

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 ~~Forcible 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 and by adding Section 9-109.6 as  
9 follows:

10 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

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

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

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

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

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

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

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

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

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

25 A detective agency shall maintain this list and forward it to  
26 any sheriff's department that requests this list within 5

1 business days after the receipt of the request.

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

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

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

1 (e) In addition to the powers stated in Section 8.1a of the  
2 Housing Authorities Act, in counties with a population of  
3 3,000,000 or more inhabitants, members of a housing authority  
4 police force may serve process for eviction ~~forcible entry and~~  
5 ~~detainer~~ actions commenced by that housing authority and may  
6 execute eviction orders ~~of possession~~ for that housing  
7 authority.

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

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

17 (735 ILCS 5/2-1501) (from Ch. 110, par. 2-1501)

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

1 real estate, or by a temporary restraining order, shall  
2 hereafter be performed by a copy of the order or judgment to be  
3 enforced, certified by the clerk of the court which entered the  
4 judgment or order.

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

7 I hereby certify the above to be correct.

8 Dated .....

9 (Seal of Clerk of Circuit Court)

10 .....

11 Clerk of the Circuit Court of ..... Illinois.

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

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

15 (735 ILCS 5/8-1208) (from Ch. 110, par. 8-1208)

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



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

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

9 (735 ILCS 5/Art. IX heading)

10 ARTICLE IX

11 EVICITION ~~FORCIBLE ENTRY AND DETAINER~~

12 (735 ILCS 5/9-104.1) (from Ch. 110, par. 9-104.1)

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

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

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

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

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

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

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

23 (735 ILCS 5/9-104.2) (from Ch. 110, par. 9-104.2)

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

1 ~~Possession of a Condominium.~~

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

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

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

1 (b) If an eviction order ~~a judgment for possession~~ is  
2 granted to the Board of Managers under Section 9-111, any  
3 interest of the unit owner to receive rents under any lease  
4 arrangement shall be deemed assigned to the Board of Managers  
5 until such time as the judgment is vacated.

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

26 (c-5) In an action against the unit owner and lessee to

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

10 "TO A.B. You are hereby notified that in consequence of  
11 (here insert lessor-owner name) failure to comply with the  
12 leasing requirements prescribed by Section 18(n) of the  
13 Condominium Property Act or by the declaration, bylaws, and  
14 rules and regulations of the condominium, or your default  
15 of any covenants, rules, regulations or bylaws of the  
16 condominium, in (here insert the character of the default)  
17 of the premises now occupied by you, being (here described  
18 the premises) the Board of Managers of (here describe the  
19 condominium) Association elects to terminate your lease,  
20 and you are hereby notified to quit and vacate same within  
21 10 days of this date."

22 The demand shall be signed by the Board of Managers, its  
23 agent, or attorney and shall be served either personally upon  
24 the lessee with a copy to the unit owner or by sending the  
25 demand thereof by registered or certified mail with return  
26 receipt requested to the unit occupied by the lessee and to the

1 last known address of the unit owner, and no other demand of  
2 termination of such tenancy shall be required. To be effective  
3 service under this Section, a demand sent by certified mail,  
4 return receipt requested, to the unit occupied by the lessee  
5 and to the last known address of the unit owner need not be  
6 received by the lessee or condominium unit owner.

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

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

12 (735 ILCS 5/9-107) (from Ch. 110, par. 9-107)

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



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

26 Such notice shall be in the name of the clerk of the court,

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

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

23 (735 ILCS 5/9-107.5)

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

25 (a) Service of process upon an unknown occupant may be had

1 by delivering a copy of the summons and complaint naming  
2 "unknown occupants" to the tenant or any unknown occupant or  
3 person of the age of 13 or upwards occupying the premises.

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

1 (c) The plaintiff may obtain an eviction order ~~a judgment~~  
2 ~~for possession~~ only and not for rent as to any unknown  
3 occupants.

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

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

10 (735 ILCS 5/9-107.10)

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

13 (a) In this Section:

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

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

23 (b) In a residential eviction ~~an action for possession of~~  
24 ~~residential premises of a tenant~~, including eviction of a  
25 tenant who is a resident of a mobile home park, who is a

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

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

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

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

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

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

1 the Illinois Human Rights Act under this subsection shall be  
2 deposited into the Illinois Military Family Relief Fund.

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

4 (735 ILCS 5/9-109.5)

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

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

11 (735 ILCS 5/9-109.6 new)

12 Sec. 9-109.6. Residential eviction order; form. A  
13 standardized residential eviction order form, as determined by  
14 the Supreme Court, shall be used statewide.

15 (735 ILCS 5/9-109.7)

16 Sec. 9-109.7. Stay of enforcement; drug related action. An  
17 eviction order ~~A judgment for possession of the premises~~  
18 entered in an action brought by a lessor or lessor's assignee,  
19 if the action was brought as a result of a lessor or lessor's  
20 assignee declaring a lease void pursuant to Section 11 of the  
21 Controlled Substance and Cannabis Nuisance Act, may not be  
22 stayed for any period in excess of 7 days by the court.  
23 Thereafter the plaintiff shall be entitled to re-enter the

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

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

6 (735 ILCS 5/9-111) (from Ch. 110, par. 9-111)

7 Sec. 9-111. Condominium property.

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

1 and may stay the enforcement of the order judgment for a period  
2 not to exceed 180 days from such date. Any judgment for money  
3 or any rent assignment under subsection (b) of Section 9-104.2  
4 is not subject to this stay. The eviction order judgment for  
5 ~~possession~~ is not subject to an exemption of homestead under  
6 Part 9 of Article XII of this Code. If at any time, either  
7 during or after the period of stay, the defendant pays such  
8 expenses found due by the court, and costs, and reasonable  
9 attorney's fees as fixed by the court, and the defendant is not  
10 in arrears on his or her share of the common expenses for the  
11 period subsequent to that covered by the order judgment, the  
12 defendant may file a motion to vacate the order judgment in the  
13 court in which the order judgment was entered, and, if the  
14 court, upon the hearing of such motion, is satisfied that the  
15 default in payment of the proportionate share of expenses has  
16 been cured, and if the court finds that the premises are not  
17 presently let by the board of managers as provided in Section  
18 9-111.1 of this Act, the order judgment shall be vacated. If  
19 the premises are being let by the board of managers as provided  
20 in Section 9-111.1 of this Act, when any order judgment is  
21 sought to be vacated, the court shall vacate the order judgment  
22 effective concurrent with the expiration of the lease term.  
23 Unless defendant files such motion to vacate in the court or  
24 the order judgment is otherwise stayed, enforcement of the  
25 order judgment may proceed immediately upon the expiration of  
26 the period of stay and all rights of the defendant to



1 possession of his or her unit shall cease and determine until  
2 the date that the order judgment may thereafter be vacated in  
3 accordance with the foregoing provisions, and notwithstanding  
4 payment of the amount of any money judgment if the unit owner  
5 or occupant is in arrears for the period after the date of  
6 entry of the order judgment as provided in this Section.  
7 Nothing herein contained shall be construed as affecting the  
8 right of the board of managers, or its agents, to any lawful  
9 remedy or relief other than that provided by Part 1 of this  
10 Article ~~IX of this Act~~.

11 This amendatory Act of the 92nd General Assembly is  
12 intended as a clarification of existing law and not as a new  
13 enactment.

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

16 (i) the time expended by the attorney;

17 (ii) the reasonableness of the hourly rate for the work  
18 performed;

19 (iii) the reasonableness of the amount of time expended  
20 for the work performed; and

21 (iv) the amount in controversy and the nature of the  
22 action.

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

24 (735 ILCS 5/9-111.1)

25 Sec. 9-111.1. Lease to bona fide tenant. Upon the entry of

1 an eviction order ~~a judgment~~ in favor of a board of managers  
2 ~~for possession of property~~ under the Condominium Property Act,  
3 as provided in Section 9-111 of this Act, and upon delivery of  
4 possession of the premises by the sheriff or other authorized  
5 official to the board of managers pursuant to execution upon  
6 the order judgment, the board of managers shall have the right  
7 and authority, incidental to the right of possession of a unit  
8 under the order judgment, but not the obligation, to lease the  
9 unit to a bona fide tenant (whether the tenant is in occupancy  
10 or not) pursuant to a written lease for a term which may  
11 commence at any time within 8 months after the month in which  
12 the date of expiration of the stay of the order judgment  
13 occurs. The term may not exceed 13 months from the date of  
14 commencement of the lease. The court may, upon motion of the  
15 board of managers and with notice to the evicted ~~dispossessed~~  
16 unit owner, permit or extend a lease for one or more additional  
17 terms not to exceed 13 months per term. The board of managers  
18 shall first apply all rental income to assessments and other  
19 charges sued upon in the eviction action ~~for possession~~ plus  
20 statutory interest on a monetary judgment, if any, attorneys'  
21 fees, and court costs incurred; and then to other expenses  
22 lawfully agreed upon (including late charges), any fines and  
23 reasonable expenses necessary to make the unit rentable, and  
24 lastly to assessments accrued thereafter until assessments are  
25 current. Any surplus shall be remitted to the unit owner. The  
26 court shall retain jurisdiction to determine the

1 reasonably of the expense of making the unit rentable.

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

3 (735 ILCS 5/9-117) (from Ch. 110, par. 9-117)

4 Sec. 9-117. Expiration of order judgment. No eviction order  
5 ~~judgment for possession~~ obtained in an action brought under  
6 this Article may be enforced more than 120 days after the order  
7 ~~judgment~~ is entered, unless upon motion by the plaintiff the  
8 court grants an extension of the period of enforcement of the  
9 order judgment. Plaintiff's notice of motion shall contain the  
10 following notice directed to the defendant:

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

1           reason; or (3) that you have another legal or equitable  
2           reason why the court should not grant the plaintiff's  
3           request for your eviction."

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

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

19                 (735 ILCS 5/9-118) (from Ch. 110, par. 9-118)

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

21                 (a) As used in this Section:

22                 "Cannabis" has the meaning ascribed to that term in the  
23                 Cannabis Control Act.

24                 "Narcotics" and "controlled substance" have the meanings  
25                 ascribed to those terms in the Illinois Controlled Substances

1 Act.

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

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

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

9 (A) unlawful possessing, serving, storing,  
10 manufacturing, cultivating, delivering, using,  
11 selling, giving away, or trafficking in cannabis,  
12 methamphetamine, narcotics, or controlled substances  
13 within or upon the premises by or with the knowledge  
14 and consent of, or in concert with the person or  
15 persons named in the complaint; or

16 (B) the possession, use, sale, or delivery of a  
17 firearm which is otherwise prohibited by State law  
18 within or upon the premises by or with the knowledge  
19 and consent of, or in concert with, the person or  
20 persons named in the complaint; or

21 (C) murder, attempted murder, kidnapping,  
22 attempted kidnapping, arson, attempted arson,  
23 aggravated battery, criminal sexual assault, attempted  
24 criminal sexual assault, aggravated criminal sexual  
25 assault, predatory criminal sexual assault of a child,  
26 or criminal sexual abuse within or upon the premises by

1           or with the knowledge and consent of, or in concert  
2           with, the person or persons named in the complaint.

3           (3) Notice by verified complaint setting forth the  
4           relevant facts, and a demand for possession of the type  
5           specified in Section 9-104 is served on the tenant or  
6           occupant of the premises at least 14 days before a hearing  
7           on the complaint is held, and proof of service of the  
8           complaint is submitted by the plaintiff to the court.

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

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

19          If a plaintiff which is a public housing authority accepts  
20          rent from the defendant after an action is initiated under this  
21          Section, the acceptance of rent shall not be a cause for  
22          dismissal of the complaint.

23          (d) If the defendant does not appear at the hearing, an  
24          eviction order ~~judgment for possession of the premises~~ in favor  
25          of the plaintiff shall be entered by default. If the defendant  
26          appears, a trial shall be held immediately as is prescribed in

1 other eviction proceedings ~~for possession~~. The matter shall not  
2 be continued beyond 7 days from the date set for the first  
3 hearing on the complaint except by agreement of both the  
4 plaintiff and the defendant. After a trial, if the court finds,  
5 by a preponderance of the evidence, that the allegations in the  
6 complaint have been proven, the court shall enter an eviction  
7 order ~~judgment for possession of the premises~~ in favor of the  
8 plaintiff and the court shall order that the plaintiff shall be  
9 entitled to re-enter the premises immediately.

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

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

25 (f) This Section shall not be construed to prohibit the use  
26 or possession of cannabis, methamphetamine, narcotics, or a

1 controlled substance that has been legally obtained in  
2 accordance with a valid prescription for the personal use of a  
3 lawful occupant of a dwelling unit.

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

5 (735 ILCS 5/9-119)

6 Sec. 9-119. Emergency subsidized housing eviction  
7 proceedings.

8 (a) As used in this Section:

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

11 "HUD" means the United States Department of Housing and  
12 Urban Development, or the Federal Housing Administration or a  
13 local housing authority administering a HUD program.

14 "Section 8 contract" means a contract with HUD or FmHA  
15 which provides rent subsidies entered into pursuant to Section  
16 8 of the United States Housing Act of 1937 or the Section 8  
17 Existing Housing Program (24 C.F.R. Part 882).

18 "Subsidized housing" means:

19 (1) any housing or unit of housing subject to a Section  
20 8 contract;

21 (2) any housing or unit of housing owned, operated, or  
22 managed by a housing authority established under the  
23 Housing Authorities Act; or

24 (3) any housing or unit of housing financed by a loan  
25 or mortgage held by the Illinois Housing Development



1 Authority, a local housing authority, or the federal  
2 Department of Housing and Urban Development ("HUD") that  
3 is:

4 (i) insured or held by HUD under Section 221(d) (3)  
5 of the National Housing Act and assisted under Section  
6 101 of the Housing and Urban Development Act of 1965 or  
7 Section 8 of the United States Housing Act of 1937;

8 (ii) insured or held by HUD and bears interest at a  
9 rate determined under the proviso of Section 221(d) (3)  
10 of the National Housing Act;

11 (iii) insured, assisted, or held by HUD under  
12 Section 202 or 236 of the National Housing Act;

13 (iv) insured or held by HUD under Section 514 or  
14 515 of the Housing Act of 1949;

15 (v) insured or held by HUD under the United States  
16 Housing Act of 1937; or

17 (vi) held by HUD and formerly insured under a  
18 program listed in subdivision (i), (ii), (iii), (iv),  
19 or (v).

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

22 (1) The verified complaint seeks possession of  
23 premises that are subsidized housing as defined under this  
24 Section.

25 (2) The verified complaint alleges that there is direct  
26 evidence of refusal by the tenant to allow the landlord or

1 agent of the landlord or other person authorized by State  
2 or federal law or regulations or local ordinance to inspect  
3 the premises, provided that all of the following conditions  
4 have been met:

5 (A) on 2 separate occasions within a 30 day period  
6 the tenant, or another person on the premises with the  
7 consent of the tenant, refuses to allow the landlord or  
8 agent of the landlord or other person authorized by  
9 State or federal law or regulations or local ordinance  
10 to inspect the premises;

11 (B) the landlord then sends written notice to the  
12 tenant stating that (i) the tenant, or a person on the  
13 premises with the consent of the tenant, failed twice  
14 within a 30 day period to allow the landlord or agent  
15 of the landlord or other person authorized by State or  
16 federal law or regulations or local ordinance to  
17 inspect the premises and (ii) the tenant must 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 the next  
21 30 days or face emergency eviction proceedings under  
22 this Section;

23 (C) the tenant subsequently fails to allow the  
24 landlord or agent of the landlord or other person  
25 authorized by State or federal law or regulations or  
26 local ordinance to inspect the premises within 30 days

1 of receiving the notice from the landlord; and

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

5 (3) Notice, by verified complaint setting forth the  
6 relevant facts, and a demand for possession of the type  
7 specified in Section 9-104 is served on the tenant or  
8 occupant of the premises at least 14 days before a hearing  
9 on the complaint is held, and proof of service of the  
10 complaint is submitted by the plaintiff to the court.

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

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

1 complaint have been proven, the court shall enter an eviction  
2 order ~~judgment for possession of the premises~~ in favor of the  
3 plaintiff and the court shall order that the plaintiff shall be  
4 entitled to re-enter the premises immediately.

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

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

13 (735 ILCS 5/9-120)

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

16 (a) If any lessee or occupant, on one or more occasions,  
17 uses or permits the use of leased premises for the commission  
18 of any act that would constitute a felony or a Class A  
19 misdemeanor under the laws of this State, the lease or rental  
20 agreement shall, at the option of the lessor or the lessor's  
21 assignee become void, and the owner or lessor shall be entitled  
22 to recover possession of the leased premises as against a  
23 tenant holding over after the expiration of his or her term. A  
24 written lease shall notify the lessee that if any lessee or  
25 occupant, on one or more occasions, uses or permits the use of

1 the leased premises for the commission of a felony or Class A  
2 misdemeanor under the laws of this State, the lessor shall have  
3 the right to void the lease and recover the leased premises.  
4 Failure to include this language in a written lease or the use  
5 of an oral lease shall not waive or impair the rights of the  
6 lessor or lessor's assignee under this Section or the lease.  
7 This Section shall not be construed so as to diminish the  
8 rights of a lessor, if any, to terminate a lease for other  
9 reasons permitted under law or pursuant to the lease agreement.

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

1 the right to bring the eviction ~~forcible entry and detainer~~  
2 action has been assigned.

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

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

21 (e) After a trial, if the court finds, by a preponderance  
22 of the evidence, that the allegations in the complaint have  
23 been proven, the court shall enter an eviction order ~~judgment~~  
24 ~~for possession of the premises~~ in favor of the plaintiff and  
25 the court shall order that the plaintiff shall be entitled to  
26 re-enter the premises immediately.

1           (f) An eviction order ~~A judgment for possession of the~~  
2 ~~premises~~ entered in an action brought by a lessor or lessor's  
3 assignee, if the action was brought as a result of a lessor or  
4 lessor's assignee declaring a lease void pursuant to this  
5 Section, may not be stayed for any period in excess of 7 days  
6 by the court unless all parties agree to a longer period.  
7 Thereafter the plaintiff shall be entitled to re-enter the  
8 premises immediately. The sheriff or other lawfully deputized  
9 officers shall execute an order entered pursuant to this  
10 Section within 7 days of its entry, or within 7 days of the  
11 expiration of a stay of judgment, if one is entered.

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

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

16           (735 ILCS 5/9-121)

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

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

21           (b) Discretionary sealing of court file. The court may  
22 order that a court file in an eviction ~~a forcible entry and~~  
23 ~~detainer~~ action be placed under seal if the court finds that  
24 the plaintiff's action is sufficiently without a basis in fact  
25 or law, which may include a lack of jurisdiction, that placing

1 the court file under seal is clearly in the interests of  
2 justice, and that those interests are not outweighed by the  
3 public's interest in knowing about the record.

4 (c) Mandatory sealing of court file. The court file  
5 relating to an eviction ~~a forcible entry and detainer~~ action  
6 brought against a tenant under Section 9-207.5 of this Code or  
7 as set forth in subdivision (h) (6) of Section 15-1701 of this  
8 Code shall be placed under seal.

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

10 (735 ILCS 5/9-207) (from Ch. 110, par. 9-207)

11 Sec. 9-207. Notice to terminate tenancy for less than a  
12 year.

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

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

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



1 (735 ILCS 5/9-208) (from Ch. 110, par. 9-208)

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

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

7 (735 ILCS 5/9-209) (from Ch. 110, par. 9-209)

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

1 ~~detainer for the possession of the leased premises,~~ under this  
2 Section.

3 Notice made pursuant to this Section shall, as hereinafter  
4 stated, not be invalidated by payments of past due rent  
5 demanded in the notice, when the payments do not, at the end of  
6 the notice period, total the amount demanded in the notice. The  
7 landlord may, however, agree in writing to continue the lease  
8 in exchange for receiving partial payment. To prevent  
9 invalidation, the notice must prominently state:

10 "Only FULL PAYMENT of the rent demanded in this notice will  
11 waive the landlord's right to terminate the lease under this  
12 notice, unless the landlord agrees in writing to continue the  
13 lease in exchange for receiving partial payment."

14 Collection by the landlord of past rent due after the  
15 filing of a suit for eviction ~~possession~~ or ejection pursuant  
16 to failure of the tenant to pay the rent demanded in the notice  
17 shall not invalidate the suit.

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

19 (735 ILCS 5/12-903) (from Ch. 110, par. 12-903)

20 Sec. 12-903. Extent of exemption. No property shall, by  
21 virtue of Part 9 of this Article ~~XII of this Act~~, be exempt  
22 from sale for nonpayment of taxes or assessments, or for a debt  
23 or liability incurred for the purchase or improvement thereof,  
24 or for enforcement of a lien thereon pursuant to paragraph  
25 (g) (1) of Section 9 of the "Condominium Property Act", approved

1 June 20, 1963, as amended, or be exempt from enforcement of an  
2 eviction order ~~a judgment for possession~~ pursuant to paragraph  
3 (a) (7) or (a) (8) of Section 9-102 of this Code.

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

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

8 (735 ILCS 5/15-1504.5)

9 Sec. 15-1504.5. Homeowner notice to be attached to summons.  
10 For all residential foreclosure actions filed, the plaintiff  
11 must attach a Homeowner Notice to the summons. The Homeowner  
12 Notice must be in at least 12 point type and in English and  
13 Spanish. The Spanish translation shall be prepared by the  
14 Attorney General and posted on the Attorney General's website.  
15 A notice that includes the Attorney General's Spanish  
16 translation in substantially similar form shall be deemed to  
17 comply with the Spanish notice requirement in this Section. The  
18 Notice must be in substantially the following form:

19 **IMPORTANT INFORMATION FOR HOMEOWNERS IN FORECLOSURE**

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

23 **2. OWNERSHIP:** You continue to own your home until the

1 court rules otherwise.

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

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

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

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

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

24 **8. GET ADVICE:** This information is not exhaustive and  
25 does not replace the advice of a professional. You may have  
26 other options. Get professional advice from a lawyer or

1 certified housing counselor about your rights and options  
2 to avoid foreclosure.

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

7 **10. PROCEED WITH CAUTION:** You may be contacted by  
8 people offering to help you avoid foreclosure. Before  
9 entering into any transaction with persons offering to help  
10 you, please contact a lawyer, government official, or  
11 housing counselor for advice.

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

13 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

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

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

18 (b) Hearing. Upon motion and notice in accordance with  
19 court rules applicable to motions generally, which motion shall  
20 not be made prior to sale, the court shall conduct a hearing to  
21 confirm the sale. Unless the court finds that (i) a notice  
22 required in accordance with subsection (c) of Section 15-1507  
23 was not given, (ii) the terms of sale were unconscionable,  
24 (iii) the sale was conducted fraudulently, or (iv) justice was  
25 otherwise not done, the court shall then enter an order

1 confirming the sale. The confirmation order shall include a  
2 name, address, and telephone number of the holder of the  
3 certificate of sale or deed issued pursuant to that certificate  
4 or, if no certificate or deed was issued, the purchaser, whom a  
5 municipality or county may contact with concerns about the real  
6 estate. The confirmation order may also:

7 (1) approve the mortgagee's fees and costs arising  
8 between the entry of the judgment of foreclosure and the  
9 confirmation hearing, those costs and fees to be allowable  
10 to the same extent as provided in the note and mortgage and  
11 in Section 15-1504;

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

14 (3) determine the priority of the judgments of parties  
15 who deferred proving the priority pursuant to subsection  
16 (h) of Section 15-1506, but the court shall not defer  
17 confirming the sale pending the determination of such  
18 priority.

19 (b-3) Hearing to confirm sale of abandoned residential  
20 property. Upon motion and notice by first-class mail to the  
21 last known address of the mortgagor, which motion shall be made  
22 prior to the sale and heard by the court at the earliest  
23 practicable time after conclusion of the sale, and upon the  
24 posting at the property address of the notice required by  
25 paragraph (2) of subsection (1) of Section 15-1505.8, the court  
26 shall enter an order confirming the sale of the abandoned

1 residential property, unless the court finds that a reason set  
2 forth in items (i) through (iv) of subsection (b) of this  
3 Section exists for not approving the sale, or an order is  
4 entered pursuant to subsection (h) of Section 15-1505.8. The  
5 confirmation order also may address the matters identified in  
6 items (1) through (3) of subsection (b) of this Section. The  
7 notice required under subsection (b-5) of this Section shall  
8 not be required.

9 (b-5) Notice with respect to residential real estate. With  
10 respect to residential real estate, the notice required under  
11 subsection (b) of this Section shall be sent to the mortgagor  
12 even if the mortgagor has previously been held in default. In  
13 the event the mortgagor has filed an appearance, the notice  
14 shall be sent to the address indicated on the appearance. In  
15 all other cases, the notice shall be sent to the mortgagor at  
16 the common address of the foreclosed property. The notice shall  
17 be sent by first class mail. Unless the right to possession has  
18 been previously terminated by the court, the notice shall  
19 include the following language in 12-point boldface  
20 capitalized type:

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

25 (b-10) Notice of confirmation order sent to municipality or  
26 county. A copy of the confirmation order required under

1 subsection (b) shall be sent to the municipality in which the  
2 foreclosed property is located, or to the county within the  
3 boundary of which the foreclosed property is located if the  
4 foreclosed property is located in an unincorporated territory.  
5 A municipality or county must clearly publish on its website a  
6 single address to which a copy of the order shall be sent. If a  
7 municipality or county does not maintain a website, then the  
8 municipality or county must publicly post in its main office a  
9 single address to which a copy of the order shall be sent. In  
10 the event that a municipality or county has not complied with  
11 the publication requirement in this subsection (b-10), then a  
12 copy of the order shall be sent by first class mail, postage  
13 prepaid, to the chairperson of the county board or county clerk  
14 in the case of a county, to the mayor or city clerk in the case  
15 of a city, to the president of the board of trustees or village  
16 clerk in the case of a village, or to the president or town  
17 clerk in the case of a town.

18 (b-15) Notice of confirmation order sent to known insurers.  
19 With respect to residential real estate, the party filing the  
20 complaint shall send a copy of the confirmation order required  
21 under subsection (b) by first class mail, postage prepaid, to  
22 the last known property insurer of the foreclosed property.  
23 Failure to send or receive a copy of the order shall not impair  
24 or abrogate in any way the rights of the mortgagee or purchaser  
25 or affect the status of the foreclosure proceedings.

26 (c) Failure to Give Notice. If any sale is held without



1 compliance with subsection (c) of Section 15-1507 of this  
2 Article, any party entitled to the notice provided for in  
3 paragraph (3) of that subsection (c) who was not so notified  
4 may, by motion supported by affidavit made prior to  
5 confirmation of such sale, ask the court which entered the  
6 judgment to set aside the sale. Any such party shall guarantee  
7 or secure by bond a bid equal to the successful bid at the  
8 prior sale, unless the party seeking to set aside the sale is  
9 the mortgagor, the real estate sold at the sale is residential  
10 real estate, and the mortgagor occupies the residential real  
11 estate at the time the motion is filed. In that event, no  
12 guarantee or bond shall be required of the mortgagor. Any  
13 subsequent sale is subject to the same notice requirement as  
14 the original sale.

15 (d) Validity of Sale. Except as provided in subsection (c)  
16 of Section 15-1508, no sale under this Article shall be held  
17 invalid or be set aside because of any defect in the notice  
18 thereof or in the publication of the same, or in the  
19 proceedings of the officer conducting the sale, except upon  
20 good cause shown in a hearing pursuant to subsection (b) of  
21 Section 15-1508. At any time after a sale has occurred, any  
22 party entitled to notice under paragraph (3) of subsection (c)  
23 of Section 15-1507 may recover from the mortgagee any damages  
24 caused by the mortgagee's failure to comply with such paragraph  
25 (3). Any party who recovers damages in a judicial proceeding  
26 brought under this subsection may also recover from the

1 mortgagee the reasonable expenses of litigation, including  
2 reasonable attorney's fees.

3 (d-5) Making Home Affordable Program. The court that  
4 entered the judgment shall set aside a sale held pursuant to  
5 Section 15-1507, upon motion of the mortgagor at any time prior  
6 to the confirmation of the sale, if the mortgagor proves by a  
7 preponderance of the evidence that (i) the mortgagor has  
8 applied for assistance under the Making Home Affordable Program  
9 established by the United States Department of the Treasury  
10 pursuant to the Emergency Economic Stabilization Act of 2008,  
11 as amended by the American Recovery and Reinvestment Act of  
12 2009, and (ii) the mortgaged real estate was sold in material  
13 violation of the program's requirements for proceeding to a  
14 judicial sale. The provisions of this subsection (d-5) are  
15 operative and, except for this sentence, shall become  
16 inoperative on January 1, 2018 for all actions filed under this  
17 Article after December 31, 2017, in which the mortgagor did not  
18 apply for assistance under the Making Home Affordable Program  
19 on or before December 31, 2016. The changes to this subsection  
20 (d-5) by this amendatory Act of the 99th General Assembly apply  
21 to all cases pending and filed on or after the effective date  
22 of this amendatory Act of the 99th General Assembly.

23 (e) Deficiency Judgment. In any order confirming a sale  
24 pursuant to the judgment of foreclosure, the court shall also  
25 enter a personal judgment for deficiency against any party (i)  
26 if otherwise authorized and (ii) to the extent requested in the

1 complaint and proven upon presentation of the report of sale in  
2 accordance with Section 15-1508. Except as otherwise provided  
3 in this Article, a judgment may be entered for any balance of  
4 money that may be found due to the plaintiff, over and above  
5 the proceeds of the sale or sales, and enforcement may be had  
6 for the collection of such balance, the same as when the  
7 judgment is solely for the payment of money. Such judgment may  
8 be entered, or enforcement had, only in cases where personal  
9 service has been had upon the persons personally liable for the  
10 mortgage indebtedness, unless they have entered their  
11 appearance in the foreclosure action.

12 (f) Satisfaction. Upon confirmation of the sale, the  
13 judgment stands satisfied to the extent of the sale price less  
14 expenses and costs. If the order confirming the sale includes a  
15 deficiency judgment, the judgment shall become a lien in the  
16 manner of any other judgment for the payment of money.

17 (g) The order confirming the sale shall include,  
18 notwithstanding any previous orders awarding possession during  
19 the pendency of the foreclosure, an award to the purchaser of  
20 possession of the mortgaged real estate, as of the date 30 days  
21 after the entry of the order, against the parties to the  
22 foreclosure whose interests have been terminated.

23 An eviction order ~~of possession~~ authorizing the removal of  
24 a person from possession of the mortgaged real estate shall be  
25 entered and enforced only against those persons personally  
26 named as individuals in the complaint or the petition under

1 subsection (h) of Section 15-1701. No eviction order ~~of~~  
2 ~~possession~~ issued under this Section shall be entered against a  
3 lessee with a bona fide lease of a dwelling unit in residential  
4 real estate in foreclosure, whether or not the lessee has been  
5 made a party in the foreclosure. An order shall not be entered  
6 and enforced against any person who is only generically  
7 described as an unknown owner or nonrecord claimant or by  
8 another generic designation in the complaint.

9 Notwithstanding the preceding paragraph, the failure to  
10 personally name, include, or seek an eviction order ~~award of~~  
11 ~~possession of the mortgaged real estate~~ against a person in the  
12 confirmation order shall not abrogate any right that the  
13 purchaser may have to possession of the mortgaged real estate  
14 and to maintain an eviction proceeding ~~a proceeding against~~  
15 ~~that person for possession~~ under Article IX of this Code or, if  
16 applicable, under subsection (h) of Section 15-1701; and  
17 eviction of possession ~~against~~ a person who (1) has not been  
18 personally named as a party to the foreclosure and (2) has not  
19 been provided an opportunity to be heard in the foreclosure  
20 proceeding may be sought only by maintaining a proceeding under  
21 Article IX of this Code or, if applicable, under subsection (h)  
22 of Section 15-1701.

23 (h) With respect to mortgaged real estate containing 5 or  
24 more dwelling units, the order confirming the sale shall also  
25 provide that (i) the mortgagor shall transfer to the purchaser  
26 the security deposits, if any, that the mortgagor received to

1 secure payment of rent or to compensate for damage to the  
2 mortgaged real estate from any current occupant of a dwelling  
3 unit of the mortgaged real estate, as well as any statutory  
4 interest that has not been paid to the occupant, and (ii) the  
5 mortgagor shall provide an accounting of the security deposits  
6 that are transferred, including the name and address of each  
7 occupant for whom the mortgagor holds the deposit and the  
8 amount of the deposit and any statutory interest.

9 (Source: P.A. 98-514, eff. 11-19-13; 98-605, eff. 12-26-13;  
10 99-640, eff. 7-28-16.)

11 (735 ILCS 5/15-1701) (from Ch. 110, par. 15-1701)

12 Sec. 15-1701. Right to possession.

13 (a) General. The provisions of this Article shall govern  
14 the right to possession of the mortgaged real estate during  
15 foreclosure. Possession under this Article includes physical  
16 possession of the mortgaged real estate to the same extent to  
17 which the mortgagor, absent the foreclosure, would have been  
18 entitled to physical possession. For the purposes of Part 17,  
19 real estate is residential real estate only if it is  
20 residential real estate at the time the foreclosure is  
21 commenced.

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

24 (1) In the case of residential real estate, the  
25 mortgagor shall be entitled to possession of the real

1 estate except if (i) the mortgagee shall object and show  
2 good cause, (ii) the mortgagee is so authorized by the  
3 terms of the mortgage or other written instrument, and  
4 (iii) the court is satisfied that there is a reasonable  
5 probability that the mortgagee will prevail on a final  
6 hearing of the cause, the court shall upon request place  
7 the mortgagee in possession. If the residential real estate  
8 consists of more than one dwelling unit, then for the  
9 purpose of this Part residential real estate shall mean  
10 only that dwelling unit or units occupied by persons  
11 described in clauses (i), (ii) and (iii) of Section  
12 15-1219.

13 (2) In all other cases, if (i) the mortgagee is so  
14 authorized by the terms of the mortgage or other written  
15 instrument, and (ii) the court is satisfied that there is a  
16 reasonable probability that the mortgagee will prevail on a  
17 final hearing of the cause, the mortgagee shall upon  
18 request be placed in possession of the real estate, except  
19 that if the mortgagor shall object and show good cause, the  
20 court shall allow the mortgagor to remain in possession.

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

24 (1) Subsection (b) of Section 15-1701 shall be  
25 applicable, regardless of the provisions of the mortgage or  
26 other instrument, except that after a sale pursuant to the

1 judgment the holder of the certificate of sale (or, if  
2 none, the purchaser at the sale) shall have the mortgagee's  
3 right to be placed in possession, with all rights and  
4 duties of a mortgagee in possession under this Article.

5 (2) Notwithstanding paragraph (1) of subsection (b)  
6 and paragraph (1) of subsection (c) of Section 15-1701,  
7 upon request of the mortgagee, a mortgagor of residential  
8 real estate shall not be allowed to remain in possession  
9 between the expiration of the redemption period and through  
10 the 30th day after sale confirmation unless (i) the  
11 mortgagor pays to the mortgagee or such holder or  
12 purchaser, whichever is applicable, monthly the lesser of  
13 the interest due under the mortgage calculated at the  
14 mortgage rate of interest applicable as if no default had  
15 occurred or the fair rental value of the real estate, or  
16 (ii) the mortgagor otherwise shows good cause. Any amounts  
17 paid by the mortgagor pursuant to this subsection shall be  
18 credited against the amounts due from the mortgagor.

19 (d) After 30 Days After Sale Confirmation. The holder of  
20 the certificate of sale or deed issued pursuant to that  
21 certificate or, if no certificate or deed was issued, the  
22 purchaser, except to the extent the holder or purchaser may  
23 consent otherwise, shall be entitled to possession of the  
24 mortgaged real estate, as of the date 30 days after the order  
25 confirming the sale is entered, against those parties to the  
26 foreclosure whose interests the court has ordered terminated,

1 without further notice to any party, further order of the  
2 court, or resort to proceedings under any other statute other  
3 than this Article. This right to possession shall be limited by  
4 the provisions governing entering and enforcing orders of  
5 possession under subsection (g) of Section 15-1508. If the  
6 holder or purchaser determines that there are occupants of the  
7 mortgaged real estate who have not been made parties to the  
8 foreclosure and had their interests terminated therein, the  
9 holder or purchaser may bring an eviction ~~a~~ proceeding under  
10 subsection (h) of this Section, if applicable, or under Article  
11 IX of this Code to terminate the rights of possession of any  
12 such occupants. The holder or purchaser shall not be entitled  
13 to proceed against any such occupant under Article IX of this  
14 Code until after 30 days after the order confirming the sale is  
15 entered.

16 (e) Termination of Leases. A lease of all or any part of  
17 the mortgaged real estate shall not be terminated automatically  
18 solely by virtue of the entry into possession by (i) a  
19 mortgagee or receiver prior to the entry of an order confirming  
20 the sale, (ii) the holder of the certificate of sale, (iii) the  
21 holder of the deed issued pursuant to that certificate, or (iv)  
22 if no certificate or deed was issued, the purchaser at the  
23 sale.

24 (f) Other Statutes; Instruments. The provisions of this  
25 Article providing for possession of mortgaged real estate shall  
26 supersede any other inconsistent statutory provisions. In



1 particular, and without limitation, whenever a receiver is  
2 sought to be appointed in any action in which a foreclosure is  
3 also pending, a receiver shall be appointed only in accordance  
4 with this Article. Except as may be authorized by this Article,  
5 no mortgage or other instrument may modify or supersede the  
6 provisions of this Article.

7 (g) Certain Leases. Leases of the mortgaged real estate  
8 entered into by a mortgagee in possession or a receiver and  
9 approved by the court in a foreclosure shall be binding on all  
10 parties, including the mortgagor after redemption, the  
11 purchaser at a sale pursuant to a judgment of foreclosure and  
12 any person acquiring an interest in the mortgaged real estate  
13 after entry of a judgment of foreclosure in accordance with  
14 Sections 15-1402 and 15-1403.

15 (h) Proceedings Against Certain Occupants.

16 (1) The mortgagee-in-possession of the mortgaged real  
17 estate under Section 15-1703, a receiver appointed under  
18 Section 15-1704, a holder of the certificate of sale or  
19 deed, or the purchaser may, at any time during the pendency  
20 of the foreclosure and up to 90 days after the date of the  
21 order confirming the sale, file a supplemental eviction  
22 petition ~~for possession~~ against a person not personally  
23 named as a party to the foreclosure. This subsection (h)  
24 does not apply to any lessee with a bona fide lease of a  
25 dwelling unit in residential real estate in foreclosure.

26 (2) The supplemental eviction petition ~~for possession~~

1 shall name each such occupant against whom an eviction  
2 order ~~possession~~ is sought and state the facts upon which  
3 the claim for relief is premised.

4 (3) The petitioner shall serve upon each named occupant  
5 the petition, a notice of hearing on the petition, and, if  
6 any, a copy of the certificate of sale or deed. The  
7 eviction proceeding ~~for the termination of such occupant's~~  
8 ~~possessory interest~~, including service of the notice of the  
9 hearing and the petition, shall in all respects comport  
10 with the requirements of Article IX of this Code, except as  
11 otherwise specified in this Section. The hearing shall be  
12 no less than 21 days from the date of service of the  
13 notice.

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

25 (5) In a case of foreclosure where the occupant is  
26 current on his or her rent, or where timely written notice

1 of to whom and where the rent is to be paid has not been  
2 provided to the occupant, or where the occupant has made  
3 good-faith efforts to make rental payments in order to keep  
4 current, any eviction order ~~of possession~~ must allow the  
5 occupant to retain possession of the property covered in  
6 his or her rental agreement (i) for 120 days following the  
7 notice of the hearing on the supplemental petition that has  
8 been properly served upon the occupant, or (ii) through the  
9 duration of his or her lease, whichever is shorter,  
10 provided that if the duration of his or her lease is less  
11 than 30 days from the date of the order, the order shall  
12 allow the occupant to retain possession for 30 days from  
13 the date of the order. A mortgagee in possession, receiver,  
14 holder of a certificate of sale or deed, or purchaser at  
15 the judicial sale, who asserts that the occupant is not  
16 current in rent, shall file an affidavit to that effect in  
17 the supplemental petition proceeding. If the occupant has  
18 been given timely written notice of to whom and where the  
19 rent is to be paid, this item (5) shall only apply if the  
20 occupant continues to pay his or her rent in full during  
21 the 120-day period or has made good-faith efforts to pay  
22 the rent in full during that period.

23 (6) The court records relating to a supplemental  
24 eviction petition ~~for possession~~ filed under this  
25 subsection (h) against an occupant who is entitled to  
26 notice under item (5) of this subsection (h), or relating

1 to an eviction ~~a forcible entry and detainer~~ action brought  
2 against an occupant who would have lawful possession of the  
3 premises but for the foreclosure of a mortgage on the  
4 property, shall be ordered sealed and shall not be  
5 disclosed to any person, other than a law enforcement  
6 officer or any other representative of a governmental  
7 entity, except upon further order of the court.

8 (i) Termination of bona fide leases. The holder of the  
9 certificate of sale, the holder of the deed issued pursuant to  
10 that certificate, or, if no certificate or deed was issued, the  
11 purchaser at the sale shall not terminate a bona fide lease of  
12 a dwelling unit in residential real estate in foreclosure  
13 except pursuant to Article IX of this Code.

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

15 (735 ILCS 5/19-129)

16 Sec. 19-129. Mobile homes. If the chattel which is the  
17 subject of the replevin action is a mobile home and is occupied  
18 by the defendant or other persons, the court may issue an  
19 eviction ~~a forcible~~ order directing the sheriff to remove the  
20 personal property of the defendant or occupants from the mobile  
21 home ~~if provided that~~ the defendants and unknown occupants are  
22 given notice of the plaintiff's intent to seek an eviction ~~a~~  
23 ~~forcible~~ order and that upon entry of the ~~said~~ order ~~for~~  
24 ~~possession~~, the execution is stayed for a reasonable time as  
25 determined by the court so as to allow the defendants and

1 unknown occupants to remove their property from the mobile  
2 home.

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

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

6 (740 ILCS 40/11) (from Ch. 100 1/2, par. 24)

7 Sec. 11. (a) If any lessee or occupant, on one or more  
8 occasions, shall use leased premises for the purpose of  
9 unlawful possessing, serving, storing, manufacturing,  
10 cultivating, delivering, using, selling or giving away  
11 controlled substances or shall permit them to be used for any  
12 such purposes, the lease or contract for letting such premises  
13 shall, at the option of the lessor or the lessor's assignee,  
14 become void, and the owner or the owner's assignee may notify  
15 the lessee or occupant by posting a written notice at the  
16 premises requiring the lessee or occupant to vacate the leased  
17 premises on or before a date 5 days after the giving of the  
18 notice. The notice shall state the basis for its issuance on  
19 forms provided by the circuit court clerk of the county in  
20 which the real property is located. The owner or owner's  
21 assignee may have the like remedy to recover possession thereof  
22 as against a tenant holding over after the expiration of his  
23 term. The owner or lessor may bring an eviction ~~a forcible~~  
24 ~~entry and detainer~~ action, or assign to the State's Attorney of

1 the county in which the real property is located the right to  
2 bring an eviction ~~a forcible entry and detainer~~ action on  
3 behalf of the owner or lessor, against the lessee and all  
4 occupants of the leased premises. The assignment must be in  
5 writing on a form prepared by the State's Attorney of the  
6 county in which the real property is located. If the owner or  
7 lessor assigns the right to bring an eviction ~~a forcible entry~~  
8 ~~and detainer~~ action, the assignment shall be limited to those  
9 rights and duties up to and including delivery of the order of  
10 eviction to the sheriff for execution. The owner or lessor  
11 remains liable for the cost of the eviction whether or not the  
12 right to bring the eviction ~~forcible entry and detainer~~ action  
13 has been assigned.

14 (b) If a controlled substance is found or used anywhere in  
15 the premises of an apartment, there is a rebuttable presumption  
16 that the controlled substance was either used or possessed by a  
17 lessee or occupant or that a lessee or occupant permitted the  
18 premises to be used for that use or possession. A person shall  
19 not forfeit his or her security deposit or any part of the  
20 security deposit due solely to an eviction under the provisions  
21 of the Act.

22 (c) If a lessor or the lessor's assignee voids a contract  
23 under the provisions of this Section, and a tenant or occupant  
24 has not vacated the premises within 5 days after receipt of a  
25 written notice to vacate the premises, the lessor or the  
26 lessor's assignee may seek relief under Article IX of the Code

1 of Civil Procedure. Notwithstanding Sections 9-112, 9-113 and  
2 9-114 of the Code of Civil Procedure, judgment for costs  
3 against the plaintiff seeking eviction ~~possession of the~~  
4 ~~premises~~ under this Section shall not be awarded to the  
5 defendant unless the action was brought by the plaintiff in bad  
6 faith. An eviction action ~~to possess premises~~ under this  
7 Section shall not be deemed to be in bad faith if ~~where~~ the  
8 plaintiff based his or her cause of action on information  
9 provided to him or her by a law enforcement agency or the  
10 State's Attorney.

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

12 Section 40. The Condominium Property Act is amended by  
13 changing Section 9.2 as follows:

14 (765 ILCS 605/9.2) (from Ch. 30, par. 309.2)

15 Sec. 9.2. Other remedies.

16 (a) In the event of any default by any unit owner, his  
17 tenant, invitee or guest in the performance of his obligations  
18 under this Act or under the declaration, bylaws, or the rules  
19 and regulations of the board of managers, the board of managers  
20 or its agents shall have such rights and remedies as provided  
21 in the Act or condominium instruments including the right to  
22 maintain an eviction action ~~for possession~~ against such  
23 defaulting unit owner or his tenant for the benefit of all the  
24 other unit owners in the manner prescribed by Article IX of the

1 Code of Civil Procedure.

2 (b) Any attorneys' fees incurred by the Association arising  
3 out of a default by any unit owner, his tenant, invitee or  
4 guest in the performance of any of the provisions of the  
5 condominium instruments, rules and regulations or any  
6 applicable statute or ordinance shall be added to, and deemed a  
7 part of, his respective share of the common expense.

8 (c) Other than attorney's fees, no fees pertaining to the  
9 collection of a unit owner's financial obligation to the  
10 Association, including fees charged by a manager or managing  
11 agent, shall be added to and deemed a part of an owner's  
12 respective share of the common expenses unless: (i) the  
13 managing agent fees relate to the costs to collect common  
14 expenses for the Association; (ii) the fees are set forth in a  
15 contract between the managing agent and the Association; and  
16 (iii) the authority to add the management fees to an owner's  
17 respective share of the common expenses is specifically stated  
18 in the declaration or bylaws of the Association.

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

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

22 (765 ILCS 705/5)

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

24 (a) If, after the effective date of this amendatory Act of



1 1995, any lessee or occupant is charged during his or her lease  
2 or contract term with having committed an offense on the  
3 premises constituting a Class X felony under the laws of this  
4 State, upon a judicial finding of probable cause at a  
5 preliminary hearing or indictment by a grand jury, the lease or  
6 contract for letting the premises shall, at the option of the  
7 lessor or the lessor's assignee, become void, and the owner or  
8 the owner's assignee may notify the lessee or occupant by  
9 posting a written notice at the premises requiring the lessee  
10 or occupant to vacate the leased premises on or before a date 5  
11 days after the giving of the notice. The notice shall state the  
12 basis for its issuance on forms provided by the circuit court  
13 clerk of the county in which the real property is located. The  
14 owner or owner's assignee may have the same remedy to recover  
15 possession of the premises as against a tenant holding over  
16 after the expiration of his or her term. The owner or lessor  
17 may bring an eviction ~~a forcible entry and detainer~~ action.

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

21 (c) If a lessor or the lessor's assignee voids a contract  
22 under the provisions of this Section, and a tenant or occupant  
23 has not vacated the premises within 5 days after receipt of a  
24 written notice to vacate the premises, the lessor or the  
25 lessor's assignee may seek relief under Article IX of the Code  
26 of Civil Procedure. Notwithstanding Sections 9-112, 9-113, and

1 9-114 of the Code of Civil Procedure, judgment for costs  
2 against the plaintiff seeking eviction ~~possession of the~~  
3 ~~premises~~ under this Section shall not be awarded to the  
4 defendant unless the action was brought by the plaintiff in bad  
5 faith. An eviction action ~~to possess premises~~ under this  
6 Section shall not be deemed to be in bad faith if the plaintiff  
7 based his or her cause of action on information provided to him  
8 or her by a law enforcement agency or the State's Attorney.

9 (d) The provisions of this Section are enforceable only if  
10 the lessee or occupant and the owner or owner's assignee have  
11 executed a lease addendum for drug free housing as promulgated  
12 by the United States Department of Housing and Urban  
13 Development or a substantially similar document.

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

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

17 (765 ILCS 745/16) (from Ch. 80, par. 216)

18 Sec. 16. Improper grounds for eviction. The following  
19 conduct by a tenant shall not constitute grounds for eviction  
20 or termination of the lease, nor shall an eviction order ~~a~~  
21 ~~judgment for possession of the premises~~ be entered against a  
22 tenant:

23 (a) As a reprisal for the tenant's effort to secure or  
24 enforce any rights under the lease or the laws of the State of

1 Illinois, or its governmental subdivisions of the United  
2 States;

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

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

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

12 Section 55. The Safe Homes Act is amended by changing  
13 Section 15 as follows:

14 (765 ILCS 750/15)

15 Sec. 15. Affirmative defense.

16 (a) In any action brought by a landlord against a tenant to  
17 recover rent for breach of lease, a tenant shall have an  
18 affirmative defense and not be liable for rent for the period  
19 after which a tenant vacates the premises owned by the  
20 landlord, if by preponderance of the evidence, the court finds  
21 that:

22 (1) at the time that the tenant vacated the premises,  
23 the tenant or a member of tenant's household was under a  
24 credible imminent threat of domestic or sexual violence at

1 the premises; and

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

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

13 (1) a tenant or a member of tenant's household was a  
14 victim of sexual violence on the premises that is owned or  
15 controlled by a landlord and the tenant has vacated the  
16 premises as a result of the sexual violence; and

17 (2) the tenant gave written notice to the landlord  
18 prior to or within 3 days of vacating the premises that the  
19 reason for vacating the premises was because of the sexual  
20 violence against the tenant or member of the tenant's  
21 household, the date of the sexual violence, and that the  
22 tenant provided at least one form of the following types of  
23 evidence to the landlord supporting the claim of the sexual  
24 violence: medical, court or police evidence of sexual  
25 violence; or statement from an employee of a victim  
26 services or rape crisis organization from which the tenant

1 or a member of the tenant's household sought services; and  
2 (3) the sexual violence occurred not more than 60 days  
3 prior to the date of giving the written notice to the  
4 landlord, or if the circumstances are such that the tenant  
5 cannot reasonably give notice because of reasons related to  
6 the sexual violence, such as hospitalization or seeking  
7 assistance for shelter or counseling, then as soon  
8 thereafter as practicable. Nothing in this subsection (b)  
9 shall be construed to be a defense against an eviction  
10 ~~action in forcible entry and detainer~~ for failure to pay  
11 rent before the tenant provided notice and vacated the  
12 premises.

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

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

1

## INDEX

2

## 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	
22	735 ILCS 5/9-107.10	
23	735 ILCS 5/9-109.5	
24	735 ILCS 5/9-109.7	
25	735 ILCS 5/9-111	from Ch. 110, par. 9-111

1	735 ILCS 5/9-111.1	
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7	735 ILCS 5/9-207	from Ch. 110, par. 9-207
8	735 ILCS 5/9-208	from Ch. 110, par. 9-208
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10	735 ILCS 5/12-903	from Ch. 110, par. 12-903
11	735 ILCS 5/15-1504.5	
12	735 ILCS 5/15-1508	from Ch. 110, par. 15-1508
13	735 ILCS 5/15-1701	from Ch. 110, par. 15-1701
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15	740 ILCS 40/11	from Ch. 100 1/2, par. 24
16	765 ILCS 605/9.2	from Ch. 30, par. 309.2
17	765 ILCS 705/5	
18	765 ILCS 745/16	from Ch. 80, par. 216
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