

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 2-1602, 4-107, and 12-183 and by adding
6 Section 5-127 as follows:

7 (735 ILCS 5/2-1602)

8 Sec. 2-1602. Revival of judgment.

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

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

23 (c) Service of notice of the petition to revive a judgment

1 shall be made in accordance with Supreme Court Rule 106.

2 (d) An order reviving a judgment shall be for the original
3 amount of the judgment. The plaintiff may recover interest and
4 court costs from the date of the original judgment. Credits to
5 the judgment shall be reflected by the plaintiff in
6 supplemental proceedings or execution.

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

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

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

20 (h) If a judgment becomes dormant during the pendency of an
21 enforcement proceeding against wages under Part 14 of this
22 Article or under Article XII, the enforcement may continue to
23 conclusion without revival of the underlying judgment so long
24 as the enforcement is done under court supervision and includes
25 a wage deduction order or turn over order and is against an
26 employer, garnishee, or other third party respondent.

1 (Source: P.A. 97-350, eff. 1-1-12; 98-557, eff. 1-1-14.)

2 (735 ILCS 5/4-107) (from Ch. 110, par. 4-107)

3 Sec. 4-107. Bond. After ~~Before~~ the entry of an order for
4 attachment, as hereinabove stated, the court shall take bond
5 and sufficient security, payable to the People of the State of
6 Illinois, for the use of the person or persons interested in
7 the property attached, in double the sum sworn to be due,
8 conditioned for satisfying all costs which may be awarded to
9 such defendant, or to any others interested in the proceedings,
10 and all damages and costs which shall be recovered against the
11 plaintiff, for wrongfully obtaining the attachment order,
12 which bond, with affidavit of the party complaining, or his,
13 her or its agent or attorney, shall be filed in the court
14 entering the order for attachment. Every order for attachment
15 entered without a bond and affidavit taken, is hereby declared
16 illegal and void, and shall be dismissed. Nothing herein
17 contained shall be construed to require the State of Illinois,
18 or any Department of Government thereof, or any State officer,
19 to file a bond as plaintiff in any proceeding instituted under
20 Part 1 of Article IV of this Act.

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

22 (735 ILCS 5/5-127 new)

23 Sec. 5-127. Charges relating to electronic filing. All
24 charges relating to the electronic filing of cases and

1 pleadings, imposed by the court, clerk of the court, county, or
2 a person with whom the court, clerk, or county may contract,
3 are taxable as court costs.

4 (735 ILCS 5/12-183) (from Ch. 110, par. 12-183)

5 Sec. 12-183. Release of judgment.

6 (a) Every judgment creditor, his or her assignee of record
7 or other legal representative having received full
8 satisfaction or payment of all such sums of money as are really
9 due to him or her from the judgment debtor on any judgment
10 rendered in a court shall, at the request of the judgment
11 debtor or his or her legal representative, execute and deliver
12 to the judgment debtor or his or her legal representative an
13 instrument in writing releasing such judgment.

14 (b) If the judgment creditor, his or her assigns of record
15 or other legal representative to whom tender has been made of
16 all sums of money due him or her from the judgment debtor
17 including interest, on any judgment entered by a court,
18 wilfully fails or refuses, at the request of the judgment
19 debtor or his or her legal representative to execute and
20 deliver to the judgment debtor or his or her legal
21 representative an instrument in writing releasing such
22 judgment, the judgment debtor may petition the court in which
23 such judgment is of record, making tender therewith to the
24 court of all sums due in principal and interest on such
25 judgment, for the use of the judgment creditor, his or her

1 executors, administrators or assigns, whereupon the court
2 shall enter an order satisfying the judgment and releasing all
3 liens based on such judgment.

4 (c) For the recording of assignment of any judgment the
5 clerk of the court in which such judgment is of record is
6 allowed a fee of \$2.

7 (d) A satisfaction of a judgment may be delivered to the
8 judgment debtor, his or her attorney or to the clerk of the
9 court in which such judgment is of record.

10 (e) The clerk shall not be allowed any fee for recording
11 the satisfaction of judgment. The clerk of the court shall make
12 appropriate notation on the judgment docket of the book and
13 page where any release or assignment of any judgment is
14 recorded.

15 (f) No judgment shall be released of record except by an
16 instrument in writing recorded in the court in which such
17 judgment is of record. However, nothing contained in this
18 Section affects in any manner the validity of any release of
19 judgment made, prior to January 1, 1952, in judgment and
20 execution dockets by the judgment creditor, his or her
21 attorney, assignee or other legal representative.

22 (g) The writ of audita querela is abolished and all relief
23 heretofore obtainable and grounds for such relief heretofore
24 available, whether by the writ of audita querela or otherwise,
25 shall be available in every case by petition hereunder,
26 regardless of the nature of the order or judgment from which

1 relief is sought or of the proceeding in which it was entered.
2 There shall be no distinction between actions and other
3 proceedings, statutory or otherwise, as to availability of
4 relief, grounds for relief or relief obtainable. The petition
5 shall be filed in the same proceeding in which the order or
6 judgment was entered and shall be supported by affidavit or
7 other appropriate showing as to matters not of record. All
8 parties to the petition shall be notified as provided by rule.

9 (h) Upon the filing of a release or satisfaction in full
10 satisfaction of judgment, signed by the party in whose favor
11 the judgment was entered or his or her attorney, the court may
12 ~~shall~~ vacate the judgment, and dismiss the action.

13 (i) Any judgment arising out of an order for support shall
14 not be a judgment to the extent of payments made as evidenced
15 by the records of the Clerk of the Circuit Court or State
16 agency receiving payments pursuant to the order. In the event
17 payments made pursuant to that order are not paid to the Clerk
18 of the Circuit Court or a State agency, then any judgment
19 arising out of each order for support may be released in the
20 following manner:

21 (1) A Notice of Filing and an affidavit stating that
22 all installments of child support required to be paid
23 pursuant to the order under which the judgment or judgments
24 were entered have been paid shall be filed with the office
25 of the court or agency entering said order for support,
26 together with proof of service of such notice and affidavit

1 upon the recipient of such payments.

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

5 (3) The Notice of Filing shall set forth the name and
6 address of the judgment debtor and the judgment creditor,
7 the court file number of the order giving rise to the
8 judgment and, in capital letters, the following statement:

9 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
10 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE CLERK OF
11 THE CIRCUIT COURT OF COUNTY, ILLINOIS, WHOSE ADDRESS
12 IS, ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF
13 THIS NOTICE, YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE
14 SATISFACTION OF THE STATED JUDGMENT OR JUDGMENTS IN THE
15 ABOVE OFFICE, THE SAID JUDGMENTS WILL BE DEEMED TO BE
16 SATISFIED AND NOT ENFORCEABLE. THE SATISFACTION WILL NOT
17 PREVENT YOU FROM ENFORCING THE ORDER FOR SUPPORT THROUGH
18 THE COURT.

19 (4) If no affidavit objecting to the satisfaction of
20 the judgment or judgments is filed within 28 days of the
21 Notice described in paragraph (3) of this subsection (i),
22 such judgment or judgments shall be deemed to be satisfied
23 and not enforceable.

24 (Source: P.A. 91-357, eff. 7-29-99.)

25 (735 ILCS 5/12-170 rep.)

1 (735 ILCS 5/12-171 rep.)

2 (735 ILCS 5/12-172 rep.)

3 (735 ILCS 5/12-173 rep.)

4 (735 ILCS 5/12-174 rep.)

5 (735 ILCS 5/12-175 rep.)

6 Section 10. The Code of Civil Procedure is amended by
7 repealing Sections 12-170, 12-171, 12-172, 12-173, 12-174, and
8 12-175.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.