



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3728

Introduced 2/25/2009, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

735 ILCS 5/19-117
735 ILCS 5/19-129

from Ch. 110, par. 19-117

Amends the Code of Civil Procedure. Provides that the authority of the court and sheriff in relation to the delivery of property in a replevin action shall be allowed to holders of orders entered in actions sounding in detinue or holders of a detinue judgment order. Provides that provisions concerning a replevin action with respect to a mobile home also apply to actions in detinue to recover a mobile home. Effective immediately.

LRB096 10416 AJO 20587 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 19-117 and 19-129 as follows:

6 (735 ILCS 5/19-117) (from Ch. 110, par. 19-117)

7 Sec. 19-117. Service upon defendant. It shall be the duty
8 of the officer having an order for replevin, to serve the same
9 upon the defendant, whether the property is found or delivered
10 to him or her, or not, unless, when none of the property is
11 found, the officer is otherwise directed by the plaintiff or
12 his or her attorney or agent.

13 If the defendant fails to deliver up to the sheriff the
14 chattel which is the subject of the order for replevin and the
15 plaintiff has a reasonable belief as to where the chattel is
16 sequestered, the court may authorize the sheriff to use
17 reasonable force to enter into the property to recover same
18 upon such terms and conditions as the court may direct. The
19 authority of the court and sheriff set forth in this Section
20 shall also be allowed to holders of orders entered in actions
21 sounding in detinue or holders of a detinue judgment order.

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

1 (735 ILCS 5/19-129)

2 Sec. 19-129. Mobile homes. If the chattel which is the
3 subject of the replevin action is a mobile home and is occupied
4 by the defendant or other persons, the court may issue a
5 forcible order directing the sheriff to remove the personal
6 property of the defendant or occupants from the mobile home
7 provided that the defendants and unknown occupants are given
8 notice of plaintiff's intent to seek a forcible order and that
9 upon entry of said order for possession, the execution is
10 stayed for a reasonable time as determined by the court so as
11 to allow the defendants and unknown occupants to remove their
12 property from the mobile home.

13 This Section shall also apply to actions in detinue to
14 recover a mobile home.

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.