



Sen. Ira I. Silverstein

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LRB099 20073 HEP 46124 a

1 AMENDMENT TO SENATE BILL 2845

2 AMENDMENT NO. _____. Amend Senate Bill 2845 by replacing
3 everything after the enacting clause with the following:

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, servicing the petition, and entering an
11 order for revival 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.

1 (b) A petition to revive a judgment shall be filed in the
2 original case in which the judgment was entered. The petition
3 shall include a statement as to the original date and amount of
4 the judgment, court costs expended, accrued interest, and
5 credits to the judgment, if any.

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

8 (d) An order reviving a judgment shall be for the original
9 amount of the judgment. The plaintiff may recover interest and
10 court costs from the date of the original judgment. Credits to
11 the judgment shall be reflected by the plaintiff in
12 supplemental proceedings or execution.

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

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

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

26 (h) If a judgment becomes dormant during the pendency of an

1 enforcement proceeding against wages under Part 14 of this
2 Article or under Article XII, the enforcement may continue to
3 conclusion without revival of the underlying judgment so long
4 as the enforcement is done under court supervision and includes
5 a wage deduction order or turn over order and is against an
6 employer, garnishee, or other third party respondent.

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

8 (735 ILCS 5/4-107) (from Ch. 110, par. 4-107)

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

1 Part 1 of Article IV of this Act.

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

3 (735 ILCS 5/5-127 new)

4 Sec. 5-127. Charges relating to electronic filing. All
5 charges relating to the electronic filing of cases and
6 pleadings, imposed by the court, clerk of the court, county, or
7 a person with whom the court, clerk, or county may contract,
8 are taxable as court costs.

9 (735 ILCS 5/12-183) (from Ch. 110, par. 12-183)

10 Sec. 12-183. Release of judgment.

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

19 (b) If the judgment creditor, his or her assigns of record
20 or other legal representative to whom tender has been made of
21 all sums of money due him or her from the judgment debtor
22 including interest, on any judgment entered by a court,
23 wilfully fails or refuses, at the request of the judgment
24 debtor or his or her legal representative to execute and

1 deliver to the judgment debtor or his or her legal
2 representative an instrument in writing releasing such
3 judgment, the judgment debtor may petition the court in which
4 such judgment is of record, making tender therewith to the
5 court of all sums due in principal and interest on such
6 judgment, for the use of the judgment creditor, his or her
7 executors, administrators or assigns, whereupon the court
8 shall enter an order satisfying the judgment and releasing all
9 liens based on such judgment.

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

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

16 (e) The clerk shall not be allowed any fee for recording
17 the satisfaction of judgment. The clerk of the court shall make
18 appropriate notation on the judgment docket of the book and
19 page where any release or assignment of any judgment is
20 recorded.

21 (f) No judgment shall be released of record except by an
22 instrument in writing recorded in the court in which such
23 judgment is of record. However, nothing contained in this
24 Section affects in any manner the validity of any release of
25 judgment made, prior to January 1, 1952, in judgment and
26 execution dockets by the judgment creditor, his or her

1 attorney, assignee or other legal representative.

2 (g) The writ of audita querela is abolished and all relief
3 heretofore obtainable and grounds for such relief heretofore
4 available, whether by the writ of audita querela or otherwise,
5 shall be available in every case by petition hereunder,
6 regardless of the nature of the order or judgment from which
7 relief is sought or of the proceeding in which it was entered.
8 There shall be no distinction between actions and other
9 proceedings, statutory or otherwise, as to availability of
10 relief, grounds for relief or relief obtainable. The petition
11 shall be filed in the same proceeding in which the order or
12 judgment was entered and shall be supported by affidavit or
13 other appropriate showing as to matters not of record. All
14 parties to the petition shall be notified as provided by rule.

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

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

1 (1) A Notice of Filing and an affidavit stating that
2 all installments of child support required to be paid
3 pursuant to the order under which the judgment or judgments
4 were entered have been paid shall be filed with the office
5 of the court or agency entering said order for support,
6 together with proof of service of such notice and affidavit
7 upon the recipient of such payments.

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

11 (3) The Notice of Filing shall set forth the name and
12 address of the judgment debtor and the judgment creditor,
13 the court file number of the order giving rise to the
14 judgment and, in capital letters, the following statement:

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

25 (4) If no affidavit objecting to the satisfaction of
26 the judgment or judgments is filed within 28 days of the

1 Notice described in paragraph (3) of this subsection (i),
2 such judgment or judgments shall be deemed to be satisfied
3 and not enforceable.

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

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

6 (735 ILCS 5/12-171 rep.)

7 (735 ILCS 5/12-172 rep.)

8 (735 ILCS 5/12-173 rep.)

9 (735 ILCS 5/12-174 rep.)

10 (735 ILCS 5/12-175 rep.)

11 Section 10. The Code of Civil Procedure is amended by
12 repealing Sections 12-170, 12-171, 12-172, 12-173, 12-174, and
13 12-175.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."