her claim for eviction possession
12 with a claim for rent or damages or both exceeding \$15,000,
13 a minimum of \$150 and a maximum of \$225.

14 (c) Counterclaim or Joining Third Party Defendant.

15 When any defendant files a counterclaim as part of his
16 or her answer or otherwise or joins another party as a
17 third party defendant, or both, the defendant shall pay a
18 fee for each counterclaim or third party action in an
19 amount equal to the fee he or she would have had to pay had
20 he or she brought a separate action for the relief sought
21 in the counterclaim or against the third party defendant,
22 less the amount of the appearance fee, if that has been
23 paid.

24 (d) Confession of Judgment.

25 In a confession of judgment when the amount does not
26 exceed \$1500, a minimum of \$50 and a maximum of \$60. When

1 the amount exceeds \$1500, but does not exceed \$5,000, \$75.
2 When the amount exceeds \$5,000, but does not exceed
3 \$15,000, \$175. When the amount exceeds \$15,000, a minimum
4 of \$200 and a maximum of \$250.

5 (e) Appearance.

6 The fee for filing an appearance in each civil case
7 shall be a minimum of \$50 and a maximum of \$75, except as
8 follows:

9 (A) When the plaintiff in an eviction ~~a forcible~~
10 ~~entry and detainer~~ case seeks eviction ~~possession~~
11 only, a minimum of \$20 and a maximum of \$40.

12 (B) When the amount in the case does not exceed
13 \$1500, a minimum of \$20 and a maximum of \$40.

14 (C) When the amount in the case exceeds \$1500 but
15 does not exceed \$15,000, a minimum of \$40 and a maximum
16 of \$60.

17 (f) Garnishment, Wage Deduction, and Citation.

18 In garnishment affidavit, wage deduction affidavit,
19 and citation petition when the amount does not exceed
20 \$1,000, a minimum of \$10 and a maximum of \$15; when the
21 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
22 of \$20 and a maximum of \$30; and when the amount exceeds
23 \$5,000, a minimum of \$30 and a maximum of \$50.

24 (g) Petition to Vacate or Modify.

25 (1) Petition to vacate or modify any final judgment or
26 order of court, except in eviction ~~forcible entry and~~

1 ~~detainer~~ cases and small claims cases or a petition to
2 reopen an estate, to modify, terminate, or enforce a
3 judgment or order for child or spousal support, or to
4 modify, suspend, or terminate an order for withholding, if
5 filed before 30 days after the entry of the judgment or
6 order, a minimum of \$40 and a maximum of \$50.

7 (2) Petition to vacate or modify any final judgment or
8 order of court, except a petition to modify, terminate, or
9 enforce a judgment or order for child or spousal support or
10 to modify, suspend, or terminate an order for withholding,
11 if filed later than 30 days after the entry of the judgment
12 or order, a minimum of \$60 and a maximum of \$75.

13 (3) Petition to vacate order of bond forfeiture, a
14 minimum of \$20 and a maximum of \$40.

15 (h) Mailing.

16 When the clerk is required to mail, the fee will be a
17 minimum of \$6 and a maximum of \$10, plus the cost of
18 postage.

19 (i) Certified Copies.

20 Each certified copy of a judgment after the first,
21 except in small claims and eviction ~~forcible entry and~~
22 ~~detainer~~ cases, a minimum of \$10 and a maximum of \$15.

23 (j) Habeas Corpus.

24 For filing a petition for relief by habeas corpus, a
25 minimum of \$80 and a maximum of \$125.

26 (k) Certification, Authentication, and Reproduction.

1 (1) Each certification or authentication for taking
2 the acknowledgment of a deed or other instrument in writing
3 with the seal of office, a minimum of \$4 and a maximum of
4 \$6.

5 (2) Court appeals when original documents are
6 forwarded, under 100 pages, plus delivery and costs, a
7 minimum of \$50 and a maximum of \$75.

8 (3) Court appeals when original documents are
9 forwarded, over 100 pages, plus delivery and costs, a
10 minimum of \$120 and a maximum of \$150.

11 (4) Court appeals when original documents are
12 forwarded, over 200 pages, an additional fee of a minimum
13 of 20 and a maximum of 25 cents per page.

14 (5) For reproduction of any document contained in the
15 clerk's files:

16 (A) First page, \$2.

17 (B) Next 19 pages, 50 cents per page.

18 (C) All remaining pages, 25 cents per page.

19 (1) Remands.

20 In any cases remanded to the Circuit Court from the
21 Supreme Court or the Appellate Court for a new trial, the
22 clerk shall file the remanding order and reinstate the case
23 with either its original number or a new number. The Clerk
24 shall not charge any new or additional fee for the
25 reinstatement. Upon reinstatement the Clerk shall advise
26 the parties of the reinstatement. A party shall have the

1 same right to a jury trial on remand and reinstatement as
2 he or she had before the appeal, and no additional or new
3 fee or charge shall be made for a jury trial after remand.

4 (m) Record Search.

5 For each record search, within a division or municipal
6 district, the clerk shall be entitled to a search fee of a
7 minimum of \$4 and a maximum of \$6 for each year searched.

8 (n) Hard Copy.

9 For each page of hard copy print output, when case
10 records are maintained on an automated medium, the clerk
11 shall be entitled to a fee of a minimum of \$4 and a maximum
12 of \$6.

13 (o) Index Inquiry and Other Records.

14 No fee shall be charged for a single
15 plaintiff/defendant index inquiry or single case record
16 inquiry when this request is made in person and the records
17 are maintained in a current automated medium, and when no
18 hard copy print output is requested. The fees to be charged
19 for management records, multiple case records, and
20 multiple journal records may be specified by the Chief
21 Judge pursuant to the guidelines for access and
22 dissemination of information approved by the Supreme
23 Court.

24 (p) (Blank).

25 (q) Alias Summons.

26 For each alias summons or citation issued by the clerk,

1 a minimum of \$4 and a maximum of \$5.

2 (r) Other Fees.

3 Any fees not covered in this Section shall be set by
4 rule or administrative order of the Circuit Court with the
5 approval of the Administrative Office of the Illinois
6 Courts.

7 The clerk of the circuit court may provide additional
8 services for which there is no fee specified by statute in
9 connection with the operation of the clerk's office as may
10 be requested by the public and agreed to by the clerk and
11 approved by the chief judge of the circuit court. Any
12 charges for additional services shall be as agreed to
13 between the clerk and the party making the request and
14 approved by the chief judge of the circuit court. Nothing
15 in this subsection shall be construed to require any clerk
16 to provide any service not otherwise required by law.

17 (s) Jury Services.

18 The clerk shall be entitled to receive, in addition to
19 other fees allowed by law, the sum of a minimum of \$192.50
20 and a maximum of \$212.50, as a fee for the services of a
21 jury in every civil action not quasi-criminal in its nature
22 and not a proceeding for the exercise of the right of
23 eminent domain and in every other action wherein the right
24 of trial by jury is or may be given by law. The jury fee
25 shall be paid by the party demanding a jury at the time of
26 filing the jury demand. If the fee is not paid by either

1 party, no jury shall be called in the action or proceeding,
2 and the same shall be tried by the court without a jury.

3 (t) Voluntary Assignment.

4 For filing each deed of voluntary assignment, a minimum
5 of \$10 and a maximum of \$20; for recording the same, a
6 minimum of 25¢ and a maximum of 50¢ for each 100 words.
7 Exceptions filed to claims presented to an assignee of a
8 debtor who has made a voluntary assignment for the benefit
9 of creditors shall be considered and treated, for the
10 purpose of taxing costs therein, as actions in which the
11 party or parties filing the exceptions shall be considered
12 as party or parties plaintiff, and the claimant or
13 claimants as party or parties defendant, and those parties
14 respectively shall pay to the clerk the same fees as
15 provided by this Section to be paid in other actions.

16 (u) Expungement Petition.

17 The clerk shall be entitled to receive a fee of a
18 minimum of \$30 and a maximum of \$60 for each expungement
19 petition filed and an additional fee of a minimum of \$2 and
20 a maximum of \$4 for each certified copy of an order to
21 expunge arrest records.

22 (v) Probate.

23 The clerk is entitled to receive the fees specified in
24 this subsection (v), which shall be paid in advance, except
25 that, for good cause shown, the court may suspend, reduce,
26 or release the costs payable under this subsection:

1 (1) For administration of the estate of a decedent
2 (whether testate or intestate) or of a missing person, a
3 minimum of \$100 and a maximum of \$150, plus the fees
4 specified in subsection (v) (3), except:

5 (A) When the value of the real and personal
6 property does not exceed \$15,000, the fee shall be a
7 minimum of \$25 and a maximum of \$40.

8 (B) When (i) proof of heirship alone is made, (ii)
9 a domestic or foreign will is admitted to probate
10 without administration (including proof of heirship),
11 or (iii) letters of office are issued for a particular
12 purpose without administration of the estate, the fee
13 shall be a minimum of \$25 and a maximum of \$40.

14 (2) For administration of the estate of a ward, a
15 minimum of \$50 and a maximum of \$75, plus the fees
16 specified in subsection (v) (3), except:

17 (A) When the value of the real and personal
18 property does not exceed \$15,000, the fee shall be a
19 minimum of \$25 and a maximum of \$40.

20 (B) When (i) letters of office are issued to a
21 guardian of the person or persons, but not of the
22 estate or (ii) letters of office are issued in the
23 estate of a ward without administration of the estate,
24 including filing or joining in the filing of a tax
25 return or releasing a mortgage or consenting to the
26 marriage of the ward, the fee shall be a minimum of \$10

1 and a maximum of \$20.

2 (3) In addition to the fees payable under subsection
3 (v) (1) or (v) (2) of this Section, the following fees are
4 payable:

5 (A) For each account (other than one final account)
6 filed in the estate of a decedent, or ward, a minimum
7 of \$15 and a maximum of \$25.

8 (B) For filing a claim in an estate when the amount
9 claimed is \$150 or more but less than \$500, a minimum
10 of \$10 and a maximum of \$20; when the amount claimed is
11 \$500 or more but less than \$10,000, a minimum of \$25
12 and a maximum of \$40; when the amount claimed is
13 \$10,000 or more, a minimum of \$40 and a maximum of \$60;
14 provided that the court in allowing a claim may add to
15 the amount allowed the filing fee paid by the claimant.

16 (C) For filing in an estate a claim, petition, or
17 supplemental proceeding based upon an action seeking
18 equitable relief including the construction or contest
19 of a will, enforcement of a contract to make a will,
20 and proceedings involving testamentary trusts or the
21 appointment of testamentary trustees, a minimum of \$40
22 and a maximum of \$60.

23 (D) For filing in an estate (i) the appearance of
24 any person for the purpose of consent or (ii) the
25 appearance of an executor, administrator,
26 administrator to collect, guardian, guardian ad litem,

1 or special administrator, no fee.

2 (E) Except as provided in subsection (v) (3) (D),
3 for filing the appearance of any person or persons, a
4 minimum of \$10 and a maximum of \$30.

5 (F) For each jury demand, a minimum of \$102.50 and
6 a maximum of \$137.50.

7 (G) For disposition of the collection of a judgment
8 or settlement of an action or claim for wrongful death
9 of a decedent or of any cause of action of a ward, when
10 there is no other administration of the estate, a
11 minimum of \$30 and a maximum of \$50, less any amount
12 paid under subsection (v) (1) (B) or (v) (2) (B) except
13 that if the amount involved does not exceed \$5,000, the
14 fee, including any amount paid under subsection
15 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
16 maximum of \$20.

17 (H) For each certified copy of letters of office,
18 of court order or other certification, a minimum of \$1
19 and a maximum of \$2, plus a minimum of 50¢ and a
20 maximum of \$1 per page in excess of 3 pages for the
21 document certified.

22 (I) For each exemplification, a minimum of \$1 and a
23 maximum of \$2, plus the fee for certification.

24 (4) The executor, administrator, guardian, petitioner,
25 or other interested person or his or her attorney shall pay
26 the cost of publication by the clerk directly to the

1 newspaper.

2 (5) The person on whose behalf a charge is incurred for
3 witness, court reporter, appraiser, or other miscellaneous
4 fee shall pay the same directly to the person entitled
5 thereto.

6 (6) The executor, administrator, guardian, petitioner,
7 or other interested person or his attorney shall pay to the
8 clerk all postage charges incurred by the clerk in mailing
9 petitions, orders, notices, or other documents pursuant to
10 the provisions of the Probate Act of 1975.

11 (w) Criminal and Quasi-Criminal Costs and Fees.

12 (1) The clerk shall be entitled to costs in all
13 criminal and quasi-criminal cases from each person
14 convicted or sentenced to supervision therein as follows:

15 (A) Felony complaints, a minimum of \$80 and a
16 maximum of \$125.

17 (B) Misdemeanor complaints, a minimum of \$50 and a
18 maximum of \$75.

19 (C) Business offense complaints, a minimum of \$50
20 and a maximum of \$75.

21 (D) Petty offense complaints, a minimum of \$50 and
22 a maximum of \$75.

23 (E) Minor traffic or ordinance violations, \$20.

24 (F) When court appearance required, \$30.

25 (G) Motions to vacate or amend final orders, a
26 minimum of \$20 and a maximum of \$40.

1 (H) Motions to vacate bond forfeiture orders, a
2 minimum of \$20 and a maximum of \$30.

3 (I) Motions to vacate ex parte judgments, whenever
4 filed, a minimum of \$20 and a maximum of \$30.

5 (J) Motions to vacate judgment on forfeitures,
6 whenever filed, a minimum of \$20 and a maximum of \$25.

7 (K) Motions to vacate "failure to appear" or
8 "failure to comply" notices sent to the Secretary of
9 State, a minimum of \$20 and a maximum of \$40.

10 (2) In counties having a population of more than
11 500,000 but fewer than 3,000,000 inhabitants, when the
12 violation complaint is issued by a municipal police
13 department, the clerk shall be entitled to costs from each
14 person convicted therein as follows:

15 (A) Minor traffic or ordinance violations, \$10.

16 (B) When court appearance required, \$15.

17 (3) In ordinance violation cases punishable by fine
18 only, the clerk of the circuit court shall be entitled to
19 receive, unless the fee is excused upon a finding by the
20 court that the defendant is indigent, in addition to other
21 fees or costs allowed or imposed by law, the sum of a
22 minimum of \$50 and a maximum of \$112.50 as a fee for the
23 services of a jury. The jury fee shall be paid by the
24 defendant at the time of filing his or her jury demand. If
25 the fee is not so paid by the defendant, no jury shall be
26 called, and the case shall be tried by the court without a

1 jury.

2 (x) Transcripts of Judgment.

3 For the filing of a transcript of judgment, the clerk
4 shall be entitled to the same fee as if it were the
5 commencement of new suit.

6 (y) Change of Venue.

7 (1) For the filing of a change of case on a change of
8 venue, the clerk shall be entitled to the same fee as if it
9 were the commencement of a new suit.

10 (2) The fee for the preparation and certification of a
11 record on a change of venue to another jurisdiction, when
12 original documents are forwarded, a minimum of \$25 and a
13 maximum of \$40.

14 (z) Tax objection complaints.

15 For each tax objection complaint containing one or more
16 tax objections, regardless of the number of parcels
17 involved or the number of taxpayers joining in the
18 complaint, a minimum of \$25 and a maximum of \$50.

19 (aa) Tax Deeds.

20 (1) Petition for tax deed, if only one parcel is
21 involved, a minimum of \$150 and a maximum of \$250.

22 (2) For each additional parcel, add a fee of a minimum
23 of \$50 and a maximum of \$100.

24 (bb) Collections.

25 (1) For all collections made of others, except the
26 State and county and except in maintenance or child support

1 cases, a sum equal to a minimum of 2.5% and a maximum of
2 3.0% of the amount collected and turned over.

3 (2) Interest earned on any funds held by the clerk
4 shall be turned over to the county general fund as an
5 earning of the office.

6 (3) For any check, draft, or other bank instrument
7 returned to the clerk for non-sufficient funds, account
8 closed, or payment stopped, \$25.

9 (4) In child support and maintenance cases, the clerk,
10 if authorized by an ordinance of the county board, may
11 collect an annual fee of up to \$36 from the person making
12 payment for maintaining child support records and the
13 processing of support orders to the State of Illinois KIDS
14 system and the recording of payments issued by the State
15 Disbursement Unit for the official record of the Court.
16 This fee shall be in addition to and separate from amounts
17 ordered to be paid as maintenance or child support and
18 shall be deposited into a Separate Maintenance and Child
19 Support Collection Fund, of which the clerk shall be the
20 custodian, ex-officio, to be used by the clerk to maintain
21 child support orders and record all payments issued by the
22 State Disbursement Unit for the official record of the
23 Court. The clerk may recover from the person making the
24 maintenance or child support payment any additional cost
25 incurred in the collection of this annual fee.

26 The clerk shall also be entitled to a fee of \$5 for

1 certifications made to the Secretary of State as provided
2 in Section 7-703 of the Family Financial Responsibility Law
3 and these fees shall also be deposited into the Separate
4 Maintenance and Child Support Collection Fund.

5 (cc) Corrections of Numbers.

6 For correction of the case number, case title, or
7 attorney computer identification number, if required by
8 rule of court, on any document filed in the clerk's office,
9 to be charged against the party that filed the document, a
10 minimum of \$15 and a maximum of \$25.

11 (dd) Exceptions.

12 The fee requirements of this Section shall not apply to
13 police departments or other law enforcement agencies. In
14 this Section, "law enforcement agency" means an agency of
15 the State or a unit of local government which is vested by
16 law or ordinance with the duty to maintain public order and
17 to enforce criminal laws or ordinances. "Law enforcement
18 agency" also means the Attorney General or any state's
19 attorney. The fee requirements of this Section shall not
20 apply to any action instituted under subsection (b) of
21 Section 11-31-1 of the Illinois Municipal Code by a private
22 owner or tenant of real property within 1200 feet of a
23 dangerous or unsafe building seeking an order compelling
24 the owner or owners of the building to take any of the
25 actions authorized under that subsection.

26 The fee requirements of this Section shall not apply to

1 the filing of any commitment petition or petition for an
 2 order authorizing the administration of psychotropic
 3 medication or electroconvulsive therapy under the Mental
 4 Health and Developmental Disabilities Code.

5 (ee) Adoptions.

6 (1) For an adoption \$65

7 (2) Upon good cause shown, the court may waive the
 8 adoption filing fee in a special needs adoption. The term
 9 "special needs adoption" shall have the meaning ascribed to
 10 it by the Illinois Department of Children and Family
 11 Services.

12 (ff) Adoption exemptions.

13 No fee other than that set forth in subsection (ee)
 14 shall be charged to any person in connection with an
 15 adoption proceeding nor may any fee be charged for
 16 proceedings for the appointment of a confidential
 17 intermediary under the Adoption Act.

18 (gg) Unpaid fees.

19 Unless a court ordered payment schedule is implemented
 20 or the fee requirements of this Section are waived pursuant
 21 to court order, the clerk of the court may add to any
 22 unpaid fees and costs under this Section a delinquency
 23 amount equal to 5% of the unpaid fees that remain unpaid
 24 after 30 days, 10% of the unpaid fees that remain unpaid
 25 after 60 days, and 15% of the unpaid fees that remain
 26 unpaid after 90 days. Notice to those parties may be made

1 by signage posting or publication. The additional
2 delinquency amounts collected under this Section shall be
3 used to defray additional administrative costs incurred by
4 the clerk of the circuit court in collecting unpaid fees
5 and costs.

6 (Source: P.A. 99-859, eff. 8-19-16.)

7 (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

8 Sec. 27.2a. The fees of the clerks of the circuit court in
9 all counties having a population of 3,000,000 or more
10 inhabitants in the instances described in this Section shall be
11 as provided in this Section. In those instances where a minimum
12 and maximum fee is stated, the clerk of the circuit court must
13 charge the minimum fee listed and may charge up to the maximum
14 fee if the county board has by resolution increased the fee.
15 The fees shall be paid in advance and shall be as follows:

16 (a) Civil Cases.

17 With the following exceptions, the fee for filing a
18 complaint, petition, or other pleading initiating a civil
19 action shall be a minimum of \$190 and shall be a maximum of
20 \$240 through December 31, 2021 and a maximum of \$234 on and
21 after January 1, 2022.

22 (A) When the amount of money or damages or the
23 value of personal property claimed does not exceed
24 \$250, a minimum of \$15 and a maximum of \$22.

25 (B) When that amount exceeds \$250 but does not

1 exceed \$1000, a minimum of \$40 and a maximum of \$75.

2 (C) When that amount exceeds \$1000 but does not
3 exceed \$2500, a minimum of \$50 and a maximum of \$80.

4 (D) When that amount exceeds \$2500 but does not
5 exceed \$5000, a minimum of \$100 and a maximum of \$130.

6 (E) When that amount exceeds \$5000 but does not
7 exceed \$15,000, \$150.

8 (F) For the exercise of eminent domain, \$150. For
9 each additional lot or tract of land or right or
10 interest therein subject to be condemned, the damages
11 in respect to which shall require separate assessment
12 by a jury, \$150.

13 (G) For the final determination of parking,
14 standing, and compliance violations and final
15 administrative decisions issued after hearings
16 regarding vehicle immobilization and impoundment made
17 pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of
18 the Illinois Vehicle Code, \$25.

19 (H) No fees shall be charged by the clerk to a
20 petitioner in any order of protection including, but
21 not limited to, filing, modifying, withdrawing,
22 certifying, or photocopying petitions for orders of
23 protection, or for issuing alias summons, or for any
24 related filing service, certifying, modifying,
25 vacating, or photocopying any orders of protection.

26 (b) Eviction ~~Forceful Entry and Detainer.~~

1 In each eviction ~~forcible entry and detainer~~ case when
2 the plaintiff seeks eviction ~~possession~~ only or unites with
3 his or her claim for eviction ~~possession of the property~~ a
4 claim for rent or damages or both in the amount of \$15,000
5 or less, a minimum of \$75 and a maximum of \$140. When the
6 plaintiff unites his or her claim for eviction ~~possession~~
7 with a claim for rent or damages or both exceeding \$15,000,
8 a minimum of \$225 and a maximum of \$335.

9 (c) Counterclaim or Joining Third Party Defendant.

10 When any defendant files a counterclaim as part of his
11 or her answer or otherwise or joins another party as a
12 third party defendant, or both, the defendant shall pay a
13 fee for each counterclaim or third party action in an
14 amount equal to the fee he or she would have had to pay had
15 he or she brought a separate action for the relief sought
16 in the counterclaim or against the third party defendant,
17 less the amount of the appearance fee, if that has been
18 paid.

19 (d) Confession of Judgment.

20 In a confession of judgment when the amount does not
21 exceed \$1500, a minimum of \$60 and a maximum of \$70. When
22 the amount exceeds \$1500, but does not exceed \$5000, a
23 minimum of \$75 and a maximum of \$150. When the amount
24 exceeds \$5000, but does not exceed \$15,000, a minimum of
25 \$175 and a maximum of \$260. When the amount exceeds
26 \$15,000, a minimum of \$250 and a maximum of \$310.

1 (e) Appearance.

2 The fee for filing an appearance in each civil case
3 shall be a minimum of \$75 and a maximum of \$110, except as
4 follows:

5 (A) When the plaintiff in an eviction ~~a forcible~~
6 ~~entry and detainer~~ case seeks possession only, a
7 minimum of \$40 and a maximum of \$80.

8 (B) When the amount in the case does not exceed
9 \$1500, a minimum of \$40 and a maximum of \$80.

10 (C) When that amount exceeds \$1500 but does not
11 exceed \$15,000, a minimum of \$60 and a maximum of \$90.

12 (f) Garnishment, Wage Deduction, and Citation.

13 In garnishment affidavit, wage deduction affidavit,
14 and citation petition when the amount does not exceed
15 \$1,000, a minimum of \$15 and a maximum of \$25; when the
16 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
17 of \$30 and a maximum of \$45; and when the amount exceeds
18 \$5,000, a minimum of \$50 and a maximum of \$80.

19 (g) Petition to Vacate or Modify.

20 (1) Petition to vacate or modify any final judgment or
21 order of court, except in eviction ~~forcible entry and~~
22 ~~detainer~~ cases and small claims cases or a petition to
23 reopen an estate, to modify, terminate, or enforce a
24 judgment or order for child or spousal support, or to
25 modify, suspend, or terminate an order for withholding, if
26 filed before 30 days after the entry of the judgment or

1 order, a minimum of \$50 and a maximum of \$60.

2 (2) Petition to vacate or modify any final judgment or
3 order of court, except a petition to modify, terminate, or
4 enforce a judgment or order for child or spousal support or
5 to modify, suspend, or terminate an order for withholding,
6 if filed later than 30 days after the entry of the judgment
7 or order, a minimum of \$75 and a maximum of \$90.

8 (3) Petition to vacate order of bond forfeiture, a
9 minimum of \$40 and a maximum of \$80.

10 (h) Mailing.

11 When the clerk is required to mail, the fee will be a
12 minimum of \$10 and a maximum of \$15, plus the cost of
13 postage.

14 (i) Certified Copies.

15 Each certified copy of a judgment after the first,
16 except in small claims and eviction ~~forcible entry and~~
17 ~~detainer~~ cases, a minimum of \$15 and a maximum of \$20.

18 (j) Habeas Corpus.

19 For filing a petition for relief by habeas corpus, a
20 minimum of \$125 and a maximum of \$190.

21 (k) Certification, Authentication, and Reproduction.

22 (1) Each certification or authentication for taking
23 the acknowledgment of a deed or other instrument in writing
24 with the seal of office, a minimum of \$6 and a maximum of
25 \$9.

26 (2) Court appeals when original documents are

1 forwarded, under 100 pages, plus delivery and costs, a
2 minimum of \$75 and a maximum of \$110.

3 (3) Court appeals when original documents are
4 forwarded, over 100 pages, plus delivery and costs, a
5 minimum of \$150 and a maximum of \$185.

6 (4) Court appeals when original documents are
7 forwarded, over 200 pages, an additional fee of a minimum
8 of 25 and a maximum of 30 cents per page.

9 (5) For reproduction of any document contained in the
10 clerk's files:

11 (A) First page, \$2.

12 (B) Next 19 pages, 50 cents per page.

13 (C) All remaining pages, 25 cents per page.

14 (l) Remands.

15 In any cases remanded to the Circuit Court from the
16 Supreme Court or the Appellate Court for a new trial, the
17 clerk shall file the remanding order and reinstate the case
18 with either its original number or a new number. The Clerk
19 shall not charge any new or additional fee for the
20 reinstatement. Upon reinstatement the Clerk shall advise
21 the parties of the reinstatement. A party shall have the
22 same right to a jury trial on remand and reinstatement as
23 he or she had before the appeal, and no additional or new
24 fee or charge shall be made for a jury trial after remand.

25 (m) Record Search.

26 For each record search, within a division or municipal

1 district, the clerk shall be entitled to a search fee of a
2 minimum of \$6 and a maximum of \$9 for each year searched.

3 (n) Hard Copy.

4 For each page of hard copy print output, when case
5 records are maintained on an automated medium, the clerk
6 shall be entitled to a fee of a minimum of \$6 and a maximum
7 of \$9.

8 (o) Index Inquiry and Other Records.

9 No fee shall be charged for a single
10 plaintiff/defendant index inquiry or single case record
11 inquiry when this request is made in person and the records
12 are maintained in a current automated medium, and when no
13 hard copy print output is requested. The fees to be charged
14 for management records, multiple case records, and
15 multiple journal records may be specified by the Chief
16 Judge pursuant to the guidelines for access and
17 dissemination of information approved by the Supreme
18 Court.

19 (p) (Blank).

20 (q) Alias Summons.

21 For each alias summons or citation issued by the clerk,
22 a minimum of \$5 and a maximum of \$6.

23 (r) Other Fees.

24 Any fees not covered in this Section shall be set by
25 rule or administrative order of the Circuit Court with the
26 approval of the Administrative Office of the Illinois

1 Courts.

2 The clerk of the circuit court may provide additional
3 services for which there is no fee specified by statute in
4 connection with the operation of the clerk's office as may
5 be requested by the public and agreed to by the clerk and
6 approved by the chief judge of the circuit court. Any
7 charges for additional services shall be as agreed to
8 between the clerk and the party making the request and
9 approved by the chief judge of the circuit court. Nothing
10 in this subsection shall be construed to require any clerk
11 to provide any service not otherwise required by law.

12 (s) Jury Services.

13 The clerk shall be entitled to receive, in addition to
14 other fees allowed by law, the sum of a minimum of \$212.50
15 and maximum of \$230, as a fee for the services of a jury in
16 every civil action not quasi-criminal in its nature and not
17 a proceeding for the exercise of the right of eminent
18 domain and in every other action wherein the right of trial
19 by jury is or may be given by law. The jury fee shall be
20 paid by the party demanding a jury at the time of filing
21 the jury demand. If the fee is not paid by either party, no
22 jury shall be called in the action or proceeding, and the
23 same shall be tried by the court without a jury.

24 (t) Voluntary Assignment.

25 For filing each deed of voluntary assignment, a minimum
26 of \$20 and a maximum of \$40; for recording the same, a

1 minimum of 50¢ and a maximum of \$0.80 for each 100 words.
2 Exceptions filed to claims presented to an assignee of a
3 debtor who has made a voluntary assignment for the benefit
4 of creditors shall be considered and treated, for the
5 purpose of taxing costs therein, as actions in which the
6 party or parties filing the exceptions shall be considered
7 as party or parties plaintiff, and the claimant or
8 claimants as party or parties defendant, and those parties
9 respectively shall pay to the clerk the same fees as
10 provided by this Section to be paid in other actions.

11 (u) Expungement Petition.

12 The clerk shall be entitled to receive a fee of a
13 minimum of \$60 and a maximum of \$120 for each expungement
14 petition filed and an additional fee of a minimum of \$4 and
15 a maximum of \$8 for each certified copy of an order to
16 expunge arrest records.

17 (v) Probate.

18 The clerk is entitled to receive the fees specified in
19 this subsection (v), which shall be paid in advance, except
20 that, for good cause shown, the court may suspend, reduce,
21 or release the costs payable under this subsection:

22 (1) For administration of the estate of a decedent
23 (whether testate or intestate) or of a missing person, a
24 minimum of \$150 and a maximum of \$225, plus the fees
25 specified in subsection (v) (3), except:

26 (A) When the value of the real and personal

1 property does not exceed \$15,000, the fee shall be a
2 minimum of \$40 and a maximum of \$65.

3 (B) When (i) proof of heirship alone is made, (ii)
4 a domestic or foreign will is admitted to probate
5 without administration (including proof of heirship),
6 or (iii) letters of office are issued for a particular
7 purpose without administration of the estate, the fee
8 shall be a minimum of \$40 and a maximum of \$65.

9 (2) For administration of the estate of a ward, a
10 minimum of \$75 and a maximum of \$110, plus the fees
11 specified in subsection (v) (3), except:

12 (A) When the value of the real and personal
13 property does not exceed \$15,000, the fee shall be a
14 minimum of \$40 and a maximum of \$65.

15 (B) When (i) letters of office are issued to a
16 guardian of the person or persons, but not of the
17 estate or (ii) letters of office are issued in the
18 estate of a ward without administration of the estate,
19 including filing or joining in the filing of a tax
20 return or releasing a mortgage or consenting to the
21 marriage of the ward, the fee shall be a minimum of \$20
22 and a maximum of \$40.

23 (3) In addition to the fees payable under subsection
24 (v) (1) or (v) (2) of this Section, the following fees are
25 payable:

26 (A) For each account (other than one final account)

1 filed in the estate of a decedent, or ward, a minimum
2 of \$25 and a maximum of \$40.

3 (B) For filing a claim in an estate when the amount
4 claimed is \$150 or more but less than \$500, a minimum
5 of \$20 and a maximum of \$40; when the amount claimed is
6 \$500 or more but less than \$10,000, a minimum of \$40
7 and a maximum of \$65; when the amount claimed is
8 \$10,000 or more, a minimum of \$60 and a maximum of \$90;
9 provided that the court in allowing a claim may add to
10 the amount allowed the filing fee paid by the claimant.

11 (C) For filing in an estate a claim, petition, or
12 supplemental proceeding based upon an action seeking
13 equitable relief including the construction or contest
14 of a will, enforcement of a contract to make a will,
15 and proceedings involving testamentary trusts or the
16 appointment of testamentary trustees, a minimum of \$60
17 and a maximum of \$90.

18 (D) For filing in an estate (i) the appearance of
19 any person for the purpose of consent or (ii) the
20 appearance of an executor, administrator,
21 administrator to collect, guardian, guardian ad litem,
22 or special administrator, no fee.

23 (E) Except as provided in subsection (v) (3) (D),
24 for filing the appearance of any person or persons, a
25 minimum of \$30 and a maximum of \$90.

26 (F) For each jury demand, a minimum of \$137.50 and

1 a maximum of \$180.

2 (G) For disposition of the collection of a judgment
3 or settlement of an action or claim for wrongful death
4 of a decedent or of any cause of action of a ward, when
5 there is no other administration of the estate, a
6 minimum of \$50 and a maximum of \$80, less any amount
7 paid under subsection (v) (1) (B) or (v) (2) (B) except
8 that if the amount involved does not exceed \$5,000, the
9 fee, including any amount paid under subsection
10 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$20 and a
11 maximum of \$40.

12 (H) For each certified copy of letters of office,
13 of court order or other certification, a minimum of \$2
14 and a maximum of \$4, plus \$1 per page in excess of 3
15 pages for the document certified.

16 (I) For each exemplification, \$2, plus the fee for
17 certification.

18 (4) The executor, administrator, guardian, petitioner,
19 or other interested person or his or her attorney shall pay
20 the cost of publication by the clerk directly to the
21 newspaper.

22 (5) The person on whose behalf a charge is incurred for
23 witness, court reporter, appraiser, or other miscellaneous
24 fee shall pay the same directly to the person entitled
25 thereto.

26 (6) The executor, administrator, guardian, petitioner,

1 or other interested person or his or her attorney shall pay
2 to the clerk all postage charges incurred by the clerk in
3 mailing petitions, orders, notices, or other documents
4 pursuant to the provisions of the Probate Act of 1975.

5 (w) Criminal and Quasi-Criminal Costs and Fees.

6 (1) The clerk shall be entitled to costs in all
7 criminal and quasi-criminal cases from each person
8 convicted or sentenced to supervision therein as follows:

9 (A) Felony complaints, a minimum of \$125 and a
10 maximum of \$190.

11 (B) Misdemeanor complaints, a minimum of \$75 and a
12 maximum of \$110.

13 (C) Business offense complaints, a minimum of \$75
14 and a maximum of \$110.

15 (D) Petty offense complaints, a minimum of \$75 and
16 a maximum of \$110.

17 (E) Minor traffic or ordinance violations, \$30.

18 (F) When court appearance required, \$50.

19 (G) Motions to vacate or amend final orders, a
20 minimum of \$40 and a maximum of \$80.

21 (H) Motions to vacate bond forfeiture orders, a
22 minimum of \$30 and a maximum of \$45.

23 (I) Motions to vacate ex parte judgments, whenever
24 filed, a minimum of \$30 and a maximum of \$45.

25 (J) Motions to vacate judgment on forfeitures,
26 whenever filed, a minimum of \$25 and a maximum of \$30.

1 (K) Motions to vacate "failure to appear" or
2 "failure to comply" notices sent to the Secretary of
3 State, a minimum of \$40 and a maximum of \$50.

4 (2) In counties having a population of 3,000,000 or
5 more, when the violation complaint is issued by a municipal
6 police department, the clerk shall be entitled to costs
7 from each person convicted therein as follows:

8 (A) Minor traffic or ordinance violations, \$30.

9 (B) When court appearance required, \$50.

10 (3) In ordinance violation cases punishable by fine
11 only, the clerk of the circuit court shall be entitled to
12 receive, unless the fee is excused upon a finding by the
13 court that the defendant is indigent, in addition to other
14 fees or costs allowed or imposed by law, the sum of a
15 minimum of \$112.50 and a maximum of \$250 as a fee for the
16 services of a jury. The jury fee shall be paid by the
17 defendant at the time of filing his or her jury demand. If
18 the fee is not so paid by the defendant, no jury shall be
19 called, and the case shall be tried by the court without a
20 jury.

21 (x) Transcripts of Judgment.

22 For the filing of a transcript of judgment, the clerk
23 shall be entitled to the same fee as if it were the
24 commencement of a new suit.

25 (y) Change of Venue.

26 (1) For the filing of a change of case on a change of

1 venue, the clerk shall be entitled to the same fee as if it
2 were the commencement of a new suit.

3 (2) The fee for the preparation and certification of a
4 record on a change of venue to another jurisdiction, when
5 original documents are forwarded, a minimum of \$40 and a
6 maximum of \$65.

7 (z) Tax objection complaints.

8 For each tax objection complaint containing one or more
9 tax objections, regardless of the number of parcels
10 involved or the number of taxpayers joining in the
11 complaint, a minimum of \$50 and a maximum of \$100.

12 (aa) Tax Deeds.

13 (1) Petition for tax deed, if only one parcel is
14 involved, a minimum of \$250 and a maximum of \$400.

15 (2) For each additional parcel, add a fee of a minimum
16 of \$100 and a maximum of \$200.

17 (bb) Collections.

18 (1) For all collections made of others, except the
19 State and county and except in maintenance or child support
20 cases, a sum equal to 3.0% of the amount collected and
21 turned over.

22 (2) Interest earned on any funds held by the clerk
23 shall be turned over to the county general fund as an
24 earning of the office.

25 (3) For any check, draft, or other bank instrument
26 returned to the clerk for non-sufficient funds, account

1 closed, or payment stopped, \$25.

2 (4) In child support and maintenance cases, the clerk,
3 if authorized by an ordinance of the county board, may
4 collect an annual fee of up to \$36 from the person making
5 payment for maintaining child support records and the
6 processing of support orders to the State of Illinois KIDS
7 system and the recording of payments issued by the State
8 Disbursement Unit for the official record of the Court.
9 This fee shall be in addition to and separate from amounts
10 ordered to be paid as maintenance or child support and
11 shall be deposited into a Separate Maintenance and Child
12 Support Collection Fund, of which the clerk shall be the
13 custodian, ex-officio, to be used by the clerk to maintain
14 child support orders and record all payments issued by the
15 State Disbursement Unit for the official record of the
16 Court. The clerk may recover from the person making the
17 maintenance or child support payment any additional cost
18 incurred in the collection of this annual fee.

19 The clerk shall also be entitled to a fee of \$5 for
20 certifications made to the Secretary of State as provided
21 in Section 7-703 of the Family Financial Responsibility Law
22 and these fees shall also be deposited into the Separate
23 Maintenance and Child Support Collection Fund.

24 (cc) Corrections of Numbers.

25 For correction of the case number, case title, or
26 attorney computer identification number, if required by

1 rule of court, on any document filed in the clerk's office,
2 to be charged against the party that filed the document, a
3 minimum of \$25 and a maximum of \$40.

4 (dd) Exceptions.

5 (1) The fee requirements of this Section shall not
6 apply to police departments or other law enforcement
7 agencies. In this Section, "law enforcement agency" means
8 an agency of the State or a unit of local government which
9 is vested by law or ordinance with the duty to maintain
10 public order and to enforce criminal laws or ordinances.
11 "Law enforcement agency" also means the Attorney General or
12 any state's attorney.

13 (2) No fee provided herein shall be charged to any unit
14 of local government or school district. The fee
15 requirements of this Section shall not apply to any action
16 instituted under subsection (b) of Section 11-31-1 of the
17 Illinois Municipal Code by a private owner or tenant of
18 real property within 1200 feet of a dangerous or unsafe
19 building seeking an order compelling the owner or owners of
20 the building to take any of the actions authorized under
21 that subsection.

22 (3) The fee requirements of this Section shall not
23 apply to the filing of any commitment petition or petition
24 for an order authorizing the administration of
25 psychotropic medication or electroconvulsive therapy under
26 the Mental Health and Developmental Disabilities Code.

1 (ee) Adoption.

2 (1) For an adoption \$65

3 (2) Upon good cause shown, the court may waive the
4 adoption filing fee in a special needs adoption. The term
5 "special needs adoption" shall have the meaning ascribed to
6 it by the Illinois Department of Children and Family
7 Services.

8 (ff) Adoption exemptions.

9 No fee other than that set forth in subsection (ee)
10 shall be charged to any person in connection with an
11 adoption proceeding nor may any fee be charged for
12 proceedings for the appointment of a confidential
13 intermediary under the Adoption Act.

14 (gg) Unpaid fees.

15 Unless a court ordered payment schedule is implemented
16 or the fee requirements of this Section are waived pursuant
17 to court order, the clerk of the court may add to any
18 unpaid fees and costs under this Section a delinquency
19 amount equal to 5% of the unpaid fees that remain unpaid
20 after 30 days, 10% of the unpaid fees that remain unpaid
21 after 60 days, and 15% of the unpaid fees that remain
22 unpaid after 90 days. Notice to those parties may be made
23 by signage posting or publication. The additional
24 delinquency amounts collected under this Section shall be
25 used to defray additional administrative costs incurred by
26 the clerk of the circuit court in collecting unpaid fees

1 and costs.

2 (Source: P.A. 99-859, eff. 8-19-16.)

3 Section 30. The Code of Civil Procedure is amended by
4 changing the heading of Article IX and by changing Sections
5 2-202, 2-1501, 8-1208, 9-104.1, 9-104.2, 9-107, 9-107.5,
6 9-107.10, 9-109.5, 9-109.7, 9-111, 9-111.1, 9-117, 9-118,
7 9-119, 9-120, 9-121, 9-207, 9-208, 9-209, 12-903, 15-1504.5,
8 15-1508, 15-1701, and 19-129 as follows:

9 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

10 Sec. 2-202. Persons authorized to serve process; place of
11 service; failure to make return.

12 (a) Process shall be served by a sheriff, or if the sheriff
13 is disqualified, by a coroner of some county of the State. In
14 matters where the county or State is an interested party,
15 process may be served by a special investigator appointed by
16 the State's Attorney of the county, as defined in Section
17 3-9005 of the Counties Code. A sheriff of a county with a
18 population of less than 2,000,000 may employ civilian personnel
19 to serve process. In counties with a population of less than
20 2,000,000, process may be served, without special appointment,
21 by a person who is licensed or registered as a private
22 detective under the Private Detective, Private Alarm, Private
23 Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a
24 registered employee of a private detective agency certified

1 under that Act as defined in Section (a-5). A private detective
2 or licensed employee must supply the sheriff of any county in
3 which he serves process with a copy of his license or
4 certificate; however, the failure of a person to supply the
5 copy shall not in any way impair the validity of process served
6 by the person. The court may, in its discretion upon motion,
7 order service to be made by a private person over 18 years of
8 age and not a party to the action. It is not necessary that
9 service be made by a sheriff or coroner of the county in which
10 service is made. If served or sought to be served by a sheriff
11 or coroner, he or she shall endorse his or her return thereon,
12 and if by a private person the return shall be by affidavit.

13 (a-5) Upon motion and in its discretion, the court may
14 appoint as a special process server a private detective agency
15 certified under the Private Detective, Private Alarm, Private
16 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
17 the appointment, any employee of the private detective agency
18 who is registered under that Act may serve the process. The
19 motion and the order of appointment must contain the number of
20 the certificate issued to the private detective agency by the
21 Department of Professional Regulation under the Private
22 Detective, Private Alarm, Private Security, Fingerprint
23 Vendor, and Locksmith Act of 2004. A private detective or
24 private detective agency shall send, one time only, a copy of
25 his, her, or its individual private detective license or
26 private detective agency certificate to the county sheriff in

1 each county in which the detective or detective agency or his,
2 her, or its employees serve process, regardless of size of the
3 population of the county. As long as the license or certificate
4 is valid and meets the requirements of the Department of
5 Financial and Professional Regulation, a new copy of the
6 current license or certificate need not be sent to the sheriff.
7 A private detective agency shall maintain a list of its
8 registered employees. Registered employees shall consist of:

9 (1) an employee who works for the agency holding a
10 valid Permanent Employee Registration Card;

11 (2) a person who has applied for a Permanent Employee
12 Registration Card, has had his or her fingerprints
13 processed and cleared by the Department of State Police and
14 the FBI, and as to whom the Department of Financial and
15 Professional Regulation website shows that the person's
16 application for a Permanent Employee Registration Card is
17 pending;

18 (3) a person employed by a private detective agency who
19 is exempt from a Permanent Employee Registration Card
20 requirement because the person is a current peace officer;
21 and

22 (4) a private detective who works for a private
23 detective agency as an employee.

24 A detective agency shall maintain this list and forward it to
25 any sheriff's department that requests this list within 5
26 business days after the receipt of the request.

1 (b) Summons may be served upon the defendants wherever they
2 may be found in the State, by any person authorized to serve
3 process. An officer may serve summons in his or her official
4 capacity outside his or her county, but fees for mileage
5 outside the county of the officer cannot be taxed as costs. The
6 person serving the process in a foreign county may make return
7 by mail.

8 (c) If any sheriff, coroner, or other person to whom any
9 process is delivered, neglects or refuses to make return of the
10 same, the plaintiff may petition the court to enter a rule
11 requiring the sheriff, coroner, or other person, to make return
12 of the process on a day to be fixed by the court, or to show
13 cause on that day why that person should not be attached for
14 contempt of the court. The plaintiff shall then cause a written
15 notice of the rule to be served on the sheriff, coroner, or
16 other person. If good and sufficient cause be not shown to
17 excuse the officer or other person, the court shall adjudge him
18 or her guilty of a contempt, and shall impose punishment as in
19 other cases of contempt.

20 (d) If process is served by a sheriff, coroner, or special
21 investigator appointed by the State's Attorney, the court may
22 tax the fee of the sheriff, coroner, or State's Attorney's
23 special investigator as costs in the proceeding. If process is
24 served by a private person or entity, the court may establish a
25 fee therefor and tax such fee as costs in the proceedings.

26 (e) In addition to the powers stated in Section 8.1a of the

1 Housing Authorities Act, in counties with a population of
2 3,000,000 or more inhabitants, members of a housing authority
3 police force may serve process for eviction ~~forcible entry and~~
4 ~~detainer~~ actions commenced by that housing authority and may
5 execute eviction orders ~~of possession~~ for that housing
6 authority.

7 (f) In counties with a population of 3,000,000 or more,
8 process may be served, with special appointment by the court,
9 by a private process server or a law enforcement agency other
10 than the county sheriff in proceedings instituted under ~~the~~
11 ~~Forcible Entry and Detainer~~ Article IX of this Code as a result
12 of a lessor or lessor's assignee declaring a lease void
13 pursuant to Section 11 of the Controlled Substance and Cannabis
14 Nuisance Act.

15 (Source: P.A. 99-169, eff. 7-28-15.)

16 (735 ILCS 5/2-1501) (from Ch. 110, par. 2-1501)

17 Sec. 2-1501. Writs abolished. The function which was, prior
18 to January 1, 1979, performed by a writ of execution to enforce
19 a judgment or order for the payment of money, or by the writs
20 of mandamus, injunction, prohibition, sequestration, habeas
21 corpus, replevin, ne exeat or attachment, or by the writ of
22 possession in an action of ejectment, or by the writ of
23 restitution in an eviction action ~~of forcible entry and~~
24 ~~detainer~~, or by the writ of assistance for the possession of
25 real estate, or by a temporary restraining order, shall

1 hereafter be performed by a copy of the order or judgment to be
2 enforced, certified by the clerk of the court which entered the
3 judgment or order.

4 The clerk's certification shall bear a legend
5 substantially as follows:

6 I hereby certify the above to be correct.

7 Dated

8 (Seal of Clerk of Circuit Court)

9

10 Clerk of the Circuit Court of Illinois.

11 This order is the command of the Circuit Court and
12 violation thereof is subject to the penalty of the law.

13 (Source: P.A. 83-707.)

14 (735 ILCS 5/8-1208) (from Ch. 110, par. 8-1208)

15 Sec. 8-1208. Official certificate - Land office. The
16 official certificate of any register or receiver of any land
17 office of the United States, to any fact or matter on record in
18 his or her office, shall be received in evidence in any court
19 in this State, and shall be competent to prove the fact so
20 certified. The certificate of any such register, of the entry
21 or purchase of any tract of land within his or her district,
22 shall be deemed and taken to be evidence of title in the party
23 who made such entry or purchase, or his or her legatees, heirs
24 or assigns, and shall enable such party, his or her legatees,
25 heirs or assigns, to recover or protect the possession of the

1 land described in such certificate, in any eviction action or
2 action of ejectment ~~or forcible entry and detainer~~, unless a
3 better legal and paramount title be exhibited for the same. The
4 signature of such register or receiver may be proved by a
5 certificate of the Secretary of State, under his or her seal,
6 that such signature is genuine.

7 (Source: P.A. 83-707.)

8 (735 ILCS 5/Art. IX heading)

9 ARTICLE IX

10 EVICTION ~~FORCIBLE ENTRY AND DETAINER~~

11 (735 ILCS 5/9-104.1) (from Ch. 110, par. 9-104.1)

12 Sec. 9-104.1. Demand; Notice; Return; Condominium and
13 Contract Purchasers.

14 (a) In case there is a contract for the purchase of such
15 lands or tenements or in case of condominium property, the
16 demand shall give the purchaser under such contract, or to the
17 condominium unit owner, as the case may be, at least 30 days to
18 satisfy the terms of the demand before an action is filed. In
19 case of a condominium unit, the demand shall set forth the
20 amount claimed which must be paid within the time prescribed in
21 the demand and the time period or periods when the amounts were
22 originally due, unless the demand is for compliance with
23 Section 18(n) of the Condominium Property Act, in which case
24 the demand shall set forth the nature of the lease and

1 memorandum of lease or the leasing requirement not satisfied.
2 The amount claimed shall include regular or special
3 assessments, late charges or interest for delinquent
4 assessments, and attorneys' fees claimed for services incurred
5 prior to the demand. Attorneys' fees claimed by condominium
6 associations in the demand shall be subject to review by the
7 courts in any eviction ~~forcible entry and detainer~~ proceeding
8 under subsection (b) of Section 9-111 of this Act. The demand
9 shall be signed by the person claiming such possession, his or
10 her agent, or attorney.

11 (b) In the case of a condominium unit, the demand is not
12 invalidated by partial payment of amounts due if the payments
13 do not, at the end of the notice period, total the amounts
14 demanded in the notice for common expenses, unpaid fines,
15 interest, late charges, reasonable attorney fees incurred
16 prior to the initiation of any court action and costs of
17 collection. The person claiming possession, or his or her agent
18 or attorney, may, however, agree in writing to withdraw the
19 demand in exchange for receiving partial payment. To prevent
20 invalidation, the notice must prominently state:

21 "Only FULL PAYMENT of all amounts demanded in this notice
22 will invalidate the demand, unless the person claiming
23 possession, or his or her agent or attorney, agrees in writing
24 to withdraw the demand in exchange for receiving partial
25 payment."

26 (c) The demand set forth in subsection (a) of this Section

1 shall be served either personally upon such purchaser or
2 condominium unit owner or by sending the demand thereof by
3 registered or certified mail with return receipt requested to
4 the last known address of such purchaser or condominium unit
5 owner or in case no one is in the actual possession of the
6 premises, then by posting the same on the premises. When such
7 demand is made by an officer authorized to serve process, his
8 or her return is prima facie evidence of the facts therein
9 stated and if such demand is made by any person not an officer,
10 the return may be sworn to by the person serving the same, and
11 is then prima facie evidence of the facts therein stated. To be
12 effective service under this Section, a demand sent by
13 certified or registered mail to the last known address need not
14 be received by the purchaser or condominium unit owner. No
15 other demand shall be required as a prerequisite to filing an
16 action under paragraph (7) of subsection (a) of Section 9-102
17 of this Act. Service of the demand by registered or certified
18 mail shall be deemed effective upon deposit in the United
19 States mail with proper postage prepaid and addressed as
20 provided in this subsection.

21 (Source: P.A. 90-496, eff. 8-18-97.)

22 (735 ILCS 5/9-104.2) (from Ch. 110, par. 9-104.2)

23 Sec. 9-104.2. Condominiums: demand, notice, termination of
24 lease, and eviction ~~Demand - Notice - Termination of Lease and~~
25 ~~Possession of a Condominium.~~

1 (a) Unless the Board of Managers is seeking to evict
2 ~~terminate the right of possession of~~ a tenant or other occupant
3 of a unit under an existing lease or other arrangement with the
4 owner of a unit, no demand nor summons need be served upon the
5 tenant or other occupant in connection with an action brought
6 under paragraph (7) of subsection (a) of Section 9-102 of this
7 Article.

8 (a-5) The Board of Managers may seek to evict ~~terminate the~~
9 ~~right of possession of~~ a tenant or other occupant of a unit
10 under an existing lease or other arrangement between the tenant
11 or other occupant and the defaulting owner of a unit, either
12 within the same action against the unit owner under paragraph
13 (7) of subsection (a) of Section 9-102 of this Article or
14 independently thereafter under other paragraphs of that
15 subsection. If a tenant or other occupant of a unit is joined
16 within the same action against the defaulting unit owner under
17 paragraph (7), only the unit owner and not the tenant or other
18 occupant need to be served with 30 days prior written notice as
19 provided in this Article. The tenant or other occupant may be
20 joined as additional defendants at the time the suit is filed
21 or at any time thereafter prior to execution of the eviction
22 order ~~judgment for possession~~ by filing, with or without prior
23 leave of the court, an amended complaint and summons for trial.
24 If the complaint alleges that the unit is occupied or may be
25 occupied by persons other than or in addition to the unit owner
26 of record, that the identities of the persons are concealed and

1 unknown, they may be named and joined as defendant "Unknown
2 Occupants". Summons may be served on the defendant "Unknown
3 Occupants" by the sheriff or court appointed process server by
4 leaving a copy at the unit with any person residing at the unit
5 of the age of 13 years or greater, and if the summons is
6 returned without service stating that service cannot be
7 obtained, constructive service may be obtained pursuant to
8 Section 9-107 of this Code with notice mailed to "Unknown
9 Occupants" at the address of the unit. If prior to execution of
10 the eviction order ~~judgment for possession~~ the identity of a
11 defendant or defendants served in this manner is discovered,
12 his or her name or names and the record may be corrected upon
13 hearing pursuant to notice of motion served upon the identified
14 defendant or defendants at the unit in the manner provided by
15 court rule for service of notice of motion. If, however, an
16 action under paragraph (7) was brought against the defaulting
17 unit owner only, and after obtaining an eviction order ~~judgment~~
18 ~~for possession~~ and expiration of the stay on enforcement the
19 Board of Managers elects not to accept a tenant or occupant in
20 possession as its own and to commence a separate action,
21 written notice of the eviction order ~~judgment~~ against the unit
22 owner and demand to quit the premises shall be served on the
23 tenant or other occupant in the manner provided under Section
24 9-211 at least 10 days prior to bringing suit to evict ~~recover~~
25 ~~possession from~~ the tenant or other occupant.

26 (b) If an eviction order ~~a judgment for possession~~ is

1 granted to the Board of Managers under Section 9-111, any
2 interest of the unit owner to receive rents under any lease
3 arrangement shall be deemed assigned to the Board of Managers
4 until such time as the judgment is vacated.

5 (c) If an eviction order ~~a judgment for possession~~ is
6 entered, the Board of Managers may obtain from the clerk of the
7 court an informational certificate notifying any tenants not
8 parties to the proceeding of the assignment of the unit owner's
9 interest in the lease arrangement to the Board of Managers as a
10 result of the entry of the eviction order ~~judgment for~~
11 ~~possession~~ and stating that any rent hereinafter due the unit
12 owner or his agent under the lease arrangement should be paid
13 to the Board of Managers until further order of court. If the
14 tenant pays his rent to the association pursuant to the entry
15 of such an eviction order ~~a judgement for possession~~, the unit
16 owner may not sue said tenant for any such amounts the tenant
17 pays the association. Upon service of the certificate on the
18 tenant in the manner provided by Section 9-211 of this Code,
19 the tenant shall be obligated to pay the rent under the lease
20 arrangement to the Board of Managers as it becomes due. If the
21 tenant thereafter fails and refuses to pay the rent, the Board
22 of Managers may bring an eviction action ~~for possession~~ after
23 making a demand for rent in accordance with Section 9-209 of
24 this Code.

25 (c-5) In an action against the unit owner and lessee to
26 evict a lessee for failure of the lessor/owner of the

1 condominium unit to comply with the leasing requirements
2 prescribed by subsection (n) of Section 18 of the Condominium
3 Property Act or by the declaration, bylaws, and rules and
4 regulations of the condominium, or against a lessee for any
5 other breach by the lessee of any covenants, rules,
6 regulations, or bylaws of the condominium, the demand shall
7 give the lessee at least 10 days to quit and vacate the unit.
8 The notice shall be substantially in the following form:

9 "TO A.B. You are hereby notified that in consequence of
10 (here insert lessor-owner name) failure to comply with the
11 leasing requirements prescribed by Section 18(n) of the
12 Condominium Property Act or by the declaration, bylaws, and
13 rules and regulations of the condominium, or your default
14 of any covenants, rules, regulations or bylaws of the
15 condominium, in (here insert the character of the default)
16 of the premises now occupied by you, being (here described
17 the premises) the Board of Managers of (here describe the
18 condominium) Association elects to terminate your lease,
19 and you are hereby notified to quit and vacate same within
20 10 days of this date."

21 The demand shall be signed by the Board of Managers, its
22 agent, or attorney and shall be served either personally upon
23 the lessee with a copy to the unit owner or by sending the
24 demand thereof by registered or certified mail with return
25 receipt requested to the unit occupied by the lessee and to the
26 last known address of the unit owner, and no other demand of

1 termination of such tenancy shall be required. To be effective
2 service under this Section, a demand sent by certified mail,
3 return receipt requested, to the unit occupied by the lessee
4 and to the last known address of the unit owner need not be
5 received by the lessee or condominium unit owner.

6 (d) Nothing in this Section 9-104.2 is intended to confer
7 upon a Board of Managers any greater authority with respect to
8 possession of a unit after a judgment than was previously
9 established by this Act.

10 (Source: P.A. 90-496, eff. 8-18-97; 91-196, eff. 7-20-99.)

11 (735 ILCS 5/9-107) (from Ch. 110, par. 9-107)

12 Sec. 9-107. Constructive service. If the plaintiff, his or
13 her agent, or attorney files an eviction ~~a forcible detainer~~
14 action, with or without joinder of a claim for rent in the
15 complaint, and is unable to obtain personal service on the
16 defendant or unknown occupant and a summons duly issued in such
17 action is returned without service stating that service can not
18 be obtained, then the plaintiff, his or her agent or attorney
19 may file an affidavit stating that the defendant or unknown
20 occupant is not a resident of this State, or has departed from
21 this State, or on due inquiry cannot be found, or is concealed
22 within this State so that process cannot be served upon him or
23 her, and also stating the place of residence of the defendant
24 or unknown occupant, if known, or if not known, that upon
25 diligent inquiry the affiant has not been able to ascertain the

1 defendant's or unknown occupant's place of residence, then in
2 all such eviction ~~forcible detainer~~ cases whether or not a
3 claim for rent is joined with the complaint for possession, the
4 defendant or unknown occupant may be notified by posting and
5 mailing of notices; or by publication and mailing, as provided
6 for in Section 2-206 of this Act. However, in cases where the
7 defendant or unknown occupant is notified by posting and
8 mailing of notices or by publication and mailing, and the
9 defendant or unknown occupant does not appear generally, the
10 court may rule only on the portion of the complaint which seeks
11 an eviction order ~~judgment for possession~~, and the court shall
12 not enter judgment as to any rent claim joined in the complaint
13 or enter personal judgment for any amount owed by a unit owner
14 for his or her proportionate share of the common expenses,
15 however, an in rem judgment may be entered against the unit for
16 the amount of common expenses due, any other expenses lawfully
17 agreed upon or the amount of any unpaid fine, together with
18 reasonable attorney fees, if any, and costs. The claim for rent
19 may remain pending until such time as the defendant or unknown
20 occupant appears generally or is served with summons, but the
21 eviction order ~~for possession~~ shall be final, enforceable and
22 appealable if the court makes an express written finding that
23 there is no just reason for delaying enforcement or appeal, as
24 provided by Supreme Court rule of this State.

25 Such notice shall be in the name of the clerk of the court,
26 be directed to the defendant or unknown occupant, shall state

1 the nature of the cause against the defendant or unknown
2 occupant and at whose instance issued and the time and place
3 for trial, and shall also state that unless the defendant or
4 unknown occupant appears at the time and place fixed for trial,
5 judgment will be entered by default, and shall specify the
6 character of the judgment that will be entered in such cause.
7 The sheriff shall post 3 copies of the notice in 3 public
8 places in the neighborhood of the court where the cause is to
9 be tried, at least 10 days prior to the day set for the
10 appearance, and, if the place of residence of the defendant or
11 unknown occupant is stated in any affidavit on file, shall at
12 the same time mail one copy of the notice addressed to such
13 defendant or unknown occupant at such place of residence shown
14 in such affidavit. On or before the day set for the appearance,
15 the sheriff shall file the notice with an endorsement thereon
16 stating the time when and places where the sheriff posted and
17 to whom and at what address he or she mailed copies as required
18 by this Section. For want of sufficient notice any cause may be
19 continued from time to time until the court has jurisdiction of
20 the defendant or unknown occupant.

21 (Source: P.A. 92-823, eff. 8-21-02.)

22 (735 ILCS 5/9-107.5)

23 Sec. 9-107.5. Notice to unknown occupants.

24 (a) Service of process upon an unknown occupant may be had
25 by delivering a copy of the summons and complaint naming

1 "unknown occupants" to the tenant or any unknown occupant or
2 person of the age of 13 or upwards occupying the premises.

3 (b) If unknown occupants are not named in the initial
4 summons and complaint and an eviction order ~~a judgment for~~
5 ~~possession~~ in favor of the plaintiff is entered, but the order
6 does not include unknown occupants and the sheriff determines
7 when executing the eviction order ~~judgment for possession~~ that
8 persons not included in the order are in possession of the
9 premises, then the sheriff shall leave with a person of the age
10 of 13 years or upwards occupying the premises, a copy of the
11 order, or if no one is present in the premises to accept the
12 order or refuses to accept the order, then by posting a copy of
13 the order on the premises. In addition to leaving a copy of the
14 order or posting of the order, the sheriff shall also leave or
15 post a notice addressed to "unknown occupants" that states
16 unless any unknown occupants file a written petition with the
17 clerk that sets forth the unknown occupant's legal claim for
18 possession within 7 days of the date the notice is posted or
19 left with any unknown occupant, the unknown occupants shall be
20 evicted from the premises. If any unknown occupants file such a
21 petition, a hearing on the merits of the unknown occupant's
22 petition shall be held by the court within 7 days of the filing
23 of the petition with the clerk. The unknown occupants shall
24 have the burden of proof in establishing a legal right to
25 continued possession.

26 (c) The plaintiff may obtain an eviction order ~~a judgment~~

1 ~~for possession~~ only and not for rent as to any unknown
2 occupants.

3 (d) Nothing in this Section may be construed so as to vest
4 any rights to persons who are criminal trespassers, nor may
5 this Section be construed in any way that interferes with the
6 ability of law enforcement officials removing persons or
7 property from the premises when there is a criminal trespass.

8 (Source: P.A. 92-823, eff. 8-21-02.)

9 (735 ILCS 5/9-107.10)

10 Sec. 9-107.10. Military personnel in military service;
11 eviction action ~~for possession~~.

12 (a) In this Section:

13 "Military service" means any full-time training or duty, no
14 matter how described under federal or State law, for which a
15 service member is ordered to report by the President, Governor
16 of a state, commonwealth, or territory of the United States, or
17 other appropriate military authority.

18 "Service member" means a resident of Illinois who is a
19 member of any component of the U.S. Armed Forces or the
20 National Guard of any state, the District of Columbia, a
21 commonwealth, or a territory of the United States.

22 (b) In a residential eviction ~~an action for possession of~~
23 ~~residential premises of a tenant~~, including eviction of a
24 tenant who is a resident of a mobile home park, who is a
25 service member that has entered military service, or of any

1 member of the tenant's family who resides with the tenant, if
2 the tenant entered into the rental agreement on or after the
3 effective date of this amendatory Act of the 94th General
4 Assembly, the court may, on its own motion, and shall, upon
5 motion made by or on behalf of the tenant, do either of the
6 following if the tenant's ability to pay the agreed rent is
7 materially affected by the tenant's military service:

8 (1) Stay the proceedings for a period of 90 days,
9 unless, in the opinion of the court, justice and equity
10 require a longer or shorter period of time.

11 (2) Adjust the obligation under the rental agreement to
12 preserve the interest of all parties to it.

13 (c) In order to be eligible for the benefits granted to
14 service members under this Section, a service member or a
15 member of the service member's family who resides with the
16 service member must provide the landlord or mobile home park
17 operator with a copy of the orders calling the service member
18 to military service in excess of 29 consecutive days and of any
19 orders further extending the period of service.

20 (d) If a stay is granted under this Section, the court may
21 grant the landlord or mobile home park operator such relief as
22 equity may require.

23 (e) A violation of this Section constitutes a civil rights
24 violation under the Illinois Human Rights Act. All proceeds
25 from the collection of any civil penalty imposed pursuant to
26 the Illinois Human Rights Act under this subsection shall be

1 deposited into the Illinois Military Family Relief Fund.

2 (Source: P.A. 97-913, eff. 1-1-13.)

3 (735 ILCS 5/9-109.5)

4 Sec. 9-109.5. Standard of Proof. After a trial, if the
5 court finds, by a preponderance of the evidence, that the
6 allegations in the complaint have been proven, the court shall
7 enter an eviction order ~~judgment for possession of the premises~~
8 in favor of the plaintiff.

9 (Source: P.A. 90-557, eff. 6-1-98.)

10 (735 ILCS 5/9-109.7)

11 Sec. 9-109.7. Stay of enforcement; drug related action. An
12 eviction order ~~A judgment for possession of the premises~~
13 entered in an action brought by a lessor or lessor's assignee,
14 if the action was brought as a result of a lessor or lessor's
15 assignee declaring a lease void pursuant to Section 11 of the
16 Controlled Substance and Cannabis Nuisance Act, may not be
17 stayed for any period in excess of 7 days by the court.
18 Thereafter the plaintiff shall be entitled to re-enter the
19 premises immediately. The sheriff or other lawfully deputized
20 officers shall execute an order entered pursuant to this
21 Section within 7 days of its entry, or within 7 days of the
22 expiration of a stay of judgment, if one is entered.

23 (Source: P.A. 90-557, eff. 6-1-98.)

1 (735 ILCS 5/9-111) (from Ch. 110, par. 9-111)

2 Sec. 9-111. Condominium property.

3 (a) As to property subject to the provisions of the
4 "Condominium Property Act", approved June 20, 1963, as amended,
5 when the action is based upon the failure of an owner of a unit
6 therein to pay when due his or her proportionate share of the
7 common expenses of the property, or of any other expenses
8 lawfully agreed upon or the amount of any unpaid fine, and if
9 the court finds that the expenses or fines are due to the
10 plaintiff, the plaintiff shall be entitled to the possession of
11 the whole of the premises claimed, and the court shall enter an
12 eviction order judgment in favor of the plaintiff ~~shall be~~
13 ~~entered for the possession thereof~~ and judgment for the amount
14 found due by the court including interest and late charges, if
15 any, together with reasonable attorney's fees, if any, and for
16 the plaintiff's costs. The awarding of reasonable attorney's
17 fees shall be pursuant to the standards set forth in subsection
18 (b) of this Section 9-111. The court shall, by order, stay the
19 enforcement of the eviction order judgment for possession for a
20 period of not less than 60 days from the date of the judgment
21 and may stay the enforcement of the order judgment for a period
22 not to exceed 180 days from such date. Any judgment for money
23 or any rent assignment under subsection (b) of Section 9-104.2
24 is not subject to this stay. The eviction order judgment for
25 ~~possession~~ is not subject to an exemption of homestead under
26 Part 9 of Article XII of this Code. If at any time, either

1 during or after the period of stay, the defendant pays such
2 expenses found due by the court, and costs, and reasonable
3 attorney's fees as fixed by the court, and the defendant is not
4 in arrears on his or her share of the common expenses for the
5 period subsequent to that covered by the order judgment, the
6 defendant may file a motion to vacate the order judgment in the
7 court in which the order judgment was entered, and, if the
8 court, upon the hearing of such motion, is satisfied that the
9 default in payment of the proportionate share of expenses has
10 been cured, and if the court finds that the premises are not
11 presently let by the board of managers as provided in Section
12 9-111.1 of this Act, the order judgment shall be vacated. If
13 the premises are being let by the board of managers as provided
14 in Section 9-111.1 of this Act, when any order judgment is
15 sought to be vacated, the court shall vacate the order judgment
16 effective concurrent with the expiration of the lease term.
17 Unless defendant files such motion to vacate in the court or
18 the order judgment is otherwise stayed, enforcement of the
19 order judgment may proceed immediately upon the expiration of
20 the period of stay and all rights of the defendant to
21 possession of his or her unit shall cease and determine until
22 the date that the order judgment may thereafter be vacated in
23 accordance with the foregoing provisions, and notwithstanding
24 payment of the amount of any money judgment if the unit owner
25 or occupant is in arrears for the period after the date of
26 entry of the order judgment as provided in this Section.

1 Nothing herein contained shall be construed as affecting the
2 right of the board of managers, or its agents, to any lawful
3 remedy or relief other than that provided by Part 1 of this
4 Article ~~IX of this Act~~.

5 This amendatory Act of the 92nd General Assembly is
6 intended as a clarification of existing law and not as a new
7 enactment.

8 (b) For purposes of determining reasonable attorney's fees
9 under subsection (a), the court shall consider:

10 (i) the time expended by the attorney;

11 (ii) the reasonableness of the hourly rate for the work
12 performed;

13 (iii) the reasonableness of the amount of time expended
14 for the work performed; and

15 (iv) the amount in controversy and the nature of the
16 action.

17 (Source: P.A. 91-196, eff. 7-20-99; 92-540, eff. 6-12-02.)

18 (735 ILCS 5/9-111.1)

19 Sec. 9-111.1. Lease to bona fide tenant. Upon the entry of
20 an eviction order ~~a judgment~~ in favor of a board of managers
21 ~~for possession of property~~ under the Condominium Property Act,
22 as provided in Section 9-111 of this Act, and upon delivery of
23 possession of the premises by the sheriff or other authorized
24 official to the board of managers pursuant to execution upon
25 the order ~~judgment~~, the board of managers shall have the right

1 and authority, incidental to the right of possession of a unit
2 under the order judgment, but not the obligation, to lease the
3 unit to a bona fide tenant (whether the tenant is in occupancy
4 or not) pursuant to a written lease for a term which may
5 commence at any time within 8 months after the month in which
6 the date of expiration of the stay of the order judgment
7 occurs. The term may not exceed 13 months from the date of
8 commencement of the lease. The court may, upon motion of the
9 board of managers and with notice to the evicted ~~dispossessed~~
10 unit owner, permit or extend a lease for one or more additional
11 terms not to exceed 13 months per term. The board of managers
12 shall first apply all rental income to assessments and other
13 charges sued upon in the eviction action ~~for possession~~ plus
14 statutory interest on a monetary judgment, if any, attorneys'
15 fees, and court costs incurred; and then to other expenses
16 lawfully agreed upon (including late charges), any fines and
17 reasonable expenses necessary to make the unit rentable, and
18 lastly to assessments accrued thereafter until assessments are
19 current. Any surplus shall be remitted to the unit owner. The
20 court shall retain jurisdiction to determine the
21 reasonableness of the expense of making the unit rentable.

22 (Source: P.A. 98-996, eff. 1-1-15.)

23 (735 ILCS 5/9-117) (from Ch. 110, par. 9-117)

24 Sec. 9-117. Expiration of order judgment. No eviction order
25 ~~judgment for possession~~ obtained in an action brought under

1 this Article may be enforced more than 120 days after the order
2 ~~judgment~~ is entered, unless upon motion by the plaintiff the
3 court grants an extension of the period of enforcement of the
4 order ~~judgment~~. Plaintiff's notice of motion shall contain the
5 following notice directed to the defendant:

6 "The plaintiff in this case, (insert name), obtained an
7 eviction judgment against you on (insert date), but the
8 sheriff did not evict you within the 120 days that the
9 plaintiff has to evict after a judgment in court. On the
10 date stated in this notice, the plaintiff will be asking
11 the court to allow the sheriff to evict you based on that
12 judgment. You must attend the court hearing if you want the
13 court to stop the plaintiff from having you evicted. To
14 prevent the eviction, you must be able to prove that (1)
15 the plaintiff and you made an agreement after the judgment
16 (for instance, to pay up back rent or to comply with the
17 lease) and you have lived up to the agreement; or (2) the
18 reason the plaintiff brought the original eviction case has
19 been resolved or forgiven, and the eviction the plaintiff
20 now wants the court to grant is based on a new or different
21 reason; or (3) that you have another legal or equitable
22 reason why the court should not grant the plaintiff's
23 request for your eviction."

24 The court shall grant the motion for the extension of the
25 eviction order ~~judgment of possession~~ unless the defendant
26 establishes that the tenancy has been reinstated, that the

1 breach upon which the order judgment was issued has been cured
2 or waived, that the plaintiff and defendant entered into a
3 post-judgment agreement whose terms the defendant has
4 performed, or that other legal or equitable grounds exist that
5 bar enforcement of the order judgment. This Section does not
6 apply to any action based upon a breach of a contract entered
7 into on or after July 1, 1962, for the purchase of premises in
8 which the court has entered a stay under Section 9-110; nor
9 shall this Section apply to any action to which the provisions
10 of Section 9-111 apply; nor shall this Section affect the
11 rights of Boards of Managers under Section 9-104.2.

12 (Source: P.A. 99-753, eff. 1-1-17.)

13 (735 ILCS 5/9-118) (from Ch. 110, par. 9-118)

14 Sec. 9-118. Emergency housing eviction proceedings.

15 (a) As used in this Section:

16 "Cannabis" has the meaning ascribed to that term in the
17 Cannabis Control Act.

18 "Narcotics" and "controlled substance" have the meanings
19 ascribed to those terms in the Illinois Controlled Substances
20 Act.

21 (b) This Section applies only if all of the following
22 conditions are met:

23 (1) The complaint seeks possession of premises that are
24 owned or managed by a housing authority established under
25 the Housing Authorities Act or privately owned and managed.

1 (2) The verified complaint alleges that there is direct
2 evidence of any of the following:

3 (A) unlawful possessing, serving, storing,
4 manufacturing, cultivating, delivering, using,
5 selling, giving away, or trafficking in cannabis,
6 methamphetamine, narcotics, or controlled substances
7 within or upon the premises by or with the knowledge
8 and consent of, or in concert with the person or
9 persons named in the complaint; or

10 (B) the possession, use, sale, or delivery of a
11 firearm which is otherwise prohibited by State law
12 within or upon the premises by or with the knowledge
13 and consent of, or in concert with, the person or
14 persons named in the complaint; or

15 (C) murder, attempted murder, kidnapping,
16 attempted kidnapping, arson, attempted arson,
17 aggravated battery, criminal sexual assault, attempted
18 criminal sexual assault, aggravated criminal sexual
19 assault, predatory criminal sexual assault of a child,
20 or criminal sexual abuse within or upon the premises by
21 or with the knowledge and consent of, or in concert
22 with, the person or persons named in the complaint.

23 (3) Notice by verified complaint setting forth the
24 relevant facts, and a demand for possession of the type
25 specified in Section 9-104 is served on the tenant or
26 occupant of the premises at least 14 days before a hearing

1 on the complaint is held, and proof of service of the
2 complaint is submitted by the plaintiff to the court.

3 (b-5) In all actions brought under this Section 9-118, no
4 predicate notice of termination or demand for possession shall
5 be required to initiate an eviction action.

6 (c) When a complaint has been filed under this Section, a
7 hearing on the complaint shall be scheduled on any day after
8 the expiration of 14 days following the filing of the
9 complaint. The summons shall advise the defendant that a
10 hearing on the complaint shall be held at the specified date
11 and time, and that the defendant should be prepared to present
12 any evidence on his or her behalf at that time.

13 If a plaintiff which is a public housing authority accepts
14 rent from the defendant after an action is initiated under this
15 Section, the acceptance of rent shall not be a cause for
16 dismissal of the complaint.

17 (d) If the defendant does not appear at the hearing, an
18 eviction order ~~judgment for possession of the premises~~ in favor
19 of the plaintiff shall be entered by default. If the defendant
20 appears, a trial shall be held immediately as is prescribed in
21 other eviction proceedings ~~for possession~~. The matter shall not
22 be continued beyond 7 days from the date set for the first
23 hearing on the complaint except by agreement of both the
24 plaintiff and the defendant. After a trial, if the court finds,
25 by a preponderance of the evidence, that the allegations in the
26 complaint have been proven, the court shall enter an eviction

1 ~~order judgment for possession of the premises~~ in favor of the
2 plaintiff and the court shall order that the plaintiff shall be
3 entitled to re-enter the premises immediately.

4 (d-5) If cannabis, methamphetamine, narcotics, or
5 controlled substances are found or used anywhere in the
6 premises, there is a rebuttable presumption either (1) that the
7 cannabis, methamphetamine, narcotics, or controlled substances
8 were used or possessed by a tenant or occupant or (2) that a
9 tenant or occupant permitted the premises to be used for that
10 use or possession, and knew or should have reasonably known
11 that the substance was used or possessed.

12 (e) An eviction order ~~A judgment for possession~~ entered
13 under this Section may not be stayed for any period in excess
14 of 7 days by the court. Thereafter the plaintiff shall be
15 entitled to re-enter the premises immediately. The sheriff or
16 other lawfully deputized officers shall give priority to
17 service and execution of orders entered under this Section over
18 other possession orders.

19 (f) This Section shall not be construed to prohibit the use
20 or possession of cannabis, methamphetamine, narcotics, or a
21 controlled substance that has been legally obtained in
22 accordance with a valid prescription for the personal use of a
23 lawful occupant of a dwelling unit.

24 (Source: P.A. 94-556, eff. 9-11-05.)

1 Sec. 9-119. Emergency subsidized housing eviction
2 proceedings.

3 (a) As used in this Section:

4 "FmHA" means the Farmers Home Administration or a local
5 housing authority administering an FmHA program.

6 "HUD" means the United States Department of Housing and
7 Urban Development, or the Federal Housing Administration or a
8 local housing authority administering a HUD program.

9 "Section 8 contract" means a contract with HUD or FmHA
10 which provides rent subsidies entered into pursuant to Section
11 8 of the United States Housing Act of 1937 or the Section 8
12 Existing Housing Program (24 C.F.R. Part 882).

13 "Subsidized housing" means:

14 (1) any housing or unit of housing subject to a Section
15 8 contract;

16 (2) any housing or unit of housing owned, operated, or
17 managed by a housing authority established under the
18 Housing Authorities Act; or

19 (3) any housing or unit of housing financed by a loan
20 or mortgage held by the Illinois Housing Development
21 Authority, a local housing authority, or the federal
22 Department of Housing and Urban Development ("HUD") that
23 is:

24 (i) insured or held by HUD under Section 221(d)(3)
25 of the National Housing Act and assisted under Section
26 101 of the Housing and Urban Development Act of 1965 or

- 1 Section 8 of the United States Housing Act of 1937;
- 2 (ii) insured or held by HUD and bears interest at a
- 3 rate determined under the proviso of Section 221(d) (3)
- 4 of the National Housing Act;
- 5 (iii) insured, assisted, or held by HUD under
- 6 Section 202 or 236 of the National Housing Act;
- 7 (iv) insured or held by HUD under Section 514 or
- 8 515 of the Housing Act of 1949;
- 9 (v) insured or held by HUD under the United States
- 10 Housing Act of 1937; or
- 11 (vi) held by HUD and formerly insured under a
- 12 program listed in subdivision (i), (ii), (iii), (iv),
- 13 or (v).

14 (b) This Section applies only if all of the following

15 conditions are met:

16 (1) The verified complaint seeks possession of

17 premises that are subsidized housing as defined under this

18 Section.

19 (2) The verified complaint alleges that there is direct

20 evidence of refusal by the tenant to allow the landlord or

21 agent of the landlord or other person authorized by State

22 or federal law or regulations or local ordinance to inspect

23 the premises, provided that all of the following conditions

24 have been met:

25 (A) on 2 separate occasions within a 30 day period

26 the tenant, or another person on the premises with the

1 consent of the tenant, refuses to allow the landlord or
2 agent of the landlord or other person authorized by
3 State or federal law or regulations or local ordinance
4 to inspect the premises;

5 (B) the landlord then sends written notice to the
6 tenant stating that (i) the tenant, or a person on the
7 premises with the consent of the tenant, failed twice
8 within a 30 day period to allow the landlord or agent
9 of the landlord or other person authorized by State or
10 federal law or regulations or local ordinance to
11 inspect the premises and (ii) the tenant must allow the
12 landlord or agent of the landlord or other person
13 authorized by State or federal law or regulations or
14 local ordinance to inspect the premises within the next
15 30 days or face emergency eviction proceedings under
16 this Section;

17 (C) the tenant subsequently fails to allow the
18 landlord or agent of the landlord or other person
19 authorized by State or federal law or regulations or
20 local ordinance to inspect the premises within 30 days
21 of receiving the notice from the landlord; and

22 (D) the tenant's written lease states that the
23 occurrence of the events described in items (A), (B),
24 and (C) may result in eviction.

25 (3) Notice, by verified complaint setting forth the
26 relevant facts, and a demand for possession of the type

1 specified in Section 9-104 is served on the tenant or
2 occupant of the premises at least 14 days before a hearing
3 on the complaint is held, and proof of service of the
4 complaint is submitted by the plaintiff to the court.

5 (c) When a complaint has been filed under this Section, a
6 hearing on the complaint shall be scheduled on any day after
7 the expiration of 14 days following the filing of the
8 complaint. The summons shall advise the defendant that a
9 hearing on the complaint shall be held at the specified date
10 and time, and that the defendant should be prepared to present
11 any evidence on his or her behalf at that time.

12 (d) If the defendant does not appear at the hearing, an
13 eviction order ~~judgment for possession of the premises~~ in favor
14 of the plaintiff shall be entered by default. If the defendant
15 appears, a trial shall be held immediately as is prescribed in
16 other eviction proceedings ~~for possession~~. The matter shall not
17 be continued beyond 7 days from the date set for the first
18 hearing on the complaint except by agreement of both the
19 plaintiff and the defendant. After a trial, if the court finds,
20 by a preponderance of the evidence, that the allegations in the
21 complaint have been proven, the court shall enter an eviction
22 order ~~judgment for possession of the premises~~ in favor of the
23 plaintiff and the court shall order that the plaintiff shall be
24 entitled to re-enter the premises immediately.

25 (e) An eviction order ~~A judgment for possession~~ entered
26 under this Section may not be stayed for any period in excess

1 of 7 days by the court. Thereafter the plaintiff shall be
2 entitled to re-enter the premises immediately. The sheriff or
3 other lawfully deputized officers shall give priority to
4 service and execution of orders entered under this Section over
5 other possession orders.

6 (Source: P.A. 89-660, eff. 1-1-97.)

7 (735 ILCS 5/9-120)

8 Sec. 9-120. Leased premises used in furtherance of a
9 criminal offense; lease void at option of lessor or assignee.

10 (a) If any lessee or occupant, on one or more occasions,
11 uses or permits the use of leased premises for the commission
12 of any act that would constitute a felony or a Class A
13 misdemeanor under the laws of this State, the lease or rental
14 agreement shall, at the option of the lessor or the lessor's
15 assignee become void, and the owner or lessor shall be entitled
16 to recover possession of the leased premises as against a
17 tenant holding over after the expiration of his or her term. A
18 written lease shall notify the lessee that if any lessee or
19 occupant, on one or more occasions, uses or permits the use of
20 the leased premises for the commission of a felony or Class A
21 misdemeanor under the laws of this State, the lessor shall have
22 the right to void the lease and recover the leased premises.
23 Failure to include this language in a written lease or the use
24 of an oral lease shall not waive or impair the rights of the
25 lessor or lessor's assignee under this Section or the lease.

1 This Section shall not be construed so as to diminish the
2 rights of a lessor, if any, to terminate a lease for other
3 reasons permitted under law or pursuant to the lease agreement.

4 (b) The owner or lessor may bring an eviction ~~a forcible~~
5 ~~entry and detainer~~ action, or, if the State's Attorney of the
6 county in which the real property is located or the corporation
7 counsel of the municipality in which the real property is
8 located agrees, assign to that State's Attorney or corporation
9 counsel the right to bring an eviction ~~a forcible entry and~~
10 ~~detainer~~ action on behalf of the owner or lessor, against the
11 lessee and all occupants of the leased premises. The assignment
12 must be in writing on a form prepared by the State's Attorney
13 of the county in which the real property is located or the
14 corporation counsel of the municipality in which the real
15 property is located, as applicable. If the owner or lessor
16 assigns the right to bring an eviction ~~a forcible entry and~~
17 ~~detainer~~ action, the assignment shall be limited to those
18 rights and duties up to and including delivery of the order of
19 eviction to the sheriff for execution. The owner or lessor
20 shall remain liable for the cost of the eviction whether or not
21 the right to bring the eviction ~~forcible entry and detainer~~
22 action has been assigned.

23 (c) A person does not forfeit any part of his or her
24 security deposit due solely to an eviction under the provisions
25 of this Section, except that a security deposit may be used to
26 pay fees charged by the sheriff for carrying out an eviction.

1 (d) If a lessor or the lessor's assignee voids a lease or
2 contract under the provisions of this Section and the tenant or
3 occupant has not vacated the premises within 5 days after
4 receipt of a written notice to vacate the premises, the lessor
5 or lessor's assignee may seek relief under this Article IX.
6 Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code,
7 judgment for costs against a plaintiff seeking possession of
8 the premises under this Section shall not be awarded to the
9 defendant unless the action was brought by the plaintiff in bad
10 faith. An action to possess premises under this Section shall
11 not be deemed to be in bad faith when the plaintiff based his
12 or her cause of action on information provided to him or her by
13 a law enforcement agency, the State's Attorney, or the
14 municipality.

15 (e) After a trial, if the court finds, by a preponderance
16 of the evidence, that the allegations in the complaint have
17 been proven, the court shall enter an eviction order ~~judgment~~
18 ~~for possession of the premises~~ in favor of the plaintiff and
19 the court shall order that the plaintiff shall be entitled to
20 re-enter the premises immediately.

21 (f) An eviction order ~~A judgment for possession of the~~
22 ~~premises~~ entered in an action brought by a lessor or lessor's
23 assignee, if the action was brought as a result of a lessor or
24 lessor's assignee declaring a lease void pursuant to this
25 Section, may not be stayed for any period in excess of 7 days
26 by the court unless all parties agree to a longer period.

1 Thereafter the plaintiff shall be entitled to re-enter the
2 premises immediately. The sheriff or other lawfully deputized
3 officers shall execute an order entered pursuant to this
4 Section within 7 days of its entry, or within 7 days of the
5 expiration of a stay of judgment, if one is entered.

6 (g) Nothing in this Section shall limit the rights of an
7 owner or lessor to bring an eviction ~~a forcible entry and~~
8 ~~detainer~~ action on the basis of other applicable law.

9 (Source: P.A. 97-236, eff. 8-2-11.)

10 (735 ILCS 5/9-121)

11 Sec. 9-121. Sealing of court file.

12 (a) Definition. As used in this Section, "court file" means
13 the court file created when an eviction ~~a forcible entry and~~
14 ~~detainer~~ action is filed with the court.

15 (b) Discretionary sealing of court file. The court may
16 order that a court file in an eviction ~~a forcible entry and~~
17 ~~detainer~~ action be placed under seal if the court finds that
18 the plaintiff's action is sufficiently without a basis in fact
19 or law, which may include a lack of jurisdiction, that placing
20 the court file under seal is clearly in the interests of
21 justice, and that those interests are not outweighed by the
22 public's interest in knowing about the record.

23 (c) Mandatory sealing of court file. The court file
24 relating to an eviction ~~a forcible entry and~~ ~~detainer~~ action
25 brought against a tenant under Section 9-207.5 of this Code or

1 as set forth in subdivision (h)(6) of Section 15-1701 of this
2 Code shall be placed under seal.

3 (Source: P.A. 98-514, eff. 11-19-13.)

4 (735 ILCS 5/9-207) (from Ch. 110, par. 9-207)

5 Sec. 9-207. Notice to terminate tenancy for less than a
6 year.

7 (a) Except as provided in Section 9-207.5 of this Code, in
8 all cases of tenancy from week to week, where the tenant holds
9 over without special agreement, the landlord may terminate the
10 tenancy by 7 days' notice, in writing, and may maintain an
11 action for eviction ~~forcible entry and detainer~~ or ejectment.

12 (b) Except as provided in Section 9-207.5 of this Code, in
13 all cases of tenancy for any term less than one year, other
14 than tenancy from week to week, where the tenant holds over
15 without special agreement, the landlord may terminate the
16 tenancy by 30 days' notice, in writing, and may maintain an
17 action for eviction ~~forcible entry and detainer~~ or ejectment.

18 (Source: P.A. 98-514, eff. 11-19-13.)

19 (735 ILCS 5/9-208) (from Ch. 110, par. 9-208)

20 Sec. 9-208. Further demand. Where a tenancy is terminated
21 by notice, under either of the 2 preceding sections, no further
22 demand is necessary before bringing an action under the statute
23 in relation to eviction ~~forcible detainer~~ or ejectment.

24 (Source: P.A. 83-707.)

1 (735 ILCS 5/9-209) (from Ch. 110, par. 9-209)

2 Sec. 9-209. Demand for rent - eviction action ~~Action for~~
3 ~~possession~~. A landlord or his or her agent may, any time after
4 rent is due, demand payment thereof and notify the tenant, in
5 writing, that unless payment is made within a time mentioned in
6 such notice, not less than 5 days after service thereof, the
7 lease will be terminated. If the tenant does not within the
8 time mentioned in such notice, pay the rent due, the landlord
9 may consider the lease ended, and sue for the possession under
10 the statute in relation to eviction ~~forcible entry and~~
11 ~~detainer~~, or maintain ejectment without further notice or
12 demand. A claim for rent may be joined in the complaint,
13 including a request for the pro rata amount of rent due for any
14 period that a judgment is stayed, and a judgment obtained for
15 the amount of rent found due, in any action or proceeding
16 brought, in an eviction action ~~of forcible entry and detainer~~
17 ~~for the possession of the leased premises~~, under this Section.

18 Notice made pursuant to this Section shall, as hereinafter
19 stated, not be invalidated by payments of past due rent
20 demanded in the notice, when the payments do not, at the end of
21 the notice period, total the amount demanded in the notice. The
22 landlord may, however, agree in writing to continue the lease
23 in exchange for receiving partial payment. To prevent
24 invalidation, the notice must prominently state:

25 "Only FULL PAYMENT of the rent demanded in this notice will

1 waive the landlord's right to terminate the lease under this
2 notice, unless the landlord agrees in writing to continue the
3 lease in exchange for receiving partial payment."

4 Collection by the landlord of past rent due after the
5 filing of a suit for eviction ~~possession~~ or ejectment pursuant
6 to failure of the tenant to pay the rent demanded in the notice
7 shall not invalidate the suit.

8 (Source: P.A. 97-247, eff. 1-1-12.)

9 (735 ILCS 5/12-903) (from Ch. 110, par. 12-903)

10 Sec. 12-903. Extent of exemption. No property shall, by
11 virtue of Part 9 of this Article ~~XII of this Act~~, be exempt
12 from sale for nonpayment of taxes or assessments, or for a debt
13 or liability incurred for the purchase or improvement thereof,
14 or for enforcement of a lien thereon pursuant to paragraph
15 (g) (1) of Section 9 of the "Condominium Property Act", approved
16 June 20, 1963, as amended, or be exempt from enforcement of an
17 eviction order ~~a judgment for possession~~ pursuant to paragraph
18 (a) (7) or (a) (8) of Section 9-102 of this Code.

19 This amendatory Act of the 92nd General Assembly is
20 intended as a clarification of existing law and not as a new
21 enactment.

22 (Source: P.A. 92-540, eff. 6-12-02.)

23 (735 ILCS 5/15-1504.5)

24 Sec. 15-1504.5. Homeowner notice to be attached to summons.

1 For all residential foreclosure actions filed, the plaintiff
2 must attach a Homeowner Notice to the summons. The Homeowner
3 Notice must be in at least 12 point type and in English and
4 Spanish. The Spanish translation shall be prepared by the
5 Attorney General and posted on the Attorney General's website.
6 A notice that includes the Attorney General's Spanish
7 translation in substantially similar form shall be deemed to
8 comply with the Spanish notice requirement in this Section. The
9 Notice must be in substantially the following form:

10 **IMPORTANT INFORMATION FOR HOMEOWNERS IN FORECLOSURE**

11 **1. POSSESSION:** The lawful occupants of a home have the
12 right to live in the home until a judge enters an eviction
13 order ~~for possession~~.

14 **2. OWNERSHIP:** You continue to own your home until the
15 court rules otherwise.

16 **3. REINSTATEMENT:** As the homeowner you have the right
17 to bring the mortgage current within 90 days after you
18 receive the summons.

19 **4. REDEMPTION:** As the homeowner you have the right to
20 sell your home, refinance, or pay off the loan during the
21 redemption period.

22 **5. SURPLUS:** As the homeowner you have the right to
23 petition the court for any excess money that results from a
24 foreclosure sale of your home.

1 **6. WORKOUT OPTIONS:** The mortgage company does not want
2 to foreclose on your home if there is any way to avoid it.
3 Call your mortgage company [insert name of the homeowner's
4 current mortgage servicer in bold and 14 point type] or its
5 attorneys to find out the alternatives to foreclosure.

6 **7. PAYOFF AMOUNT:** You have the right to obtain a
7 written statement of the amount necessary to pay off your
8 loan. Your mortgage company (identified above) must
9 provide you this statement within 10 business days of
10 receiving your request, provided that your request is in
11 writing and includes your name, the address of the
12 property, and the mortgage account or loan number. Your
13 first payoff statement will be free.

14 **8. GET ADVICE:** This information is not exhaustive and
15 does not replace the advice of a professional. You may have
16 other options. Get professional advice from a lawyer or
17 certified housing counselor about your rights and options
18 to avoid foreclosure.

19 **9. LAWYER:** If you do not have a lawyer, you may be able
20 to find assistance by contacting the Illinois State Bar
21 Association or a legal aid organization that provides free
22 legal assistance.

23 **10. PROCEED WITH CAUTION:** You may be contacted by
24 people offering to help you avoid foreclosure. Before
25 entering into any transaction with persons offering to help
26 you, please contact a lawyer, government official, or

1 housing counselor for advice.

2 (Source: P.A. 95-961, eff. 1-1-09.)

3 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

4 Sec. 15-1508. Report of sale and confirmation of sale.

5 (a) Report. The person conducting the sale shall promptly
6 make a report to the court, which report shall include a copy
7 of all receipts and, if any, certificate of sale.

8 (b) Hearing. Upon motion and notice in accordance with
9 court rules applicable to motions generally, which motion shall
10 not be made prior to sale, the court shall conduct a hearing to
11 confirm the sale. Unless the court finds that (i) a notice
12 required in accordance with subsection (c) of Section 15-1507
13 was not given, (ii) the terms of sale were unconscionable,
14 (iii) the sale was conducted fraudulently, or (iv) justice was
15 otherwise not done, the court shall then enter an order
16 confirming the sale. The confirmation order shall include a
17 name, address, and telephone number of the holder of the
18 certificate of sale or deed issued pursuant to that certificate
19 or, if no certificate or deed was issued, the purchaser, whom a
20 municipality or county may contact with concerns about the real
21 estate. The confirmation order may also:

22 (1) approve the mortgagee's fees and costs arising
23 between the entry of the judgment of foreclosure and the
24 confirmation hearing, those costs and fees to be allowable
25 to the same extent as provided in the note and mortgage and

1 in Section 15-1504;

2 (2) provide for a personal judgment against any party
3 for a deficiency; and

4 (3) determine the priority of the judgments of parties
5 who deferred proving the priority pursuant to subsection
6 (h) of Section 15-1506, but the court shall not defer
7 confirming the sale pending the determination of such
8 priority.

9 (b-3) Hearing to confirm sale of abandoned residential
10 property. Upon motion and notice by first-class mail to the
11 last known address of the mortgagor, which motion shall be made
12 prior to the sale and heard by the court at the earliest
13 practicable time after conclusion of the sale, and upon the
14 posting at the property address of the notice required by
15 paragraph (2) of subsection (1) of Section 15-1505.8, the court
16 shall enter an order confirming the sale of the abandoned
17 residential property, unless the court finds that a reason set
18 forth in items (i) through (iv) of subsection (b) of this
19 Section exists for not approving the sale, or an order is
20 entered pursuant to subsection (h) of Section 15-1505.8. The
21 confirmation order also may address the matters identified in
22 items (1) through (3) of subsection (b) of this Section. The
23 notice required under subsection (b-5) of this Section shall
24 not be required.

25 (b-5) Notice with respect to residential real estate. With
26 respect to residential real estate, the notice required under

1 subsection (b) of this Section shall be sent to the mortgagor
2 even if the mortgagor has previously been held in default. In
3 the event the mortgagor has filed an appearance, the notice
4 shall be sent to the address indicated on the appearance. In
5 all other cases, the notice shall be sent to the mortgagor at
6 the common address of the foreclosed property. The notice shall
7 be sent by first class mail. Unless the right to possession has
8 been previously terminated by the court, the notice shall
9 include the following language in 12-point boldface
10 capitalized type:

11 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO
12 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
13 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
14 ILLINOIS MORTGAGE FORECLOSURE LAW.

15 (b-10) Notice of confirmation order sent to municipality or
16 county. A copy of the confirmation order required under
17 subsection (b) shall be sent to the municipality in which the
18 foreclosed property is located, or to the county within the
19 boundary of which the foreclosed property is located if the
20 foreclosed property is located in an unincorporated territory.
21 A municipality or county must clearly publish on its website a
22 single address to which a copy of the order shall be sent. If a
23 municipality or county does not maintain a website, then the
24 municipality or county must publicly post in its main office a
25 single address to which a copy of the order shall be sent. In
26 the event that a municipality or county has not complied with

1 the publication requirement in this subsection (b-10), then a
2 copy of the order shall be sent by first class mail, postage
3 prepaid, to the chairperson of the county board or county clerk
4 in the case of a county, to the mayor or city clerk in the case
5 of a city, to the president of the board of trustees or village
6 clerk in the case of a village, or to the president or town
7 clerk in the case of a town.

8 (b-15) Notice of confirmation order sent to known insurers.
9 With respect to residential real estate, the party filing the
10 complaint shall send a copy of the confirmation order required
11 under subsection (b) by first class mail, postage prepaid, to
12 the last known property insurer of the foreclosed property.
13 Failure to send or receive a copy of the order shall not impair
14 or abrogate in any way the rights of the mortgagee or purchaser
15 or affect the status of the foreclosure proceedings.

16 (c) Failure to Give Notice. If any sale is held without
17 compliance with subsection (c) of Section 15-1507 of this
18 Article, any party entitled to the notice provided for in
19 paragraph (3) of that subsection (c) who was not so notified
20 may, by motion supported by affidavit made prior to
21 confirmation of such sale, ask the court which entered the
22 judgment to set aside the sale. Any such party shall guarantee
23 or secure by bond a bid equal to the successful bid at the
24 prior sale, unless the party seeking to set aside the sale is
25 the mortgagor, the real estate sold at the sale is residential
26 real estate, and the mortgagor occupies the residential real

1 estate at the time the motion is filed. In that event, no
2 guarantee or bond shall be required of the mortgagor. Any
3 subsequent sale is subject to the same notice requirement as
4 the original sale.

5 (d) Validity of Sale. Except as provided in subsection (c)
6 of Section 15-1508, no sale under this Article shall be held
7 invalid or be set aside because of any defect in the notice
8 thereof or in the publication of the same, or in the
9 proceedings of the officer conducting the sale, except upon
10 good cause shown in a hearing pursuant to subsection (b) of
11 Section 15-1508. At any time after a sale has occurred, any
12 party entitled to notice under paragraph (3) of subsection (c)
13 of Section 15-1507 may recover from the mortgagee any damages
14 caused by the mortgagee's failure to comply with such paragraph
15 (3). Any party who recovers damages in a judicial proceeding
16 brought under this subsection may also recover from the
17 mortgagee the reasonable expenses of litigation, including
18 reasonable attorney's fees.

19 (d-5) Making Home Affordable Program. The court that
20 entered the judgment shall set aside a sale held pursuant to
21 Section 15-1507, upon motion of the mortgagor at any time prior
22 to the confirmation of the sale, if the mortgagor proves by a
23 preponderance of the evidence that (i) the mortgagor has
24 applied for assistance under the Making Home Affordable Program
25 established by the United States Department of the Treasury
26 pursuant to the Emergency Economic Stabilization Act of 2008,

1 as amended by the American Recovery and Reinvestment Act of
2 2009, and (ii) the mortgaged real estate was sold in material
3 violation of the program's requirements for proceeding to a
4 judicial sale. The provisions of this subsection (d-5) are
5 operative and, except for this sentence, shall become
6 inoperative on January 1, 2018 for all actions filed under this
7 Article after December 31, 2017, in which the mortgagor did not
8 apply for assistance under the Making Home Affordable Program
9 on or before December 31, 2016. The changes to this subsection
10 (d-5) by this amendatory Act of the 99th General Assembly apply
11 to all cases pending and filed on or after the effective date
12 of this amendatory Act of the 99th General Assembly.

13 (e) Deficiency Judgment. In any order confirming a sale
14 pursuant to the judgment of foreclosure, the court shall also
15 enter a personal judgment for deficiency against any party (i)
16 if otherwise authorized and (ii) to the extent requested in the
17 complaint and proven upon presentation of the report of sale in
18 accordance with Section 15-1508. Except as otherwise provided
19 in this Article, a judgment may be entered for any balance of
20 money that may be found due to the plaintiff, over and above
21 the proceeds of the sale or sales, and enforcement may be had
22 for the collection of such balance, the same as when the
23 judgment is solely for the payment of money. Such judgment may
24 be entered, or enforcement had, only in cases where personal
25 service has been had upon the persons personally liable for the
26 mortgage indebtedness, unless they have entered their

1 appearance in the foreclosure action.

2 (f) Satisfaction. Upon confirmation of the sale, the
3 judgment stands satisfied to the extent of the sale price less
4 expenses and costs. If the order confirming the sale includes a
5 deficiency judgment, the judgment shall become a lien in the
6 manner of any other judgment for the payment of money.

7 (g) The order confirming the sale shall include,
8 notwithstanding any previous orders awarding possession during
9 the pendency of the foreclosure, an award to the purchaser of
10 possession of the mortgaged real estate, as of the date 30 days
11 after the entry of the order, against the parties to the
12 foreclosure whose interests have been terminated.

13 An eviction order ~~of possession~~ authorizing the removal of
14 a person from possession of the mortgaged real estate shall be
15 entered and enforced only against those persons personally
16 named as individuals in the complaint or the petition under
17 subsection (h) of Section 15-1701. No eviction order ~~of~~
18 ~~possession~~ issued under this Section shall be entered against a
19 lessee with a bona fide lease of a dwelling unit in residential
20 real estate in foreclosure, whether or not the lessee has been
21 made a party in the foreclosure. An order shall not be entered
22 and enforced against any person who is only generically
23 described as an unknown owner or nonrecord claimant or by
24 another generic designation in the complaint.

25 Notwithstanding the preceding paragraph, the failure to
26 personally name, include, or seek an eviction order ~~award of~~

1 ~~possession of the mortgaged real estate~~ against a person in the
2 confirmation order shall not abrogate any right that the
3 purchaser may have to possession of the mortgaged real estate
4 and to maintain an eviction proceeding ~~a proceeding against~~
5 ~~that person for possession~~ under Article IX of this Code or, if
6 applicable, under subsection (h) of Section 15-1701; and
7 eviction of possession against a person who (1) has not been
8 personally named as a party to the foreclosure and (2) has not
9 been provided an opportunity to be heard in the foreclosure
10 proceeding may be sought only by maintaining a proceeding under
11 Article IX of this Code or, if applicable, under subsection (h)
12 of Section 15-1701.

13 (h) With respect to mortgaged real estate containing 5 or
14 more dwelling units, the order confirming the sale shall also
15 provide that (i) the mortgagor shall transfer to the purchaser
16 the security deposits, if any, that the mortgagor received to
17 secure payment of rent or to compensate for damage to the
18 mortgaged real estate from any current occupant of a dwelling
19 unit of the mortgaged real estate, as well as any statutory
20 interest that has not been paid to the occupant, and (ii) the
21 mortgagor shall provide an accounting of the security deposits
22 that are transferred, including the name and address of each
23 occupant for whom the mortgagor holds the deposit and the
24 amount of the deposit and any statutory interest.

25 (Source: P.A. 98-514, eff. 11-19-13; 98-605, eff. 12-26-13;
26 99-640, eff. 7-28-16.)

1 (735 ILCS 5/15-1701) (from Ch. 110, par. 15-1701)

2 Sec. 15-1701. Right to possession.

3 (a) General. The provisions of this Article shall govern
4 the right to possession of the mortgaged real estate during
5 foreclosure. Possession under this Article includes physical
6 possession of the mortgaged real estate to the same extent to
7 which the mortgagor, absent the foreclosure, would have been
8 entitled to physical possession. For the purposes of Part 17,
9 real estate is residential real estate only if it is
10 residential real estate at the time the foreclosure is
11 commenced.

12 (b) Pre-Judgment. Prior to the entry of a judgment of
13 foreclosure:

14 (1) In the case of residential real estate, the
15 mortgagor shall be entitled to possession of the real
16 estate except if (i) the mortgagee shall object and show
17 good cause, (ii) the mortgagee is so authorized by the
18 terms of the mortgage or other written instrument, and
19 (iii) the court is satisfied that there is a reasonable
20 probability that the mortgagee will prevail on a final
21 hearing of the cause, the court shall upon request place
22 the mortgagee in possession. If the residential real estate
23 consists of more than one dwelling unit, then for the
24 purpose of this Part residential real estate shall mean
25 only that dwelling unit or units occupied by persons

1 described in clauses (i), (ii) and (iii) of Section
2 15-1219.

3 (2) In all other cases, if (i) the mortgagee is so
4 authorized by the terms of the mortgage or other written
5 instrument, and (ii) the court is satisfied that there is a
6 reasonable probability that the mortgagee will prevail on a
7 final hearing of the cause, the mortgagee shall upon
8 request be placed in possession of the real estate, except
9 that if the mortgagor shall object and show good cause, the
10 court shall allow the mortgagor to remain in possession.

11 (c) Judgment Through 30 Days After Sale Confirmation. After
12 the entry of a judgment of foreclosure and through the 30th day
13 after a foreclosure sale is confirmed:

14 (1) Subsection (b) of Section 15-1701 shall be
15 applicable, regardless of the provisions of the mortgage or
16 other instrument, except that after a sale pursuant to the
17 judgment the holder of the certificate of sale (or, if
18 none, the purchaser at the sale) shall have the mortgagee's
19 right to be placed in possession, with all rights and
20 duties of a mortgagee in possession under this Article.

21 (2) Notwithstanding paragraph (1) of subsection (b)
22 and paragraph (1) of subsection (c) of Section 15-1701,
23 upon request of the mortgagee, a mortgagor of residential
24 real estate shall not be allowed to remain in possession
25 between the expiration of the redemption period and through
26 the 30th day after sale confirmation unless (i) the

1 mortgagor pays to the mortgagee or such holder or
2 purchaser, whichever is applicable, monthly the lesser of
3 the interest due under the mortgage calculated at the
4 mortgage rate of interest applicable as if no default had
5 occurred or the fair rental value of the real estate, or
6 (ii) the mortgagor otherwise shows good cause. Any amounts
7 paid by the mortgagor pursuant to this subsection shall be
8 credited against the amounts due from the mortgagor.

9 (d) After 30 Days After Sale Confirmation. The holder of
10 the certificate of sale or deed issued pursuant to that
11 certificate or, if no certificate or deed was issued, the
12 purchaser, except to the extent the holder or purchaser may
13 consent otherwise, shall be entitled to possession of the
14 mortgaged real estate, as of the date 30 days after the order
15 confirming the sale is entered, against those parties to the
16 foreclosure whose interests the court has ordered terminated,
17 without further notice to any party, further order of the
18 court, or resort to proceedings under any other statute other
19 than this Article. This right to possession shall be limited by
20 the provisions governing entering and enforcing orders of
21 possession under subsection (g) of Section 15-1508. If the
22 holder or purchaser determines that there are occupants of the
23 mortgaged real estate who have not been made parties to the
24 foreclosure and had their interests terminated therein, the
25 holder or purchaser may bring an eviction ~~a~~ proceeding under
26 subsection (h) of this Section, if applicable, or under Article

1 IX of this Code to terminate the rights of possession of any
2 such occupants. The holder or purchaser shall not be entitled
3 to proceed against any such occupant under Article IX of this
4 Code until after 30 days after the order confirming the sale is
5 entered.

6 (e) Termination of Leases. A lease of all or any part of
7 the mortgaged real estate shall not be terminated automatically
8 solely by virtue of the entry into possession by (i) a
9 mortgagee or receiver prior to the entry of an order confirming
10 the sale, (ii) the holder of the certificate of sale, (iii) the
11 holder of the deed issued pursuant to that certificate, or (iv)
12 if no certificate or deed was issued, the purchaser at the
13 sale.

14 (f) Other Statutes; Instruments. The provisions of this
15 Article providing for possession of mortgaged real estate shall
16 supersede any other inconsistent statutory provisions. In
17 particular, and without limitation, whenever a receiver is
18 sought to be appointed in any action in which a foreclosure is
19 also pending, a receiver shall be appointed only in accordance
20 with this Article. Except as may be authorized by this Article,
21 no mortgage or other instrument may modify or supersede the
22 provisions of this Article.

23 (g) Certain Leases. Leases of the mortgaged real estate
24 entered into by a mortgagee in possession or a receiver and
25 approved by the court in a foreclosure shall be binding on all
26 parties, including the mortgagor after redemption, the

1 purchaser at a sale pursuant to a judgment of foreclosure and
2 any person acquiring an interest in the mortgaged real estate
3 after entry of a judgment of foreclosure in accordance with
4 Sections 15-1402 and 15-1403.

5 (h) Proceedings Against Certain Occupants.

6 (1) The mortgagee-in-possession of the mortgaged real
7 estate under Section 15-1703, a receiver appointed under
8 Section 15-1704, a holder of the certificate of sale or
9 deed, or the purchaser may, at any time during the pendency
10 of the foreclosure and up to 90 days after the date of the
11 order confirming the sale, file a supplemental eviction
12 petition ~~for possession~~ against a person not personally
13 named as a party to the foreclosure. This subsection (h)
14 does not apply to any lessee with a bona fide lease of a
15 dwelling unit in residential real estate in foreclosure.

16 (2) The supplemental eviction petition ~~for possession~~
17 shall name each such occupant against whom an eviction
18 order ~~possession~~ is sought and state the facts upon which
19 the claim for relief is premised.

20 (3) The petitioner shall serve upon each named occupant
21 the petition, a notice of hearing on the petition, and, if
22 any, a copy of the certificate of sale or deed. The
23 eviction proceeding ~~for the termination of such occupant's~~
24 ~~possessory interest~~, including service of the notice of the
25 hearing and the petition, shall in all respects comport
26 with the requirements of Article IX of this Code, except as

1 otherwise specified in this Section. The hearing shall be
2 no less than 21 days from the date of service of the
3 notice.

4 (4) The supplemental petition shall be heard as part of
5 the foreclosure proceeding and without the payment of
6 additional filing fees. An eviction order ~~for possession~~
7 obtained under this Section shall name each occupant whose
8 interest has been terminated, shall recite that it is only
9 effective as to the occupant so named and those holding
10 under them, and shall be enforceable for no more than 120
11 days after its entry, except that the 120-day period may be
12 extended to the extent and in the manner provided in
13 Section 9-117 of Article IX and except as provided in item
14 (5) of this subsection (h).

15 (5) In a case of foreclosure where the occupant is
16 current on his or her rent, or where timely written notice
17 of to whom and where the rent is to be paid has not been
18 provided to the occupant, or where the occupant has made
19 good-faith efforts to make rental payments in order to keep
20 current, any eviction order ~~of possession~~ must allow the
21 occupant to retain possession of the property covered in
22 his or her rental agreement (i) for 120 days following the
23 notice of the hearing on the supplemental petition that has
24 been properly served upon the occupant, or (ii) through the
25 duration of his or her lease, whichever is shorter,
26 provided that if the duration of his or her lease is less

1 than 30 days from the date of the order, the order shall
2 allow the occupant to retain possession for 30 days from
3 the date of the order. A mortgagee in possession, receiver,
4 holder of a certificate of sale or deed, or purchaser at
5 the judicial sale, who asserts that the occupant is not
6 current in rent, shall file an affidavit to that effect in
7 the supplemental petition proceeding. If the occupant has
8 been given timely written notice of to whom and where the
9 rent is to be paid, this item (5) shall only apply if the
10 occupant continues to pay his or her rent in full during
11 the 120-day period or has made good-faith efforts to pay
12 the rent in full during that period.

13 (6) The court records relating to a supplemental
14 eviction petition ~~for possession~~ filed under this
15 subsection (h) against an occupant who is entitled to
16 notice under item (5) of this subsection (h), or relating
17 to an eviction ~~a forcible entry and detainer~~ action brought
18 against an occupant who would have lawful possession of the
19 premises but for the foreclosure of a mortgage on the
20 property, shall be ordered sealed and shall not be
21 disclosed to any person, other than a law enforcement
22 officer or any other representative of a governmental
23 entity, except upon further order of the court.

24 (i) Termination of bona fide leases. The holder of the
25 certificate of sale, the holder of the deed issued pursuant to
26 that certificate, or, if no certificate or deed was issued, the

1 purchaser at the sale shall not terminate a bona fide lease of
2 a dwelling unit in residential real estate in foreclosure
3 except pursuant to Article IX of this Code.

4 (Source: P.A. 98-514, eff. 11-19-13.)

5 (735 ILCS 5/19-129)

6 Sec. 19-129. Mobile homes. If the chattel which is the
7 subject of the replevin action is a mobile home and is occupied
8 by the defendant or other persons, the court may issue an
9 eviction ~~a forcible~~ order directing the sheriff to remove the
10 personal property of the defendant or occupants from the mobile
11 home ~~if provided that~~ the defendants and unknown occupants are
12 given notice of the plaintiff's intent to seek an eviction ~~a~~
13 ~~forcible~~ order and that upon entry of the ~~said~~ order ~~for~~
14 ~~possession~~, the execution is stayed for a reasonable time as
15 determined by the court so as to allow the defendants and
16 unknown occupants to remove their property from the mobile
17 home.

18 (Source: P.A. 95-661, eff. 1-1-08.)

19 Section 35. The Controlled Substance and Cannabis Nuisance
20 Act is amended by changing Section 11 as follows:

21 (740 ILCS 40/11) (from Ch. 100 1/2, par. 24)

22 Sec. 11. (a) If any lessee or occupant, on one or more
23 occasions, shall use leased premises for the purpose of

1 unlawful possessing, serving, storing, manufacturing,
2 cultivating, delivering, using, selling or giving away
3 controlled substances or shall permit them to be used for any
4 such purposes, the lease or contract for letting such premises
5 shall, at the option of the lessor or the lessor's assignee,
6 become void, and the owner or the owner's assignee may notify
7 the lessee or occupant by posting a written notice at the
8 premises requiring the lessee or occupant to vacate the leased
9 premises on or before a date 5 days after the giving of the
10 notice. The notice shall state the basis for its issuance on
11 forms provided by the circuit court clerk of the county in
12 which the real property is located. The owner or owner's
13 assignee may have the like remedy to recover possession thereof
14 as against a tenant holding over after the expiration of his
15 term. The owner or lessor may bring an eviction ~~a forcible~~
16 ~~entry and detainer~~ action, or assign to the State's Attorney of
17 the county in which the real property is located the right to
18 bring an eviction ~~a forcible entry and detainer~~ action on
19 behalf of the owner or lessor, against the lessee and all
20 occupants of the leased premises. The assignment must be in
21 writing on a form prepared by the State's Attorney of the
22 county in which the real property is located. If the owner or
23 lessor assigns the right to bring an eviction ~~a forcible entry~~
24 ~~and detainer~~ action, the assignment shall be limited to those
25 rights and duties up to and including delivery of the order of
26 eviction to the sheriff for execution. The owner or lessor

1 remains liable for the cost of the eviction whether or not the
2 right to bring the eviction ~~forcible entry and detainer~~ action
3 has been assigned.

4 (b) If a controlled substance is found or used anywhere in
5 the premises of an apartment, there is a rebuttable presumption
6 that the controlled substance was either used or possessed by a
7 lessee or occupant or that a lessee or occupant permitted the
8 premises to be used for that use or possession. A person shall
9 not forfeit his or her security deposit or any part of the
10 security deposit due solely to an eviction under the provisions
11 of the Act.

12 (c) If a lessor or the lessor's assignee voids a contract
13 under the provisions of this Section, and a tenant or occupant
14 has not vacated the premises within 5 days after receipt of a
15 written notice to vacate the premises, the lessor or the
16 lessor's assignee may seek relief under Article IX of the Code
17 of Civil Procedure. Notwithstanding Sections 9-112, 9-113 and
18 9-114 of the Code of Civil Procedure, judgment for costs
19 against the plaintiff seeking eviction ~~possession of the~~
20 ~~premises~~ under this Section shall not be awarded to the
21 defendant unless the action was brought by the plaintiff in bad
22 faith. An eviction action ~~to possess premises~~ under this
23 Section shall not be deemed to be in bad faith if ~~where~~ the
24 plaintiff based his or her cause of action on information
25 provided to him or her by a law enforcement agency or the
26 State's Attorney.

1 (Source: P.A. 89-82, eff. 6-30-95.)

2 Section 40. The Condominium Property Act is amended by
3 changing Section 9.2 as follows:

4 (765 ILCS 605/9.2) (from Ch. 30, par. 309.2)

5 Sec. 9.2. Other remedies.

6 (a) In the event of any default by any unit owner, his
7 tenant, invitee or guest in the performance of his obligations
8 under this Act or under the declaration, bylaws, or the rules
9 and regulations of the board of managers, the board of managers
10 or its agents shall have such rights and remedies as provided
11 in the Act or condominium instruments including the right to
12 maintain an eviction action ~~for possession~~ against such
13 defaulting unit owner or his tenant for the benefit of all the
14 other unit owners in the manner prescribed by Article IX of the
15 Code of Civil Procedure.

16 (b) Any attorneys' fees incurred by the Association arising
17 out of a default by any unit owner, his tenant, invitee or
18 guest in the performance of any of the provisions of the
19 condominium instruments, rules and regulations or any
20 applicable statute or ordinance shall be added to, and deemed a
21 part of, his respective share of the common expense.

22 (c) Other than attorney's fees, no fees pertaining to the
23 collection of a unit owner's financial obligation to the
24 Association, including fees charged by a manager or managing

1 agent, shall be added to and deemed a part of an owner's
2 respective share of the common expenses unless: (i) the
3 managing agent fees relate to the costs to collect common
4 expenses for the Association; (ii) the fees are set forth in a
5 contract between the managing agent and the Association; and
6 (iii) the authority to add the management fees to an owner's
7 respective share of the common expenses is specifically stated
8 in the declaration or bylaws of the Association.

9 (Source: P.A. 94-384, eff. 1-1-06.)

10 Section 45. The Landlord and Tenant Act is amended by
11 changing Section 5 as follows:

12 (765 ILCS 705/5)

13 Sec. 5. Class X felony by lessee or occupant.

14 (a) If, after the effective date of this amendatory Act of
15 1995, any lessee or occupant is charged during his or her lease
16 or contract term with having committed an offense on the
17 premises constituting a Class X felony under the laws of this
18 State, upon a judicial finding of probable cause at a
19 preliminary hearing or indictment by a grand jury, the lease or
20 contract for letting the premises shall, at the option of the
21 lessor or the lessor's assignee, become void, and the owner or
22 the owner's assignee may notify the lessee or occupant by
23 posting a written notice at the premises requiring the lessee
24 or occupant to vacate the leased premises on or before a date 5

1 days after the giving of the notice. The notice shall state the
2 basis for its issuance on forms provided by the circuit court
3 clerk of the county in which the real property is located. The
4 owner or owner's assignee may have the same remedy to recover
5 possession of the premises as against a tenant holding over
6 after the expiration of his or her term. The owner or lessor
7 may bring an eviction ~~a forcible entry and detainer~~ action.

8 (b) A person does not forfeit his or her security deposit
9 or any part of the security deposit due solely to an eviction
10 under the provisions of this Section.

11 (c) If a lessor or the lessor's assignee voids a contract
12 under the provisions of this Section, and a tenant or occupant
13 has not vacated the premises within 5 days after receipt of a
14 written notice to vacate the premises, the lessor or the
15 lessor's assignee may seek relief under Article IX of the Code
16 of Civil Procedure. Notwithstanding Sections 9-112, 9-113, and
17 9-114 of the Code of Civil Procedure, judgment for costs
18 against the plaintiff seeking eviction ~~possession of the~~
19 ~~premises~~ under this Section shall not be awarded to the
20 defendant unless the action was brought by the plaintiff in bad
21 faith. An eviction action ~~to possess premises~~ under this
22 Section shall not be deemed to be in bad faith if the plaintiff
23 based his or her cause of action on information provided to him
24 or her by a law enforcement agency or the State's Attorney.

25 (d) The provisions of this Section are enforceable only if
26 the lessee or occupant and the owner or owner's assignee have

1 executed a lease addendum for drug free housing as promulgated
2 by the United States Department of Housing and Urban
3 Development or a substantially similar document.

4 (Source: P.A. 89-82, eff. 6-30-95.)

5 Section 50. The Mobile Home Landlord and Tenant Rights Act
6 is amended by changing Section 16 as follows:

7 (765 ILCS 745/16) (from Ch. 80, par. 216)

8 Sec. 16. Improper grounds for eviction. The following
9 conduct by a tenant shall not constitute grounds for eviction
10 or termination of the lease, nor shall an eviction order ~~a~~
11 ~~judgment for possession of the premises~~ be entered against a
12 tenant:

13 (a) As a reprisal for the tenant's effort to secure or
14 enforce any rights under the lease or the laws of the State of
15 Illinois, or its governmental subdivisions of the United
16 States;

17 (b) As a reprisal for the tenant's good faith complaint to
18 a governmental authority of the park owner's alleged violation
19 of any health or safety law, regulation, code or ordinance, or
20 State law or regulation which has as its objective the
21 regulation of premises used for dwelling purposes;

22 (c) As a reprisal for the tenant's being an organizer or
23 member of, or involved in any activities relative to a home
24 owners association.

1 (Source: P.A. 81-637.)

2 Section 55. The Safe Homes Act is amended by changing
3 Section 15 as follows:

4 (765 ILCS 750/15)

5 Sec. 15. Affirmative defense.

6 (a) In any action brought by a landlord against a tenant to
7 recover rent for breach of lease, a tenant shall have an
8 affirmative defense and not be liable for rent for the period
9 after which a tenant vacates the premises owned by the
10 landlord, if by preponderance of the evidence, the court finds
11 that:

12 (1) at the time that the tenant vacated the premises,
13 the tenant or a member of tenant's household was under a
14 credible imminent threat of domestic or sexual violence at
15 the premises; and

16 (2) the tenant gave written notice to the landlord
17 prior to or within 3 days of vacating the premises that the
18 reason for vacating the premises was because of a credible
19 imminent threat of domestic or sexual violence against the
20 tenant or a member of the tenant's household.

21 (b) In any action brought by a landlord against a tenant to
22 recover rent for breach of lease, a tenant shall have an
23 affirmative defense and not be liable for rent for the period
24 after which the tenant vacates the premises owned by the

1 landlord, if by preponderance of the evidence, the court finds
2 that:

3 (1) a tenant or a member of tenant's household was a
4 victim of sexual violence on the premises that is owned or
5 controlled by a landlord and the tenant has vacated the
6 premises as a result of the sexual violence; and

7 (2) the tenant gave written notice to the landlord
8 prior to or within 3 days of vacating the premises that the
9 reason for vacating the premises was because of the sexual
10 violence against the tenant or member of the tenant's
11 household, the date of the sexual violence, and that the
12 tenant provided at least one form of the following types of
13 evidence to the landlord supporting the claim of the sexual
14 violence: medical, court or police evidence of sexual
15 violence; or statement from an employee of a victim
16 services or rape crisis organization from which the tenant
17 or a member of the tenant's household sought services; and

18 (3) the sexual violence occurred not more than 60 days
19 prior to the date of giving the written notice to the
20 landlord, or if the circumstances are such that the tenant
21 cannot reasonably give notice because of reasons related to
22 the sexual violence, such as hospitalization or seeking
23 assistance for shelter or counseling, then as soon
24 thereafter as practicable. Nothing in this subsection (b)
25 shall be construed to be a defense against an eviction
26 action ~~in forcible entry and detainer~~ for failure to pay

1 rent before the tenant provided notice and vacated the
2 premises.

3 (c) Nothing in this Act shall be construed to be a defense
4 against an action for rent for a period of time before the
5 tenant vacated the landlord's premises and gave notice to the
6 landlord as required in subsection (b).

7 (Source: P.A. 94-1038, eff. 1-1-07.)

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Statutes amended in order of appearance

3	55 ILCS 5/4-5001	from Ch. 34, par. 4-5001
4	55 ILCS 5/4-12001	from Ch. 34, par. 4-12001
5	55 ILCS 5/4-12001.1	from Ch. 34, par. 4-12001.1
6	65 ILCS 5/1-2-11	from Ch. 24, par. 1-2-11
7	65 ILCS 5/11-31-2.2	from Ch. 24, par. 11-31-2.2
8	65 ILCS 5/11-31.1-8	from Ch. 24, par. 11-31.1-8
9	330 ILCS 63/35	
10	415 ILCS 5/44.1	from Ch. 111 1/2, par. 1044.1
11	705 ILCS 105/27.1a	from Ch. 25, par. 27.1a
12	705 ILCS 105/27.2	from Ch. 25, par. 27.2
13	705 ILCS 105/27.2a	from Ch. 25, par. 27.2a
14	735 ILCS 5/2-202	from Ch. 110, par. 2-202
15	735 ILCS 5/2-1501	from Ch. 110, par. 2-1501
16	735 ILCS 5/8-1208	from Ch. 110, par. 8-1208
17	735 ILCS 5/Art. IX heading	
18	735 ILCS 5/9-104.1	from Ch. 110, par. 9-104.1
19	735 ILCS 5/9-104.2	from Ch. 110, par. 9-104.2
20	735 ILCS 5/9-107	from Ch. 110, par. 9-107
21	735 ILCS 5/9-107.5	
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25	735 ILCS 5/9-111	from Ch. 110, par. 9-111

1	735 ILCS 5/9-111.1	
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8	735 ILCS 5/9-208	from Ch. 110, par. 9-208
9	735 ILCS 5/9-209	from Ch. 110, par. 9-209
10	735 ILCS 5/12-903	from Ch. 110, par. 12-903
11	735 ILCS 5/15-1504.5	
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