

AN ACT concerning civil law.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Counties Code is amended by changing Sections 4-5001, 4-12001, and 4-12001.1 as follows:

(55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

Sec. 4-5001. Sheriffs; counties of first and second class. The fees of sheriffs in counties of the first and second class, except when increased by county ordinance under this Section, shall be as follows:

For serving or attempting to serve summons on each defendant in each county, \$10.

For serving or attempting to serve an order or judgment granting injunctional relief in each county, \$10.

For serving or attempting to serve each garnishee in each county, \$10.

For serving or attempting to serve an order for replevin in each county, \$10.

For serving or attempting to serve an order for attachment on each defendant in each county, \$10.

For serving or attempting to serve a warrant of arrest, \$8, to be paid upon conviction.

For returning a defendant from outside the State of

Illinois, upon conviction, the court shall assess, as court costs, the cost of returning a defendant to the jurisdiction.

For taking special bail, \$1 in each county.

For serving or attempting to serve a subpoena on each witness, in each county, \$10.

For advertising property for sale, \$5.

For returning each process, in each county, \$5.

Mileage for each mile of necessary travel to serve any such process as Stated above, calculating from the place of holding court to the place of residence of the defendant, or witness, 50¢ each way.

For summoning each juror, \$3 with 30¢ mileage each way in all counties.

For serving or attempting to serve notice of judgments or levying to enforce a judgment, \$3 with 50¢ mileage each way in all counties.

For taking possession of and removing property levied on, the officer shall be allowed to tax the actual cost of such possession or removal.

For feeding each prisoner, such compensation to cover the actual cost as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For attending before a court with prisoner, on an order for habeas corpus, in each county, \$10 per day.

For attending before a court with a prisoner in any

criminal proceeding, in each county, \$10 per day.

For each mile of necessary travel in taking such prisoner before the court as Stated above, 15¢ a mile each way.

For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action ~~of forcible entry and detainer~~ without aid, \$10 and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof, and for each mile of necessary travel, 50¢ each way.

For executing and acknowledging a deed of sale of real estate, in counties of first class, \$4; second class, \$4.

For preparing, executing and acknowledging a deed on redemption from a court sale of real estate in counties of first class, \$5; second class, \$5.

For making certificates of sale, and making and filing duplicate, in counties of first class, \$3; in counties of the second class, \$3.

For making certificate of redemption, \$3.

For certificate of levy and filing, \$3, and the fee for recording shall be advanced by the judgment creditor and charged as costs.

For taking all bonds on legal process, civil and criminal, in counties of first class, \$1; in second class, \$1.

For executing copies in criminal cases, \$4 and mileage for each mile of necessary travel, 20¢ each way.

For executing requisitions from other States, \$5.

For conveying each prisoner from the prisoner's own county to the jail of another county, or from another county to the jail of the prisoner's county, per mile, for going, only, 30¢.

For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, the following fees, payable out of the State Treasury. For each person who is conveyed, 35¢ per mile in going only to the penitentiary, reformatory, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, from the place of conviction.

The fees provided for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers shall be paid for each trip so made. Mileage as used in this Section means the shortest practical route, between the place from which the person is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers and all fees per mile shall be computed on such basis.

For conveying any person to or from any of the charitable institutions of the State, when properly committed by competent authority, when one person is conveyed, 35¢ per mile; when two persons are conveyed at the same time, 35¢ per mile for the

first person and 20¢ per mile for the second person; and 10¢ per mile for each additional person.

For conveying a person from the penitentiary to the county jail when required by law, 35¢ per mile.

For attending Supreme Court, \$10 per day.

In addition to the above fees there shall be allowed to the sheriff a fee of \$600 for the sale of real estate which is made by virtue of any judgment of a court, except that in the case of a sale of unimproved real estate which sells for \$10,000 or less, the fee shall be \$150. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court:

For judgments up to \$1,000, \$75;

For judgments from \$1,001 to \$15,000, \$150;

For judgments over \$15,000, \$300.

The foregoing fees allowed by this Section are the maximum fees that may be collected from any officer, agency, department or other instrumentality of the State. The county board may, however, by ordinance, increase the fees allowed by this Section and collect those increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the costs of providing the

service. A statement of the costs of providing each service, program and activity shall be prepared by the county board. All supporting documents shall be public records and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program and activity.

In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed his fee for levying and mileage, together with half the fee for all money collected by him which he would be entitled to if the same was made by sale to enforce the judgment. In no case shall the fee exceed the amount of money arising from the sale.

The fee requirements of this Section do not apply to police departments or other law enforcement agencies. For the purposes of this Section, "law enforcement agency" means an agency of the State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws.

(Source: P.A. 95-331, eff. 8-21-07.)

(55 ILCS 5/4-12001) (from Ch. 34, par. 4-12001)

Sec. 4-12001. Fees of sheriff in third class counties. The officers herein named, in counties of the third class, shall be entitled to receive the fees herein specified, for the services

mentioned and such other fees as may be provided by law for such other services not herein designated.

Fees for Sheriff

For serving or attempting to serve any summons on each defendant, \$35.

For serving or attempting to serve each alias summons or other process mileage will be charged as hereinafter provided when the address for service differs from the address for service on the original summons or other process.

For serving or attempting to serve all other process, on each defendant, \$35.

For serving or attempting to serve a subpoena on each witness, \$35.

For serving or attempting to serve each warrant, \$35.

For serving or attempting to serve each garnishee, \$35.

For summoning each juror, \$10.

For serving or attempting to serve each order or judgment for replevin, \$35.

For serving or attempting to serve an order for attachment, on each defendant, \$35.

For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action ~~of forcible entry and detainer~~, without aid, \$35, and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof.

For serving or attempting to serve notice of judgment, \$35.

For levying to satisfy an order in an action for attachment, \$25.

For executing order of court to seize personal property, \$25.

For making certificate of levy on real estate and filing or recording same, \$8, and the fee for filing or recording shall be advanced by the plaintiff in attachment or by the judgment creditor and taxed as costs. For taking possession of or removing property levied on, the sheriff shall be allowed to tax the necessary actual costs of such possession or removal.

For advertising property for sale, \$20.

For making certificate of sale and making and filing duplicate for record, \$15, and the fee for recording same shall be advanced by the judgment creditor and taxed as costs.

For preparing, executing and acknowledging deed on redemption from a court sale of real estate, \$15; for preparing, executing and acknowledging all other deeds on sale of real estate, \$10.

For making and filing certificate of redemption, \$15, and the fee for recording same shall be advanced by party making the redemption and taxed as costs.

For making and filing certificate of redemption from a court sale, \$11, and the fee for recording same shall be advanced by the party making the redemption and taxed as costs.

For taking all bonds on legal process, \$10.



For taking special bail, \$5.

For returning each process, \$15.

Mileage for service or attempted service of all process is a \$10 flat fee.

For attending before a court with a prisoner on an order for habeas corpus, \$9 per day.

For executing requisitions from other States, \$13.

For conveying each prisoner from the prisoner's county to the jail of another county, per mile for going only, 25¢.

For committing to or discharging each prisoner from jail, \$3.

For feeding each prisoner, such compensation to cover actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, \$3.

For feeding such prisoners per day, \$3, to be paid by the marshal or other person requiring the prisoner's confinement.

For discharging such prisoners, \$3.

For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, the following fees, payable out of the State Treasury. When one person is conveyed, 20¢ per mile in going to

the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital from the place of conviction; when 2 persons are conveyed at the same time, 20¢ per mile for the first and 15¢ per mile for the second person; when more than 2 persons are conveyed at the same time as Stated above, the sheriff shall be allowed 20¢ per mile for the first, 15¢ per mile for the second and 10¢ per mile for each additional person.

The fees provided for herein for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, shall be paid for each trip so made. Mileage as used in this Section means the shortest route on a hard surfaced road, (either State Bond Issue Route or Federal highways) or railroad, whichever is shorter, between the place from which the person is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, and all fees per mile shall be computed on such basis.

In addition to the above fees, there shall be allowed to the sheriff a fee of \$900 for the sale of real estate which shall be made by virtue of any judgment of a court. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the

following schedule for the sale of personal estate which is made by virtue of any judgment of a court:

For judgments up to \$1,000, \$100;

For judgments over \$1,000 to \$15,000, \$300;

For judgments over \$15,000, \$500.

In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed the fee for levying and mileage, together with half the fee for all money collected by him or her which he or she would be entitled to if the same were made by sale in the enforcement of a judgment. In no case shall the fee exceed the amount of money arising from the sale.

The fee requirements of this Section do not apply to police departments or other law enforcement agencies. For the purposes of this Section, "law enforcement agency" means an agency of the State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

The fee requirements of this Section do not apply to units of local government or school districts.

(Source: P.A. 94-1104, eff. 6-1-07.)

(55 ILCS 5/4-12001.1) (from Ch. 34, par. 4-12001.1)

Sec. 4-12001.1. Fees of sheriff in third class counties; local governments and school districts. The officers herein

named, in counties of the third class, shall be entitled to receive the fees herein specified from all units of local government and school districts, for the services mentioned and such other fees as may be provided by law for such other services not herein designated.

Fees for Sheriff

For serving or attempting to serve any summons on each defendant, \$25.

For serving or attempting to serve each alias summons or other process mileage will be charged as hereinafter provided when the address for service differs from the address for service on the original summons or other process.

For serving or attempting to serve all other process, on each defendant, \$25.

For serving or attempting to serve a subpoena on each witness, \$25.

For serving or attempting to serve each warrant, \$25.

For serving or attempting to serve each garnishee, \$25.

For summoning each juror, \$4.

For serving or attempting to serve each order or judgment for replevin, \$25.

For serving or attempting to serve an order for attachment, on each defendant, \$25.

For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an eviction action ~~of~~

~~forcible entry and detainer~~, without aid, \$9, and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof.

For serving or attempting to serve notice of judgment, \$25.

For levying to satisfy an order in an action for attachment, \$25.

For executing order of court to seize personal property, \$25.

For making certificate of levy on real estate and filing or recording same, \$3, and the fee for filing or recording shall be advanced by the plaintiff in attachment or by the judgment creditor and taxed as costs. For taking possession of or removing property levied on, the sheriff shall be allowed to tax the necessary actual costs of such possession or removal.

For advertising property for sale, \$3.

For making certificate of sale and making and filing duplicate for record, \$3, and the fee for recording same shall be advanced by the judgment creditor and taxed as costs.

For preparing, executing and acknowledging deed on redemption from a court sale of real estate, \$6; for preparing, executing and acknowledging all other deeds on sale of real estate, \$4.

For making and filing certificate of redemption, \$3.50, and the fee for recording same shall be advanced by party making the redemption and taxed as costs.

For making and filing certificate of redemption from a

court sale, \$4.50, and the fee for recording same shall be advanced by the party making the redemption and taxed as costs.

For taking all bonds on legal process, \$2.

For taking special bail, \$2.

For returning each process, \$5.

Mileage for service or attempted service of all process is a \$10 flat fee.

For attending before a court with a prisoner on an order for habeas corpus, \$3.50 per day.

For executing requisitions from other States, \$5.

For conveying each prisoner from the prisoner's county to the jail of another county, per mile for going only, 25¢.

For committing to or discharging each prisoner from jail, \$1.

For feeding each prisoner, such compensation to cover actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, \$1.

For feeding such prisoners per day, \$1, to be paid by the marshal or other person requiring the prisoner's confinement.

For discharging such prisoners, \$1.

For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State

Training School for Girls, Reception Centers and Illinois Security Hospital, the following fees, payable out of the State Treasury. When one person is conveyed, 15¢ per mile in going to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital from the place of conviction; when 2 persons are conveyed at the same time, 15¢ per mile for the first and 10¢ per mile for the second person; when more than 2 persons are conveyed at the same time as stated above, the sheriff shall be allowed 15¢ per mile for the first, 10¢ per mile for the second and 5¢ per mile for each additional person.

The fees provided for herein for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, shall be paid for each trip so made. Mileage as used in this Section means the shortest route on a hard surfaced road, (either State Bond Issue Route or Federal highways) or railroad, whichever is shorter, between the place from which the person is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls, Reception Centers and Illinois Security Hospital, and all fees per mile shall be computed on such basis.

In addition to the above fees, there shall be allowed to the sheriff a fee of \$600 for the sale of real estate which

shall be made by virtue of any judgment of a court. In addition to this fee and all other fees provided by this Section, there shall be allowed to the sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court:

For judgments up to \$1,000, \$90;

For judgments over \$1,000 to \$15,000, \$275;

For judgments over \$15,000, \$400.

In all cases where the judgment is settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon is not actually sold, the sheriff shall be allowed the fee for levying and mileage, together with half the fee for all money collected by him or her which he or she would be entitled to if the same were made by sale in the enforcement of a judgment. In no case shall the fee exceed the amount of money arising from the sale.

All fees collected under Sections 4-12001 and 4-12001.1 must be used for public safety purposes only.

(Source: P.A. 97-333, eff. 8-12-11.)

Section 10. The Illinois Municipal Code is amended by changing Sections 1-2-11, 11-31-2.2, and 11-31.1-8 as follows:

(65 ILCS 5/1-2-11) (from Ch. 24, par. 1-2-11)

Sec. 1-2-11. (a) A sheriff may serve any process or make any arrest in a municipality or a part of a municipality



located in the county in which the sheriff was elected that any officer of that municipality is authorized to make under this Code or any ordinance passed under this Code.

(b) Police officers may serve summons for violations of ordinances occurring within their municipalities. In municipalities with a population of 1,000,000 or more, active duty or retired police officers may serve summons for violations of ordinances occurring within their municipalities.

(c) In addition to the powers stated in Section 8.1a of the Housing Authorities Act, in counties with a population of 3,000,000 or more inhabitants, members of a housing authority police force may serve process for eviction ~~forcible entry and detainer~~ actions commenced by that housing authority and may execute eviction orders ~~of possession~~ for that housing authority.

(Source: P.A. 98-503, eff. 8-16-13.)

(65 ILCS 5/11-31-2.2) (from Ch. 24, par. 11-31-2.2)

Sec. 11-31-2.2. If a receiver is appointed pursuant to Section 11-31-2 of this Code, the receiver may file in the appointing Court an eviction ~~a forcible entry and detainer~~ action as provided in Article IX of the Code of Civil Procedure. Filing fees and court costs shall be waived for a receiver filing under this Section.

(Source: P.A. 85-634.)

(65 ILCS 5/11-31.1-8) (from Ch. 24, par. 11-31.1-8)

Sec. 11-31.1-8. Eviction - Rights of the occupants. No action for eviction, abatement of a nuisance, ~~forcible entry and detainer~~ or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant agrees to testify or testifies at a code violation hearing.

(Source: Laws 1967, p. 1905.)

Section 15. The Illinois Service Member Civil Relief Act is amended by changing Section 35 as follows:

(330 ILCS 63/35)

Sec. 35. Eviction action; ~~Action for possession of residential premises of a tenant. A residential eviction~~ An action for possession of residential premises of a tenant, including eviction of a tenant who is a resident of a mobile home park, who is a service member that has entered military service, or of any member of the tenant's family who resides with the tenant, shall be subject to Section 9-107.10 of the Code of Civil Procedure.

(Source: P.A. 97-913, eff. 1-1-13.)

Section 20. The Environmental Protection Act is amended by changing Section 44.1 as follows:

(415 ILCS 5/44.1) (from Ch. 111 1/2, par. 1044.1)

Sec. 44.1. (a) In addition to all other civil and criminal penalties provided by law, any person convicted of a criminal violation of this Act or the regulations adopted thereunder shall forfeit to the State (1) an amount equal to the value of all profits earned, savings realized, and benefits incurred as a direct or indirect result of such violation, and (2) any vehicle or conveyance used in the perpetration of such violation, except as provided in subsection (b).

(b) Forfeiture of conveyances shall be subject to the following exceptions:

(1) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it is proven that the owner or other person in charge of the conveyance consented to or was privy to the covered violation.

(2) No conveyance is subject to forfeiture under this Section by reason of any covered violation which the owner proves to have been committed without his knowledge or consent.

(3) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the covered violation.

(c) Except as provided in subsection (d), all property subject to forfeiture under this Section shall be seized

pursuant to the order of a circuit court.

(d) Property subject to forfeiture under this Section may be seized by the Director or any peace officer without process:

(1) if the seizure is incident to an inspection under an administrative inspection warrant, or incident to the execution of a criminal search or arrest warrant;

(2) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Act; or

(3) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety.

(e) Property taken or detained under this Section shall not be subject to eviction ~~forcible entry and detainer~~ or replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings. When property is seized under this Act, the Director may:

(1) place the property under seal;

(2) secure the property or remove the property to a place designated by him; or

(3) require the sheriff of the county in which the seizure occurs to take custody of the property and secure or remove it to an appropriate location for disposition in accordance with law.

(f) All amounts forfeited under item (1) of subsection (a)

shall be apportioned in the following manner:

(1) 40% shall be deposited in the Hazardous Waste Fund created in Section 22.2;

(2) 30% shall be paid to the office of the Attorney General or the State's Attorney of the county in which the violation occurred, whichever brought and prosecuted the action; and

(3) 30% shall be paid to the law enforcement agency which investigated the violation.

Any funds received under this subsection (f) shall be used solely for the enforcement of the environmental protection laws of this State.

(g) When property is forfeited under this Section the court may order:

(1) that the property shall be made available for the official use of the Agency, the Office of the Attorney General, the State's Attorney of the county in which the violation occurred, or the law enforcement agency which investigated the violation, to be used solely for the enforcement of the environmental protection laws of this State;

(2) the sheriff of the county in which the forfeiture occurs to take custody of the property and remove it for disposition in accordance with law; or

(3) the sheriff of the county in which the forfeiture occurs to sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds of such sale shall be used for payment of all proper expenses of

the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs, and the balance, if any, shall be apportioned pursuant to subsection (f).

(Source: P.A. 85-487.)

Section 25. The Clerks of Courts Act is amended by changing Sections 27.1a, 27.2, and 27.2a as follows:

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population of not more than 500,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

With the following exceptions, the fee for filing a complaint, petition, or other pleading initiating a civil action shall be a minimum of \$40 and shall be a maximum of \$160 through December 31, 2021 and a maximum of \$154 on and after January 1, 2022.

(A) When the amount of money or damages or the value of personal property claimed does not exceed

\$250, \$10.

(B) When that amount exceeds \$250 but does not exceed \$500, a minimum of \$10 and a maximum of \$20.

(C) When that amount exceeds \$500 but does not exceed \$2500, a minimum of \$25 and a maximum of \$40.

(D) When that amount exceeds \$2500 but does not exceed \$15,000, a minimum of \$25 and a maximum of \$75.

(E) For the exercise of eminent domain, a minimum of \$45 and a maximum of \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, a minimum of \$45 and a maximum of \$150.

(a-1) Family.

For filing a petition under the Juvenile Court Act of 1987, \$25.

For filing a petition for a marriage license, \$10.

For performing a marriage in court, \$10.

For filing a petition under the Illinois Parentage Act of 2015, \$40.

(b) Eviction ~~Forcible Entry and Detainer~~.

In each eviction ~~forcible entry and detainer~~ case when the plaintiff seeks eviction possession only or unites with his or her claim for eviction possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, a minimum of \$10 and a maximum of \$50. When the

plaintiff unites his or her claim for eviction ~~possession~~ with a claim for rent or damages or both exceeding \$15,000, a minimum of \$40 and a maximum of \$160.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, a minimum of \$20 and a maximum of \$50. When the amount exceeds \$1500, but does not exceed \$15,000, a minimum of \$40 and a maximum of \$115. When the amount exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of \$15 and a maximum of \$60, except as follows:

(A) When the plaintiff in an eviction ~~a forcible entry and detainer~~ case seeks eviction ~~possession~~ only, a minimum of \$10 and a maximum of \$50.



(B) When the amount in the case does not exceed \$1500, a minimum of \$10 and a maximum of \$30.

(C) When that amount exceeds \$1500 but does not exceed \$15,000, a minimum of \$15 and a maximum of \$60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, a minimum of \$5 and a maximum of \$15; when the amount exceeds \$1,000 but does not exceed \$5,000, a minimum of \$5 and a maximum of \$30; and when the amount exceeds \$5,000, a minimum of \$5 and a maximum of \$50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in eviction ~~forcible entry and detainer~~ cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of \$20 and a maximum of \$50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of \$20 and a maximum of \$75.

(3) Petition to vacate order of bond forfeiture, a minimum of \$10 and a maximum of \$40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of \$2 and a maximum of \$10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and eviction ~~forcible entry and detainer~~ cases, a minimum of \$2 and a maximum of \$10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of \$60 and a maximum of \$100.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of \$2 and a maximum of \$6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of \$20 and a maximum of \$60.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of \$50 and a maximum of \$150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum

of 20 cents and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, a minimum of \$1 and a maximum of \$2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of \$4 and a maximum of \$6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of \$4 and a maximum

of \$6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of \$2 and a maximum of \$5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any

charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of \$62.50 and a maximum of \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of \$10 and a maximum of \$20; for recording the same, a minimum of 25 cents and a maximum of 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be

considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of \$15 and a maximum of \$60 for each expungement petition filed and an additional fee of a minimum of \$2 and a maximum of \$4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of \$50 and a maximum of \$150, plus the fees specified in subsection (v) (3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular

purpose without administration of the estate, the fee shall be a minimum of \$10 and a maximum of \$40.

(C) For filing a petition to sell Real Estate, \$50.

(2) For administration of the estate of a ward, a minimum of \$50 and a maximum of \$75, plus the fees specified in subsection (v) (3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of \$10 and a maximum of \$20.

(C) For filing a Petition to sell Real Estate, \$50.

(3) In addition to the fees payable under subsection (v) (1) or (v) (2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of \$10 and a maximum of \$25.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, a minimum

of \$10 and a maximum of \$25; when the amount claimed is \$500 or more but less than \$10,000, a minimum of \$10 and a maximum of \$40; when the amount claimed is \$10,000 or more, a minimum of \$10 and a maximum of \$60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of \$40 and a maximum of \$60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v) (3) (D), for filing the appearance of any person or persons, a minimum of \$10 and a maximum of \$30.

(F) For each jury demand, a minimum of \$62.50 and a maximum of \$137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when



there is no other administration of the estate, a minimum of \$30 and a maximum of \$50, less any amount paid under subsection (v) (1) (B) or (v) (2) (B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a maximum of \$20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of \$1 and a maximum of \$2, plus a minimum of 50 cents and a maximum of \$1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of \$1 and a maximum of \$2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents

pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of \$40 and a maximum of \$100.

(B) Misdemeanor complaints, a minimum of \$25 and a maximum of \$75.

(C) Business offense complaints, a minimum of \$25 and a maximum of \$75.

(D) Petty offense complaints, a minimum of \$25 and a maximum of \$75.

(E) Minor traffic or ordinance violations, \$10.

(F) When court appearance required, \$15.

(G) Motions to vacate or amend final orders, a minimum of \$20 and a maximum of \$40.

(H) Motions to vacate bond forfeiture orders, a minimum of \$20 and a maximum of \$40.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of \$20 and a maximum of \$40.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of \$20 and a maximum of \$40.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of \$20 and a maximum of \$40.

(2) In counties having a population of not more than 500,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, \$10.

(B) When court appearance required, \$15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of \$62.50 and a maximum of \$137.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of \$10 and a maximum of \$40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, a minimum of \$10 and a maximum of \$50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of \$45 and a maximum of \$200.

(2) For each additional parcel, add a fee of a minimum of \$10 and a maximum of \$60.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2% and a maximum of 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk,

if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a

minimum of \$10 and a maximum of \$25.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(4) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

(1) For an adoption ..... \$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(Source: P.A. 99-85, eff. 1-1-16; 99-859, eff. 8-19-16.)

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall

be paid in advance and shall be as follows:

(a) Civil Cases.

With the following exceptions, the fee for filing a complaint, petition, or other pleading initiating a civil action shall be a minimum of \$150 and shall be a maximum of \$190 through December 31, 2021 and a maximum of \$184 on and after January 1, 2022.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, a minimum of \$10 and a maximum of \$15.

(B) When that amount exceeds \$250 but does not exceed \$1,000, a minimum of \$20 and a maximum of \$40.

(C) When that amount exceeds \$1,000 but does not exceed \$2500, a minimum of \$30 and a maximum of \$50.

(D) When that amount exceeds \$2500 but does not exceed \$5,000, a minimum of \$75 and a maximum of \$100.

(D-5) When the amount exceeds \$5,000 but does not exceed \$15,000, a minimum of \$75 and a maximum of \$150.

(E) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(F) No fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing,



certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service, certifying, modifying, vacating, or photocopying any orders of protection.

(b) Eviction ~~Forecible Entry and Detainer~~.

In each eviction ~~forecible entry and detainer~~ case when the plaintiff seeks eviction possession only or unites with his or her claim for eviction possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, a minimum of \$40 and a maximum of \$75. When the plaintiff unites his or her claim for eviction possession with a claim for rent or damages or both exceeding \$15,000, a minimum of \$150 and a maximum of \$225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, a minimum of \$50 and a maximum of \$60. When

the amount exceeds \$1500, but does not exceed \$5,000, \$75. When the amount exceeds \$5,000, but does not exceed \$15,000, \$175. When the amount exceeds \$15,000, a minimum of \$200 and a maximum of \$250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of \$50 and a maximum of \$75, except as follows:

(A) When the plaintiff in an eviction ~~a forcible entry and detainer~~ case seeks eviction ~~possession~~ only, a minimum of \$20 and a maximum of \$40.

(B) When the amount in the case does not exceed \$1500, a minimum of \$20 and a maximum of \$40.

(C) When the amount in the case exceeds \$1500 but does not exceed \$15,000, a minimum of \$40 and a maximum of \$60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, a minimum of \$10 and a maximum of \$15; when the amount exceeds \$1,000 but does not exceed \$5,000, a minimum of \$20 and a maximum of \$30; and when the amount exceeds \$5,000, a minimum of \$30 and a maximum of \$50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in eviction ~~forcible entry and~~

~~detainer~~ cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of \$40 and a maximum of \$50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of \$60 and a maximum of \$75.

(3) Petition to vacate order of bond forfeiture, a minimum of \$20 and a maximum of \$40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of \$6 and a maximum of \$10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and eviction ~~forcible entry and~~ ~~detainer~~ cases, a minimum of \$10 and a maximum of \$15.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of \$80 and a maximum of \$125.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of \$4 and a maximum of \$6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of \$50 and a maximum of \$75.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of \$120 and a maximum of \$150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, \$2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(1) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the

same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of \$4 and a maximum of \$6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of \$4 and a maximum of \$6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the clerk,

a minimum of \$4 and a maximum of \$5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of \$192.50 and a maximum of \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either

party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of \$10 and a maximum of \$20; for recording the same, a minimum of 25¢ and a maximum of 50¢ for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of \$30 and a maximum of \$60 for each expungement petition filed and an additional fee of a minimum of \$2 and a maximum of \$4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of \$100 and a maximum of \$150, plus the fees specified in subsection (v) (3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of \$25 and a maximum of \$40.

(2) For administration of the estate of a ward, a minimum of \$50 and a maximum of \$75, plus the fees specified in subsection (v) (3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of \$10



and a maximum of \$20.

(3) In addition to the fees payable under subsection (v) (1) or (v) (2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of \$15 and a maximum of \$25.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, a minimum of \$10 and a maximum of \$20; when the amount claimed is \$500 or more but less than \$10,000, a minimum of \$25 and a maximum of \$40; when the amount claimed is \$10,000 or more, a minimum of \$40 and a maximum of \$60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of \$40 and a maximum of \$60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem,

or special administrator, no fee.

(E) Except as provided in subsection (v) (3) (D), for filing the appearance of any person or persons, a minimum of \$10 and a maximum of \$30.

(F) For each jury demand, a minimum of \$102.50 and a maximum of \$137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of \$30 and a maximum of \$50, less any amount paid under subsection (v) (1) (B) or (v) (2) (B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a maximum of \$20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of \$1 and a maximum of \$2, plus a minimum of 50¢ and a maximum of \$1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of \$1 and a maximum of \$2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the

newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of \$80 and a maximum of \$125.

(B) Misdemeanor complaints, a minimum of \$50 and a maximum of \$75.

(C) Business offense complaints, a minimum of \$50 and a maximum of \$75.

(D) Petty offense complaints, a minimum of \$50 and a maximum of \$75.

(E) Minor traffic or ordinance violations, \$20.

(F) When court appearance required, \$30.

(G) Motions to vacate or amend final orders, a minimum of \$20 and a maximum of \$40.

(H) Motions to vacate bond forfeiture orders, a minimum of \$20 and a maximum of \$30.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of \$20 and a maximum of \$30.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of \$20 and a maximum of \$25.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of \$20 and a maximum of \$40.

(2) In counties having a population of more than 500,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, \$10.

(B) When court appearance required, \$15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of \$50 and a maximum of \$112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a

jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of \$25 and a maximum of \$40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of \$25 and a maximum of \$50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of \$150 and a maximum of \$250.

(2) For each additional parcel, add a fee of a minimum of \$50 and a maximum of \$100.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support

cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for

certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of \$15 and a maximum of \$25.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

The fee requirements of this Section shall not apply to

the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

(1) For an adoption ..... \$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(gg) Unpaid fees.

Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived pursuant to court order, the clerk of the court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made



by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees and costs.

(Source: P.A. 99-859, eff. 8-19-16.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

With the following exceptions, the fee for filing a complaint, petition, or other pleading initiating a civil action shall be a minimum of \$190 and shall be a maximum of \$240 through December 31, 2021 and a maximum of \$234 on and after January 1, 2022.

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, a minimum of \$15 and a maximum of \$22.

(B) When that amount exceeds \$250 but does not

exceed \$1000, a minimum of \$40 and a maximum of \$75.

(C) When that amount exceeds \$1000 but does not exceed \$2500, a minimum of \$50 and a maximum of \$80.

(D) When that amount exceeds \$2500 but does not exceed \$5000, a minimum of \$100 and a maximum of \$130.

(E) When that amount exceeds \$5000 but does not exceed \$15,000, \$150.

(F) For the exercise of eminent domain, \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$150.

(G) For the final determination of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, \$25.

(H) No fees shall be charged by the clerk to a petitioner in any order of protection including, but not limited to, filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, or for issuing alias summons, or for any related filing service, certifying, modifying, vacating, or photocopying any orders of protection.

(b) Eviction ~~Forceible Entry and Detainer.~~

In each eviction ~~forcible entry and detainer~~ case when the plaintiff seeks eviction ~~possession~~ only or unites with his or her claim for eviction ~~possession of the property~~ a claim for rent or damages or both in the amount of \$15,000 or less, a minimum of \$75 and a maximum of \$140. When the plaintiff unites his or her claim for eviction ~~possession~~ with a claim for rent or damages or both exceeding \$15,000, a minimum of \$225 and a maximum of \$335.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1500, a minimum of \$60 and a maximum of \$70. When the amount exceeds \$1500, but does not exceed \$5000, a minimum of \$75 and a maximum of \$150. When the amount exceeds \$5000, but does not exceed \$15,000, a minimum of \$175 and a maximum of \$260. When the amount exceeds \$15,000, a minimum of \$250 and a maximum of \$310.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of \$75 and a maximum of \$110, except as follows:

(A) When the plaintiff in an eviction ~~a forcible entry and detainer~~ case seeks possession only, a minimum of \$40 and a maximum of \$80.

(B) When the amount in the case does not exceed \$1500, a minimum of \$40 and a maximum of \$80.

(C) When that amount exceeds \$1500 but does not exceed \$15,000, a minimum of \$60 and a maximum of \$90.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, a minimum of \$15 and a maximum of \$25; when the amount exceeds \$1,000 but does not exceed \$5,000, a minimum of \$30 and a maximum of \$45; and when the amount exceeds \$5,000, a minimum of \$50 and a maximum of \$80.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in eviction ~~forcible entry and detainer~~ cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or

order, a minimum of \$50 and a maximum of \$60.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of \$75 and a maximum of \$90.

(3) Petition to vacate order of bond forfeiture, a minimum of \$40 and a maximum of \$80.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of \$10 and a maximum of \$15, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and eviction ~~forcible entry and detainer~~ cases, a minimum of \$15 and a maximum of \$20.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of \$125 and a maximum of \$190.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of \$6 and a maximum of \$9.

(2) Court appeals when original documents are

forwarded, under 100 pages, plus delivery and costs, a minimum of \$75 and a maximum of \$110.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of \$150 and a maximum of \$185.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 25 and a maximum of 30 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, \$2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal

district, the clerk shall be entitled to a search fee of a minimum of \$6 and a maximum of \$9 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of \$6 and a maximum of \$9.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of \$5 and a maximum of \$6.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois

Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of \$212.50 and maximum of \$230, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of \$20 and a maximum of \$40; for recording the same, a



minimum of 50¢ and a maximum of \$0.80 for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of \$60 and a maximum of \$120 for each expungement petition filed and an additional fee of a minimum of \$4 and a maximum of \$8 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of \$150 and a maximum of \$225, plus the fees specified in subsection (v) (3), except:

(A) When the value of the real and personal

property does not exceed \$15,000, the fee shall be a minimum of \$40 and a maximum of \$65.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of \$40 and a maximum of \$65.

(2) For administration of the estate of a ward, a minimum of \$75 and a maximum of \$110, plus the fees specified in subsection (v) (3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$40 and a maximum of \$65.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of \$20 and a maximum of \$40.

(3) In addition to the fees payable under subsection (v) (1) or (v) (2) of this Section, the following fees are payable:

(A) For each account (other than one final account)

filed in the estate of a decedent, or ward, a minimum of \$25 and a maximum of \$40.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, a minimum of \$20 and a maximum of \$40; when the amount claimed is \$500 or more but less than \$10,000, a minimum of \$40 and a maximum of \$65; when the amount claimed is \$10,000 or more, a minimum of \$60 and a maximum of \$90; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of \$60 and a maximum of \$90.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v) (3) (D), for filing the appearance of any person or persons, a minimum of \$30 and a maximum of \$90.

(F) For each jury demand, a minimum of \$137.50 and

a maximum of \$180.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of \$50 and a maximum of \$80, less any amount paid under subsection (v) (1) (B) or (v) (2) (B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v) (1) (B) or (v) (2) (B), shall be a minimum of \$20 and a maximum of \$40.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of \$2 and a maximum of \$4, plus \$1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, \$2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner,

or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of \$125 and a maximum of \$190.

(B) Misdemeanor complaints, a minimum of \$75 and a maximum of \$110.

(C) Business offense complaints, a minimum of \$75 and a maximum of \$110.

(D) Petty offense complaints, a minimum of \$75 and a maximum of \$110.

(E) Minor traffic or ordinance violations, \$30.

(F) When court appearance required, \$50.

(G) Motions to vacate or amend final orders, a minimum of \$40 and a maximum of \$80.

(H) Motions to vacate bond forfeiture orders, a minimum of \$30 and a maximum of \$45.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of \$30 and a maximum of \$45.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of \$25 and a maximum of \$30.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of \$40 and a maximum of \$50.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, \$30.

(B) When court appearance required, \$50.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of \$112.50 and a maximum of \$250 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of

venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of \$40 and a maximum of \$65.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of \$50 and a maximum of \$100.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of \$250 and a maximum of \$400.

(2) For each additional parcel, add a fee of a minimum of \$100 and a maximum of \$200.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account

closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by



rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of \$25 and a maximum of \$40.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(3) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code.

(ee) Adoption.

(1) For an adoption ..... \$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act.

(gg) Unpaid fees.

Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived pursuant to court order, the clerk of the court may add to any unpaid fees and costs under this Section a delinquency amount equal to 5% of the unpaid fees that remain unpaid after 30 days, 10% of the unpaid fees that remain unpaid after 60 days, and 15% of the unpaid fees that remain unpaid after 90 days. Notice to those parties may be made by signage posting or publication. The additional delinquency amounts collected under this Section shall be used to defray additional administrative costs incurred by the clerk of the circuit court in collecting unpaid fees

and costs.

(Source: P.A. 99-859, eff. 8-19-16.)

Section 30. The Code of Civil Procedure is amended by changing the heading of Article IX and by changing Sections 2-202, 2-1501, 8-1208, 9-104.1, 9-104.2, 9-107, 9-107.5, 9-107.10, 9-109.5, 9-109.7, 9-111, 9-111.1, 9-117, 9-118, 9-119, 9-120, 9-121, 9-207, 9-208, 9-209, 12-903, 15-1504.5, 15-1508, 15-1701, and 19-129 and by adding Section 9-109.6 as follows:

(735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

Sec. 2-202. Persons authorized to serve process; place of service; failure to make return.

(a) Process shall be served by a sheriff, or if the sheriff is disqualified, by a coroner of some county of the State. In matters where the county or State is an interested party, process may be served by a special investigator appointed by the State's Attorney of the county, as defined in Section 3-9005 of the Counties Code. A sheriff of a county with a population of less than 2,000,000 may employ civilian personnel to serve process. In counties with a population of less than 2,000,000, process may be served, without special appointment, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 or by a

registered employee of a private detective agency certified under that Act as defined in Section (a-5). A private detective or licensed employee must supply the sheriff of any county in which he serves process with a copy of his license or certificate; however, the failure of a person to supply the copy shall not in any way impair the validity of process served by the person. The court may, in its discretion upon motion, order service to be made by a private person over 18 years of age and not a party to the action. It is not necessary that service be made by a sheriff or coroner of the county in which service is made. If served or sought to be served by a sheriff or coroner, he or she shall endorse his or her return thereon, and if by a private person the return shall be by affidavit.

(a-5) Upon motion and in its discretion, the court may appoint as a special process server a private detective agency certified under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Under the appointment, any employee of the private detective agency who is registered under that Act may serve the process. The motion and the order of appointment must contain the number of the certificate issued to the private detective agency by the Department of Professional Regulation under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. A private detective or private detective agency shall send, one time only, a copy of his, her, or its individual private detective license or

private detective agency certificate to the county sheriff in each county in which the detective or detective agency or his, her, or its employees serve process, regardless of size of the population of the county. As long as the license or certificate is valid and meets the requirements of the Department of Financial and Professional Regulation, a new copy of the current license or certificate need not be sent to the sheriff. A private detective agency shall maintain a list of its registered employees. Registered employees shall consist of:

(1) an employee who works for the agency holding a valid Permanent Employee Registration Card;

(2) a person who has applied for a Permanent Employee Registration Card, has had his or her fingerprints processed and cleared by the Department of State Police and the FBI, and as to whom the Department of Financial and Professional Regulation website shows that the person's application for a Permanent Employee Registration Card is pending;

(3) a person employed by a private detective agency who is exempt from a Permanent Employee Registration Card requirement because the person is a current peace officer; and

(4) a private detective who works for a private detective agency as an employee.

A detective agency shall maintain this list and forward it to any sheriff's department that requests this list within 5

business days after the receipt of the request.

(b) Summons may be served upon the defendants wherever they may be found in the State, by any person authorized to serve process. An officer may serve summons in his or her official capacity outside his or her county, but fees for mileage outside the county of the officer cannot be taxed as costs. The person serving the process in a foreign county may make return by mail.

(c) If any sheriff, coroner, or other person to whom any process is delivered, neglects or refuses to make return of the same, the plaintiff may petition the court to enter a rule requiring the sheriff, coroner, or other person, to make return of the process on a day to be fixed by the court, or to show cause on that day why that person should not be attached for contempt of the court. The plaintiff shall then cause a written notice of the rule to be served on the sheriff, coroner, or other person. If good and sufficient cause be not shown to excuse the officer or other person, the court shall adjudge him or her guilty of a contempt, and shall impose punishment as in other cases of contempt.

(d) If process is served by a sheriff, coroner, or special investigator appointed by the State's Attorney, the court may tax the fee of the sheriff, coroner, or State's Attorney's special investigator as costs in the proceeding. If process is served by a private person or entity, the court may establish a fee therefor and tax such fee as costs in the proceedings.

(e) In addition to the powers stated in Section 8.1a of the Housing Authorities Act, in counties with a population of 3,000,000 or more inhabitants, members of a housing authority police force may serve process for eviction ~~forcible entry and detainer~~ actions commenced by that housing authority and may execute eviction orders ~~of possession~~ for that housing authority.

(f) In counties with a population of 3,000,000 or more, process may be served, with special appointment by the court, by a private process server or a law enforcement agency other than the county sheriff in proceedings instituted under ~~the Forcible Entry and Detainer~~ Article IX of this Code as a result of a lessor or lessor's assignee declaring a lease void pursuant to Section 11 of the Controlled Substance and Cannabis Nuisance Act.

(Source: P.A. 99-169, eff. 7-28-15.)

(735 ILCS 5/2-1501) (from Ch. 110, par. 2-1501)

Sec. 2-1501. Writs abolished. The function which was, prior to January 1, 1979, performed by a writ of execution to enforce a judgment or order for the payment of money, or by the writs of mandamus, injunction, prohibition, sequestration, habeas corpus, replevin, ne exeat or attachment, or by the writ of possession in an action of ejectment, or by the writ of restitution in an eviction action ~~of forcible entry and detainer~~, or by the writ of assistance for the possession of

real estate, or by a temporary restraining order, shall hereafter be performed by a copy of the order or judgment to be enforced, certified by the clerk of the court which entered the judgment or order.

The clerk's certification shall bear a legend substantially as follows:

I hereby certify the above to be correct.

Dated .....

(Seal of Clerk of Circuit Court)

.....

Clerk of the Circuit Court of ..... Illinois.

This order is the command of the Circuit Court and violation thereof is subject to the penalty of the law.

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

(735 ILCS 5/8-1208) (from Ch. 110, par. 8-1208)

Sec. 8-1208. Official certificate - Land office. The official certificate of any register or receiver of any land office of the United States, to any fact or matter on record in his or her office, shall be received in evidence in any court in this State, and shall be competent to prove the fact so certified. The certificate of any such register, of the entry or purchase of any tract of land within his or her district, shall be deemed and taken to be evidence of title in the party who made such entry or purchase, or his or her legatees, heirs or assigns, and shall enable such party, his or her legatees,



heirs or assigns, to recover or protect the possession of the land described in such certificate, in any eviction action or action of ejectment ~~or forcible entry and detainer~~, unless a better legal and paramount title be exhibited for the same. The signature of such register or receiver may be proved by a certificate of the Secretary of State, under his or her seal, that such signature is genuine.

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

(735 ILCS 5/Art. IX heading)

ARTICLE IX

EVICTION ~~FORCIBLE ENTRY AND DETAINER~~

(735 ILCS 5/9-104.1) (from Ch. 110, par. 9-104.1)

Sec. 9-104.1. Demand; Notice; Return; Condominium and Contract Purchasers.

(a) In case there is a contract for the purchase of such lands or tenements or in case of condominium property, the demand shall give the purchaser under such contract, or to the condominium unit owner, as the case may be, at least 30 days to satisfy the terms of the demand before an action is filed. In case of a condominium unit, the demand shall set forth the amount claimed which must be paid within the time prescribed in the demand and the time period or periods when the amounts were originally due, unless the demand is for compliance with Section 18(n) of the Condominium Property Act, in which case

the demand shall set forth the nature of the lease and memorandum of lease or the leasing requirement not satisfied. The amount claimed shall include regular or special assessments, late charges or interest for delinquent assessments, and attorneys' fees claimed for services incurred prior to the demand. Attorneys' fees claimed by condominium associations in the demand shall be subject to review by the courts in any eviction ~~forcible entry and detainer~~ proceeding under subsection (b) of Section 9-111 of this Act. The demand shall be signed by the person claiming such possession, his or her agent, or attorney.

(b) In the case of a condominium unit, the demand is not invalidated by partial payment of amounts due if the payments do not, at the end of the notice period, total the amounts demanded in the notice for common expenses, unpaid fines, interest, late charges, reasonable attorney fees incurred prior to the initiation of any court action and costs of collection. The person claiming possession, or his or her agent or attorney, may, however, agree in writing to withdraw the demand in exchange for receiving partial payment. To prevent invalidation, the notice must prominently state:

"Only FULL PAYMENT of all amounts demanded in this notice will invalidate the demand, unless the person claiming possession, or his or her agent or attorney, agrees in writing to withdraw the demand in exchange for receiving partial payment."

(c) The demand set forth in subsection (a) of this Section shall be served either personally upon such purchaser or condominium unit owner or by sending the demand thereof by registered or certified mail with return receipt requested to the last known address of such purchaser or condominium unit owner or in case no one is in the actual possession of the premises, then by posting the same on the premises. When such demand is made by an officer authorized to serve process, his or her return is prima facie evidence of the facts therein stated and if such demand is made by any person not an officer, the return may be sworn to by the person serving the same, and is then prima facie evidence of the facts therein stated. To be effective service under this Section, a demand sent by certified or registered mail to the last known address need not be received by the purchaser or condominium unit owner. No other demand shall be required as a prerequisite to filing an action under paragraph (7) of subsection (a) of Section 9-102 of this Act. Service of the demand by registered or certified mail shall be deemed effective upon deposit in the United States mail with proper postage prepaid and addressed as provided in this subsection.

(Source: P.A. 90-496, eff. 8-18-97.)

(735 ILCS 5/9-104.2) (from Ch. 110, par. 9-104.2)

Sec. 9-104.2. Condominiums: demand, notice, termination of lease, and eviction ~~Demand~~ ~~Notice~~ ~~Termination of Lease and~~

~~Possession of a Condominium.~~

(a) Unless the Board of Managers is seeking to evict ~~terminate the right of possession of~~ a tenant or other occupant of a unit under an existing lease or other arrangement with the owner of a unit, no demand nor summons need be served upon the tenant or other occupant in connection with an action brought under paragraph (7) of subsection (a) of Section 9-102 of this Article.

(a-5) The Board of Managers may seek to evict ~~terminate the right of possession of~~ a tenant or other occupant of a unit under an existing lease or other arrangement between the tenant or other occupant and the defaulting owner of a unit, either within the same action against the unit owner under paragraph (7) of subsection (a) of Section 9-102 of this Article or independently thereafter under other paragraphs of that subsection. If a tenant or other occupant of a unit is joined within the same action against the defaulting unit owner under paragraph (7), only the unit owner and not the tenant or other occupant need to be served with 30 days prior written notice as provided in this Article. The tenant or other occupant may be joined as additional defendants at the time the suit is filed or at any time thereafter prior to execution of the eviction order ~~judgment for possession~~ by filing, with or without prior leave of the court, an amended complaint and summons for trial. If the complaint alleges that the unit is occupied or may be occupied by persons other than or in addition to the unit owner

of record, that the identities of the persons are concealed and unknown, they may be named and joined as defendant "Unknown Occupants". Summons may be served on the defendant "Unknown Occupants" by the sheriff or court appointed process server by leaving a copy at the unit with any person residing at the unit of the age of 13 years or greater, and if the summons is returned without service stating that service cannot be obtained, constructive service may be obtained pursuant to Section 9-107 of this Code with notice mailed to "Unknown Occupants" at the address of the unit. If prior to execution of the eviction order ~~judgment for possession~~ the identity of a defendant or defendants served in this manner is discovered, his or her name or names and the record may be corrected upon hearing pursuant to notice of motion served upon the identified defendant or defendants at the unit in the manner provided by court rule for service of notice of motion. If, however, an action under paragraph (7) was brought against the defaulting unit owner only, and after obtaining an eviction order ~~judgment for possession~~ and expiration of the stay on enforcement the Board of Managers elects not to accept a tenant or occupant in possession as its own and to commence a separate action, written notice of the eviction order ~~judgment~~ against the unit owner and demand to quit the premises shall be served on the tenant or other occupant in the manner provided under Section 9-211 at least 10 days prior to bringing suit to evict ~~recover possession from~~ the tenant or other occupant.

(b) If an eviction order ~~a judgment for possession~~ is granted to the Board of Managers under Section 9-111, any interest of the unit owner to receive rents under any lease arrangement shall be deemed assigned to the Board of Managers until such time as the judgment is vacated.

(c) If an eviction order ~~a judgment for possession~~ is entered, the Board of Managers may obtain from the clerk of the court an informational certificate notifying any tenants not parties to the proceeding of the assignment of the unit owner's interest in the lease arrangement to the Board of Managers as a result of the entry of the eviction order ~~judgment for possession~~ and stating that any rent hereinafter due the unit owner or his agent under the lease arrangement should be paid to the Board of Managers until further order of court. If the tenant pays his rent to the association pursuant to the entry of such an eviction order ~~a judgement for possession~~, the unit owner may not sue said tenant for any such amounts the tenant pays the association. Upon service of the certificate on the tenant in the manner provided by Section 9-211 of this Code, the tenant shall be obligated to pay the rent under the lease arrangement to the Board of Managers as it becomes due. If the tenant thereafter fails and refuses to pay the rent, the Board of Managers may bring an eviction action ~~for possession~~ after making a demand for rent in accordance with Section 9-209 of this Code.

(c-5) In an action against the unit owner and lessee to

evict a lessee for failure of the lessor/owner of the condominium unit to comply with the leasing requirements prescribed by subsection (n) of Section 18 of the Condominium Property Act or by the declaration, bylaws, and rules and regulations of the condominium, or against a lessee for any other breach by the lessee of any covenants, rules, regulations, or bylaws of the condominium, the demand shall give the lessee at least 10 days to quit and vacate the unit. The notice shall be substantially in the following form:

"TO A.B. You are hereby notified that in consequence of (here insert lessor-owner name) failure to comply with the leasing requirements prescribed by Section 18(n) of the Condominium Property Act or by the declaration, bylaws, and rules and regulations of the condominium, or your default of any covenants, rules, regulations or bylaws of the condominium, in (here insert the character of the default) of the premises now occupied by you, being (here described the premises) the Board of Managers of (here describe the condominium) Association elects to terminate your lease, and you are hereby notified to quit and vacate same within 10 days of this date."

The demand shall be signed by the Board of Managers, its agent, or attorney and shall be served either personally upon the lessee with a copy to the unit owner or by sending the demand thereof by registered or certified mail with return receipt requested to the unit occupied by the lessee and to the

last known address of the unit owner, and no other demand of termination of such tenancy shall be required. To be effective service under this Section, a demand sent by certified mail, return receipt requested, to the unit occupied by the lessee and to the last known address of the unit owner need not be received by the lessee or condominium unit owner.

(d) Nothing in this Section 9-104.2 is intended to confer upon a Board of Managers any greater authority with respect to possession of a unit after a judgment than was previously established by this Act.

(Source: P.A. 90-496, eff. 8-18-97; 91-196, eff. 7-20-99.)

(735 ILCS 5/9-107) (from Ch. 110, par. 9-107)

Sec. 9-107. Constructive service. If the plaintiff, his or her agent, or attorney files an eviction ~~a forcible detainer~~ action, with or without joinder of a claim for rent in the complaint, and is unable to obtain personal service on the defendant or unknown occupant and a summons duly issued in such action is returned without service stating that service can not be obtained, then the plaintiff, his or her agent or attorney may file an affidavit stating that the defendant or unknown occupant is not a resident of this State, or has departed from this State, or on due inquiry cannot be found, or is concealed within this State so that process cannot be served upon him or her, and also stating the place of residence of the defendant or unknown occupant, if known, or if not known, that upon



diligent inquiry the affiant has not been able to ascertain the defendant's or unknown occupant's place of residence, then in all such eviction ~~forcible detainer~~ cases whether or not a claim for rent is joined with the complaint for possession, the defendant or unknown occupant may be notified by posting and mailing of notices; or by publication and mailing, as provided for in Section 2-206 of this Act. However, in cases where the defendant or unknown occupant is notified by posting and mailing of notices or by publication and mailing, and the defendant or unknown occupant does not appear generally, the court may rule only on the portion of the complaint which seeks an eviction order ~~judgment for possession~~, and the court shall not enter judgment as to any rent claim joined in the complaint or enter personal judgment for any amount owed by a unit owner for his or her proportionate share of the common expenses, however, an in rem judgment may be entered against the unit for the amount of common expenses due, any other expenses lawfully agreed upon or the amount of any unpaid fine, together with reasonable attorney fees, if any, and costs. The claim for rent may remain pending until such time as the defendant or unknown occupant appears generally or is served with summons, but the eviction order ~~for possession~~ shall be final, enforceable and appealable if the court makes an express written finding that there is no just reason for delaying enforcement or appeal, as provided by Supreme Court rule of this State.

Such notice shall be in the name of the clerk of the court,

be directed to the defendant or unknown occupant, shall state the nature of the cause against the defendant or unknown occupant and at whose instance issued and the time and place for trial, and shall also state that unless the defendant or unknown occupant appears at the time and place fixed for trial, judgment will be entered by default, and shall specify the character of the judgment that will be entered in such cause. The sheriff shall post 3 copies of the notice in 3 public places in the neighborhood of the court where the cause is to be tried, at least 10 days prior to the day set for the appearance, and, if the place of residence of the defendant or unknown occupant is stated in any affidavit on file, shall at the same time mail one copy of the notice addressed to such defendant or unknown occupant at such place of residence shown in such affidavit. On or before the day set for the appearance, the sheriff shall file the notice with an endorsement thereon stating the time when and places where the sheriff posted and to whom and at what address he or she mailed copies as required by this Section. For want of sufficient notice any cause may be continued from time to time until the court has jurisdiction of the defendant or unknown occupant.

(Source: P.A. 92-823, eff. 8-21-02.)

(735 ILCS 5/9-107.5)

Sec. 9-107.5. Notice to unknown occupants.

(a) Service of process upon an unknown occupant may be had

by delivering a copy of the summons and complaint naming "unknown occupants" to the tenant or any unknown occupant or person of the age of 13 or upwards occupying the premises.

(b) If unknown occupants are not named in the initial summons and complaint and an eviction order ~~a judgment for possession~~ in favor of the plaintiff is entered, but the order does not include unknown occupants and the sheriff determines when executing the eviction order ~~judgment for possession~~ that persons not included in the order are in possession of the premises, then the sheriff shall leave with a person of the age of 13 years or upwards occupying the premises, a copy of the order, or if no one is present in the premises to accept the order or refuses to accept the order, then by posting a copy of the order on the premises. In addition to leaving a copy of the order or posting of the order, the sheriff shall also leave or post a notice addressed to "unknown occupants" that states unless any unknown occupants file a written petition with the clerk that sets forth the unknown occupant's legal claim for possession within 7 days of the date the notice is posted or left with any unknown occupant, the unknown occupants shall be evicted from the premises. If any unknown occupants file such a petition, a hearing on the merits of the unknown occupant's petition shall be held by the court within 7 days of the filing of the petition with the clerk. The unknown occupants shall have the burden of proof in establishing a legal right to continued possession.

(c) The plaintiff may obtain an eviction order ~~a judgment for possession~~ only and not for rent as to any unknown occupants.

(d) Nothing in this Section may be construed so as to vest any rights to persons who are criminal trespassers, nor may this Section be construed in any way that interferes with the ability of law enforcement officials removing persons or property from the premises when there is a criminal trespass.

(Source: P.A. 92-823, eff. 8-21-02.)

(735 ILCS 5/9-107.10)

Sec. 9-107.10. Military personnel in military service; eviction action ~~for possession~~.

(a) In this Section:

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

"Service member" means a resident of Illinois who is a member of any component of the U.S. Armed Forces or the National Guard of any state, the District of Columbia, a commonwealth, or a territory of the United States.

(b) In a residential eviction ~~an action for possession of residential premises of a tenant~~, including eviction of a tenant who is a resident of a mobile home park, who is a

service member that has entered military service, or of any member of the tenant's family who resides with the tenant, if the tenant entered into the rental agreement on or after the effective date of this amendatory Act of the 94th General Assembly, the court may, on its own motion, and shall, upon motion made by or on behalf of the tenant, do either of the following if the tenant's ability to pay the agreed rent is materially affected by the tenant's military service:

(1) Stay the proceedings for a period of 90 days, unless, in the opinion of the court, justice and equity require a longer or shorter period of time.

(2) Adjust the obligation under the rental agreement to preserve the interest of all parties to it.

(c) In order to be eligible for the benefits granted to service members under this Section, a service member or a member of the service member's family who resides with the service member must provide the landlord or mobile home park operator with a copy of the orders calling the service member to military service in excess of 29 consecutive days and of any orders further extending the period of service.

(d) If a stay is granted under this Section, the court may grant the landlord or mobile home park operator such relief as equity may require.

(e) A violation of this Section constitutes a civil rights violation under the Illinois Human Rights Act. All proceeds from the collection of any civil penalty imposed pursuant to

the Illinois Human Rights Act under this subsection shall be deposited into the Illinois Military Family Relief Fund.

(Source: P.A. 97-913, eff. 1-1-13.)

(735 ILCS 5/9-109.5)

Sec. 9-109.5. Standard of Proof. After a trial, if the court finds, by a preponderance of the evidence, that the allegations in the complaint have been proven, the court shall enter an eviction order ~~judgment for possession of the premises~~ in favor of the plaintiff.

(Source: P.A. 90-557, eff. 6-1-98.)

(735 ILCS 5/9-109.6 new)

Sec. 9-109.6. Residential eviction order; form. A standardized residential eviction order form, as determined by the Supreme Court, shall be used statewide.

(735 ILCS 5/9-109.7)

Sec. 9-109.7. Stay of enforcement; drug related action. An eviction order ~~A judgment for possession of the premises~~ entered in an action brought by a lessor or lessor's assignee, if the action was brought as a result of a lessor or lessor's assignee declaring a lease void pursuant to Section 11 of the Controlled Substance and Cannabis Nuisance Act, may not be stayed for any period in excess of 7 days by the court. Thereafter the plaintiff shall be entitled to re-enter the

premises immediately. The sheriff or other lawfully deputized officers shall execute an order entered pursuant to this Section within 7 days of its entry, or within 7 days of the expiration of a stay of judgment, if one is entered.

(Source: P.A. 90-557, eff. 6-1-98.)

(735 ILCS 5/9-111) (from Ch. 110, par. 9-111)

Sec. 9-111. Condominium property.

(a) As to property subject to the provisions of the "Condominium Property Act", approved June 20, 1963, as amended, when the action is based upon the failure of an owner of a unit therein to pay when due his or her proportionate share of the common expenses of the property, or of any other expenses lawfully agreed upon or the amount of any unpaid fine, and if the court finds that the expenses or fines are due to the plaintiff, the plaintiff shall be entitled to the possession of the whole of the premises claimed, and the court shall enter an eviction order ~~judgment~~ in favor of the plaintiff ~~shall be entered for the possession thereof~~ and judgment for the amount found due by the court including interest and late charges, if any, together with reasonable attorney's fees, if any, and for the plaintiff's costs. The awarding of reasonable attorney's fees shall be pursuant to the standards set forth in subsection (b) of this Section 9-111. The court shall, by order, stay the enforcement of the eviction order ~~judgment for possession~~ for a period of not less than 60 days from the date of the judgment

and may stay the enforcement of the order judgment for a period not to exceed 180 days from such date. Any judgment for money or any rent assignment under subsection (b) of Section 9-104.2 is not subject to this stay. The eviction order judgment for possession is not subject to an exemption of homestead under Part 9 of Article XII of this Code. If at any time, either during or after the period of stay, the defendant pays such expenses found due by the court, and costs, and reasonable attorney's fees as fixed by the court, and the defendant is not in arrears on his or her share of the common expenses for the period subsequent to that covered by the order judgment, the defendant may file a motion to vacate the order judgment in the court in which the order judgment was entered, and, if the court, upon the hearing of such motion, is satisfied that the default in payment of the proportionate share of expenses has been cured, and if the court finds that the premises are not presently let by the board of managers as provided in Section 9-111.1 of this Act, the order judgment shall be vacated. If the premises are being let by the board of managers as provided in Section 9-111.1 of this Act, when any order judgment is sought to be vacated, the court shall vacate the order judgment effective concurrent with the expiration of the lease term. Unless defendant files such motion to vacate in the court or the order judgment is otherwise stayed, enforcement of the order judgment may proceed immediately upon the expiration of the period of stay and all rights of the defendant to



possession of his or her unit shall cease and determine until the date that the order judgment may thereafter be vacated in accordance with the foregoing provisions, and notwithstanding payment of the amount of any money judgment if the unit owner or occupant is in arrears for the period after the date of entry of the order judgment as provided in this Section. Nothing herein contained shall be construed as affecting the right of the board of managers, or its agents, to any lawful remedy or relief other than that provided by Part 1 of this Article IX of this Act.

This amendatory Act of the 92nd General Assembly is intended as a clarification of existing law and not as a new enactment.

(b) For purposes of determining reasonable attorney's fees under subsection (a), the court shall consider:

- (i) the time expended by the attorney;
- (ii) the reasonableness of the hourly rate for the work performed;
- (iii) the reasonableness of the amount of time expended for the work performed; and
- (iv) the amount in controversy and the nature of the action.

(Source: P.A. 91-196, eff. 7-20-99; 92-540, eff. 6-12-02.)

(735 ILCS 5/9-111.1)

Sec. 9-111.1. Lease to bona fide tenant. Upon the entry of

an eviction order ~~a judgment~~ in favor of a board of managers ~~for possession of property~~ under the Condominium Property Act, as provided in Section 9-111 of this Act, and upon delivery of possession of the premises by the sheriff or other authorized official to the board of managers pursuant to execution upon the order ~~judgment~~, the board of managers shall have the right and authority, incidental to the right of possession of a unit under the order ~~judgment~~, but not the obligation, to lease the unit to a bona fide tenant (whether the tenant is in occupancy or not) pursuant to a written lease for a term which may commence at any time within 8 months after the month in which the date of expiration of the stay of the order ~~judgment~~ occurs. The term may not exceed 13 months from the date of commencement of the lease. The court may, upon motion of the board of managers and with notice to the evicted ~~dispossessed~~ unit owner, permit or extend a lease for one or more additional terms not to exceed 13 months per term. The board of managers shall first apply all rental income to assessments and other charges sued upon in the eviction action ~~for possession~~ plus statutory interest on a monetary judgment, if any, attorneys' fees, and court costs incurred; and then to other expenses lawfully agreed upon (including late charges), any fines and reasonable expenses necessary to make the unit rentable, and lastly to assessments accrued thereafter until assessments are current. Any surplus shall be remitted to the unit owner. The court shall retain jurisdiction to determine the

reasonableness of the expense of making the unit rentable.

(Source: P.A. 98-996, eff. 1-1-15.)

(735 ILCS 5/9-117) (from Ch. 110, par. 9-117)

Sec. 9-117. Expiration of order judgment. No eviction order judgment for possession obtained in an action brought under this Article may be enforced more than 120 days after the order judgment is entered, unless upon motion by the plaintiff the court grants an extension of the period of enforcement of the order judgment. Plaintiff's notice of motion shall contain the following notice directed to the defendant:

"The plaintiff in this case, (insert name), obtained an eviction judgment against you on (insert date), but the sheriff did not evict you within the 120 days that the plaintiff has to evict after a judgment in court. On the date stated in this notice, the plaintiff will be asking the court to allow the sheriff to evict you based on that judgment. You must attend the court hearing if you want the court to stop the plaintiff from having you evicted. To prevent the eviction, you must be able to prove that (1) the plaintiff and you made an agreement after the judgment (for instance, to pay up back rent or to comply with the lease) and you have lived up to the agreement; or (2) the reason the plaintiff brought the original eviction case has been resolved or forgiven, and the eviction the plaintiff now wants the court to grant is based on a new or different

reason; or (3) that you have another legal or equitable reason why the court should not grant the plaintiff's request for your eviction."

The court shall grant the motion for the extension of the eviction order ~~judgment of possession~~ unless the defendant establishes that the tenancy has been reinstated, that the breach upon which the order ~~judgment~~ was issued has been cured or waived, that the plaintiff and defendant entered into a post-judgment agreement whose terms the defendant has performed, or that other legal or equitable grounds exist that bar enforcement of the order ~~judgment~~. This Section does not apply to any action based upon a breach of a contract entered into on or after July 1, 1962, for the purchase of premises in which the court has entered a stay under Section 9-110; nor shall this Section apply to any action to which the provisions of Section 9-111 apply; nor shall this Section affect the rights of Boards of Managers under Section 9-104.2.

(Source: P.A. 99-753, eff. 1-1-17.)

(735 ILCS 5/9-118) (from Ch. 110, par. 9-118)

Sec. 9-118. Emergency housing eviction proceedings.

(a) As used in this Section:

"Cannabis" has the meaning ascribed to that term in the Cannabis Control Act.

"Narcotics" and "controlled substance" have the meanings ascribed to those terms in the Illinois Controlled Substances

Act.

(b) This Section applies only if all of the following conditions are met:

(1) The complaint seeks possession of premises that are owned or managed by a housing authority established under the Housing Authorities Act or privately owned and managed.

(2) The verified complaint alleges that there is direct evidence of any of the following:

(A) unlawful possessing, serving, storing, manufacturing, cultivating, delivering, using, selling, giving away, or trafficking in cannabis, methamphetamine, narcotics, or controlled substances within or upon the premises by or with the knowledge and consent of, or in concert with the person or persons named in the complaint; or

(B) the possession, use, sale, or delivery of a firearm which is otherwise prohibited by State law within or upon the premises by or with the knowledge and consent of, or in concert with, the person or persons named in the complaint; or

(C) murder, attempted murder, kidnapping, attempted kidnapping, arson, attempted arson, aggravated battery, criminal sexual assault, attempted criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or criminal sexual abuse within or upon the premises by

or with the knowledge and consent of, or in concert with, the person or persons named in the complaint.

(3) Notice by verified complaint setting forth the relevant facts, and a demand for possession of the type specified in Section 9-104 is served on the tenant or occupant of the premises at least 14 days before a hearing on the complaint is held, and proof of service of the complaint is submitted by the plaintiff to the court.

(b-5) In all actions brought under this Section 9-118, no predicate notice of termination or demand for possession shall be required to initiate an eviction action.

(c) When a complaint has been filed under this Section, a hearing on the complaint shall be scheduled on any day after the expiration of 14 days following the filing of the complaint. The summons shall advise the defendant that a hearing on the complaint shall be held at the specified date and time, and that the defendant should be prepared to present any evidence on his or her behalf at that time.

If a plaintiff which is a public housing authority accepts rent from the defendant after an action is initiated under this Section, the acceptance of rent shall not be a cause for dismissal of the complaint.

(d) If the defendant does not appear at the hearing, an eviction order ~~judgment for possession of the premises~~ in favor of the plaintiff shall be entered by default. If the defendant appears, a trial shall be held immediately as is prescribed in

other eviction proceedings ~~for possession~~. The matter shall not be continued beyond 7 days from the date set for the first hearing on the complaint except by agreement of both the plaintiff and the defendant. After a trial, if the court finds, by a preponderance of the evidence, that the allegations in the complaint have been proven, the court shall enter an eviction order ~~judgment for possession of the premises~~ in favor of the plaintiff and the court shall order that the plaintiff shall be entitled to re-enter the premises immediately.

(d-5) If cannabis, methamphetamine, narcotics, or controlled substances are found or used anywhere in the premises, there is a rebuttable presumption either (1) that the cannabis, methamphetamine, narcotics, or controlled substances were used or possessed by a tenant or occupant or (2) that a tenant or occupant permitted the premises to be used for that use or possession, and knew or should have reasonably known that the substance was used or possessed.

(e) An eviction order ~~A judgment for possession~~ entered under this Section may not be stayed for any period in excess of 7 days by the court. Thereafter the plaintiff shall be entitled to re-enter the premises immediately. The sheriff or other lawfully deputized officers shall give priority to service and execution of orders entered under this Section over other possession orders.

(f) This Section shall not be construed to prohibit the use or possession of cannabis, methamphetamine, narcotics, or a

controlled substance that has been legally obtained in accordance with a valid prescription for the personal use of a lawful occupant of a dwelling unit.

(Source: P.A. 94-556, eff. 9-11-05.)

(735 ILCS 5/9-119)

Sec. 9-119. Emergency subsidized housing eviction proceedings.

(a) As used in this Section:

"FmHA" means the Farmers Home Administration or a local housing authority administering an FmHA program.

"HUD" means the United States Department of Housing and Urban Development, or the Federal Housing Administration or a local housing authority administering a HUD program.

"Section 8 contract" means a contract with HUD or FmHA which provides rent subsidies entered into pursuant to Section 8 of the United States Housing Act of 1937 or the Section 8 Existing Housing Program (24 C.F.R. Part 882).

"Subsidized housing" means:

(1) any housing or unit of housing subject to a Section 8 contract;

(2) any housing or unit of housing owned, operated, or managed by a housing authority established under the Housing Authorities Act; or

(3) any housing or unit of housing financed by a loan or mortgage held by the Illinois Housing Development



Authority, a local housing authority, or the federal Department of Housing and Urban Development ("HUD") that is:

(i) insured or held by HUD under Section 221(d)(3) of the National Housing Act and assisted under Section 101 of the Housing and Urban Development Act of 1965 or Section 8 of the United States Housing Act of 1937;

(ii) insured or held by HUD and bears interest at a rate determined under the proviso of Section 221(d)(3) of the National Housing Act;

(iii) insured, assisted, or held by HUD under Section 202 or 236 of the National Housing Act;

(iv) insured or held by HUD under Section 514 or 515 of the Housing Act of 1949;

(v) insured or held by HUD under the United States Housing Act of 1937; or

(vi) held by HUD and formerly insured under a program listed in subdivision (i), (ii), (iii), (iv), or (v).

(b) This Section applies only if all of the following conditions are met:

(1) The verified complaint seeks possession of premises that are subsidized housing as defined under this Section.

(2) The verified complaint alleges that there is direct evidence of refusal by the tenant to allow the landlord or

agent of the landlord or other person authorized by State or federal law or regulations or local ordinance to inspect the premises, provided that all of the following conditions have been met:

(A) on 2 separate occasions within a 30 day period the tenant, or another person on the premises with the consent of the tenant, refuses to allow the landlord or agent of the landlord or other person authorized by State or federal law or regulations or local ordinance to inspect the premises;

(B) the landlord then sends written notice to the tenant stating that (i) the tenant, or a person on the premises with the consent of the tenant, failed twice within a 30 day period to allow the landlord or agent of the landlord or other person authorized by State or federal law or regulations or local ordinance to inspect the premises and (ii) the tenant must allow the landlord or agent of the landlord or other person authorized by State or federal law or regulations or local ordinance to inspect the premises within the next 30 days or face emergency eviction proceedings under this Section;

(C) the tenant subsequently fails to allow the landlord or agent of the landlord or other person authorized by State or federal law or regulations or local ordinance to inspect the premises within 30 days

of receiving the notice from the landlord; and

(D) the tenant's written lease states that the occurrence of the events described in items (A), (B), and (C) may result in eviction.

(3) Notice, by verified complaint setting forth the relevant facts, and a demand for possession of the type specified in Section 9-104 is served on the tenant or occupant of the premises at least 14 days before a hearing on the complaint is held, and proof of service of the complaint is submitted by the plaintiff to the court.

(c) When a complaint has been filed under this Section, a hearing on the complaint shall be scheduled on any day after the expiration of 14 days following the filing of the complaint. The summons shall advise the defendant that a hearing on the complaint shall be held at the specified date and time, and that the defendant should be prepared to present any evidence on his or her behalf at that time.

(d) If the defendant does not appear at the hearing, an eviction order ~~judgment for possession of the premises~~ in favor of the plaintiff shall be entered by default. If the defendant appears, a trial shall be held immediately as is prescribed in other eviction proceedings ~~for possession~~. The matter shall not be continued beyond 7 days from the date set for the first hearing on the complaint except by agreement of both the plaintiff and the defendant. After a trial, if the court finds, by a preponderance of the evidence, that the allegations in the

complaint have been proven, the court shall enter an eviction order ~~judgment for possession of the premises~~ in favor of the plaintiff and the court shall order that the plaintiff shall be entitled to re-enter the premises immediately.

(e) An eviction order ~~A judgment for possession~~ entered under this Section may not be stayed for any period in excess of 7 days by the court. Thereafter the plaintiff shall be entitled to re-enter the premises immediately. The sheriff or other lawfully deputized officers shall give priority to service and execution of orders entered under this Section over other possession orders.

(Source: P.A. 89-660, eff. 1-1-97.)

(735 ILCS 5/9-120)

Sec. 9-120. Leased premises used in furtherance of a criminal offense; lease void at option of lessor or assignee.

(a) If any lessee or occupant, on one or more occasions, uses or permits the use of leased premises for the commission of any act that would constitute a felony or a Class A misdemeanor under the laws of this State, the lease or rental agreement shall, at the option of the lessor or the lessor's assignee become void, and the owner or lessor shall be entitled to recover possession of the leased premises as against a tenant holding over after the expiration of his or her term. A written lease shall notify the lessee that if any lessee or occupant, on one or more occasions, uses or permits the use of

the leased premises for the commission of a felony or Class A misdemeanor under the laws of this State, the lessor shall have the right to void the lease and recover the leased premises. Failure to include this language in a written lease or the use of an oral lease shall not waive or impair the rights of the lessor or lessor's assignee under this Section or the lease. This Section shall not be construed so as to diminish the rights of a lessor, if any, to terminate a lease for other reasons permitted under law or pursuant to the lease agreement.

(b) The owner or lessor may bring an eviction ~~a forcible entry and detainer~~ action, or, if the State's Attorney of the county in which the real property is located or the corporation counsel of the municipality in which the real property is located agrees, assign to that State's Attorney or corporation counsel the right to bring an eviction ~~a forcible entry and detainer~~ action on behalf of the owner or lessor, against the lessee and all occupants of the leased premises. The assignment must be in writing on a form prepared by the State's Attorney of the county in which the real property is located or the corporation counsel of the municipality in which the real property is located, as applicable. If the owner or lessor assigns the right to bring an eviction ~~a forcible entry and detainer~~ action, the assignment shall be limited to those rights and duties up to and including delivery of the order of eviction to the sheriff for execution. The owner or lessor shall remain liable for the cost of the eviction whether or not

the right to bring the eviction ~~forcible entry and detainer~~ action has been assigned.

(c) A person does not forfeit any part of his or her security deposit due solely to an eviction under the provisions of this Section, except that a security deposit may be used to pay fees charged by the sheriff for carrying out an eviction.

(d) If a lessor or the lessor's assignee voids a lease or contract under the provisions of this Section and the tenant or occupant has not vacated the premises within 5 days after receipt of a written notice to vacate the premises, the lessor or lessor's assignee may seek relief under this Article IX. Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code, judgment for costs against a plaintiff seeking possession of the premises under this Section shall not be awarded to the defendant unless the action was brought by the plaintiff in bad faith. An action to possess premises under this Section shall not be deemed to be in bad faith when the plaintiff based his or her cause of action on information provided to him or her by a law enforcement agency, the State's Attorney, or the municipality.

(e) After a trial, if the court finds, by a preponderance of the evidence, that the allegations in the complaint have been proven, the court shall enter an eviction order ~~judgment for possession of the premises~~ in favor of the plaintiff and the court shall order that the plaintiff shall be entitled to re-enter the premises immediately.

(f) An eviction order ~~A judgment for possession of the premises~~ entered in an action brought by a lessor or lessor's assignee, if the action was brought as a result of a lessor or lessor's assignee declaring a lease void pursuant to this Section, may not be stayed for any period in excess of 7 days by the court unless all parties agree to a longer period. Thereafter the plaintiff shall be entitled to re-enter the premises immediately. The sheriff or other lawfully deputized officers shall execute an order entered pursuant to this Section within 7 days of its entry, or within 7 days of the expiration of a stay of judgment, if one is entered.

(g) Nothing in this Section shall limit the rights of an owner or lessor to bring an eviction ~~a forcible entry and detainer~~ action on the basis of other applicable law.

(Source: P.A. 97-236, eff. 8-2-11.)

(735 ILCS 5/9-121)

Sec. 9-121. Sealing of court file.

(a) Definition. As used in this Section, "court file" means the court file created when an eviction ~~a forcible entry and detainer~~ action is filed with the court.

(b) Discretionary sealing of court file. The court may order that a court file in an eviction ~~a forcible entry and detainer~~ action be placed under seal if the court finds that the plaintiff's action is sufficiently without a basis in fact or law, which may include a lack of jurisdiction, that placing

the court file under seal is clearly in the interests of justice, and that those interests are not outweighed by the public's interest in knowing about the record.

(c) Mandatory sealing of court file. The court file relating to an eviction ~~a forcible entry and detainer~~ action brought against a tenant under Section 9-207.5 of this Code or as set forth in subdivision (h) (6) of Section 15-1701 of this Code shall be placed under seal.

(Source: P.A. 98-514, eff. 11-19-13.)

(735 ILCS 5/9-207) (from Ch. 110, par. 9-207)

Sec. 9-207. Notice to terminate tenancy for less than a year.

(a) Except as provided in Section 9-207.5 of this Code, in all cases of tenancy from week to week, where the tenant holds over without special agreement, the landlord may terminate the tenancy by 7 days' notice, in writing, and may maintain an action for eviction ~~forcible entry and detainer~~ or ejection.

(b) Except as provided in Section 9-207.5 of this Code, in all cases of tenancy for any term less than one year, other than tenancy from week to week, where the tenant holds over without special agreement, the landlord may terminate the tenancy by 30 days' notice, in writing, and may maintain an action for eviction ~~forcible entry and detainer~~ or ejection.

(Source: P.A. 98-514, eff. 11-19-13.)



(735 ILCS 5/9-208) (from Ch. 110, par. 9-208)

Sec. 9-208. Further demand. Where a tenancy is terminated by notice, under either of the 2 preceding sections, no further demand is necessary before bringing an action under the statute in relation to eviction ~~forcible detainer~~ or ejection.

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

(735 ILCS 5/9-209) (from Ch. 110, par. 9-209)

Sec. 9-209. Demand for rent - eviction action ~~Action for possession~~. A landlord or his or her agent may, any time after rent is due, demand payment thereof and notify the tenant, in writing, that unless payment is made within a time mentioned in such notice, not less than 5 days after service thereof, the lease will be terminated. If the tenant does not pay the rent due within the time stated in the notice under this Section, the landlord may consider the lease ended and commence an eviction or ejection action without further notice or demand. ~~If the tenant does not within the time mentioned in such notice, pay the rent due, the landlord may consider the lease ended, and sue for the possession under the statute in relation to forcible entry and detainer, or maintain ejection without further notice or demand.~~ A claim for rent may be joined in the complaint, including a request for the pro rata amount of rent due for any period that a judgment is stayed, and a judgment obtained for the amount of rent found due, in any action or proceeding brought, in an eviction ~~of forcible entry and~~

~~detainer for the possession of the leased premises,~~ under this Section.

Notice made pursuant to this Section shall, as hereinafter stated, not be invalidated by payments of past due rent demanded in the notice, when the payments do not, at the end of the notice period, total the amount demanded in the notice. The landlord may, however, agree in writing to continue the lease in exchange for receiving partial payment. To prevent invalidation, the notice must prominently state:

"Only FULL PAYMENT of the rent demanded in this notice will waive the landlord's right to terminate the lease under this notice, unless the landlord agrees in writing to continue the lease in exchange for receiving partial payment."

Collection by the landlord of past rent due after the filing of a suit for eviction ~~possession~~ or ejection pursuant to failure of the tenant to pay the rent demanded in the notice shall not invalidate the suit.

(Source: P.A. 97-247, eff. 1-1-12.)

(735 ILCS 5/12-903) (from Ch. 110, par. 12-903)

Sec. 12-903. Extent of exemption. No property shall, by virtue of Part 9 of this Article ~~XII of this Act~~, be exempt from sale for nonpayment of taxes or assessments, or for a debt or liability incurred for the purchase or improvement thereof, or for enforcement of a lien thereon pursuant to paragraph (g) (1) of Section 9 of the "Condominium Property Act", approved

June 20, 1963, as amended, or be exempt from enforcement of an eviction order ~~a judgment for possession~~ pursuant to paragraph (a) (7) or (a) (8) of Section 9-102 of this Code.

This amendatory Act of the 92nd General Assembly is intended as a clarification of existing law and not as a new enactment.

(Source: P.A. 92-540, eff. 6-12-02.)

(735 ILCS 5/15-1504.5)

Sec. 15-1504.5. Homeowner notice to be attached to summons. For all residential foreclosure actions filed, the plaintiff must attach a Homeowner Notice to the summons. The Homeowner Notice must be in at least 12 point type and in English and Spanish. The Spanish translation shall be prepared by the Attorney General and posted on the Attorney General's website. A notice that includes the Attorney General's Spanish translation in substantially similar form shall be deemed to comply with the Spanish notice requirement in this Section. The Notice must be in substantially the following form:

**IMPORTANT INFORMATION FOR HOMEOWNERS IN FORECLOSURE**

**1. POSSESSION:** The lawful occupants of a home have the right to live in the home until a judge enters an eviction order ~~for possession~~.

**2. OWNERSHIP:** You continue to own your home until the

court rules otherwise.

**3. REINSTATEMENT:** As the homeowner you have the right to bring the mortgage current within 90 days after you receive the summons.

**4. REDEMPTION:** As the homeowner you have the right to sell your home, refinance, or pay off the loan during the redemption period.

**5. SURPLUS:** As the homeowner you have the right to petition the court for any excess money that results from a foreclosure sale of your home.

**6. WORKOUT OPTIONS:** The mortgage company does not want to foreclose on your home if there is any way to avoid it. Call your mortgage company [insert name of the homeowner's current mortgage servicer in bold and 14 point type] or its attorneys to find out the alternatives to foreclosure.

**7. PAYOFF AMOUNT:** You have the right to obtain a written statement of the amount necessary to pay off your loan. Your mortgage company (identified above) must provide you this statement within 10 business days of receiving your request, provided that your request is in writing and includes your name, the address of the property, and the mortgage account or loan number. Your first payoff statement will be free.

**8. GET ADVICE:** This information is not exhaustive and does not replace the advice of a professional. You may have other options. Get professional advice from a lawyer or

certified housing counselor about your rights and options to avoid foreclosure.

**9. LAWYER:** If you do not have a lawyer, you may be able to find assistance by contacting the Illinois State Bar Association or a legal aid organization that provides free legal assistance.

**10. PROCEED WITH CAUTION:** You may be contacted by people offering to help you avoid foreclosure. Before entering into any transaction with persons offering to help you, please contact a lawyer, government official, or housing counselor for advice.

(Source: P.A. 95-961, eff. 1-1-09.)

(735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

Sec. 15-1508. Report of sale and confirmation of sale.

(a) Report. The person conducting the sale shall promptly make a report to the court, which report shall include a copy of all receipts and, if any, certificate of sale.

(b) Hearing. Upon motion and notice in accordance with court rules applicable to motions generally, which motion shall not be made prior to sale, the court shall conduct a hearing to confirm the sale. Unless the court finds that (i) a notice required in accordance with subsection (c) of Section 15-1507 was not given, (ii) the terms of sale were unconscionable, (iii) the sale was conducted fraudulently, or (iv) justice was otherwise not done, the court shall then enter an order

confirming the sale. The confirmation order shall include a name, address, and telephone number of the holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser, whom a municipality or county may contact with concerns about the real estate. The confirmation order may also:

(1) approve the mortgagee's fees and costs arising between the entry of the judgment of foreclosure and the confirmation hearing, those costs and fees to be allowable to the same extent as provided in the note and mortgage and in Section 15-1504;

(2) provide for a personal judgment against any party for a deficiency; and

(3) determine the priority of the judgments of parties who deferred proving the priority pursuant to subsection (h) of Section 15-1506, but the court shall not defer confirming the sale pending the determination of such priority.

(b-3) Hearing to confirm sale of abandoned residential property. Upon motion and notice by first-class mail to the last known address of the mortgagor, which motion shall be made prior to the sale and heard by the court at the earliest practicable time after conclusion of the sale, and upon the posting at the property address of the notice required by paragraph (2) of subsection (1) of Section 15-1505.8, the court shall enter an order confirming the sale of the abandoned

residential property, unless the court finds that a reason set forth in items (i) through (iv) of subsection (b) of this Section exists for not approving the sale, or an order is entered pursuant to subsection (h) of Section 15-1505.8. The confirmation order also may address the matters identified in items (1) through (3) of subsection (b) of this Section. The notice required under subsection (b-5) of this Section shall not be required.

(b-5) Notice with respect to residential real estate. With respect to residential real estate, the notice required under subsection (b) of this Section shall be sent to the mortgagor even if the mortgagor has previously been held in default. In the event the mortgagor has filed an appearance, the notice shall be sent to the address indicated on the appearance. In all other cases, the notice shall be sent to the mortgagor at the common address of the foreclosed property. The notice shall be sent by first class mail. Unless the right to possession has been previously terminated by the court, the notice shall include the following language in 12-point boldface capitalized type:

IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO  
REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF  
POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE  
ILLINOIS MORTGAGE FORECLOSURE LAW.

(b-10) Notice of confirmation order sent to municipality or county. A copy of the confirmation order required under

subsection (b) shall be sent to the municipality in which the foreclosed property is located, or to the county within the boundary of which the foreclosed property is located if the foreclosed property is located in an unincorporated territory. A municipality or county must clearly publish on its website a single address to which a copy of the order shall be sent. If a municipality or county does not maintain a website, then the municipality or county must publicly post in its main office a single address to which a copy of the order shall be sent. In the event that a municipality or county has not complied with the publication requirement in this subsection (b-10), then a copy of the order shall be sent by first class mail, postage prepaid, to the chairperson of the county board or county clerk in the case of a county, to the mayor or city clerk in the case of a city, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town.

(b-15) Notice of confirmation order sent to known insurers. With respect to residential real estate, the party filing the complaint shall send a copy of the confirmation order required under subsection (b) by first class mail, postage prepaid, to the last known property insurer of the foreclosed property. Failure to send or receive a copy of the order shall not impair or abrogate in any way the rights of the mortgagee or purchaser or affect the status of the foreclosure proceedings.

(c) Failure to Give Notice. If any sale is held without



compliance with subsection (c) of Section 15-1507 of this Article, any party entitled to the notice provided for in paragraph (3) of that subsection (c) who was not so notified may, by motion supported by affidavit made prior to confirmation of such sale, ask the court which entered the judgment to set aside the sale. Any such party shall guarantee or secure by bond a bid equal to the successful bid at the prior sale, unless the party seeking to set aside the sale is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate at the time the motion is filed. In that event, no guarantee or bond shall be required of the mortgagor. Any subsequent sale is subject to the same notice requirement as the original sale.

(d) Validity of Sale. Except as provided in subsection (c) of Section 15-1508, no sale under this Article shall be held invalid or be set aside because of any defect in the notice thereof or in the publication of the same, or in the proceedings of the officer conducting the sale, except upon good cause shown in a hearing pursuant to subsection (b) of Section 15-1508. At any time after a sale has occurred, any party entitled to notice under paragraph (3) of subsection (c) of Section 15-1507 may recover from the mortgagee any damages caused by the mortgagee's failure to comply with such paragraph (3). Any party who recovers damages in a judicial proceeding brought under this subsection may also recover from the

mortgagee the reasonable expenses of litigation, including reasonable attorney's fees.

(d-5) Making Home Affordable Program. The court that entered the judgment shall set aside a sale held pursuant to Section 15-1507, upon motion of the mortgagor at any time prior to the confirmation of the sale, if the mortgagor proves by a preponderance of the evidence that (i) the mortgagor has applied for assistance under the Making Home Affordable Program established by the United States Department of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008, as amended by the American Recovery and Reinvestment Act of 2009, and (ii) the mortgaged real estate was sold in material violation of the program's requirements for proceeding to a judicial sale. The provisions of this subsection (d-5) are operative and, except for this sentence, shall become inoperative on January 1, 2018 for all actions filed under this Article after December 31, 2017, in which the mortgagor did not apply for assistance under the Making Home Affordable Program on or before December 31, 2016. The changes to this subsection (d-5) by this amendatory Act of the 99th General Assembly apply to all cases pending and filed on or after the effective date of this amendatory Act of the 99th General Assembly.

(e) Deficiency Judgment. In any order confirming a sale pursuant to the judgment of foreclosure, the court shall also enter a personal judgment for deficiency against any party (i) if otherwise authorized and (ii) to the extent requested in the

complaint and proven upon presentation of the report of sale in accordance with Section 15-1508. Except as otherwise provided in this Article, a judgment may be entered for any balance of money that may be found due to the plaintiff, over and above the proceeds of the sale or sales, and enforcement may be had for the collection of such balance, the same as when the judgment is solely for the payment of money. Such judgment may be entered, or enforcement had, only in cases where personal service has been had upon the persons personally liable for the mortgage indebtedness, unless they have entered their appearance in the foreclosure action.

(f) Satisfaction. Upon confirmation of the sale, the judgment stands satisfied to the extent of the sale price less expenses and costs. If the order confirming the sale includes a deficiency judgment, the judgment shall become a lien in the manner of any other judgment for the payment of money.

(g) The order confirming the sale shall include, notwithstanding any previous orders awarding possession during the pendency of the foreclosure, an award to the purchaser of possession of the mortgaged real estate, as of the date 30 days after the entry of the order, against the parties to the foreclosure whose interests have been terminated.

An eviction order ~~of possession~~ authorizing the removal of a person from possession of the mortgaged real estate shall be entered and enforced only against those persons personally named as individuals in the complaint or the petition under

subsection (h) of Section 15-1701. No eviction order ~~of possession~~ issued under this Section shall be entered against a lessee with a bona fide lease of a dwelling unit in residential real estate in foreclosure, whether or not the lessee has been made a party in the foreclosure. An order shall not be entered and enforced against any person who is only generically described as an unknown owner or nonrecord claimant or by another generic designation in the complaint.

Notwithstanding the preceding paragraph, the failure to personally name, include, or seek an eviction order ~~award of possession of the mortgaged real estate~~ against a person in the confirmation order shall not abrogate any right that the purchaser may have to possession of the mortgaged real estate and to maintain an eviction proceeding ~~a proceeding against that person for possession~~ under Article IX of this Code or, if applicable, under subsection (h) of Section 15-1701; and eviction of possession against a person who (1) has not been personally named as a party to the foreclosure and (2) has not been provided an opportunity to be heard in the foreclosure proceeding may be sought only by maintaining a proceeding under Article IX of this Code or, if applicable, under subsection (h) of Section 15-1701.

(h) With respect to mortgaged real estate containing 5 or more dwelling units, the order confirming the sale shall also provide that (i) the mortgagor shall transfer to the purchaser the security deposits, if any, that the mortgagor received to

secure payment of rent or to compensate for damage to the mortgaged real estate from any current occupant of a dwelling unit of the mortgaged real estate, as well as any statutory interest that has not been paid to the occupant, and (ii) the mortgagor shall provide an accounting of the security deposits that are transferred, including the name and address of each occupant for whom the mortgagor holds the deposit and the amount of the deposit and any statutory interest.

(Source: P.A. 98-514, eff. 11-19-13; 98-605, eff. 12-26-13; 99-640, eff. 7-28-16.)

(735 ILCS 5/15-1701) (from Ch. 110, par. 15-1701)

Sec. 15-1701. Right to possession.

(a) General. The provisions of this Article shall govern the right to possession of the mortgaged real estate during foreclosure. Possession under this Article includes physical possession of the mortgaged real estate to the same extent to which the mortgagor, absent the foreclosure, would have been entitled to physical possession. For the purposes of Part 17, real estate is residential real estate only if it is residential real estate at the time the foreclosure is commenced.

(b) Pre-Judgment. Prior to the entry of a judgment of foreclosure:

(1) In the case of residential real estate, the mortgagor shall be entitled to possession of the real

estate except if (i) the mortgagee shall object and show good cause, (ii) the mortgagee is so authorized by the terms of the mortgage or other written instrument, and (iii) the court is satisfied that there is a reasonable probability that the mortgagee will prevail on a final hearing of the cause, the court shall upon request place the mortgagee in possession. If the residential real estate consists of more than one dwelling unit, then for the purpose of this Part residential real estate shall mean only that dwelling unit or units occupied by persons described in clauses (i), (ii) and (iii) of Section 15-1219.

(2) In all other cases, if (i) the mortgagee is so authorized by the terms of the mortgage or other written instrument, and (ii) the court is satisfied that there is a reasonable probability that the mortgagee will prevail on a final hearing of the cause, the mortgagee shall upon request be placed in possession of the real estate, except that if the mortgagor shall object and show good cause, the court shall allow the mortgagor to remain in possession.

(c) Judgment Through 30 Days After Sale Confirmation. After the entry of a judgment of foreclosure and through the 30th day after a foreclosure sale is confirmed:

(1) Subsection (b) of Section 15-1701 shall be applicable, regardless of the provisions of the mortgage or other instrument, except that after a sale pursuant to the

judgment the holder of the certificate of sale (or, if none, the purchaser at the sale) shall have the mortgagee's right to be placed in possession, with all rights and duties of a mortgagee in possession under this Article.

(2) Notwithstanding paragraph (1) of subsection (b) and paragraph (1) of subsection (c) of Section 15-1701, upon request of the mortgagee, a mortgagor of residential real estate shall not be allowed to remain in possession between the expiration of the redemption period and through the 30th day after sale confirmation unless (i) the mortgagor pays to the mortgagee or such holder or purchaser, whichever is applicable, monthly the lesser of the interest due under the mortgage calculated at the mortgage rate of interest applicable as if no default had occurred or the fair rental value of the real estate, or (ii) the mortgagor otherwise shows good cause. Any amounts paid by the mortgagor pursuant to this subsection shall be credited against the amounts due from the mortgagor.

(d) After 30 Days After Sale Confirmation. The holder of the certificate of sale or deed issued pursuant to that certificate or, if no certificate or deed was issued, the purchaser, except to the extent the holder or purchaser may consent otherwise, shall be entitled to possession of the mortgaged real estate, as of the date 30 days after the order confirming the sale is entered, against those parties to the foreclosure whose interests the court has ordered terminated,

without further notice to any party, further order of the court, or resort to proceedings under any other statute other than this Article. This right to possession shall be limited by the provisions governing entering and enforcing orders of possession under subsection (g) of Section 15-1508. If the holder or purchaser determines that there are occupants of the mortgaged real estate who have not been made parties to the foreclosure and had their interests terminated therein, the holder or purchaser may bring an eviction ~~a~~ proceeding under subsection (h) of this Section, if applicable, or under Article IX of this Code to terminate the rights of possession of any such occupants. The holder or purchaser shall not be entitled to proceed against any such occupant under Article IX of this Code until after 30 days after the order confirming the sale is entered.

(e) Termination of Leases. A lease of all or any part of the mortgaged real estate shall not be terminated automatically solely by virtue of the entry into possession by (i) a mortgagee or receiver prior to the entry of an order confirming the sale, (ii) the holder of the certificate of sale, (iii) the holder of the deed issued pursuant to that certificate, or (iv) if no certificate or deed was issued, the purchaser at the sale.

(f) Other Statutes; Instruments. The provisions of this Article providing for possession of mortgaged real estate shall supersede any other inconsistent statutory provisions. In



particular, and without limitation, whenever a receiver is sought to be appointed in any action in which a foreclosure is also pending, a receiver shall be appointed only in accordance with this Article. Except as may be authorized by this Article, no mortgage or other instrument may modify or supersede the provisions of this Article.

(g) Certain Leases. Leases of the mortgaged real estate entered into by a mortgagee in possession or a receiver and approved by the court in a foreclosure shall be binding on all parties, including the mortgagor after redemption, the purchaser at a sale pursuant to a judgment of foreclosure and any person acquiring an interest in the mortgaged real estate after entry of a judgment of foreclosure in accordance with Sections 15-1402 and 15-1403.

(h) Proceedings Against Certain Occupants.

(1) The mortgagee-in-possession of the mortgaged real estate under Section 15-1703, a receiver appointed under Section 15-1704, a holder of the certificate of sale or deed, or the purchaser may, at any time during the pendency of the foreclosure and up to 90 days after the date of the order confirming the sale, file a supplemental eviction petition ~~for possession~~ against a person not personally named as a party to the foreclosure. This subsection (h) does not apply to any lessee with a bona fide lease of a dwelling unit in residential real estate in foreclosure.

(2) The supplemental eviction petition ~~for possession~~

shall name each such occupant against whom an eviction order ~~possession~~ is sought and state the facts upon which the claim for relief is premised.

(3) The petitioner shall serve upon each named occupant the petition, a notice of hearing on the petition, and, if any, a copy of the certificate of sale or deed. The eviction proceeding ~~for the termination of such occupant's possessory interest~~, including service of the notice of the hearing and the petition, shall in all respects comport with the requirements of Article IX of this Code, except as otherwise specified in this Section. The hearing shall be no less than 21 days from the date of service of the notice.

(4) The supplemental petition shall be heard as part of the foreclosure proceeding and without the payment of additional filing fees. An eviction order ~~for possession~~ obtained under this Section shall name each occupant whose interest has been terminated, shall recite that it is only effective as to the occupant so named and those holding under them, and shall be enforceable for no more than 120 days after its entry, except that the 120-day period may be extended to the extent and in the manner provided in Section 9-117 of Article IX and except as provided in item (5) of this subsection (h).

(5) In a case of foreclosure where the occupant is current on his or her rent, or where timely written notice

of to whom and where the rent is to be paid has not been provided to the occupant, or where the occupant has made good-faith efforts to make rental payments in order to keep current, any eviction order ~~of possession~~ must allow the occupant to retain possession of the property covered in his or her rental agreement (i) for 120 days following the notice of the hearing on the supplemental petition that has been properly served upon the occupant, or (ii) through the duration of his or her lease, whichever is shorter, provided that if the duration of his or her lease is less than 30 days from the date of the order, the order shall allow the occupant to retain possession for 30 days from the date of the order. A mortgagee in possession, receiver, holder of a certificate of sale or deed, or purchaser at the judicial sale, who asserts that the occupant is not current in rent, shall file an affidavit to that effect in the supplemental petition proceeding. If the occupant has been given timely written notice of to whom and where the rent is to be paid, this item (5) shall only apply if the occupant continues to pay his or her rent in full during the 120-day period or has made good-faith efforts to pay the rent in full during that period.

(6) The court records relating to a supplemental eviction petition ~~for possession~~ filed under this subsection (h) against an occupant who is entitled to notice under item (5) of this subsection (h), or relating

to an eviction ~~a forcible entry and detainer~~ action brought against an occupant who would have lawful possession of the premises but for the foreclosure of a mortgage on the property, shall be ordered sealed and shall not be disclosed to any person, other than a law enforcement officer or any other representative of a governmental entity, except upon further order of the court.

(i) Termination of bona fide leases. The holder of the certificate of sale, the holder of the deed issued pursuant to that certificate, or, if no certificate or deed was issued, the purchaser at the sale shall not terminate a bona fide lease of a dwelling unit in residential real estate in foreclosure except pursuant to Article IX of this Code.

(Source: P.A. 98-514, eff. 11-19-13.)

(735 ILCS 5/19-129)

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

unknown occupants to remove their property from the mobile home.

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

Section 35. The Controlled Substance and Cannabis Nuisance Act is amended by changing Section 11 as follows:

(740 ILCS 40/11) (from Ch. 100 1/2, par. 24)

Sec. 11. (a) If any lessee or occupant, on one or more occasions, shall use leased premises for the purpose of unlawful possessing, serving, storing, manufacturing, cultivating, delivering, using, selling or giving away controlled substances or shall permit them to be used for any such purposes, the lease or contract for letting such premises shall, at the option of the lessor or the lessor's assignee, become void, and the owner or the owner's assignee may notify the lessee or occupant by posting a written notice at the premises requiring the lessee or occupant to vacate the leased premises on or before a date 5 days after the giving of the notice. The notice shall state the basis for its issuance on forms provided by the circuit court clerk of the county in which the real property is located. The owner or owner's assignee may have the like remedy to recover possession thereof as against a tenant holding over after the expiration of his term. The owner or lessor may bring an eviction ~~a forcible entry and detainer~~ action, or assign to the State's Attorney of

the county in which the real property is located the right to bring an eviction ~~a forcible entry and detainer~~ action on behalf of the owner or lessor, against the lessee and all occupants of the leased premises. The assignment must be in writing on a form prepared by the State's Attorney of the county in which the real property is located. If the owner or lessor assigns the right to bring an eviction ~~a forcible entry and detainer~~ action, the assignment shall be limited to those rights and duties up to and including delivery of the order of eviction to the sheriff for execution. The owner or lessor remains liable for the cost of the eviction whether or not the right to bring the eviction ~~forcible entry and detainer~~ action has been assigned.

(b) If a controlled substance is found or used anywhere in the premises of an apartment, there is a rebuttable presumption that the controlled substance was either used or possessed by a lessee or occupant or that a lessee or occupant permitted the premises to be used for that use or possession. A person shall not forfeit his or her security deposit or any part of the security deposit due solely to an eviction under the provisions of the Act.

(c) If a lessor or the lessor's assignee voids a contract under the provisions of this Section, and a tenant or occupant has not vacated the premises within 5 days after receipt of a written notice to vacate the premises, the lessor or the lessor's assignee may seek relief under Article IX of the Code

of Civil Procedure. Notwithstanding Sections 9-112, 9-113 and 9-114 of the Code of Civil Procedure, judgment for costs against the plaintiff seeking eviction ~~possession of the premises~~ under this Section shall not be awarded to the defendant unless the action was brought by the plaintiff in bad faith. An eviction action ~~to possess premises~~ under this Section shall not be deemed to be in bad faith if ~~where~~ the plaintiff based his or her cause of action on information provided to him or her by a law enforcement agency or the State's Attorney.

(Source: P.A. 89-82, eff. 6-30-95.)

Section 40. The Condominium Property Act is amended by changing Section 9.2 as follows:

(765 ILCS 605/9.2) (from Ch. 30, par. 309.2)

Sec. 9.2. Other remedies.

(a) In the event of any default by any unit owner, his tenant, invitee or guest in the performance of his obligations under this Act or under the declaration, bylaws, or the rules and regulations of the board of managers, the board of managers or its agents shall have such rights and remedies as provided in the Act or condominium instruments including the right to maintain an eviction action ~~for possession~~ against such defaulting unit owner or his tenant for the benefit of all the other unit owners in the manner prescribed by Article IX of the

Code of Civil Procedure.

(b) Any attorneys' fees incurred by the Association arising out of a default by any unit owner, his tenant, invitee or guest in the performance of any of the provisions of the condominium instruments, rules and regulations or any applicable statute or ordinance shall be added to, and deemed a part of, his respective share of the common expense.

(c) Other than attorney's fees, no fees pertaining to the collection of a unit owner's financial obligation to the Association, including fees charged by a manager or managing agent, shall be added to and deemed a part of an owner's respective share of the common expenses unless: (i) the managing agent fees relate to the costs to collect common expenses for the Association; (ii) the fees are set forth in a contract between the managing agent and the Association; and (iii) the authority to add the management fees to an owner's respective share of the common expenses is specifically stated in the declaration or bylaws of the Association.

(Source: P.A. 94-384, eff. 1-1-06.)

Section 45. The Landlord and Tenant Act is amended by changing Section 5 as follows:

(765 ILCS 705/5)

Sec. 5. Class X felony by lessee or occupant.

(a) If, after the effective date of this amendatory Act of



1995, any lessee or occupant is charged during his or her lease or contract term with having committed an offense on the premises constituting a Class X felony under the laws of this State, upon a judicial finding of probable cause at a preliminary hearing or indictment by a grand jury, the lease or contract for letting the premises shall, at the option of the lessor or the lessor's assignee, become void, and the owner or the owner's assignee may notify the lessee or occupant by posting a written notice at the premises requiring the lessee or occupant to vacate the leased premises on or before a date 5 days after the giving of the notice. The notice shall state the basis for its issuance on forms provided by the circuit court clerk of the county in which the real property is located. The owner or owner's assignee may have the same remedy to recover possession of the premises as against a tenant holding over after the expiration of his or her term. The owner or lessor may bring an eviction ~~a forcible entry and detainer~~ action.

(b) A person does not forfeit his or her security deposit or any part of the security deposit due solely to an eviction under the provisions of this Section.

(c) If a lessor or the lessor's assignee voids a contract under the provisions of this Section, and a tenant or occupant has not vacated the premises within 5 days after receipt of a written notice to vacate the premises, the lessor or the lessor's assignee may seek relief under Article IX of the Code of Civil Procedure. Notwithstanding Sections 9-112, 9-113, and

9-114 of the Code of Civil Procedure, judgment for costs against the plaintiff seeking eviction ~~possession of the premises~~ under this Section shall not be awarded to the defendant unless the action was brought by the plaintiff in bad faith. An eviction action ~~to possess premises~~ under this Section shall not be deemed to be in bad faith if the plaintiff based his or her cause of action on information provided to him or her by a law enforcement agency or the State's Attorney.

(d) The provisions of this Section are enforceable only if the lessee or occupant and the owner or owner's assignee have executed a lease addendum for drug free housing as promulgated by the United States Department of Housing and Urban Development or a substantially similar document.

(Source: P.A. 89-82, eff. 6-30-95.)

Section 50. The Mobile Home Landlord and Tenant Rights Act is amended by changing Section 16 as follows:

(765 ILCS 745/16) (from Ch. 80, par. 216)

Sec. 16. Improper grounds for eviction. The following conduct by a tenant shall not constitute grounds for eviction or termination of the lease, nor shall an eviction order ~~a judgment for possession of the premises~~ be entered against a tenant:

(a) As a reprisal for the tenant's effort to secure or enforce any rights under the lease or the laws of the State of

Illinois, or its governmental subdivisions of the United States;

(b) As a reprisal for the tenant's good faith complaint to a governmental authority of the park owner's alleged violation of any health or safety law, regulation, code or ordinance, or State law or regulation which has as its objective the regulation of premises used for dwelling purposes;

(c) As a reprisal for the tenant's being an organizer or member of, or involved in any activities relative to a home owners association.

(Source: P.A. 81-637.)

Section 55. The Safe Homes Act is amended by changing Section 15 as follows:

(765 ILCS 750/15)

Sec. 15. Affirmative defense.

(a) In any action brought by a landlord against a tenant to recover rent for breach of lease, a tenant shall have an affirmative defense and not be liable for rent for the period after which a tenant vacates the premises owned by the landlord, if by preponderance of the evidence, the court finds that:

(1) at the time that the tenant vacated the premises, the tenant or a member of tenant's household was under a credible imminent threat of domestic or sexual violence at

the premises; and

(2) the tenant gave written notice to the landlord prior to or within 3 days of vacating the premises that the reason for vacating the premises was because of a credible imminent threat of domestic or sexual violence against the tenant or a member of the tenant's household.

(b) In any action brought by a landlord against a tenant to recover rent for breach of lease, a tenant shall have an affirmative defense and not be liable for rent for the period after which the tenant vacates the premises owned by the landlord, if by preponderance of the evidence, the court finds that:

(1) a tenant or a member of tenant's household was a victim of sexual violence on the premises that is owned or controlled by a landlord and the tenant has vacated the premises as a result of the sexual violence; and

(2) the tenant gave written notice to the landlord prior to or within 3 days of vacating the premises that the reason for vacating the premises was because of the sexual violence against the tenant or member of the tenant's household, the date of the sexual violence, and that the tenant provided at least one form of the following types of evidence to the landlord supporting the claim of the sexual violence: medical, court or police evidence of sexual violence; or statement from an employee of a victim services or rape crisis organization from which the tenant

or a member of the tenant's household sought services; and

(3) the sexual violence occurred not more than 60 days prior to the date of giving the written notice to the landlord, or if the circumstances are such that the tenant cannot reasonably give notice because of reasons related to the sexual violence, such as hospitalization or seeking assistance for shelter or counseling, then as soon thereafter as practicable. Nothing in this subsection (b) shall be construed to be a defense against an eviction action ~~in forcible entry and detainer~~ for failure to pay rent before the tenant provided notice and vacated the premises.

(c) Nothing in this Act shall be construed to be a defense against an action for rent for a period of time before the tenant vacated the landlord's premises and gave notice to the landlord as required in subsection (b).

(Source: P.A. 94-1038, eff. 1-1-07.)

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Statutes amended in order of appearance

55 ILCS 5/4-5001	from Ch. 34, par. 4-5001
55 ILCS 5/4-12001	from Ch. 34, par. 4-12001
55 ILCS 5/4-12001.1	from Ch. 34, par. 4-12001.1
65 ILCS 5/1-2-11	from Ch. 24, par. 1-2-11
65 ILCS 5/11-31-2.2	from Ch. 24, par. 11-31-2.2
65 ILCS 5/11-31.1-8	from Ch. 24, par. 11-31.1-8
330 ILCS 63/35	
415 ILCS 5/44.1	from Ch. 111 1/2, par. 1044.1
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705 ILCS 105/27.2	from Ch. 25, par. 27.2
705 ILCS 105/27.2a	from Ch. 25, par. 27.2a
735 ILCS 5/2-202	from Ch. 110, par. 2-202
735 ILCS 5/2-1501	from Ch. 110, par. 2-1501
735 ILCS 5/8-1208	from Ch. 110, par. 8-1208
735 ILCS 5/Art. IX heading	
735 ILCS 5/9-104.1	from Ch. 110, par. 9-104.1
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