

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 2-206 as follows:

6 (735 ILCS 5/2-206) (from Ch. 110, par. 2-206)

7 Sec. 2-206. Service by publication; affidavit; mailing;
8 certificate.

9 (a) Whenever, in any action affecting property or status
10 within the jurisdiction of the court, including an action to
11 obtain the specific performance, reformation, or rescission of
12 a contract for the conveyance of land, except for an action
13 brought under Part 15 of Article XV of this Code that is ~~are~~
14 subject to subsection (a-5), the plaintiff or his or her
15 attorney shall file, at the office of the clerk of the court in
16 which the action is pending, an affidavit showing that the
17 defendant resides or has gone out of this State, or on due
18 inquiry cannot be found, or is concealed within this State, so
19 that process cannot be served upon him or her, and stating the
20 place of residence of the defendant, if known, or that upon
21 diligent inquiry his or her place of residence cannot be
22 ascertained, the clerk shall cause publication to be made in
23 some newspaper published in the county in which the action is

1 pending. If there is no newspaper published in that county,
2 then the publication shall be in a newspaper published in an
3 adjoining county in this State, having a circulation in the
4 county in which action is pending. The publication shall
5 contain notice of the pendency of the action, the title of the
6 court, the title of the case, showing the names of the first
7 named plaintiff and the first named defendant, the number of
8 the case, the names of the parties to be served by publication,
9 and the date on or after which default may be entered against
10 such party. The clerk shall also, within 10 days of the first
11 publication of the notice, send a copy thereof by mail,
12 addressed to each defendant whose place of residence is stated
13 in such affidavit. The certificate of the clerk that he or she
14 has sent the copy in pursuance of this Section is evidence that
15 he or she has done so.

16 (a-5) If, in any action brought under Part 15 of Article XV
17 of this Code, the plaintiff, or his or her attorney, shall
18 file, at the office of the clerk of the court in which the
19 action is pending, an affidavit showing that the defendant
20 resides outside of or has left this State, or on due inquiry
21 cannot be found, or is concealed within this State so that
22 process cannot be served upon him or her, and stating the place
23 of residence of the defendant, if known, or that upon diligent
24 inquiry his or her place of residence cannot be ascertained,
25 the plaintiff, or his or her attorney ~~representative~~, shall
26 cause publication to be made in some newspaper published in

1 the county in which the action is pending. If there is no
2 newspaper published in that county, then the publication shall
3 be in a newspaper published in an adjoining county in this
4 State, having a circulation in the county in which action is
5 pending. The publication shall contain notice of the pendency
6 of the action, the title of the court, the title of the case,
7 showing the names of the first named plaintiff and the first
8 named defendant, the number of the case, the names of the
9 parties to be served by publication, and the date on or after
10 which default may be entered against such party. It shall be
11 the non-delegable duty of the plaintiff, or his or her
12 attorney ~~clerk of the court~~, within 10 days of the first
13 publication of the notice, to send a copy thereof by mail,
14 addressed to each defendant whose place of residence is stated
15 in such affidavit. The certificate of the plaintiff, or his or
16 her attorney, ~~clerk of the court~~ that he or she has sent the
17 copy in pursuance of this Section is evidence that he or she
18 has done so. A copy of the certificate shall be filed at the
19 office of the clerk of the court where the action is pending.

20 (b) In any action brought by a unit of local government to
21 cause the demolition, repair, or enclosure of a dangerous and
22 unsafe or uncompleted or abandoned building, notice by
23 publication under this Section may be commenced during the
24 time during which attempts are made to locate the defendant
25 for personal service. In that case, the unit of local
26 government shall file with the clerk an affidavit stating that

1 the action meets the requirements of this subsection and that
2 all required attempts are being made to locate the defendant.
3 Upon the filing of the affidavit, the clerk shall cause
4 publication to be made under this Section. Upon completing the
5 attempts to locate the defendant required by this Section, the
6 municipality shall file with the clerk an affidavit meeting
7 the requirements of subsection (a). Service under this
8 subsection shall not be deemed to have been made until the
9 affidavit is filed and service by publication in the manner
10 prescribed in subsection (a) is completed.

11 (Source: P.A. 101-539, eff. 1-1-20; revised 8-19-20.)