

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, 2-1602, 12-101, and 12-705 as
6 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

1 language substantially similar thereto, stated prominently on
2 the front, in capital letters: "IF YOU FAIL TO APPEAR IN COURT
3 AS DIRECTED IN THIS NOTICE, YOU MAY BE ARRESTED AND BROUGHT
4 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,
5 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."

6 The court shall not grant a continuance of the supplementary
7 proceeding except upon good cause shown.

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

1 "CITATION 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

8 address)

9 Name and address of Attorney for Judgment

10 Creditor or of Judgment Creditor (If no

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

12 Amount of Judgment: \$ (Insert amount)

13 Name of Person Receiving Citation: (Insert name)

14 Court Date and Time: (Insert return date and time

15 specified in citation)

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

26 The amount of income or assets that may be applied toward

1 the judgment is limited by federal and Illinois law. The
2 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS
3 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH
4 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED
5 ABOVE:

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

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

22 (3) Under Illinois law, the amount of wages that may be
23 applied toward a judgment is limited to the lesser of (i)
24 15% of gross weekly wages or (ii) the amount by which
25 disposable earnings for a week exceed the total of 45 times
26 the federal minimum hourly wage or, under a wage deduction

1 summons served on or after January 1, 2006, the Illinois
2 minimum hourly wage, whichever is greater.

3 (4) Under federal law, the amount of wages that may be
4 applied toward a judgment is limited to the lesser of (i)
5 25% of disposable earnings for a week or (ii) the amount by
6 which disposable earnings for a week exceed 30 times the
7 federal minimum hourly wage.

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

10 The judgment debtor may have other possible exemptions
11 under the law.

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

23 (b-1) Any citation served upon a judgment debtor who is a
24 natural person shall be served by personal service or abode
25 service as provided in Supreme Court Rule 105 and shall include
26 a copy of the Income and Asset Form set forth in subsection

1 (b-5).

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

5 INCOME AND ASSET FORM

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

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

18 In answer to the citation and supplemental proceedings
19 served upon the judgment debtor, he or she answers as
20 follows:

21 Name:.....

22 Home Phone Number:.....

23 Home Address:.....

24 Date of Birth:.....

1 Marital Status:.....

2 I have.....dependents.

3 Do you have a job? YES NO

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

5 Company's address:.....

6 Job:

7 I earn \$..... per.....

8 If self employed, list here your business name and
9 address:

10

11 Income from self employment is \$..... per
12 year.

13 I have the following benefits with my employer:

14

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

16 Government Assistance \$..... per month

17 Unemployment \$..... per month

18 Social Security \$..... per month

19 SSI \$..... per month

20 Pension \$..... per month

21 Other \$..... per month

22 Real Estate:

23 Do you own any real estate? YES NO

24 I own real estate at....., with names of other
25 owners

1
2

3 Additional real estate I own:

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

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

10
11

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

14 I have the following accounts:

15 Checking account at;

16 account balance \$.....

17 Savings account at;

18 account balance \$.....

19 Money market or certificate of deposit at

20 Safe deposit box at

21 Other accounts (please identify):

22 I own:

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

24 Jewelry (please specify):

25 Other property described as:.....

26 Stocks/Bonds.....

Personal computer.....

DVD player.....

1 Television.....

2 Stove.....

3 Microwave.....

4 Work tools.....

5 Business equipment.....

6 Farm equipment.....

7 Other property (please specify):

8

9 Signature:.....

10 (b-10) Any action properly initiated under this Section may

11 proceed notwithstanding an absent or incomplete Income and

12 Asset Form, and a judgment debtor may be examined for the

13 purpose of allowing the judgment creditor to discover income

14 and assets belonging to the judgment debtor or in which the

15 judgment debtor has an interest.

16 (c) When assets or income of the judgment debtor not exempt

17 from the satisfaction of a judgment, a deduction order or

18 garnishment are discovered, the court may, by appropriate order

19 or judgment:

20 (1) Compel the judgment debtor to deliver up, to be

21 applied in satisfaction of the judgment, in whole or in

22 part, money, choses in action, property or effects in his

23 or her possession or control, so discovered, capable of

24 delivery and to which his or her title or right of

25 possession is not substantially disputed.

26 (2) Compel the judgment debtor to pay to the judgment

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

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

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

26 (5) Compel any person cited to execute an assignment of

1 any chose in action or a conveyance of title to real or
2 personal property or resign memberships in exchanges,
3 clubs, or other entities in the same manner and to the same
4 extent as a court could do in any proceeding by a judgment
5 creditor to enforce payment of a judgment or in aid of the
6 enforcement of a judgment.

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

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

25 (d) No order or judgment shall be entered under subsection
26 (c) in favor of the judgment creditor unless there appears of

1 record a certification of mailing showing that a copy of the
2 citation and a copy of the citation notice was mailed to the
3 judgment debtor as required by subsection (b).

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

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

21 (f) (1) The citation may prohibit the party to whom it is
22 directed from making or allowing any transfer or other
23 disposition of, or interfering with, any property not
24 exempt from the enforcement of a judgment therefrom, a
25 deduction order or garnishment, belonging to the judgment
26 debtor or to which he or she may be entitled or which may

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

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

26 (g) If it appears that any property, chose in action,

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

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

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

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

22 (k) (Blank).

23 (k-3) The court may enter any order upon or judgment
24 against the respondent cited that could be entered in any
25 garnishment proceeding under Part 7 of Article XII of this
26 Code. This subsection (k-3) shall be construed as being

1 declarative of existing law and not as a new enactment.

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

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

24 (l) At any citation hearing at which the judgment debtor
25 appears and seeks a declaration that certain of his or her
26 income or assets are exempt, the court shall proceed to

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

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

24 (1) When the citation is directed against the judgment
25 debtor, upon all personal property belonging to the
26 judgment debtor in the possession or control of the

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

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

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

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

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

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

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

7 (Source: P.A. 97-350, eff. 1-1-12; 97-848, eff. 7-25-12.)

8 (735 ILCS 5/2-1602)

9 Sec. 2-1602. Revival of judgment.

10 (a) A judgment may be revived by filing a petition to
11 revive the judgment in the seventh year after its entry, or in
12 the seventh year after its last revival, or in the twentieth
13 year after its entry, or at any other time within 20 years
14 after its entry if the judgment becomes dormant. The provisions
15 of this amendatory Act of the 96th General Assembly are
16 declarative of existing law.

17 (b) A petition to revive a judgment shall be filed in the
18 original case in which the judgment was entered. The petition
19 shall include a statement as to the original date and amount of
20 the judgment, court costs expended, accrued interest, and
21 credits to the judgment, if any.

22 (c) Service of notice of the petition to revive a judgment
23 shall be made in accordance with Supreme Court Rule 106.

24 (d) An order reviving a judgment shall be for the original
25 amount of the judgment. The plaintiff may recover interest and

1 court costs from the date of the original judgment. Credits to
2 the judgment shall be reflected by the plaintiff in
3 supplemental proceedings or execution.

4 (e) If a judgment debtor has filed for protection under the
5 United States Bankruptcy Code and failed to successfully
6 adjudicate and remove a lien filed by a judgment creditor, then
7 the judgment may be revived only as to the property to which a
8 lien attached before the filing of the bankruptcy action.

9 (f) A judgment may be revived as to fewer than all judgment
10 debtors, and such order for revival of judgment shall be final,
11 appealable, and enforceable.

12 (g) This Section does not apply to a child support judgment
13 or to a judgment recovered in an action for damages for an
14 injury described in Section 13-214.1, which need not be revived
15 as provided in this Section and which may be enforced at any
16 time as provided in Section 12-108.

17 (h) If a judgment becomes dormant during the pendency of an
18 enforcement proceeding under Part 14 of this Article or under
19 Article XII, the enforcement may continue to conclusion without
20 revival of the underlying judgment so long as the enforcement
21 is done under court supervision and includes a payment,
22 withholding, or turn over order.

23 (Source: P.A. 96-305, eff. 8-11-09; 97-350, eff. 1-1-12.)

24 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

25 Sec. 12-101. Lien of judgment. With respect to the creation

1 of liens on real estate by judgments, all real estate in the
2 State of Illinois is divided into 2 classes.

3 The first class consists of all real property, the title to
4 which is registered under "An Act concerning land titles",
5 approved May 1, 1897, as amended.

6 The second class consists of all real property not
7 registered under "An Act concerning land titles".

8 As to real estate in class one, a judgment is a lien on the
9 real estate of the person against whom it is entered for the
10 same period as in class two, when Section 85 of "An Act
11 concerning land titles", has been complied with.

12 As to real estate included within class two, a judgment is
13 a lien on the real estate of the person against whom it is
14 entered in any county in this State, including the county in
15 which it is entered, only from the time a transcript, certified
16 copy or memorandum of the judgment is filed in the office of
17 the recorder in the county in which the real estate is located.
18 The lien may be foreclosed by an action brought in the name of
19 the judgment creditor or its assignee of record under Article
20 XV in the same manner as a mortgage of real property, except
21 that the redemption period shall be 6 months from the date of
22 sale and the real estate homestead exemption under Section
23 12-901 shall apply. A judgment resulting from the entry of an
24 order requiring child support payments shall be a lien upon the
25 real estate of the person obligated to make the child support
26 payments, but shall not be enforceable in any county of this

1 State until a transcript, certified copy, or memorandum of the
2 lien is filed in the office of the recorder in the county in
3 which the real estate is located. Any lien hereunder arising
4 out of an order for support shall be a lien only as to and from
5 the time that an installment or payment is due under the terms
6 of the order. Further, the order for support shall not be a
7 lien on real estate to the extent of payments made as evidenced
8 by the records of the Clerk of the Circuit Court or State
9 agency receiving payments pursuant to the order. In the event
10 payments made pursuant to that order are not paid to the Clerk
11 of the Circuit Court or a State agency, then each lien imposed
12 by this Section may be released in the following manner:

13 (a) A Notice of Filing and an affidavit stating that
14 all installments of child support required to be paid
15 pursuant to the order under which the lien or liens were
16 imposed have been paid shall be filed with the office of
17 recorder in each county in which each such lien appears of
18 record, together with proof of service of such notice and
19 affidavit upon the recipient of such payments.

20 (b) Service of such affidavit shall be by any means
21 authorized under Sections 2-203 and 2-208 of the Code of
22 Civil Procedure or under Supreme Court Rules 11 or 105(b).

23 (c) The Notice of Filing shall set forth the name and
24 address of the judgment debtor and the judgment creditor,
25 the court file number of the order giving rise to the
26 judgment and, in capital letters, the following statement:

1 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
2 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER
3 OF COUNTY, ILLINOIS, WHOSE ADDRESS IS,
4 ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE,
5 YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF
6 THE STATED JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE,
7 SUCH JUDGMENT LIEN WILL BE DEEMED TO BE RELEASED AND NO
8 LONGER SUBJECT TO FORECLOSURE. THIS RELEASE OF LIEN WILL
9 NOT ACT AS A SATISFACTION OF SUCH JUDGMENT.

10 (d) If no affidavit objecting to the release of the
11 lien or liens is filed within 28 days of the Notice
12 described in paragraph (c) of this Section such lien or
13 liens shall be deemed to be released and no longer subject
14 to foreclosure.

15 A judgment is not a lien on real estate for longer than 7
16 years from the time it is entered or revived, unless the
17 judgment is revived within 7 years after its entry or last
18 revival and a new memorandum of judgment is recorded prior to
19 the judgment and its recorded memorandum of judgment becoming
20 dormant.

21 When a judgment is revived it is a lien on the real estate
22 of the person against whom it was entered in any county in this
23 State from the time a transcript, certified copy or memorandum
24 of the order of revival is filed in the office of the recorder
25 in the county in which the real estate is located.

26 A foreign judgment registered or filed pursuant to Sections

1 12-630 ~~12-601~~ through 12-672 ~~12-618~~ of this Act is a lien upon
2 the real estate of the person against whom it was entered only
3 from the time (1) a copy of the affidavit required by Section
4 12-653 with a copy ~~certified copy of the verified petition for~~
5 ~~registration~~ of the foreign judgment attached showing the
6 filing in a court of this State or (2) a transcript, certified
7 copy or memorandum of a ~~the~~ final judgment of the court of this
8 State entered on an action to enforce a ~~that~~ foreign judgment
9 is filed in the office of the recorder in the county in which
10 the real estate is located. However, no such judgment shall be
11 a lien on any real estate registered under "An Act concerning
12 land titles", as amended, until Section 85 of that Act has been
13 complied with.

14 The release of any transcript, certified copy or memorandum
15 of judgment or order of revival which has been recorded shall
16 be filed by the person receiving the release in the office of
17 the recorder in which such judgment or order has been recorded.

18 Such release shall contain in legible letters a statement
19 as follows:

20 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
21 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE
22 OFFICE THE LIEN WAS FILED.

23 The term "memorandum" as used in this Section means a
24 memorandum or copy of the judgment signed by a judge or a copy
25 attested by the clerk of the court entering it and showing the
26 court in which entered, date, amount, number of the case in

1 which it was entered, name of the party in whose favor and name
2 and last known address of the party against whom entered. If
3 the address of the party against whom the judgment was entered
4 is not known, the memorandum or copy of judgment shall so
5 state.

6 The term "memorandum" as used in this Section also means a
7 memorandum or copy of a child support order signed by a judge
8 or a copy attested by the clerk of the court entering it or a
9 copy attested by the administrative body entering it.

10 This Section shall not be construed as showing an intention
11 of the legislature to create a new classification of real
12 estate, but shall be construed as showing an intention of the
13 legislature to continue a classification already existing.

14 (Source: P.A. 97-350, eff. 1-1-12.)

15 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

16 Sec. 12-705. Summons.

17 (a) Summons shall be returnable not less than 21 nor more
18 than 30 days after the date of issuance. Summons with 4 copies
19 of the interrogatories shall be served and returned as in other
20 civil cases. If the garnishee is served with summons less than
21 10 days prior to the return date, the court shall continue the
22 case to a new return date 14 days after the return date stated
23 on the summons. The summons shall be in a form consistent with
24 local court rules. The summons shall be accompanied by a copy
25 of the underlying judgment or a certification by the clerk of

1 the court that entered the judgment, or by the attorney for the
2 judgment creditor, setting forth the amount of the judgment,
3 the name of the court and the number of the case and one copy of
4 a garnishment notice in substantially the following form:

5 "GARNISHMENT NOTICE

6 (Name and address of Court)

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

8 Judgment Creditor v.

9 (Name of Judgement Debtor),

10 Judgment Debtor.

11 Address of Judgment Debtor: (Insert last known 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 Garnishee: (Insert name)

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

18 NOTICE: The court has issued a garnishment summons against
19 the garnishee named above for money or property (other than
20 wages) belonging to the judgment debtor or in which the
21 judgment debtor has an interest. The garnishment summons was
22 issued on the basis of a judgment against the judgment debtor
23 in favor of the judgment creditor in the amount stated above.

24 The amount of money or property (other than wages) that may
25 be garnished is limited by federal and Illinois law. The
26 judgment debtor has the right to assert statutory exemptions

1 against certain money or property of the judgment debtor which
2 may not be used to satisfy the judgment in the amount stated
3 above.

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

15 The judgment debtor may have other possible exemptions from
16 garnishment under the law.

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

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

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

18 "CERTIFICATE OF MAILING

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

25 Date:.....

26 Signature"

1 In the case of service of the summons for garnishment upon
2 the garnishee by certified or registered mail, as provided in
3 subsection (c) of this Section, no sooner than 2 business days
4 nor later than 4 business days after the date of mailing, the
5 clerk shall mail a copy of the garnishment notice and the
6 summons to the judgment debtor by first class mail at the
7 judgment debtor's address indicated in the garnishment notice,
8 shall prepare the Certificate of Mailing described by this
9 subsection, and shall include the Certificate of Mailing in a
10 permanent record.

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

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

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

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

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

24 (d) The garnishment summons may be served and returned in
25 the manner provided by Supreme Court Rule for service,
26 otherwise than by publication, of a notice for additional

1 relief upon a party in default.

2 (Source: P.A. 94-293, eff. 1-1-06.)