



Sen. Ira I. Silverstein

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09900SB0163sam001

LRB099 03389 HEP 38143 a

1 AMENDMENT TO SENATE BILL 163

2 AMENDMENT NO. _____. Amend Senate Bill 163 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Probate Act of 1975 is amended by changing
5 Section 16-1 as follows:

6 (755 ILCS 5/16-1) (from Ch. 110 1/2, par. 16-1)

7 (Text of Section before amendment by P.A. 99-93)

8 Sec. 16-1. Citation on behalf of estate.†

9 (a) Upon the filing of a petition therefor by the
10 representative or by any other person interested in the estate
11 or, in the case of an estate of a ward by any other person, the
12 court shall order a citation to issue for the appearance before
13 it of any person whom the petitioner believes (1) to have
14 concealed, converted or embezzled or to have in his possession
15 or control any personal property, books of account, papers or
16 evidences of debt or title to lands which belonged to a person

1 whose estate is being administered in that court or which
2 belongs to his estate or to his representative or (2) to have
3 information or knowledge withheld by the respondent from the
4 representative and needed by the representative for the
5 recovery of any property by suit or otherwise. The petition
6 shall contain a request for the relief sought.

7 (b) The citation must be served not less than 10 days
8 before the return day designated in the citation and must be
9 served and returned in the manner provided for summons in civil
10 cases. If there is a personal representative who is not the
11 respondent, notice of the proceeding shall be given by mail or
12 in person to the personal representative not less than 5 days
13 before the return day designated in the citation.

14 (c) If the representative is the respondent, the court may
15 appoint a special administrator to represent the estate. The
16 court may permit the special administrator to prosecute or
17 defend an appeal.

18 (d) The court may examine the respondent on oath whether or
19 not the petitioner has proved the matters alleged in the
20 petition, may hear the evidence offered by any party, may
21 determine all questions of title, claims of adverse title and
22 the right of property and may enter such orders and judgment as
23 the case requires. If the respondent refuses to answer proper
24 questions put to him or refuses to obey the court's order to
25 deliver any personal property or, if converted, its proceeds or
26 value, or books of account, papers or evidences of debt or

1 title to lands, the court may commit him to jail until he
2 complies with the order of the court or is discharged by due
3 course of law and the court may enforce its order against the
4 respondent's real and personal property in the manner in which
5 judgments for the payment of money are enforced. The court may
6 tax the costs of the proceeding against the respondent and
7 enter judgment therefor against him.

8 (Source: P.A. 89-396, eff. 8-20-95.)

9 (Text of Section after amendment by P.A. 99-93)

10 Sec. 16-1. Citation on behalf of estate.†

11 (a) Upon the filing of a petition therefor by the
12 representative or by any other person interested in the estate
13 or, in the case of an estate of a ward by any other person, the
14 court shall order a citation to issue for the appearance before
15 it of any person whom the petitioner believes† (1) to have
16 concealed, converted or embezzled or to have ~~or had~~ in his
17 possession or control any ~~assets,~~ personal property, books of
18 account, papers or evidences of debt or title to lands which
19 belonged to a person whose estate is being administered in that
20 court or which belongs to his estate or to his representative
21 or † (2) to have information or knowledge withheld by the
22 respondent from the representative and needed by the
23 representative for the recovery of any property by suit or
24 otherwise; ~~or (3) may be liable to the estate of a ward~~
25 ~~pursuant to any civil cause of action.~~ The petition shall

1 contain a request for the relief sought.

2 (b) The citation must be served not less than 10 days
3 before the return day designated in the citation and must be
4 served and returned in the manner provided for summons in civil
5 cases. If there is a personal representative who is not the
6 respondent, notice of the proceeding shall be given by mail or
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23 complies with the order of the court or is discharged by due
24 course of law and the court may enforce its order against the
25 respondent's real and personal property in the manner in which
26 judgments for the payment of money are enforced. The court may

1 tax the costs of the proceeding against the respondent and
2 enter judgment therefor against him.

3 (Source: P.A. 99-93, eff. 1-1-16.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."