



Sen. Adriane Johnson

Filed: 3/19/2021

10200SB1678sam001

LRB102 14917 LNS 23757 a

1 AMENDMENT TO SENATE BILL 1678

2 AMENDMENT NO. _____. Amend Senate Bill 1678 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding Section 9-107.1 as follows:

6 (735 ILCS 5/9-107.1 new)

7 Sec. 9-107.1. Constructive service; county website.

8 (a) This Section applies only in Lake County.

9 (b) If the plaintiff, his or her agent, or attorney files
10 an eviction action, with or without joinder of a claim for rent
11 in the complaint, and is unable to obtain personal service on
12 the defendant or unknown occupant and a summons duly issued in
13 such action is returned without service stating that service
14 can not be obtained, then the plaintiff, his or her agent or
15 attorney may file an affidavit stating that the defendant or
16 unknown occupant is not a resident of this State, or has

1 departed from this State, or on due inquiry cannot be found, or
2 is concealed within this State so that process cannot be
3 served upon him or her, and also stating the place of residence
4 of the defendant or unknown occupant, if known, or if not
5 known, that upon diligent inquiry the affiant has not been
6 able to ascertain the defendant's or unknown occupant's place
7 of residence, then in all such eviction cases whether or not a
8 claim for rent is joined with the complaint for possession,
9 the defendant or unknown occupant may be notified by posting
10 and mailing of notices; or by publication and mailing, as
11 provided for in Section 2-206. However, in cases where the
12 defendant or unknown occupant is notified by posting and
13 mailing of notices or by publication and mailing, and the
14 defendant or unknown occupant does not appear generally, the
15 court may rule only on the portion of the complaint which seeks
16 an eviction order, and the court shall not enter judgment as to
17 any rent claim joined in the complaint or enter personal
18 judgment for any amount owed by a unit owner for his or her
19 proportionate share of the common expenses, however, an in rem
20 judgment may be entered against the unit for the amount of
21 common expenses due, any other expenses lawfully agreed upon
22 or the amount of any unpaid fine, together with reasonable
23 attorney fees, if any, and costs. The claim for rent may remain
24 pending until the defendant or unknown occupant appears
25 generally or is served with summons, but the eviction order
26 shall be final, enforceable and appealable if the court makes

1 an express written finding that there is no just reason for
2 delaying enforcement or appeal, as provided by Supreme Court
3 rule of this State.

4 (c) Such notice shall be in the name of the clerk of the
5 court, be directed to the defendant or unknown occupant, shall
6 state the nature of the cause against the defendant or unknown
7 occupant and at whose instance issued and the time and place
8 for trial, and shall also state that unless the defendant or
9 unknown occupant appears at the time and place fixed for
10 trial, judgment will be entered by default, and shall specify
11 the character of the judgment that will be entered in such
12 cause. Instead of posting 3 copies of the notice in 3 public
13 places in the neighborhood of the court where the cause is to
14 be tried as required by Section 9-107, the sheriff shall cause
15 the notice to be posted on the county website at least 10 days
16 prior to the day set for the appearance. If the place of
17 residence of the defendant or unknown occupant is stated in
18 any affidavit on file, the sheriff shall at the same time mail
19 one copy of the notice addressed to such a defendant or unknown
20 occupant at the place of residence shown in the affidavit. On
21 or before the day set for the appearance, the sheriff shall
22 file the notice with an endorsement thereon stating the time
23 when and web address where the sheriff posted the notice and to
24 whom and at what address the sheriff mailed copies as required
25 by this Section. For want of sufficient notice, any cause may
26 be continued from time to time until the court has

1 jurisdiction of the defendant or unknown occupant.

2 (d) This Section is repealed 2 years after the effective
3 date of this amendatory Act of the 102nd General Assembly."