



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0097

Introduced 1/26/2005, by Sen. Ira I. Silverstein

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 5/12-901	from Ch. 110, par. 12-901
735 ILCS 5/12-904	from Ch. 110, par. 12-904
735 ILCS 5/12-906	from Ch. 110, par. 12-906
735 ILCS 5/12-909	from Ch. 110, par. 12-909
735 ILCS 5/12-910	from Ch. 110, par. 12-910
735 ILCS 5/12-911	from Ch. 110, par. 12-911
735 ILCS 5/12-912	from Ch. 110, par. 12-912
735 ILCS 5/12-1001	from Ch. 110, par. 12-1001

Amends the Code of Civil Procedure. Increases the allowable amount of an estate of homestead property used as a residence from \$7,500 to \$15,000 for an individual and from \$15,000 to \$30,000 for 2 or more individuals. In the Sections concerning exemptions from judgment, attachment, or distress for rent, increases the allowable amount of personal property owned by the debtor from \$2,000 to \$4,000, the debtor's equity interest in any one motor vehicle from \$1,200 to \$2,400, and the value of implements, professional books, or tools of the trade of the debtor from \$750 to \$1,500.

LRB094 03451 LCB 33454 b

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 and by adding
7 Section 12-705 as follows:

8 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

9 Sec. 2-1402. Supplementary 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 supplementary proceedings for the
13 purposes of examining the judgment debtor or any other person
14 to discover assets or income of the debtor not exempt from the
15 enforcement of the judgment, a deduction order or garnishment,
16 and of compelling the application of non-exempt assets or
17 income discovered toward the payment of the amount due under
18 the judgment. A supplementary proceeding shall be commenced by
19 the service of a citation issued by the clerk. The procedure
20 for conducting supplementary proceedings shall be prescribed
21 by rules. It is not a prerequisite to the commencement of a
22 supplementary proceeding that a certified copy of the judgment
23 has been returned wholly or partly unsatisfied. All citations
24 issued by the clerk shall have the following language, or
25 language substantially similar thereto, stated prominently on
26 the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT
27 AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT
28 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,
29 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."
30 The court shall not grant a continuance of the supplementary
31 proceeding except upon good cause shown.

32 (b) Any citation served upon a judgment debtor or any other

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

19 "CITATION NOTICE

20 (Name and address of Court)

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

22 Judgment Creditor v.

23 (Name of Judgment Debtor),

24 Judgment Debtor.

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

27 Name and address of Attorney for Judgment
28 Creditor or of Judgment Creditor (If no
29 attorney is listed): (Insert name and address)

30 Amount of Judgment: \$ (Insert amount)

31 Name of Person Receiving Citation: (Insert name)

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

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

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

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

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

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

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

35 (4) Under federal law, the amount of wages that may be
36 applied toward a judgment is limited to the lesser of (i)

1 25% of disposable earnings for a week or (ii) the amount by
2 which disposable earnings for a week exceed 30 times the
3 federal minimum hourly wage.

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

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

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

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

29 (2) Compel the judgment debtor to pay to the judgment
30 creditor or apply on the judgment, in installments, a
31 portion of his or her income, however or whenever earned or
32 acquired, as the court may deem proper, having due regard
33 for the reasonable requirements of the judgment debtor and
34 his or her family, if dependent upon him or her, as well as
35 any payments required to be made by prior order of court or
36 under wage assignments outstanding; provided that the

1 judgment debtor shall not be compelled to pay income which
2 would be considered exempt as wages under the Wage
3 Deduction Statute. The court may modify an order for
4 installment payments, from time to time, upon application
5 of either party upon notice to the other.

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

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

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

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

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

1 citation and a copy of the citation notice was mailed to the
2 judgment debtor as required by subsection (b).

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

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

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

1 the court or until the proceeding is terminated, whichever
2 first occurs.

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

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

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

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

25 (k) (Blank).

26 (l) At any citation hearing at which the judgment debtor
27 appears and seeks a declaration that certain of his or her
28 income or assets are exempt, the court shall proceed to
29 determine whether the property which the judgment debtor
30 declares to be exempt is exempt from judgment. At any time
31 before the return date specified on the citation, the judgment
32 debtor may request, in writing, a hearing to declare exempt
33 certain income and assets by notifying the clerk of the court
34 before that time, using forms as may be provided by the clerk
35 of the court. The clerk of the court will obtain a prompt
36 hearing date from the court and will provide 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, or the judgment creditor's attorney, regarding the
4 time and location of the hearing. This notice may be sent by
5 regular first class mail. At the hearing, the court shall
6 immediately, unless for good cause shown that the hearing is to
7 be continued, shall proceed to determine whether the property
8 which the judgment debtor declares to be exempt is exempt from
9 judgment. The restraining provisions of subsection (f) shall
10 not apply to any property determined by the court to be exempt.

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

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

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

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

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

36 (n) If any provision of this Act or its application to any

1 person or circumstance is held invalid, the invalidity of that
2 provision or application does not affect the provisions or
3 applications of the Act that can be given effect without the
4 invalid provision or application.

5 (Source: P.A. 88-48; 88-299; 88-667, eff. 9-16-94; 88-670, eff.
6 12-2-94; 89-364, eff. 1-1-96.)

7 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

8 Sec. 12-705. Summons.

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

22 "GARNISHMENT NOTICE

23 (Name and address of Court)

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

25 Judgment Creditor v.

26 (Name of Judgement Debtor),

27 Judgment Debtor.

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

29 Name and address of Attorney for Judgment

30 Creditor or of Judgment Creditor (If no

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

32 Amount of Judgment: \$(Insert amount)

33 Name of Garnishee: (Insert name)

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

35 NOTICE: The court has issued a garnishment summons against

1 the garnishee named above for money or property (other than
2 wages) belonging to the judgment debtor or in which the
3 judgment debtor has an interest. The garnishment summons was
4 issued on the basis of a judgment against the judgment debtor
5 in favor of the judgment creditor in the amount stated above.

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

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

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

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

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

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

17 "CERTIFICATE OF MAILING

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

24 Date:.....

25 Signature"

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

36 (c) In a county with a population of less than 1,000,000,

1 unless otherwise provided by circuit court rule, at the request
2 of the judgment creditor or his or her attorney and instead of
3 personal service, service of a summons for garnishment may be
4 made as follows:

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

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

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

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

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

4 (735 ILCS 5/12-901) (from Ch. 110, par. 12-901)

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

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

24 (735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

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

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

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

13 (735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

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

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

24 (735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

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

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

31 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

32 Sec. 12-910. Proceedings to enforce judgment. If in the
33 opinion of the judgment creditors, or the officer holding a

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

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

26 (735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

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

1 \$15,000 ~~\$7,500~~ on the amount due on the judgment within 60 days
2 thereafter, such premises will be sold.

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

4 (735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

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

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

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

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

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

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

19 (b) The debtor's equity interest, not to exceed \$4,000
20 ~~\$2,000~~ in value, in any other property;

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

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

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

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

1 estate is a contingent beneficiary or not;

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

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

5 (2) a veteran's benefit;

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

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

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

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

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

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

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

26 (5) any restitution payments made to persons
27 pursuant to the federal Civil Liberties Act of 1988 and
28 the Aleutian and Pribilof Island Restitution Act, P.L.
29 100-383.

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

1 only to the extent of the amount of the award or payment,
2 without interest or appreciation from the date of the award
3 or payment.

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

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

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

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

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