



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB0181

Introduced 1/30/2019, by Sen. John G. Mulroe

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1402	from Ch. 110, par. 2-1402
735 ILCS 5/12-705	from Ch. 110, par. 12-705
735 ILCS 5/12-706	from Ch. 110, par. 12-706
735 ILCS 5/12-806	from Ch. 110, par. 12-806
735 ILCS 5/12-807	from Ch. 110, par. 12-807

Amends the Code of Civil Procedure. Provides that a judgment creditor is entitled to prosecute citations to discover assets (instead of supplementary proceedings) for the purposes of examining the judgment debtor or any other person to discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment. Deletes language providing that it is not a prerequisite to the commencement of a supplementary proceeding that a certified copy of the judgment has been returned wholly or partly unsatisfied. Provides that summons shall be returnable not less than 21 nor more than 40 days (rather than 30 days) after the date of issuance. Provides that summons shall be served with one copy (rather than 4 copies) of the interrogatories. Provides that a summons shall be served in the same manner as provided by the Illinois Supreme Court Rule for additional relief upon a party in default. Makes conforming changes. Effective immediately.

LRB101 05292 LNS 50306 b

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 Code of Civil Procedure is amended by  
5 changing Sections 2-1402, 12-705, 12-706, 12-806, and 12-807 as  
6 follows:

7 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

8 Sec. 2-1402. Citations to discover assets ~~Supplementary~~  
9 ~~proceedings.~~

10 (a) A judgment creditor, or his or her successor in  
11 interest when that interest is made to appear of record, is  
12 entitled to prosecute citations to discover assets  
13 ~~supplementary proceedings~~ for the purposes of examining the  
14 judgment debtor or any other person to discover assets or  
15 income of the debtor not exempt from the enforcement of the  
16 judgment, a deduction order or garnishment, and of compelling  
17 the application of non-exempt assets or income discovered  
18 toward the payment of the amount due under the judgment. A  
19 citation ~~supplementary~~ proceeding shall be commenced by the  
20 service of a citation issued by the clerk. The procedure for  
21 conducting citation ~~supplementary~~ proceedings shall be  
22 prescribed by rules. ~~It is not a prerequisite to the~~  
23 ~~commencement of a supplementary proceeding that a certified~~

1 ~~copy of the judgment has been returned wholly or partly~~  
2 ~~unsatisfied.~~ All citations issued by the clerk shall have the  
3 following language, or language substantially similar thereto,  
4 stated prominently on the front, in capital letters: "IF YOU  
5 FAIL TO APPEAR IN COURT AS DIRECTED IN THIS NOTICE, YOU MAY BE  
6 ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF  
7 CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN  
8 THE COUNTY JAIL." The court shall not grant a continuance of  
9 the citation ~~supplementary~~ proceeding except upon good cause  
10 shown.

11 (b) Any citation served upon a judgment debtor or any other  
12 person shall include a certification by the attorney for the  
13 judgment creditor or the judgment creditor setting forth the  
14 amount of the judgment, the date of the judgment, or its  
15 revival date, the balance due thereon, the name of the court,  
16 and the number of the case, and a copy of the citation notice  
17 required by this subsection. Whenever a citation is served upon  
18 a person or party other than the judgment debtor, the officer  
19 or person serving the citation shall send to the judgment  
20 debtor, within three business days of the service upon the  
21 cited party, a copy of the citation and the citation notice,  
22 which may be sent by regular first-class mail to the judgment  
23 debtor's last known address. In no event shall a citation  
24 hearing be held sooner than five business days after the  
25 mailing of the citation and citation notice to the judgment  
26 debtor, except by agreement of the parties. The citation notice

1 need not be mailed to a corporation, partnership, or  
2 association. The citation notice shall be in substantially the  
3 following form:

4 "CITATION NOTICE

5 (Name and address of Court)

6 Name of Case: (Name of Judgment Creditor),

7 Judgment Creditor v.

8 (Name of Judgment Debtor),

9 Judgment Debtor.

10 Address of Judgment Debtor: (Insert last known  
11 address)

12 Name and address of Attorney for Judgment  
13 Creditor or of Judgment Creditor (If no  
14 attorney is listed): (Insert name and address)

15 Amount of Judgment: \$ (Insert amount)

16 Name of Person Receiving Citation: (Insert name)

17 Court Date and Time: (Insert return date and time  
18 specified in citation)

19 NOTICE: The court has issued a citation against the person  
20 named above. The citation directs that person to appear in  
21 court to be examined for the purpose of allowing the judgment  
22 creditor to discover income and assets belonging to the  
23 judgment debtor or in which the judgment debtor has an  
24 interest. The citation was issued on the basis of a judgment  
25 against the judgment debtor in favor of the judgment creditor  
26 in the amount stated above. On or after the court date stated

1 above, the court may compel the application of any discovered  
2 income or assets toward payment on the judgment.

3 The amount of income or assets that may be applied toward  
4 the judgment is limited by federal and Illinois law. The  
5 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS  
6 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH  
7 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED  
8 ABOVE:

9 (1) Under Illinois or federal law, the exemptions of  
10 personal property owned by the debtor include the debtor's  
11 equity interest, not to exceed \$4,000 in value, in any  
12 personal property as chosen by the debtor; Social Security  
13 and SSI benefits; public assistance benefits; unemployment  
14 compensation benefits; worker's compensation benefits;  
15 veteran's benefits; circuit breaker property tax relief  
16 benefits; the debtor's equity interest, not to exceed  
17 \$2,400 in value, in any one motor vehicle, and the debtor's  
18 equity interest, not to exceed \$1,500 in value, in any  
19 implements, professional books, or tools of the trade of  
20 the debtor.

21 (2) Under Illinois law, every person is entitled to an  
22 estate in homestead, when it is owned and occupied as a  
23 residence, to the extent in value of \$15,000, which  
24 homestead is exempt from judgment.

25 (3) Under Illinois law, the amount of wages that may be  
26 applied toward a judgment is limited to the lesser of (i)

1           15% of gross weekly wages or (ii) the amount by which  
2           disposable earnings for a week exceed the total of 45 times  
3           the federal minimum hourly wage or, under a wage deduction  
4           summons served on or after January 1, 2006, the Illinois  
5           minimum hourly wage, whichever is greater.

6           (4) Under federal law, the amount of wages that may be  
7           applied toward a judgment is limited to the lesser of (i)  
8           25% of disposable earnings for a week or (ii) the amount by  
9           which disposable earnings for a week exceed 30 times the  
10          federal minimum hourly wage.

11          (5) Pension and retirement benefits and refunds may be  
12          claimed as exempt under Illinois law.

13          The judgment debtor may have other possible exemptions  
14          under the law.

15          THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING  
16          TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The  
17          judgment debtor also has the right to seek a declaration at an  
18          earlier date, by notifying the clerk in writing at (insert  
19          address of clerk). When so notified, the Clerk of the Court  
20          will obtain a prompt hearing date from the court and will  
21          provide the necessary forms that must be prepared by the  
22          judgment debtor or the attorney for the judgment debtor and  
23          sent to the judgment creditor and the judgment creditor's  
24          attorney regarding the time and location of the hearing. This  
25          notice may be sent by regular first class mail."

26          (b-1) Any citation served upon a judgment debtor who is a

1 natural person shall be served by personal service or abode  
 2 service as provided in Supreme Court Rule 105 and shall include  
 3 a copy of the Income and Asset Form set forth in subsection  
 4 (b-5).

5 (b-5) The Income and Asset Form required to be served by  
 6 the judgment creditor in subsection (b-1) shall be in  
 7 substantially the following form:

8 INCOME AND ASSET FORM

9 To Judgment Debtor: Please complete this form and bring  
 10 it with you to the hearing referenced in the enclosed  
 11 citation notice. You should also bring to the hearing any  
 12 documents you have to support the information you provide  
 13 in this form, such as pay stubs and account statements. The  
 14 information you provide will help the court determine  
 15 whether you have any property or income that can be used to  
 16 satisfy the judgment entered against you in this matter.  
 17 The information you provide must be accurate to the best of  
 18 your knowledge.

19 If you fail to appear at this hearing, you could be  
 20 held in contempt of court and possibly arrested.

21 In answer to the citation ~~and supplemental~~ proceedings  
 22 served upon the judgment debtor, he or she answers as  
 23 follows:

24 Name:.....

1 Home Phone Number:.....

2 Home Address:.....

3 Date of Birth:.....

4 Marital Status:.....

5 I have.....dependents.

6 Do you have a job? YES NO

7 Company's name I work for:.....

8 Company's address:.....

9 Job:

10 I earn \$..... per.....

11 If self employed, list here your business name and  
12 address:

13 .....

14 Income from self employment is \$..... per  
15 year.

16 I have the following benefits with my employer:

17 .....

18 I do not have a job, but I support myself through:

19 Government Assistance \$..... per month

20 Unemployment \$..... per month

21 Social Security \$..... per month

22 SSI \$..... per month

23 Pension \$..... per month

24 Other \$..... per month

25 Real Estate:



1 Do you own any real estate? YES NO

2 I own real estate at....., with names of other  
3 owners

4 .....

5 Additional real estate I own: .....

6 I have a beneficial interest in a land trust. The name  
7 and address of the trustee is:..... The beneficial  
8 interest is listed in my name and .....

9 There is a mortgage on my real estate. State the  
10 mortgage company's name and address for each parcel of real  
11 estate owned:

12 .....

13 An assignment of beneficial interest in the land trust  
14 was signed to secure a loan from.....

15 I have the following accounts:

16 Checking account at .....;  
17 account balance \$.....

18 Savings account at .....;  
19 account balance \$.....

20 Money market or certificate of deposit at .....

21 Safe deposit box at .....

22 Other accounts (please identify): .....

23 I own:

24 A vehicle (state year, make, model, and VIN): ....

25 Jewelry (please specify): .....

26 Other property described as:.....

- 1            Stocks/Bonds.....
- 2            Personal computer.....
- 3            DVD player.....
- 4            Television.....
- 5            Stove.....
- 6            Microwave.....
- 7            Work tools.....
- 8            Business equipment.....
- 9            Farm equipment.....
- 10           Other property (please specify):
- 11           .....

12           Signature:.....

13           (b-10) Any action properly initiated under this Section may  
14 proceed notwithstanding an absent or incomplete Income and  
15 Asset Form, and a judgment debtor may be examined for the  
16 purpose of allowing the judgment creditor to discover income  
17 and assets belonging to the judgment debtor or in which the  
18 judgment debtor has an interest.

19           (c) When assets or income of the judgment debtor not exempt  
20 from the satisfaction of a judgment, a deduction order or  
21 garnishment are discovered, the court may, by appropriate order  
22 or judgment:

23           (1) Compel the judgment debtor to deliver up, to be  
24 applied in satisfaction of the judgment, in whole or in  
25 part, money, choses in action, property or effects in his  
26 or her possession or control, so discovered, capable of

1 delivery and to which his or her title or right of  
2 possession is not substantially disputed.

3 (2) Compel the judgment debtor to pay to the judgment  
4 creditor or apply on the judgment, in installments, a  
5 portion of his or her income, however or whenever earned or  
6 acquired, as the court may deem proper, having due regard  
7 for the reasonable requirements of the judgment debtor and  
8 his or her family, if dependent upon him or her, as well as  
9 any payments required to be made by prior order of court or  
10 under wage assignments outstanding; provided that the  
11 judgment debtor shall not be compelled to pay income which  
12 would be considered exempt as wages under the Wage  
13 Deduction Statute. The court may modify an order for  
14 installment payments, from time to time, upon application  
15 of either party upon notice to the other.

16 (3) Compel any person cited, other than the judgment  
17 debtor, to deliver up any assets so discovered, to be  
18 applied in satisfaction of the judgment, in whole or in  
19 part, when those assets are held under such circumstances  
20 that in an action by the judgment debtor he or she could  
21 recover them in specie or obtain a judgment for the  
22 proceeds or value thereof as for conversion or  
23 embezzlement. A judgment creditor may recover a corporate  
24 judgment debtor's property on behalf of the judgment debtor  
25 for use of the judgment creditor by filing an appropriate  
26 petition within the citation proceedings.

1           (4) Enter any order upon or judgment against the person  
2 cited that could be entered in any garnishment proceeding.

3           (5) Compel any person cited to execute an assignment of  
4 any chose in action or a conveyance of title to real or  
5 personal property or resign memberships in exchanges,  
6 clubs, or other entities in the same manner and to the same  
7 extent as a court could do in any proceeding by a judgment  
8 creditor to enforce payment of a judgment or in aid of the  
9 enforcement of a judgment.

10          (6) Authorize the judgment creditor to maintain an  
11 action against any person or corporation that, it appears  
12 upon proof satisfactory to the court, is indebted to the  
13 judgment debtor, for the recovery of the debt, forbid the  
14 transfer or other disposition of the debt until an action  
15 can be commenced and prosecuted to judgment, direct that  
16 the papers or proof in the possession or control of the  
17 debtor and necessary in the prosecution of the action be  
18 delivered to the creditor or impounded in court, and  
19 provide for the disposition of any moneys in excess of the  
20 sum required to pay the judgment creditor's judgment and  
21 costs allowed by the court.

22          (c-5) If a citation is directed to a judgment debtor who is  
23 a natural person, no payment order shall be entered under  
24 subsection (c) unless the Income and Asset Form was served upon  
25 the judgment debtor as required by subsection (b-1), the  
26 judgment debtor has had an opportunity to assert exemptions,

1 and the payments are from non-exempt sources.

2 (d) No order or judgment shall be entered under subsection  
3 (c) in favor of the judgment creditor unless there appears of  
4 record a certification of mailing showing that a copy of the  
5 citation and a copy of the citation notice was mailed to the  
6 judgment debtor as required by subsection (b).

7 (d-5) If upon examination the court determines that the  
8 judgment debtor does not possess any non-exempt income or  
9 assets, then the citation shall be dismissed.

10 (e) All property ordered to be delivered up shall, except  
11 as otherwise provided in this Section, be delivered to the  
12 sheriff to be collected by the sheriff or sold at public sale  
13 and the proceeds thereof applied towards the payment of costs  
14 and the satisfaction of the judgment. If the judgment debtor's  
15 property is of such a nature that it is not readily delivered  
16 up to the sheriff for public sale or if another method of sale  
17 is more appropriate to liquidate the property or enhance its  
18 value at sale, the court may order the sale of such property by  
19 the debtor, third party respondent, or by a selling agent other  
20 than the sheriff upon such terms as are just and equitable. The  
21 proceeds of sale, after deducting reasonable and necessary  
22 expenses, are to be turned over to the creditor and applied to  
23 the balance due on the judgment.

24 (f) (1) The citation may prohibit the party to whom it is  
25 directed from making or allowing any transfer or other  
26 disposition of, or interfering with, any property not exempt

1 from the enforcement of a judgment therefrom, a deduction order  
2 or garnishment, belonging to the judgment debtor or to which he  
3 or she may be entitled or which may thereafter be acquired by  
4 or become due to him or her, and from paying over or otherwise  
5 disposing of any moneys not so exempt which are due or to  
6 become due to the judgment debtor, until the further order of  
7 the court or the termination of the proceeding, whichever  
8 occurs first. The third party may not be obliged to withhold  
9 the payment of any moneys beyond double the amount of the  
10 balance due sought to be enforced by the judgment creditor. The  
11 court may punish any party who violates the restraining  
12 provision of a citation as and for a contempt, or if the party  
13 is a third party may enter judgment against him or her in the  
14 amount of the unpaid portion of the judgment and costs  
15 allowable under this Section, or in the amount of the value of  
16 the property transferred, whichever is lesser.

17 (2) The court may enjoin any person, whether or not a party  
18 to the citation ~~supplementary~~ proceeding, from making or  
19 allowing any transfer or other disposition of, or interference  
20 with, the property of the judgment debtor not exempt from the  
21 enforcement of a judgment, a deduction order or garnishment, or  
22 the property or debt not so exempt concerning which any person  
23 is required to attend and be examined until further direction  
24 in the premises. The injunction order shall remain in effect  
25 until vacated by the court or until the proceeding is  
26 terminated, whichever first occurs.

1 (g) If it appears that any property, chose in action,  
2 credit or effect discovered, or any interest therein, is  
3 claimed by any person, the court shall, as in garnishment  
4 proceedings, permit or require the claimant to appear and  
5 maintain his or her right. The rights of the person cited and  
6 the rights of any adverse claimant shall be asserted and  
7 determined pursuant to the law relating to garnishment  
8 proceedings.

9 (h) Costs in proceedings authorized by this Section shall  
10 be allowed, assessed and paid in accordance with rules,  
11 provided that if the court determines, in its discretion, that  
12 costs incurred by the judgment creditor were improperly  
13 incurred, those costs shall be paid by the judgment creditor.

14 (i) This Section is in addition to and does not affect  
15 enforcement of judgments or citation proceedings ~~supplementary~~  
16 thereto, by any other methods now or hereafter provided by law.

17 (j) This Section does not grant the power to any court to  
18 order installment or other payments from, or compel the sale,  
19 delivery, surrender, assignment or conveyance of any property  
20 exempt by statute from the enforcement of a judgment thereon, a  
21 deduction order, garnishment, attachment, sequestration,  
22 process or other levy or seizure.

23 (k) (Blank).

24 (k-3) The court may enter any order upon or judgment  
25 against the respondent cited that could be entered in any  
26 garnishment proceeding under Part 7 of Article XII of this

1 Code. This subsection (k-3) shall be construed as being  
2 declarative of existing law and not as a new enactment.

3 (k-5) If the court determines that any property held by a  
4 third party respondent is wages pursuant to Section 12-801, the  
5 court shall proceed as if a wage deduction proceeding had been  
6 filed and proceed to enter such necessary and proper orders as  
7 would have been entered in a wage deduction proceeding  
8 including but not limited to the granting of the statutory  
9 exemptions allowed by Section 12-803 and all other remedies  
10 allowed plaintiff and defendant pursuant to Part 8 of Article  
11 12 of this Act.

12 (k-10) If a creditor discovers personal property of the  
13 judgment debtor that is subject to the lien of a citation to  
14 discover assets, the creditor may have the court impress a lien  
15 against a specific item of personal property, including a  
16 beneficial interest in a land trust. The lien survives the  
17 termination of the citation proceedings and remains as a lien  
18 against the personal property in the same manner that a  
19 judgment lien recorded against real property pursuant to  
20 Section 12-101 remains a lien on real property. If the judgment  
21 is revived before dormancy, the lien shall remain. A lien  
22 against personal property may, but need not, be recorded in the  
23 office of the recorder or filed as an informational filing  
24 pursuant to the Uniform Commercial Code.

25 (l) At any citation hearing at which the judgment debtor  
26 appears and seeks a declaration that certain of his or her



1 income or assets are exempt, the court shall proceed to  
2 determine whether the property which the judgment debtor  
3 declares to be exempt is exempt from judgment. At any time  
4 before the return date specified on the citation, the judgment  
5 debtor may request, in writing, a hearing to declare exempt  
6 certain income and assets by notifying the clerk of the court  
7 before that time, using forms as may be provided by the clerk  
8 of the court. The clerk of the court will obtain a prompt  
9 hearing date from the court and will provide the necessary  
10 forms that must be prepared by the judgment debtor or the  
11 attorney for the judgment debtor and sent to the judgment  
12 creditor, or the judgment creditor's attorney, regarding the  
13 time and location of the hearing. This notice may be sent by  
14 regular first class mail. At the hearing, the court shall  
15 immediately, unless for good cause shown that the hearing is to  
16 be continued, shall proceed to determine whether the property  
17 which the judgment debtor declares to be exempt is exempt from  
18 judgment. The restraining provisions of subsection (f) shall  
19 not apply to any property determined by the court to be exempt.

20 (m) The judgment or balance due on the judgment becomes a  
21 lien when a citation is served in accordance with subsection  
22 (a) of this Section. The lien binds nonexempt personal  
23 property, including money, choses in action, and effects of the  
24 judgment debtor as follows:

25 (1) When the citation is directed against the judgment  
26 debtor, upon all personal property belonging to the

1 judgment debtor in the possession or control of the  
2 judgment debtor or which may thereafter be acquired or come  
3 due to the judgment debtor to the time of the disposition  
4 of the citation.

5 (2) When the citation is directed against a third  
6 party, upon all personal property belonging to the judgment  
7 debtor in the possession or control of the third party or  
8 which thereafter may be acquired or come due the judgment  
9 debtor and comes into the possession or control of the  
10 third party to the time of the disposition of the citation.

11 The lien established under this Section does not affect the  
12 rights of citation respondents in property prior to the service  
13 of the citation upon them and does not affect the rights of  
14 bona fide purchasers or lenders without notice of the citation.  
15 The lien is effective for the period specified by Supreme Court  
16 Rule.

17 This subsection (m), as added by Public Act 88-48, is a  
18 declaration of existing law.

19 (n) If any provision of this Act or its application to any  
20 person or circumstance is held invalid, the invalidity of that  
21 provision or application does not affect the provisions or  
22 applications of the Act that can be given effect without the  
23 invalid provision or application.

24 (o) The changes to this Section made by this amendatory Act  
25 of the 97th General Assembly apply only to citation  
26 ~~supplementary~~ proceedings commenced under this Section on or

1 after the effective date of this amendatory Act of the 97th  
2 General Assembly. The requirements or limitations set forth in  
3 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not apply  
4 to the enforcement of any order or judgment resulting from an  
5 adjudication of a municipal ordinance violation that is subject  
6 to Supreme Court Rules 570 through 579, or from an  
7 administrative adjudication of such an ordinance violation.

8 (Source: P.A. 97-350, eff. 1-1-12; 97-848, eff. 7-25-12;  
9 98-557, eff. 1-1-14.)

10 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

11 Sec. 12-705. Summons.

12 (a) Summons shall be returnable not less than 21 nor more  
13 than 40 ~~30~~ days after the date of issuance. Summons with one  
14 copy ~~4 copies~~ of the interrogatories shall be served and  
15 returned as in other civil cases. If the garnishee is served  
16 with summons less than 10 days prior to the return date, the  
17 court shall continue the case to a new return date 14 days  
18 after the return date stated on the summons. The summons shall  
19 be in a form consistent with local court rules. The summons  
20 shall be accompanied by a copy of the underlying judgment or a  
21 certification by the clerk of the court that entered the  
22 judgment, or by the attorney for the judgment creditor, setting  
23 forth the amount of the judgment, the name of the court and the  
24 number of the case and one copy of a garnishment notice in  
25 substantially the following form:

1           "GARNISHMENT NOTICE  
2           (Name and address of Court)  
3           Name of Case: (Name of Judgment Creditor),  
4                    Judgment Creditor v.  
5                    (Name of Judgment Debtor),  
6                    Judgment Debtor.  
7           Address of Judgment Debtor: (Insert last known address)  
8           Name and address of Attorney for Judgment  
9           Creditor or of Judgment Creditor (If no  
10          attorney is listed): (Insert name and address)  
11          Amount of Judgment: \$(Insert amount)  
12          Name of Garnishee: (Insert name)  
13          Return Date: (Insert return date specified in summons)  
14          NOTICE: The court has issued a garnishment summons against  
15          the garnishee named above for money or property (other than  
16          wages) belonging to the judgment debtor or in which the  
17          judgment debtor has an interest. The garnishment summons was  
18          issued on the basis of a judgment against the judgment debtor  
19          in favor of the judgment creditor in the amount stated above.  
20          The amount of money or property (other than wages) that may  
21          be garnished is limited by federal and Illinois law. The  
22          judgment debtor has the right to assert statutory exemptions  
23          against certain money or property of the judgment debtor which  
24          may not be used to satisfy the judgment in the amount stated  
25          above.  
26          Under Illinois or federal law, the exemptions of personal

1 property owned by the debtor include the debtor's equity  
2 interest, not to exceed \$4,000 in value, in any personal  
3 property as chosen by the debtor; Social Security and SSI  
4 benefits; public assistance benefits; unemployment  
5 compensation benefits; workers' compensation benefits;  
6 veterans' benefits; circuit breaker property tax relief  
7 benefits; the debtor's equity interest, not to exceed \$2,400 in  
8 value, in any one motor vehicle, and the debtor's equity  
9 interest, not to exceed \$1,500 in value, in any implements,  
10 professional books or tools of the trade of the debtor.

11 The judgment debtor may have other possible exemptions from  
12 garnishment under the law.

13 The judgment debtor has the right to request a hearing  
14 before the court to dispute the garnishment or to declare  
15 exempt from garnishment certain money or property or both. To  
16 obtain a hearing in counties with a population of 1,000,000 or  
17 more, the judgment debtor must notify the Clerk of the Court in  
18 person and in writing at (insert address of Clerk) before the  
19 return date specified above or appear in court on the date and  
20 time on that return date. To obtain a hearing in counties with  
21 a population of less than 1,000,000, the judgment debtor must  
22 notify the Clerk of the Court in writing at (insert address of  
23 Clerk) on or before the return date specified above. The Clerk  
24 of the Court will provide a hearing date and the necessary  
25 forms that must be prepared by the judgment debtor or the  
26 attorney for the judgment debtor and sent to the judgment

1 creditor and the garnishee regarding the time and location of  
2 the hearing. This notice may be sent by regular first class  
3 mail."

4 (b) An officer or other person authorized by law to serve  
5 process shall serve the summons, interrogatories and the  
6 garnishment notice required by subsection (a) of this Section  
7 upon the garnishee and shall, (1) within 2 business days of the  
8 service upon the garnishee, mail a copy of the garnishment  
9 notice and the summons to the judgment debtor by first class  
10 mail at the judgment debtor's address indicated in the  
11 garnishment notice and (2) within 4 business days of the  
12 service upon the garnishee file with the clerk of the court a  
13 certificate of mailing in substantially the following form:

14 "CERTIFICATE OF MAILING

15 I hereby certify that, within 2 business days of service  
16 upon the garnishee of the garnishment summons, interrogatories  
17 and garnishment notice, I served upon the judgment debtor in  
18 this cause a copy of the garnishment summons and garnishment  
19 notice by first class mail to the judgment debtor's address as  
20 indicated in the garnishment notice.

21 Date:.....

22 Signature"

23 In the case of service of the summons for garnishment upon  
24 the garnishee by certified or registered mail, as provided in  
25 subsection (c) of this Section, no sooner than 2 business days  
26 nor later than 4 business days after the date of mailing, the

1 clerk shall mail a copy of the garnishment notice and the  
2 summons to the judgment debtor by first class mail at the  
3 judgment debtor's address indicated in the garnishment notice,  
4 shall prepare the Certificate of Mailing described by this  
5 subsection, and shall include the Certificate of Mailing in a  
6 permanent record.

7 (c) In a county with a population of less than 1,000,000,  
8 unless otherwise provided by circuit court rule, at the request  
9 of the judgment creditor or his or her attorney and instead of  
10 personal service, service of a summons for garnishment may be  
11 made as follows:

12 (1) For each garnishee to be served, the judgment  
13 creditor or his or her attorney shall pay to the clerk of  
14 the court a fee of \$2, plus the cost of mailing, and  
15 furnish to the clerk an original and 2 copies of a summons,  
16 an original and one copy of the interrogatories, an  
17 affidavit setting forth the garnishee's mailing address,  
18 an original and 2 copies of the garnishment notice required  
19 by subsection (a) of this Section, and a copy of the  
20 judgment or certification described in subsection (a) of  
21 this Section. The original judgment shall be retained by  
22 the clerk.

23 (2) The clerk shall mail to the garnishee, at the  
24 address appearing in the affidavit, the copy of the  
25 judgment or certification described in subsection (a) of  
26 this Section, the summons, the interrogatories, and the

1 garnishment notice required by subsection (a) of this  
2 Section, by certified or registered mail, return receipt  
3 requested, showing to whom delivered and the date and  
4 address of delivery. This Mailing shall be mailed on a  
5 "restricted delivery" basis when service is directed to a  
6 natural person. The envelope and return receipt shall bear  
7 the return address of the clerk, and the return receipt  
8 shall be stamped with the docket number of the case. The  
9 receipt for certified or registered mail shall state the  
10 name and address of the addressee, the date of the mailing,  
11 shall identify the documents mailed, and shall be attached  
12 to the original summons.

13 (3) The return receipt must be attached to the original  
14 summons and, if it shows delivery at least 10 days before  
15 the day for the return date, shall constitute proof of  
16 service of any documents identified on the return receipt  
17 as having been mailed.

18 (4) The clerk shall note the fact of service in a  
19 permanent record.

20 (d) The garnishment summons may be served and returned in  
21 the manner provided by Supreme Court Rule for service,  
22 otherwise than by publication, of a notice for additional  
23 relief upon a party in default.

24 (Source: P.A. 98-557, eff. 1-1-14; 99-78, eff. 7-20-15.)

25 (735 ILCS 5/12-706) (from Ch. 110, par. 12-706)



1           Sec. 12-706. Conditional judgment. (a) When any person  
2 summoned as garnishee fails to appear and answer as required by  
3 Part 7 of Article XII of this Act, the court may enter a  
4 conditional judgment against the garnishee for the amount due  
5 upon the judgment against the judgment debtor. A summons to  
6 confirm the conditional judgment may issue against the  
7 garnishee, to be served and returned in the same manner as  
8 provided by Illinois Supreme Court Rule 105, otherwise than by  
9 publication, of a notice for additional relief upon a party in  
10 default returnable in the same manner as provided in Section  
11 12-705 of this Act, commanding the garnishee to show cause why  
12 the judgment should not be made final. If the garnishee, after  
13 being served with summons to confirm the conditional judgment  
14 or after being notified as provided in subsection (b) hereof,  
15 fails to appear and answer, the court shall confirm such  
16 judgment to the amount of the judgment against the judgment  
17 debtor and award costs. If the garnishee appears and answers,  
18 the same proceedings may be had as in other cases.

19           (b) If any garnishee becomes a non-resident, goes out of  
20 this State, or is concealed within this State so that the  
21 summons to confirm the conditional judgment cannot be served  
22 upon him or her, upon the filing by the plaintiff or his or her  
23 agent of an affidavit as in cases of non-resident defendants in  
24 attachments, the garnishee may be notified in the same manner  
25 as a non-resident defendant in attachment; and upon notice  
26 being given to him or her as above stated, he or she may be

1 proceeded against in the same manner as if he or she had been  
2 personally served with summons to confirm the conditional  
3 judgment.

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

5 (735 ILCS 5/12-806) (from Ch. 110, par. 12-806)

6 Sec. 12-806. Service and return of summons. Summons shall  
7 be returnable not less than 21 nor more than 40 days after the  
8 date of issuance. Summons with one copy ~~4 copies~~ of the  
9 interrogatories and one copy of the judgment or certification  
10 and one copy of the wage deduction notice specified in Section  
11 12-805 of this Act shall be served on the employer and returned  
12 as in other civil cases as provided by Illinois Supreme Court  
13 Rule 105 for service, otherwise than by publication, of a  
14 notice for additional relief upon a party in default.

15 If the employer is served with summons less than 3 days  
16 prior to the return date, the court shall continue the case to  
17 a new return date not less than 21 days after the service of  
18 the summons.

19 (Source: P.A. 90-677, eff. 1-1-99.)

20 (735 ILCS 5/12-807) (from Ch. 110, par. 12-807)

21 Sec. 12-807. Failure of employer to appear. (a) If an  
22 employer fails to appear and answer as required by Part 8 of  
23 Article XII of this Act, the court may enter a conditional  
24 judgment against the employer for the amount due upon the

1 judgment against the judgment debtor. A summons to confirm the  
2 conditional judgment may issue against the employer returnable  
3 not less than 21 nor more than 40 ~~30~~ days after the date of  
4 issuance, commanding the employer to show cause why the  
5 judgment should not be made final. Service of the summons after  
6 conditional judgment shall be as provided by Supreme Court Rule  
7 105 for service, otherwise than by publication, of a notice for  
8 additional relief upon a party in default. If the employer,  
9 after being served with summons to confirm the conditional  
10 judgment or after being notified as provided in subsection (b)  
11 hereof, fails to appear and answer, the court shall confirm  
12 such judgment to the amount of the judgment against the  
13 judgment debtor and award costs. If the employer appears and  
14 answers, the same proceedings may be had as in other cases.

15 (b) If an employer becomes a non-resident, goes out of this  
16 State, or is concealed within this State so that the summons to  
17 confirm the conditional judgment cannot be served upon him or  
18 her, upon the filing by the plaintiff or his or her agent of an  
19 affidavit as in cases of non-resident defendants in  
20 attachments, the employer may be notified in the same manner as  
21 a non-resident defendant in attachment; and upon notice being  
22 given to him or her as above stated, he or she may be proceeded  
23 against in the same manner as if he or she had been personally  
24 served with summons to confirm the conditional judgment.

25 (Source: P.A. 86-603.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.