



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB3722

Introduced 1/21/2022, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1402	from Ch. 110, par. 2-1402
735 ILCS 5/12-901	from Ch. 110, par. 12-901
735 ILCS 5/12-904	from Ch. 110, par. 12-904
735 ILCS 5/12-906	from Ch. 110, par. 12-906
735 ILCS 5/12-909	from Ch. 110, par. 12-909
735 ILCS 5/12-910	from Ch. 110, par. 12-910
735 ILCS 5/12-911	from Ch. 110, par. 12-911
735 ILCS 5/12-912	from Ch. 110, par. 12-912

Amends the Code of Civil Procedure. Provides that every individual is entitled to an estate of homestead to the extent in value of the greater of (1) the countywide median sale price for a single-family home in the calendar year prior to the calendar year in which the judgment debtor claims the exemption, not to exceed \$600,000, or (2) \$300,000 (rather than \$15,000) of his or her interest in a farm or lot of land and buildings thereon, a condominium, or personal property, owned or rightly possessed by lease or otherwise and occupied by him or her as a residence, or in a cooperative that owns property that the individual uses as a residence. Makes conforming changes.

LRB102 24373 LNS 33607 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Sections 2-1402, 12-901, 12-904, 12-906, 12-909,  
6 12-910, 12-911, and 12-912 as follows:

7 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

8 Sec. 2-1402. Citations to discover assets.

9 (a) A judgment creditor, or his or her successor in  
10 interest when that interest is made to appear of record, is  
11 entitled to prosecute citations to discover assets for the  
12 purposes of examining the judgment debtor or any other person  
13 to discover assets or income of the debtor not exempt from the  
14 enforcement of the judgment, a deduction order or garnishment,  
15 and of compelling the application of non-exempt assets or  
16 income discovered toward the payment of the amount due under  
17 the judgment. A citation proceeding shall be commenced by the  
18 service of a citation issued by the clerk. The procedure for  
19 conducting citation proceedings shall be prescribed by rules.  
20 All citations issued by the clerk shall have the following  
21 language, or language substantially similar thereto, stated  
22 prominently on the front, in capital letters: "IF YOU FAIL TO  
23 APPEAR IN COURT AS DIRECTED IN THIS NOTICE, YOU MAY BE ARRESTED

1 AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT  
2 OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE  
3 COUNTY JAIL." The court shall not grant a continuance of the  
4 citation proceeding except upon good cause shown.

5 (b) Any citation served upon a judgment debtor or any  
6 other person shall include a certification by the attorney for  
7 the judgment creditor or the judgment creditor setting forth  
8 the amount of the judgment, the date of the judgment, or its  
9 revival date, the balance due thereon, the name of the court,  
10 and the number of the case, and a copy of the citation notice  
11 required by this subsection. Whenever a citation is served  
12 upon a person or party other than the judgment debtor, the  
13 officer or person serving the citation shall send to the  
14 judgment debtor, within three business days of the service  
15 upon the cited party, a copy of the citation and the citation  
16 notice, which may be sent by regular first-class mail to the  
17 judgment debtor's last known address. In no event shall a  
18 citation hearing be held sooner than five business days after  
19 the mailing of the citation and citation notice to the  
20 judgment debtor, except by agreement of the parties. The  
21 citation notice need not be mailed to a corporation,  
22 partnership, or association. The citation notice shall be in  
23 substantially the following form:

24 "CITATION NOTICE

25 (Name and address of Court)

26 Name of Case: (Name of Judgment Creditor),

1 Judgment Creditor v.  
2 (Name of Judgment Debtor),  
3 Judgment Debtor.  
4 Address of Judgment Debtor: (Insert last known  
5 address)  
6 Name and address of Attorney for Judgment  
7 Creditor or of Judgment Creditor (If no  
8 attorney is listed): (Insert name and address)  
9 Amount of Judgment: \$ (Insert amount)  
10 Name of Person Receiving Citation: (Insert name)  
11 Court Date and Time: (Insert return date and time  
12 specified in citation)

13 NOTICE: The court has issued a citation against the person  
14 named above. The citation directs that person to appear in  
15 court to be examined for the purpose of allowing the judgment  
16 creditor to discover income and assets belonging to the  
17 judgment debtor or in which the judgment debtor has an  
18 interest. The citation was issued on the basis of a judgment  
19 against the judgment debtor in favor of the judgment creditor  
20 in the amount stated above. On or after the court date stated  
21 above, the court may compel the application of any discovered  
22 income or assets toward payment on the judgment.

23 The amount of income or assets that may be applied toward  
24 the judgment is limited by federal and Illinois law. The  
25 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS  
26 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH

1 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED  
2 ABOVE:

3 (1) Under Illinois or federal law, the exemptions of  
4 personal property owned by the debtor include the debtor's  
5 equity interest, not to exceed \$4,000 in value, in any  
6 personal property as chosen by the debtor; Social Security  
7 and SSI benefits; public assistance benefits; unemployment  
8 compensation benefits; worker's compensation benefits;  
9 veteran's benefits; circuit breaker property tax relief  
10 benefits; the debtor's equity interest, not to exceed  
11 \$2,400 in value, in any one motor vehicle, and the  
12 debtor's equity interest, not to exceed \$1,500 in value,  
13 in any implements, professional books, or tools of the  
14 trade of the debtor.

15 (2) Under Illinois law, every person is entitled to an  
16 estate in homestead, when it is owned and occupied as a  
17 residence, to the extent in value of the greater of (1) the  
18 countywide median sale price for a single-family home in  
19 the calendar year prior to the calendar year in which the  
20 judgment debtor claims the exemption, not to exceed  
21 \$600,000, or (2) \$300,000 ~~\$15,000~~, which homestead is  
22 exempt from judgment.

23 (3) Under Illinois law, the amount of wages that may  
24 be applied toward a judgment is limited to the lesser of  
25 (i) 15% of gross weekly wages or (ii) the amount by which  
26 disposable earnings for a week exceed the total of 45

1 times the federal minimum hourly wage or, under a wage  
2 deduction summons served on or after January 1, 2006, the  
3 Illinois minimum hourly wage, whichever is greater.

4 (4) Under federal law, the amount of wages that may be  
5 applied toward a judgment is limited to the lesser of (i)  
6 25% of disposable earnings for a week or (ii) the amount by  
7 which disposable earnings for a week exceed 30 times the  
8 federal minimum hourly wage.

9 (5) Pension and retirement benefits and refunds may be  
10 claimed as exempt under Illinois law.

11 The judgment debtor may have other possible exemptions  
12 under the law.

13 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING  
14 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The  
15 judgment debtor also has the right to seek a declaration at an  
16 earlier date, by notifying the clerk in writing at (insert  
17 address of clerk). When so notified, the Clerk of the Court  
18 will obtain a prompt hearing date from the court and will  
19 provide the necessary forms that must be prepared by the  
20 judgment debtor or the attorney for the judgment debtor and  
21 sent to the judgment creditor and the judgment creditor's  
22 attorney regarding the time and location of the hearing. This  
23 notice may be sent by regular first class mail."

24 (b-1) Any citation served upon a judgment debtor who is a  
25 natural person shall be served by personal service or abode  
26 service as provided in Supreme Court Rule 105 and shall

1 include a copy of the Income and Asset Form set forth in  
2 subsection (b-5).

3 (b-5) The Income and Asset Form required to be served by  
4 the judgment creditor in subsection (b-1) shall be in  
5 substantially the following form:

6 INCOME AND ASSET FORM

7 To Judgment Debtor: Please complete this form and  
8 bring it with you to the hearing referenced in the  
9 enclosed citation notice. You should also bring to the  
10 hearing any documents you have to support the information  
11 you provide in this form, such as pay stubs and account  
12 statements. The information you provide will help the  
13 court determine whether you have any property or income  
14 that can be used to satisfy the judgment entered against  
15 you in this matter. The information you provide must be  
16 accurate to the best of your knowledge.

17 If you fail to appear at this hearing, you could be  
18 held in contempt of court and possibly arrested.

19 In answer to the citation proceedings served upon the  
20 judgment debtor, he or she answers as follows:

21 Name:.....

22 Home Phone Number:.....

23 Home Address:.....

24 Date of Birth:.....

1 Marital Status:.....

2 I have.....dependents.

3 Do you have a job? YES NO

4 Company's name I work for:.....

5 Company's address:.....

6 Job:

7 I earn \$..... per.....

8 If self employed, list here your business name and  
9 address:

10 .....

11 Income from self employment is \$..... per  
12 year.

13 I have the following benefits with my employer:

14 .....

15 I do not have a job, but I support myself through:

16 Government Assistance \$..... per month

17 Unemployment \$..... per month

18 Social Security \$..... per month

19 SSI \$..... per month

20 Pension \$..... per month

21 Other \$..... per month

22 Real Estate:

23 Do you own any real estate? YES NO

24 I own real estate at....., with names of other  
25 owners



1 .....  
2

3 Additional real estate I own: .....

4 I have a beneficial interest in a land trust. The name  
5 and address of the trustee is:..... The beneficial  
6 interest is listed in my name and .....

7 There is a mortgage on my real estate. State the  
8 mortgage company's name and address for each parcel of  
9 real estate owned:

10 .....

11 An assignment of beneficial interest in the land trust  
12 was signed to secure a loan from .....

13 I have the following accounts:

14 Checking account at .....;

15 account balance \$.....

16 Savings account at .....;

17 account balance \$.....

18 Money market or certificate of deposit at .....

19 Safe deposit box at .....

20 Other accounts (please identify):.....

21 I own:

22 A vehicle (state year, make, model, and VIN): ....

23 Jewelry (please specify):.....

24 Other property described as:.....

25 Stocks/Bonds.....

26 Personal computer.....

DVD player.....

1           Television.....

2           Stove.....

3           Microwave.....

4           Work tools.....

5           Business equipment.....

6           Farm equipment.....

7           Other property (please specify):

8           .....

9           Signature:.....

10           (b-10) Any action properly initiated under this Section

11           may proceed notwithstanding an absent or incomplete Income and

12           Asset Form, and a judgment debtor may be examined for the

13           purpose of allowing the judgment creditor to discover income

14           and assets belonging to the judgment debtor or in which the

15           judgment debtor has an interest.

16           (c) When assets or income of the judgment debtor not

17           exempt from the satisfaction of a judgment, a deduction order

18           or garnishment are discovered, the court may, by appropriate

19           order or judgment:

20           (1) Compel the judgment debtor to deliver up, to be

21           applied in satisfaction of the judgment, in whole or in

22           part, money, choses in action, property or effects in his

23           or her possession or control, so discovered, capable of

24           delivery and to which his or her title or right of

25           possession is not substantially disputed.

26           (2) Compel the judgment debtor to pay to the judgment

1 creditor or apply on the judgment, in installments, a  
2 portion of his or her income, however or whenever earned  
3 or acquired, as the court may deem proper, having due  
4 regard for the reasonable requirements of the judgment  
5 debtor and his or her family, if dependent upon him or her,  
6 as well as any payments required to be made by prior order  
7 of court or under wage assignments outstanding; provided  
8 that the judgment debtor shall not be compelled to pay  
9 income which would be considered exempt as wages under the  
10 Wage Deduction Statute. The court may modify an order for  
11 installment payments, from time to time, upon application  
12 of either party upon notice to the other.

13 (3) Compel any person cited, other than the judgment  
14 debtor, to deliver up any assets so discovered, to be  
15 applied in satisfaction of the judgment, in whole or in  
16 part, when those assets are held under such circumstances  
17 that in an action by the judgment debtor he or she could  
18 recover them in specie or obtain a judgment for the  
19 proceeds or value thereof as for conversion or  
20 embezzlement. A judgment creditor may recover a corporate  
21 judgment debtor's property on behalf of the judgment  
22 debtor for use of the judgment creditor by filing an  
23 appropriate petition within the citation proceedings.

24 (4) Enter any order upon or judgment against the  
25 person cited that could be entered in any garnishment  
26 proceeding.

1           (5) Compel any person cited to execute an assignment  
2           of any chose in action or a conveyance of title to real or  
3           personal property or resign memberships in exchanges,  
4           clubs, or other entities in the same manner and to the same  
5           extent as a court could do in any proceeding by a judgment  
6           creditor to enforce payment of a judgment or in aid of the  
7           enforcement of a judgment.

8           (6) Authorize the judgment creditor to maintain an  
9           action against any person or corporation that, it appears  
10          upon proof satisfactory to the court, is indebted to the  
11          judgment debtor, for the recovery of the debt, forbid the  
12          transfer or other disposition of the debt until an action  
13          can be commenced and prosecuted to judgment, direct that  
14          the papers or proof in the possession or control of the  
15          debtor and necessary in the prosecution of the action be  
16          delivered to the creditor or impounded in court, and  
17          provide for the disposition of any moneys in excess of the  
18          sum required to pay the judgment creditor's judgment and  
19          costs allowed by the court.

20          (c-5) If a citation is directed to a judgment debtor who is  
21          a natural person, no payment order shall be entered under  
22          subsection (c) unless the Income and Asset Form was served  
23          upon the judgment debtor as required by subsection (b-1), the  
24          judgment debtor has had an opportunity to assert exemptions,  
25          and the payments are from non-exempt sources.

26          (d) No order or judgment shall be entered under subsection

1 (c) in favor of the judgment creditor unless there appears of  
2 record a certification of mailing showing that a copy of the  
3 citation and a copy of the citation notice was mailed to the  
4 judgment debtor as required by subsection (b).

5 (d-5) If upon examination the court determines that the  
6 judgment debtor does not possess any non-exempt income or  
7 assets, then the citation shall be dismissed.

8 (e) All property ordered to be delivered up shall, except  
9 as otherwise provided in this Section, be delivered to the  
10 sheriff to be collected by the sheriff or sold at public sale  
11 and the proceeds thereof applied towards the payment of costs  
12 and the satisfaction of the judgment. If the judgment debtor's  
13 property is of such a nature that it is not readily delivered  
14 up to the sheriff for public sale or if another method of sale  
15 is more appropriate to liquidate the property or enhance its  
16 value at sale, the court may order the sale of such property by  
17 the debtor, third party respondent, or by a selling agent  
18 other than the sheriff upon such terms as are just and  
19 equitable. The proceeds of sale, after deducting reasonable  
20 and necessary expenses, are to be turned over to the creditor  
21 and applied to the balance due on the judgment.

22 (f) (1) The citation may prohibit the party to whom it is  
23 directed from making or allowing any transfer or other  
24 disposition of, or interfering with, any property not exempt  
25 from the enforcement of a judgment therefrom, a deduction  
26 order or garnishment, belonging to the judgment debtor or to

1 which he or she may be entitled or which may thereafter be  
2 acquired by or become due to him or her, and from paying over  
3 or otherwise disposing of any moneys not so exempt which are  
4 due or to become due to the judgment debtor, until the further  
5 order of the court or the termination of the proceeding,  
6 whichever occurs first. The third party may not be obliged to  
7 withhold the payment of any moneys beyond double the amount of  
8 the balance due sought to be enforced by the judgment  
9 creditor. The court may punish any party who violates the  
10 restraining provision of a citation as and for a contempt, or  
11 if the party is a third party may enter judgment against him or  
12 her in the amount of the unpaid portion of the judgment and  
13 costs allowable under this Section, or in the amount of the  
14 value of the property transferred, whichever is lesser.

15 (2) The court may enjoin any person, whether or not a party  
16 to the citation proceeding, from making or allowing any  
17 transfer or other disposition of, or interference with, the  
18 property of the judgment debtor not exempt from the  
19 enforcement of a judgment, a deduction order or garnishment,  
20 or the property or debt not so exempt concerning which any  
21 person is required to attend and be examined until further  
22 direction in the premises. The injunction order shall remain  
23 in effect until vacated by the court or until the proceeding is  
24 terminated, whichever first occurs.

25 (g) If it appears that any property, chose in action,  
26 credit or effect discovered, or any interest therein, is

1 claimed by any person, the court shall, as in garnishment  
2 proceedings, permit or require the claimant to appear and  
3 maintain his or her right. The rights of the person cited and  
4 the rights of any adverse claimant shall be asserted and  
5 determined pursuant to the law relating to garnishment  
6 proceedings.

7 (h) Costs in proceedings authorized by this Section shall  
8 be allowed, assessed and paid in accordance with rules,  
9 provided that if the court determines, in its discretion, that  
10 costs incurred by the judgment creditor were improperly  
11 incurred, those costs shall be paid by the judgment creditor.

12 (i) This Section is in addition to and does not affect  
13 enforcement of judgments or citation proceedings thereto, by  
14 any other methods now or hereafter provided by law.

15 (j) This Section does not grant the power to any court to  
16 order installment or other payments from, or compel the sale,  
17 delivery, surrender, assignment or conveyance of any property  
18 exempt by statute from the enforcement of a judgment thereon,  
19 a deduction order, garnishment, attachment, sequestration,  
20 process or other levy or seizure.

21 (k) (Blank).

22 (k-3) The court may enter any order upon or judgment  
23 against the respondent cited that could be entered in any  
24 garnishment proceeding under Part 7 of Article XII of this  
25 Code. This subsection (k-3) shall be construed as being  
26 declarative of existing law and not as a new enactment.

1 (k-5) If the court determines that any property held by a  
2 third party respondent is wages pursuant to Section 12-801,  
3 the court shall proceed as if a wage deduction proceeding had  
4 been filed and proceed to enter such necessary and proper  
5 orders as would have been entered in a wage deduction  
6 proceeding including but not limited to the granting of the  
7 statutory exemptions allowed by Section 12-803 and all other  
8 remedies allowed plaintiff and defendant pursuant to Part 8 of  
9 Article 12 of this Act.

10 (k-10) If a creditor discovers personal property of the  
11 judgment debtor that is subject to the lien of a citation to  
12 discover assets, the creditor may have the court impress a  
13 lien against a specific item of personal property, including a  
14 beneficial interest in a land trust. The lien survives the  
15 termination of the citation proceedings and remains as a lien  
16 against the personal property in the same manner that a  
17 judgment lien recorded against real property pursuant to  
18 Section 12-101 remains a lien on real property. If the  
19 judgment is revived before dormancy, the lien shall remain. A  
20 lien against personal property may, but need not, be recorded  
21 in the office of the recorder or filed as an informational  
22 filing pursuant to the Uniform Commercial Code.

23 (l) At any citation hearing at which the judgment debtor  
24 appears and seeks a declaration that certain of his or her  
25 income or assets are exempt, the court shall proceed to  
26 determine whether the property which the judgment debtor



1 declares to be exempt is exempt from judgment. At any time  
2 before the return date specified on the citation, the judgment  
3 debtor may request, in writing, a hearing to declare exempt  
4 certain income and assets by notifying the clerk of the court  
5 before that time, using forms as may be provided by the clerk  
6 of the court. The clerk of the court will obtain a prompt  
7 hearing date from the court and will provide the necessary  
8 forms that must be prepared by the judgment debtor or the  
9 attorney for the judgment debtor and sent to the judgment  
10 creditor, or the judgment creditor's attorney, regarding the  
11 time and location of the hearing. This notice may be sent by  
12 regular first class mail. At the hearing, the court shall  
13 immediately, unless for good cause shown that the hearing is  
14 to be continued, shall proceed to determine whether the  
15 property which the judgment debtor declares to be exempt is  
16 exempt from judgment. The restraining provisions of subsection  
17 (f) shall not apply to any property determined by the court to  
18 be exempt.

19 (m) The judgment or balance due on the judgment becomes a  
20 lien when a citation is served in accordance with subsection  
21 (a) of this Section. The lien binds nonexempt personal  
22 property, including money, choses in action, and effects of  
23 the judgment debtor as follows:

24 (1) When the citation is directed against the judgment  
25 debtor, upon all personal property belonging to the  
26 judgment debtor in the possession or control of the

1 judgment debtor or which may thereafter be acquired or  
2 come due to the judgment debtor to the time of the  
3 disposition of the citation.

4 (2) When the citation is directed against a third  
5 party, upon all personal property belonging to the  
6 judgment debtor in the possession or control of the third  
7 party or which thereafter may be acquired or come due the  
8 judgment debtor and comes into the possession or control  
9 of the third party to the time of the disposition of the  
10 citation.

11 The lien established under this Section does not affect  
12 the rights of citation respondents in property prior to the  
13 service of the citation upon them and does not affect the  
14 rights of bona fide purchasers or lenders without notice of  
15 the citation. The lien is effective for the period specified  
16 by Supreme Court Rule.

17 This subsection (m), as added by Public Act 88-48, is a  
18 declaration of existing law.

19 (n) If any provision of this Act or its application to any  
20 person or circumstance is held invalid, the invalidity of that  
21 provision or application does not affect the provisions or  
22 applications of the Act that can be given effect without the  
23 invalid provision or application.

24 (o) The changes to this Section made by this amendatory  
25 Act of the 97th General Assembly apply only to citation  
26 proceedings commenced under this Section on or after the

1 effective date of this amendatory Act of the 97th General  
2 Assembly. The requirements or limitations set forth in  
3 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not  
4 apply to the enforcement of any order or judgment resulting  
5 from an adjudication of a municipal ordinance violation that  
6 is subject to Supreme Court Rules 570 through 579, or from an  
7 administrative adjudication of such an ordinance violation.  
8 (Source: P.A. 101-191, eff. 8-2-19.)

9 (735 ILCS 5/12-901) (from Ch. 110, par. 12-901)

10 Sec. 12-901. Amount. Every individual is entitled to an  
11 estate of homestead to the extent in value of the greater of  
12 (1) the countywide median sale price for a single-family home  
13 in the calendar year prior to the calendar year in which the  
14 judgment debtor claims the exemption, not to exceed \$600,000,  
15 or (2) \$300,000 ~~\$15,000~~ of his or her interest in a farm or lot  
16 of land and buildings thereon, a condominium, or personal  
17 property, owned or rightly possessed by lease or otherwise and  
18 occupied by him or her as a residence, or in a cooperative that  
19 owns property that the individual uses as a residence. That  
20 homestead and all right in and title to that homestead is  
21 exempt from attachment, judgment, levy, or judgment sale for  
22 the payment of his or her debts or other purposes and from the  
23 laws of conveyance, descent, and legacy, except as provided in  
24 this Code or in Section 20-6 of the Probate Act of 1975. This  
25 Section is not applicable between joint tenants or tenants in

1 common but it is applicable as to any creditors of those  
2 persons. If 2 or more individuals own property that is exempt  
3 as a homestead, the value of the exemption of each individual  
4 may not exceed his or her proportionate share of the greater of  
5 (1) the countywide median sale price for a single-family home  
6 in the calendar year prior to the calendar year in which the  
7 judgment debtor claims the exemption, not to exceed \$600,000,  
8 or (2) \$300,000 ~~\$30,000~~ based upon percentage of ownership.

9 (Source: P.A. 94-293, eff. 1-1-06.)

10 (735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

11 Sec. 12-904. Release, waiver, l or conveyance. No release,  
12 waiver, l or conveyance of the estate so exempted shall be  
13 valid, unless the same is in writing, signed by the individual  
14 and his or her spouse, if he or she have one, or possession is  
15 abandoned or given pursuant to the conveyance; or if the  
16 exception is continued to a child or children without the  
17 order of a court directing a release thereof; but if a  
18 conveyance is made by an individual as grantor to his or her  
19 spouse, such conveyance shall be effectual to pass the title  
20 expressed therein to be conveyed thereby, whether or not the  
21 grantor in such conveyance is joined therein by his or her  
22 spouse. In any case where such release, waiver, l or conveyance  
23 is taken by way of mortgage or security, the same shall only be  
24 operative as to such specific release, waiver, l or conveyance;  
25 and when the same includes different pieces of land, or the

1 homestead is of greater value than the greater of (1) the  
2 countywide median sale price for a single-family home in the  
3 calendar year prior to the calendar year in which the judgment  
4 debtor claims the exemption, not to exceed \$600,000, or (2)  
5 \$300,000 ~~\$15,000~~, the other lands shall first be sold before  
6 resorting to the homestead, and in case of the sale of such  
7 homestead, if any balance remains after the payment of the  
8 debt and costs, such balance shall, to the extent of the  
9 greater of (1) the countywide median sale price for a  
10 single-family home in the calendar year prior to the calendar  
11 year in which the judgment debtor claims the exemption, not to  
12 exceed \$600,000, or (2) \$300,000 ~~\$15,000~~ be exempt, and be  
13 applied upon such homestead exemption in the manner provided  
14 by law.

15 (Source: P.A. 94-293, eff. 1-1-06.)

16 (735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

17 Sec. 12-906. Proceeds of sale. When a homestead is  
18 conveyed by the owner thereof, such conveyance shall not  
19 subject the premises to any lien or encumbrance ~~incumbrance~~ to  
20 which it would not be subject in the possession of such owner;  
21 and the proceeds thereof, to the extent of the amount of the  
22 greater of (1) the countywide median sale price for a  
23 single-family home in the calendar year prior to the calendar  
24 year in which the judgment debtor claims the exemption, not to  
25 exceed \$600,000, or (2) \$300,000 ~~\$15,000~~, shall be exempt from

1 judgment or other process, for one year after the receipt  
2 thereof, by the person entitled to the exemption, and if  
3 reinvested in a homestead the same shall be entitled to the  
4 same exemption as the original homestead.

5 (Source: P.A. 94-293, eff. 1-1-06.)

6 (735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

7 Sec. 12-909. Bid for less than exempted amount. No sale  
8 shall be made of the premises on such judgment unless a greater  
9 sum than the greater of (1) the countywide median sale price  
10 for a single-family home in the calendar year prior to the  
11 calendar year in which the judgment debtor claims the  
12 exemption, not to exceed \$600,000, or (2) \$300,000 ~~\$15,000~~ is  
13 bid therefor. If a greater sum is not so bid, the judgment may  
14 be set aside or modified, or the enforcement of the judgment  
15 released, as for lack of property.

16 (Source: P.A. 94-293, eff. 1-1-06.)

17 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

18 Sec. 12-910. Proceedings to enforce judgment. If in the  
19 opinion of the judgment creditors, or the officer holding a  
20 certified copy of a judgment for enforcement against such  
21 individuals, the premises claimed by him or her as exempt are  
22 worth more than the greater of (1) the countywide median sale  
23 price for a single-family home in the calendar year prior to  
24 the calendar year in which the judgment debtor claims the

1 exemption, not to exceed \$600,000, or (2) \$300,000 ~~\$15,000,~~  
2 such officer shall summon 3 individuals, as commissioners, who  
3 shall, upon oath, to be administered to them by the officer,  
4 appraise the premises, and if, in their opinion, the property  
5 may be divided without damage to the interest of the parties,  
6 they shall set off so much of the premises, including the  
7 dwelling house, as in their opinion is worth the greater of (1)  
8 the countywide median sale price for a single-family home in  
9 the calendar year prior to the calendar year in which the  
10 judgment debtor claims the exemption, not to exceed \$600,000,  
11 or (2) \$300,000 ~~\$15,000,~~ and the residue of the premises may be  
12 advertised and sold by such officer. Each commissioner shall  
13 receive for his or her services the sum of \$5 per day for each  
14 day necessarily engaged in such service. The officer summoning  
15 such commissioners shall receive such fees as may be allowed  
16 for serving summons, but shall be entitled to charge mileage  
17 for only the actual distance traveled from the premises to be  
18 appraised, to the residence of the commissioners summoned. The  
19 officer shall not be required to summon commissioners until  
20 the judgment creditor, or someone ~~some one~~ for him or her,  
21 shall advance to the officer one day's fees for the  
22 commissioners, and unless the creditor shall advance such fees  
23 the officer shall not be required to enforce the judgment. The  
24 costs of such appraisal shall not be taxed against the  
25 judgment debtor unless such appraisal shows that the  
26 judgment debtor has property subject to such judgment.

1 (Source: P.A. 94-293, eff. 1-1-06.)

2 (735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

3 Sec. 12-911. Notice to judgment debtor. In case the value  
4 of the premises is, in the opinion of the commissioners, more  
5 than the greater of (1) the countywide median sale price for a  
6 single-family home in the calendar year prior to the calendar  
7 year in which the judgment debtor claims the exemption, not to  
8 exceed \$600,000, or (2) \$300,000 ~~\$15,000~~, and cannot be  
9 divided as is provided for in Section 12-910 of this Act, they  
10 shall make and sign an appraisal of the value thereof, and  
11 deliver the same to the officer, who shall deliver a copy  
12 thereof to the judgment debtor, or to some one of the family of  
13 the age of 13 years or upwards, with a notice thereto attached  
14 that unless the judgment debtor pays to such officer the  
15 surplus over and above the greater of (1) the countywide  
16 median sale price for a single-family home in the calendar  
17 year prior to the calendar year in which the judgment debtor  
18 claims the exemption, not to exceed \$600,000, or (2) \$300,000  
19 ~~\$15,000~~ on the amount due on the judgment within 60 days  
20 thereafter, such premises will be sold.

21 (Source: P.A. 94-293, eff. 1-1-06.)

22 (735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

23 Sec. 12-912. Sale of premises - Distribution of proceeds.  
24 In case of such surplus, or the amount due on the judgment is



1 not paid within the 60 days, the officer may advertise and sell  
2 the premises, and out of the proceeds of such sale pay to such  
3 judgment debtor the sum of the greater of (1) the countywide  
4 median sale price for a single-family home in the calendar  
5 year prior to the calendar year in which the judgment debtor  
6 claims the exemption, not to exceed \$600,000, or (2) \$300,000  
7 \$15,000, and apply the balance on the judgment.

8 (Source: P.A. 94-293, eff. 1-1-06.)