

1 AN ACT concerning civil procedure.

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, 12-901, 12-904, 12-906,
6 12-909, 12-910, 12-911, 12-912, and 12-1001 as follows:

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

8 Sec. 2-1402. Supplementary proceedings.

9 (a) A judgment creditor, or his or her successor in
10 interest when that interest is made to appear of record, is
11 entitled to prosecute supplementary proceedings for the
12 purposes of examining the judgment debtor or any other person
13 to discover assets or income of the debtor not exempt from the
14 enforcement of the judgment, a deduction order or garnishment,
15 and of compelling the application of non-exempt assets or
16 income discovered toward the payment of the amount due under
17 the judgment. A supplementary proceeding shall be commenced by
18 the service of a citation issued by the clerk. The procedure
19 for conducting supplementary proceedings shall be prescribed
20 by rules. It is not a prerequisite to the commencement of a
21 supplementary proceeding that a certified copy of the judgment
22 has been returned wholly or partly unsatisfied. All citations
23 issued by the clerk shall have the following language, or
24 language substantially similar thereto, stated prominently on
25 the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT
26 AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT
27 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,
28 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."
29 The court shall not grant a continuance of the supplementary
30 proceeding except upon good cause shown.

31 (b) Any citation served upon a judgment debtor or any other
32 person shall include a certification by the attorney for the

1 judgment creditor or the judgment creditor setting forth the
2 amount of the judgment, the date of the judgment, or its
3 revival date, the balance due thereon, the name of the court,
4 and the number of the case, and a copy of the citation notice
5 required by this subsection. Whenever a citation is served upon
6 a person or party other than the judgment debtor, the officer
7 or person serving the citation shall send to the judgment
8 debtor, within three business days of the service upon the
9 cited party, a copy of the citation and the citation notice,
10 which may be sent by regular first-class mail to the judgment
11 debtor's last known address. In no event shall a citation
12 hearing be held sooner than five business days after the
13 mailing of the citation and citation notice to the judgment
14 debtor, except by agreement of the parties. The citation notice
15 need not be mailed to a corporation, partnership, or
16 association. The citation notice shall be in substantially the
17 following form:

18 "CITATION NOTICE

19 (Name and address of Court)

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

21 Judgment Creditor v.

22 (Name of Judgment Debtor),

23 Judgment Debtor.

24 Address of Judgment Debtor: (Insert last known
25 address)

26 Name and address of Attorney for Judgment

27 Creditor or of Judgment Creditor (If no

28 attorney is listed): (Insert name and address)

29 Amount of Judgment: \$ (Insert amount)

30 Name of Person Receiving Citation: (Insert name)

31 Court Date and Time: (Insert return date and time
32 specified in citation)

33 NOTICE: The court has issued a citation against the person
34 named above. The citation directs that person to appear in
35 court to be examined for the purpose of allowing the judgment
36 creditor to discover income and assets belonging to the

1 judgment debtor or in which the judgment debtor has an
2 interest. The citation was issued on the basis of a judgment
3 against the judgment debtor in favor of the judgment creditor
4 in the amount stated above. On or after the court date stated
5 above, the court may compel the application of any discovered
6 income or assets toward payment on the judgment.

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

13 (1) Under Illinois or federal law, the exemptions of
14 personal property owned by the debtor include the debtor's
15 equity interest, not to exceed \$4,000 ~~\$2,000~~ in value, in
16 any personal property as chosen by the debtor; Social
17 Security and SSI benefits; public assistance benefits;
18 unemployment compensation benefits; worker's compensation
19 benefits; veteran's benefits; circuit breaker property tax
20 relief benefits; the debtor's equity interest, not to
21 exceed \$2,400 ~~\$1,200~~ in value, in any one motor vehicle,
22 and the debtor's equity interest, not to exceed \$1,500 ~~\$750~~
23 in value, in any implements, professional books, or tools
24 of the trade of the debtor.

25 (2) Under Illinois law, every person is entitled to an
26 estate in homestead, when it is owned and occupied as a
27 residence, to the extent in value of \$15,000 ~~\$7,500~~, which
28 homestead is exempt from judgment.

29 (3) Under Illinois law, the amount of wages that may be
30 applied toward a judgment is limited to the lesser of (i)
31 15% of gross weekly wages or (ii) the amount by which
32 disposable earnings for a week exceed the total of 45 times
33 the federal minimum hourly wage.

34 (4) Under federal law, the amount of wages that may be
35 applied toward a judgment is limited to the lesser of (i)
36 25% of disposable earnings for a week or (ii) the amount by

1 which disposable earnings for a week exceed 30 times the
2 federal minimum hourly wage.

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

5 The judgment debtor may have other possible exemptions
6 under the law.

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

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

22 (1) Compel the judgment debtor to deliver up, to be
23 applied in satisfaction of the judgment, in whole or in
24 part, money, choses in action, property or effects in his
25 or her possession or control, so discovered, capable of
26 delivery and to which his or her title or right of
27 possession is not substantially disputed.

28 (2) Compel the judgment debtor to pay to the judgment
29 creditor or apply on the judgment, in installments, a
30 portion of his or her income, however or whenever earned or
31 acquired, as the court may deem proper, having due regard
32 for the reasonable requirements of the judgment debtor and
33 his or her family, if dependent upon him or her, as well as
34 any payments required to be made by prior order of court or
35 under wage assignments outstanding; provided that the
36 judgment debtor shall not be compelled to pay income which

1 would be considered exempt as wages under the Wage
2 Deduction Statute. The court may modify an order for
3 installment payments, from time to time, upon application
4 of either party upon notice to the other.

5 (3) Compel any person cited, other than the judgment
6 debtor, to deliver up any assets so discovered, to be
7 applied in satisfaction of the judgment, in whole or in
8 part, when those assets are held under such circumstances
9 that in an action by the judgment debtor he or she could
10 recover them in specie or obtain a judgment for the
11 proceeds or value thereof as for conversion or
12 embezzlement.

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

15 (5) Compel any person cited to execute an assignment of
16 any chose in action or a conveyance of title to real or
17 personal property, in the same manner and to the same
18 extent as a court could do in any proceeding by a judgment
19 creditor to enforce payment of a judgment or in aid of the
20 enforcement of a judgment.

21 (6) Authorize the judgment creditor to maintain an
22 action against any person or corporation that, it appears
23 upon proof satisfactory to the court, is indebted to the
24 judgment debtor, for the recovery of the debt, forbid the
25 transfer or other disposition of the debt until an action
26 can be commenced and prosecuted to judgment, direct that
27 the papers or proof in the possession or control of the
28 debtor and necessary in the prosecution of the action be
29 delivered to the creditor or impounded in court, and
30 provide for the disposition of any moneys in excess of the
31 sum required to pay the judgment creditor's judgment and
32 costs allowed by the court.

33 (d) No order or judgment shall be entered under subsection
34 (c) in favor of the judgment creditor unless there appears of
35 record a certification of mailing showing that a copy of the
36 citation and a copy of the citation notice was mailed to the

1 judgment debtor as required by subsection (b).

2 (e) All property ordered to be delivered up shall, except
3 as otherwise provided in this Section, be delivered to the
4 sheriff to be collected by the sheriff or sold at public sale
5 and the proceeds thereof applied towards the payment of costs
6 and the satisfaction of the judgment.

7 (f) (1) The citation may prohibit the party to whom it is
8 directed from making or allowing any transfer or other
9 disposition of, or interfering with, any property not
10 exempt from the enforcement of a judgment therefrom, a
11 deduction order or garnishment, belonging to the judgment
12 debtor or to which he or she may be entitled or which may
13 thereafter be acquired by or become due to him or her, and
14 from paying over or otherwise disposing of any moneys not
15 so exempt which are due or to become due to the judgment
16 debtor, until the further order of the court or the
17 termination of the proceeding, whichever occurs first. The
18 third party may not be obliged to withhold the payment of
19 any moneys beyond double the amount of the balance due
20 sought to be enforced by the judgment creditor. The court
21 may punish any party who violates the restraining provision
22 of a citation as and for a contempt, or if the party is a
23 third party may enter judgment against him or her in the
24 amount of the unpaid portion of the judgment and costs
25 allowable under this Section, or in the amount of the value
26 of the property transferred, whichever is lesser.

27 (2) The court may enjoin any person, whether or not a
28 party to the supplementary proceeding, from making or
29 allowing any transfer or other disposition of, or
30 interference with, the property of the judgment debtor not
31 exempt from the enforcement of a judgment, a deduction
32 order or garnishment, or the property or debt not so exempt
33 concerning which any person is required to attend and be
34 examined until further direction in the premises. The
35 injunction order shall remain in effect until vacated by
36 the court or until the proceeding is terminated, whichever

1 first occurs.

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

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

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

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

24 (k) (Blank).

25 (l) At any citation hearing at which the judgment debtor
26 appears and seeks a declaration that certain of his or her
27 income or assets are exempt, the court shall proceed to
28 determine whether the property which the judgment debtor
29 declares to be exempt is exempt from judgment. At any time
30 before the return date specified on the citation, the judgment
31 debtor may request, in writing, a hearing to declare exempt
32 certain income and assets by notifying the clerk of the court
33 before that time, using forms as may be provided by the clerk
34 of the court. The clerk of the court will obtain a prompt
35 hearing date from the court and will provide the necessary
36 forms that must be prepared by the judgment debtor or the

1 attorney for the judgment debtor and sent to the judgment
2 creditor, or the judgment creditor's attorney, regarding the
3 time and location of the hearing. This notice may be sent by
4 regular first class mail. At the hearing, the court shall
5 immediately, unless for good cause shown that the hearing is to
6 be continued, shall proceed to determine whether the property
7 which the judgment debtor declares to be exempt is exempt from
8 judgment. The restraining provisions of subsection (f) shall
9 not apply to any property determined by the court to be exempt.

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

15 (1) When the citation is directed against the judgment
16 debtor, upon all personal property belonging to the
17 judgment debtor in the possession or control of the
18 judgment debtor or which may thereafter be acquired or come
19 due to the judgment debtor to the time of the disposition
20 of the citation.

21 (2) When the citation is directed against a third
22 party, upon all personal property belonging to the judgment
23 debtor in the possession or control of the third party or
24 which thereafter may be acquired or come due the judgment
25 debtor and comes into the possession or control of the
26 third party to the time of the disposition of the citation.

27 The lien established under this Section does not affect the
28 rights of citation respondents in property prior to the service
29 of the citation upon them and does not affect the rights of
30 bona fide purchasers or lenders without notice of the citation.
31 The lien is effective for the period specified by Supreme Court
32 Rule.

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

35 (n) If any provision of this Act or its application to any
36 person or circumstance is held invalid, the invalidity of that

1 provision or application does not affect the provisions or
2 applications of the Act that can be given effect without the
3 invalid provision or application.

4 (Source: P.A. 88-48; 88-299; 88-667, eff. 9-16-94; 88-670, eff.
5 12-2-94; 89-364, eff. 1-1-96.)

6 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

7 Sec. 12-705. Summons.

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

21 "GARNISHMENT NOTICE

22 (Name and address of Court)

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

24 Judgment Creditor v.

25 (Name of Judgement Debtor),

26 Judgment Debtor.

27 Address of Judgment Debtor: (Insert last known address)

28 Name and address of Attorney for Judgment

29 Creditor or of Judgment Creditor (If no

30 attorney is listed): (Insert name and address)

31 Amount of Judgment: \$(Insert amount)

32 Name of Garnishee: (Insert name)

33 Return Date: (Insert return date specified in summons)

34 NOTICE: The court has issued a garnishment summons against
35 the garnishee named above for money or property (other than

1 wages) belonging to the judgment debtor or in which the
2 judgment debtor has an interest. The garnishment summons was
3 issued on the basis of a judgment against the judgment debtor
4 in favor of the judgment creditor in the amount stated above.

5 The amount of money or property (other than wages) that may
6 be garnished is limited by federal and Illinois law. The
7 judgment debtor has the right to assert statutory exemptions
8 against certain money or property of the judgment debtor which
9 may not be used to satisfy the judgment in the amount stated
10 above.

11 Under Illinois or federal law, the exemptions of personal
12 property owned by the debtor include the debtor's equity
13 interest, not to exceed \$4,000 ~~\$2,000~~ in value, in any personal
14 property as chosen by the debtor; Social Security and SSI
15 benefits; public assistance benefits; unemployment
16 compensation benefits; workers' compensation benefits;
17 veterans' benefits; circuit breaker property tax relief
18 benefits; the debtor's equity interest, not to exceed \$2,400
19 ~~\$1,200~~ in value, in any one motor vehicle, and the debtor's
20 equity interest, not to exceed \$1,500 ~~\$750~~ in value, in any
21 implements, professional books or tools of the trade of the
22 debtor.

23 The judgment debtor may have other possible exemptions from
24 garnishment under the law.

25 The judgment debtor has the right to request a hearing
26 before the court to dispute the garnishment or to declare
27 exempt from garnishment certain money or property or both. To
28 obtain a hearing in counties with a population of 1,000,000 or
29 more, the judgment debtor must notify the Clerk of the Court in
30 person and in writing at (insert address of Clerk) before the
31 return date specified above or appear in court on the date and
32 time on that return date. To obtain a hearing in counties with
33 a population of less than 1,000,000, the judgment debtor must
34 notify the Clerk of the Court in writing at (insert address of
35 Clerk) on or before the return date specified above. The Clerk
36 of the Court will provide a hearing date and the necessary

1 forms that must be prepared by the judgment debtor or the
2 attorney for the judgment debtor and sent to the judgment
3 creditor and the garnishee regarding the time and location of
4 the hearing. This notice may be sent by regular first class
5 mail."

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

16 "CERTIFICATE OF MAILING

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

23 Date:.....

24 Signature"

25 In the case of service of the summons for garnishment upon
26 the garnishee by certified or registered mail, as provided in
27 subsection (c) of this Section, no sooner than 2 business days
28 nor later than 4 business days after the date of mailing, the
29 clerk shall mail a copy of the garnishment notice and the
30 summons to the judgment debtor by first class mail at the
31 judgment debtor's address indicated in the garnishment notice,
32 shall prepare the Certificate of Mailing described by this
33 subsection, and shall include the Certificate of Mailing in a
34 permanent record.

35 (c) In a county with a population of less than 1,000,000,
36 unless otherwise provided by circuit court rule, at the request

1 of the judgment creditor or his or her attorney and instead of
2 personal service, service of a summons for garnishment may be
3 made as follows:

4 (1) For each garnishee to be served, the judgment
5 creditor or his or her attorney shall pay to the clerk of
6 the court a fee of \$2, plus the cost of mailing, and
7 furnish to the clerk an original and 2 copies of a summons,
8 an original and one copy of the interrogatories, an
9 affidavit setting forth the garnishee's mailing address,
10 an original and 2 copies of the garnishment notice required
11 by subsection (a) of this Section, and a copy of the
12 judgment or certification described in subsection (a) of
13 this Section. The original judgment shall be retained by
14 the clerk.

15 (2) The clerk shall mail to the garnishee, at the
16 address appearing in the affidavit, the copy of the
17 judgment or certification described in subsection (a) of
18 this Section, the summons, the interrogatories, and the
19 garnishment notice required by subsection (a) of this
20 Section, by certified or registered mail, return receipt
21 requested, showing to whom delivered and the date and
22 address of delivery. This Mailing shall be mailed on a
23 "restricted delivery" basis when service is directed to a
24 natural person. The envelope and return receipt shall bear
25 the return address of the clerk, and the return receipt
26 shall be stamped with the docket number of the case. The
27 receipt for certified or registered mail shall state the
28 name and address of the addressee, the date of the mailing,
29 shall identify the documents mailed, and shall be attached
30 to the original summons.

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

36 (4) The clerk shall note the fact of service in a

1 permanent record.

2 (Source: P.A. 87-1252; 88-492.)

3 (735 ILCS 5/12-901) (from Ch. 110, par. 12-901)

4 Sec. 12-901. Amount. Every individual is entitled to an
5 estate of homestead to the extent in value of \$15,000 ~~\$7,500~~ of
6 his or her interest in a farm or lot of land and buildings
7 thereon, a condominium, or personal property, owned or rightly
8 possessed by lease or otherwise and occupied by him or her as a
9 residence, or in a cooperative that owns property that the
10 individual uses as a residence. That homestead and all right in
11 and title to that homestead is exempt from attachment,
12 judgment, levy, or judgment sale for the payment of his or her
13 debts or other purposes and from the laws of conveyance,
14 descent, and legacy, except as provided in this Code or in
15 Section 20-6 of the Probate Act of 1975. This Section is not
16 applicable between joint tenants or tenants in common but it is
17 applicable as to any creditors of those persons. If 2 or more
18 individuals own property that is exempt as a homestead, the
19 value of the exemption of each individual may not exceed his or
20 her proportionate share of \$30,000 ~~\$15,000~~ based upon
21 percentage of ownership.

22 (Source: P.A. 88-672, eff. 12-14-94.)

23 (735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

24 Sec. 12-904. Release, waiver or conveyance. No release,
25 waiver or conveyance of the estate so exempted shall be valid,
26 unless the same is in writing, signed by the individual and his
27 or her spouse, if he or she have one, or possession is
28 abandoned or given pursuant to the conveyance; or if the
29 exception is continued to a child or children without the order
30 of a court directing a release thereof; but if a conveyance is
31 made by an individual as grantor to his or her spouse, such
32 conveyance shall be effectual to pass the title expressed
33 therein to be conveyed thereby, whether or not the grantor in
34 such conveyance is joined therein by his or her spouse. In any

1 case where such release, waiver or conveyance is taken by way
2 of mortgage or security, the same shall only be operative as to
3 such specific release, waiver or conveyance; and when the same
4 includes different pieces of land, or the homestead is of
5 greater value than \$15,000 ~~\$7,500~~, the other lands shall first
6 be sold before resorting to the homestead, and in case of the
7 sale of such homestead, if any balance remains after the
8 payment of the debt and costs, such balance shall, to the
9 extent of \$15,000 ~~\$7,500~~ be exempt, and be applied upon such
10 homestead exemption in the manner provided by law.

11 (Source: P.A. 82-783.)

12 (735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

13 Sec. 12-906. Proceeds of sale. When a homestead is conveyed
14 by the owner thereof, such conveyance shall not subject the
15 premises to any lien or incumbrance to which it would not be
16 subject in the possession of such owner; and the proceeds
17 thereof, to the extent of the amount of \$15,000 ~~\$7,500~~, shall
18 be exempt from judgment or other process, for one year after
19 the receipt thereof, by the person entitled to the exemption,
20 and if reinvested in a homestead the same shall be entitled to
21 the same exemption as the original homestead.

22 (Source: P.A. 82-783.)

23 (735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

24 Sec. 12-909. Bid for less than exempted amount. No sale
25 shall be made of the premises on such judgment unless a greater
26 sum than \$15,000 ~~\$7,500~~ is bid therefor. If a greater sum is
27 not so bid, the judgment may be set aside or modified, or the
28 enforcement of the judgment released, as for lack of property.

29 (Source: P.A. 82-783.)

30 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

31 Sec. 12-910. Proceedings to enforce judgment. If in the
32 opinion of the judgment creditors, or the officer holding a
33 certified copy of a judgment for enforcement against such

1 individuals, the premises claimed by him or her as exempt are
2 worth more than \$15,000 ~~\$7,500~~, such officer shall summon 3
3 individuals, as commissioners, who shall, upon oath, to be
4 administered to them by the officer, appraise the premises, and
5 if, in their opinion, the property may be divided without
6 damage to the interest of the parties, they shall set off so
7 much of the premises, including the dwelling house, as in their
8 opinion is worth \$15,000 ~~\$7,500~~, and the residue of the
9 premises may be advertised and sold by such officer. Each
10 commissioner shall receive for his or her services the sum of
11 \$5 per day for each day necessarily engaged in such service.
12 The officer summoning such commissioners shall receive such
13 fees as may be allowed for serving summons, but shall be
14 entitled to charge mileage for only the actual distance
15 traveled from the premises to be appraised, to the residence of
16 the commissioners summoned. The officer shall not be required
17 to summon commissioners until the judgment creditor, or some
18 one for him or her, shall advance to the officer one day's fees
19 for the commissioners, and unless the creditor shall advance
20 such fees the officer shall not be required to enforce the
21 judgment. The costs of such appraisal shall not be taxed
22 against the judgment debtor unless such appraisal shows that
23 the judgment debtor has property subject to such judgment.

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

25 (735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

26 Sec. 12-911. Notice to judgment debtor. In case the value
27 of the premises is, in the opinion of the commissioners, more
28 than \$15,000 ~~\$7,500~~, and cannot be divided as is provided for
29 in Section 12-910 of this Act, they shall make and sign an
30 appraisal of the value thereof, and deliver the same to the
31 officer, who shall deliver a copy thereof to the judgment
32 debtor, or to some one of the family of the age of 13 years or
33 upwards, with a notice thereto attached that unless the
34 judgment debtor pays to such officer the surplus over and above
35 \$15,000 ~~\$7,500~~ on the amount due on the judgment within 60 days

1 thereafter, such premises will be sold.

2 (Source: P.A. 83-356.)

3 (735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

4 Sec. 12-912. Sale of premises - Distribution of proceeds.

5 In case of such surplus, or the amount due on the judgment is
6 not paid within the 60 days, the officer may advertise and sell
7 the premises, and out of the proceeds of such sale pay to such
8 judgment debtor the sum of \$15,000 ~~\$7,500~~, and apply the
9 balance on the judgment.

10 (Source: P.A. 82-783.)

11 (735 ILCS 5/12-1001) (from Ch. 110, par. 12-1001)

12 Sec. 12-1001. Personal property exempt. The following
13 personal property, owned by the debtor, is exempt from
14 judgment, attachment, or distress for rent:

15 (a) The necessary wearing apparel, bible, school
16 books, and family pictures of the debtor and the debtor's
17 dependents;

18 (b) The debtor's equity interest, not to exceed \$4,000
19 ~~\$2,000~~ in value, in any other property;

20 (c) The debtor's interest, not to exceed \$2,400 ~~\$1,200~~
21 in value, in any one motor vehicle;

22 (d) The debtor's equity interest, not to exceed \$1,500
23 ~~\$750~~ in value, in any implements, professional books, or
24 tools of the trade of the debtor;

25 (e) Professionally prescribed health aids for the
26 debtor or a dependent of the debtor;

27 (f) All proceeds payable because of the death of the
28 insured and the aggregate net cash value of any or all life
29 insurance and endowment policies and annuity contracts
30 payable to a wife or husband of the insured, or to a child,
31 parent, or other person dependent upon the insured, whether
32 the power to change the beneficiary is reserved to the
33 insured or not and whether the insured or the insured's
34 estate is a contingent beneficiary or not;

1 (g) The debtor's right to receive:

2 (1) a social security benefit, unemployment
3 compensation, or public assistance benefit;

4 (2) a veteran's benefit;

5 (3) a disability, illness, or unemployment
6 benefit; and

7 (4) alimony, support, or separate maintenance, to
8 the extent reasonably necessary for the support of the
9 debtor and any dependent of the debtor.

10 (h) The debtor's right to receive, or property that is
11 traceable to:

12 (1) an award under a crime victim's reparation law;

13 (2) a payment on account of the wrongful death of
14 an individual of whom the debtor was a dependent, to
15 the extent reasonably necessary for the support of the
16 debtor;

17 (3) a payment under a life insurance contract that
18 insured the life of an individual of whom the debtor
19 was a dependent, to the extent reasonably necessary for
20 the support of the debtor or a dependent of the debtor;

21 (4) a payment, not to exceed \$15,000 ~~\$7,500~~ in
22 value, on account of personal bodily injury of the
23 debtor or an individual of whom the debtor was a
24 dependent; and

25 (5) any restitution payments made to persons
26 pursuant to the federal Civil Liberties Act of 1988 and
27 the Aleutian and Pribilof Island Restitution Act, P.L.
28 100-383.

29 For purposes of this subsection (h), a debtor's right
30 to receive an award or payment shall be exempt for a
31 maximum of 2 years after the debtor's right to receive the
32 award or payment accrues; property traceable to an award or
33 payment shall be exempt for a maximum of 5 years after the
34 award or payment accrues; and an award or payment and
35 property traceable to an award or payment shall be exempt
36 only to the extent of the amount of the award or payment,

1 without interest or appreciation from the date of the award
2 or payment.

3 (i) The debtor's right to receive an award under Part
4 20 of Article II of this Code relating to crime victims'
5 awards.

6 Money due the debtor from the sale of any personal property
7 that was exempt from judgment, attachment, or distress for rent
8 at the time of the sale is exempt from attachment and
9 garnishment to the same extent that the property would be
10 exempt had the same not been sold by the debtor.

11 If a debtor owns property exempt under this Section and he
12 or she purchased that property with the intent of converting
13 nonexempt property into exempt property or in fraud of his or
14 her creditors, that property shall not be exempt from judgment,
15 attachment, or distress for rent. Property acquired within 6
16 months of the filing of the petition for bankruptcy shall be
17 presumed to have been acquired in contemplation of bankruptcy.

18 The personal property exemptions set forth in this Section
19 shall apply only to individuals and only to personal property
20 that is used for personal rather than business purposes. The
21 personal property exemptions set forth in this Section shall
22 not apply to or be allowed against any money, salary, or wages
23 due or to become due to the debtor that are required to be
24 withheld in a wage deduction proceeding under Part 8 of this
25 Article XII.

26 (Source: P.A. 88-378; 89-686, eff. 12-31-96.)