



Sen. Jason A. Barickman

**Filed: 2/22/2017**

10000SB0758sam001

LRB100 06944 HEP 22019 a

1 AMENDMENT TO SENATE BILL 758

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 758 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Section 9-211 as follows:

6 (735 ILCS 5/9-211) (from Ch. 110, par. 9-211)

7 Sec. 9-211. Service of demand or notice.

8 (a) Except as provided in subsection (b), any ~~any~~ demand  
9 may be made or notice served by delivering a written or  
10 printed, or partly written and printed, copy thereof to the  
11 tenant, or by leaving the same with some person of the age of  
12 13 years or upwards, residing on or in possession of the  
13 premises; or by sending a copy of the notice to the tenant by  
14 certified or registered mail, with a returned receipt from the  
15 addressee; and in case no one is in the actual possession of  
16 the premises, then by posting the same on the premises.

1       (b) If the landlord is unable to obtain service of the  
2 demand as provided in subsection (a), then the landlord or his  
3 or her agent or attorney may file an affidavit stating that the  
4 tenant or unknown occupant is not a resident of this State, or  
5 has departed from this State, or on due inquiry cannot be  
6 found, or is concealed within this State so that the demand  
7 cannot be served upon him or her, and also stating the place of  
8 residence of the tenant or unknown occupant, if known, or if  
9 not known, that upon diligent inquiry the affiant has not been  
10 able to ascertain the place of residence of the tenant or  
11 unknown occupant, then in all such forcible detainer cases  
12 whether or not a claim for rent is joined with the complaint  
13 for possession, the tenant or unknown occupant may be notified  
14 of the demand by posting and mailing of notices; or by  
15 publication and mailing, as provided for in Section 2-206 of  
16 this Code. However, if the tenant or unknown occupant is  
17 notified of the demand by posting and mailing of notices or by  
18 publication and mailing, and the tenant or unknown occupant  
19 does not appear generally, the court may rule only on the  
20 portion of the complaint which seeks judgment for possession,  
21 and the court shall not enter judgment as to any rent claim  
22 joined in the complaint or enter personal judgment for any  
23 amount owed by a unit owner for his or her proportionate share  
24 of the common expenses; however, an in rem judgment may be  
25 entered against the unit for the amount of common expenses due,  
26 any other expenses lawfully agreed upon or the amount of any

1 unpaid fine, together with reasonable attorney's fees, if any,  
2 and costs. The claim for rent may remain pending until such  
3 time as the tenant or unknown occupant appears generally or is  
4 served with summons, but the order for possession shall be  
5 final, enforceable, and appealable if the court makes an  
6 express written finding that there is no just reason for  
7 delaying enforcement or appeal, as provided by Supreme Court  
8 rule of this State.

9 The sheriff shall post 3 copies of the demand in 3 public  
10 places in the neighborhood of the court where the cause is to  
11 be tried, at least 10 days prior to the filing of the action,  
12 and, if the place of residence of the tenant or unknown  
13 occupant is stated in any affidavit on file, shall at the same  
14 time mail one copy of the demand addressed to the tenant or  
15 unknown occupant at the place of residence shown in the  
16 affidavit. On or before the day set for the appearance, the  
17 sheriff shall file the demand with an endorsement thereon  
18 stating the time when and places where the sheriff posted and  
19 to whom and at what address he or she mailed a copy of the  
20 demand as required by this Section. For want of sufficient  
21 notice of the demand any cause may be continued from time to  
22 time until the demand has been served upon the tenant or  
23 unknown occupant.

24 (Source: P.A. 83-355.)".