



Sen. Karina Villa

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LRB102 24373 LNS 35819 a

1 AMENDMENT TO SENATE BILL 3722

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3722 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Sections 2-1402, 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

1 the judgment. A citation proceeding shall be commenced by the  
2 service of a citation issued by the clerk. The procedure for  
3 conducting citation proceedings shall be prescribed by rules.  
4 All citations issued by the clerk shall have the following  
5 language, or language substantially similar thereto, stated  
6 prominently on the front, in capital letters: "IF YOU FAIL TO  
7 APPEAR IN COURT AS DIRECTED IN THIS NOTICE, YOU MAY BE ARRESTED  
8 AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT  
9 OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE  
10 COUNTY JAIL." The court shall not grant a continuance of the  
11 citation proceeding except upon good cause shown.

12 (b) Any citation served upon a judgment debtor or any  
13 other person shall include a certification by the attorney for  
14 the judgment creditor or the judgment creditor setting forth  
15 the amount of the judgment, the date of the judgment, or its  
16 revival date, the balance due thereon, the name of the court,  
17 and the number of the case, and a copy of the citation notice  
18 required by this subsection. Whenever a citation is served  
19 upon a person or party other than the judgment debtor, the  
20 officer or person serving the citation shall send to the  
21 judgment debtor, within three business days of the service  
22 upon the cited party, a copy of the citation and the citation  
23 notice, which may be sent by regular first-class mail to the  
24 judgment debtor's last known address. In no event shall a  
25 citation hearing be held sooner than five business days after  
26 the mailing of the citation and citation notice to the

1 judgment debtor, except by agreement of the parties. The  
2 citation notice need not be mailed to a corporation,  
3 partnership, or association. The citation notice shall be in  
4 substantially the following form:

5 "CITATION NOTICE

6 (Name and address of Court)

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

8 Judgment Creditor v.

9 (Name of Judgment Debtor),

10 Judgment Debtor.

11 Address of Judgment Debtor: (Insert last known  
12 address)

13 Name and address of Attorney for Judgment

14 Creditor or of Judgment Creditor (If no

15 attorney is listed): (Insert name and address)

16 Amount of Judgment: \$ (Insert amount)

17 Name of Person Receiving Citation: (Insert name)

18 Court Date and Time: (Insert return date and time  
19 specified in citation)

20 NOTICE: The court has issued a citation against the person  
21 named above. The citation directs that person to appear in  
22 court to be examined for the purpose of allowing the judgment  
23 creditor to discover income and assets belonging to the  
24 judgment debtor or in which the judgment debtor has an  
25 interest. The citation was issued on the basis of a judgment  
26 against the judgment debtor in favor of the judgment creditor

1 in the amount stated above. On or after the court date stated  
2 above, the court may compel the application of any discovered  
3 income or assets toward payment on the judgment.

4 The amount of income or assets that may be applied toward  
5 the judgment is limited by federal and Illinois law. The  
6 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS  
7 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH  
8 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED  
9 ABOVE:

10 (1) Under Illinois or federal law, the exemptions of  
11 personal property owned by the debtor include the debtor's  
12 equity interest, not to exceed \$4,000 in value, in any  
13 personal property as chosen by the debtor; Social Security  
14 and SSI benefits; public assistance benefits; unemployment  
15 compensation benefits; worker's compensation benefits;  
16 veteran's benefits; circuit breaker property tax relief  
17 benefits; the debtor's equity interest, not to exceed  
18 \$2,400 in value, in any one motor vehicle, and the  
19 debtor's equity interest, not to exceed \$1,500 in value,  
20 in any implements, professional books, or tools of the  
21 trade of the debtor.

22 (2) Under Illinois law, every person is entitled to an  
23 estate in homestead, when it is owned and occupied as a  
24 residence, to the extent in value of \$30,000 ~~\$15,000~~,  
25 which homestead is exempt from judgment.

26 (3) Under Illinois law, the amount of wages that may

1 be applied toward a judgment is limited to the lesser of  
2 (i) 15% of gross weekly wages or (ii) the amount by which  
3 disposable earnings for a week exceed the total of 45  
4 times the federal minimum hourly wage or, under a wage  
5 deduction summons served on or after January 1, 2006, the  
6 Illinois minimum hourly wage, whichever is greater.

7 (4) Under federal law, the amount of wages that may be  
8 applied toward a judgment is limited to the lesser of (i)  
9 25% of disposable earnings for a week or (ii) the amount by  
10 which disposable earnings for a week exceed 30 times the  
11 federal minimum hourly wage.

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

14 The judgment debtor may have other possible exemptions  
15 under the law.

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

1 (b-1) Any citation served upon a judgment debtor who is a  
 2 natural person shall be served by personal service or abode  
 3 service as provided in Supreme Court Rule 105 and shall  
 4 include a copy of the Income and Asset Form set forth in  
 5 subsection (b-5).

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

9 INCOME AND ASSET FORM

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

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

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

24 Name:.....

1 Home Phone Number:.....

2 Home Address:.....

3 Date of Birth:.....

4 Marital Status:.....

5 I have.....dependents.

6 Do you have a job? YES NO

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

8 Company's address:.....

9 Job:

10 I earn \$..... per.....

11 If self employed, list here your business name and  
12 address:

13 .....

14 Income from self employment is \$..... per  
15 year.

16 I have the following benefits with my employer:

17 .....

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

19 Government Assistance \$..... per month

20 Unemployment \$..... per month

21 Social Security \$..... per month

22 SSI \$..... per month

23 Pension \$..... per month

24 Other \$..... per month

25 Real Estate:

1 Do you own any real estate? YES NO

2 I own real estate at....., with names of other  
3 owners

4 .....

5 Additional real estate I own: .....

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

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

12 .....

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

15 I have the following accounts:

16 Checking account at .....;

17 account balance \$.....

18 Savings account at .....;

19 account balance \$.....

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

21 Safe deposit box at .....

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

23 I own:

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

25 Jewelry (please specify):.....

26 Other property described as:.....



- 1           Stocks/Bonds.....
- 2           Personal computer.....
- 3           DVD player.....
- 4           Television.....
- 5           Stove.....
- 6           Microwave.....
- 7           Work tools.....
- 8           Business equipment.....
- 9           Farm equipment.....
- 10          Other property (please specify):
- 11           .....
- 12          Signature:.....

13           (b-10) Any action properly initiated under this Section  
 14 may proceed notwithstanding an absent or incomplete Income and  
 15 Asset Form, and a judgment debtor may be examined for the  
 16 purpose of allowing the judgment creditor to discover income  
 17 and assets belonging to the judgment debtor or in which the  
 18 judgment debtor has an interest.

19           (c) When assets or income of the judgment debtor not  
 20 exempt from the satisfaction of a judgment, a deduction order  
 21 or garnishment are discovered, the court may, by appropriate  
 22 order or judgment:

23           (1) Compel the judgment debtor to deliver up, to be  
 24 applied in satisfaction of the judgment, in whole or in  
 25 part, money, choses in action, property or effects in his  
 26 or her possession or control, so discovered, capable of

1 delivery and to which his or her title or right of  
2 possession is not substantially disputed.

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

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

1           (4) Enter any order upon or judgment against the  
2 person cited that could be entered in any garnishment  
3 proceeding.

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

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

23           (c-5) If a citation is directed to a judgment debtor who is  
24 a natural person, no payment order shall be entered under  
25 subsection (c) unless the Income and Asset Form was served  
26 upon the judgment debtor as required by subsection (b-1), the

1 judgment debtor has had an opportunity to assert exemptions,  
2 and the payments are from non-exempt sources.

3 (d) No order or judgment shall be entered under subsection  
4 (c) in favor of the judgment creditor unless there appears of  
5 record a certification of mailing showing that a copy of the  
6 citation and a copy of the citation notice was mailed to the  
7 judgment debtor as required by subsection (b).

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

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

25 (f) (1) The citation may prohibit the party to whom it is  
26 directed from making or allowing any transfer or other

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

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

1 terminated, whichever first occurs.

2 (g) If it appears that any property, chose in action,  
3 credit or effect discovered, or any interest therein, is  
4 claimed by any person, the court shall, as in garnishment  
5 proceedings, permit or require the claimant to appear and  
6 maintain his or her right. The rights of the person cited and  
7 the rights of any adverse claimant shall be asserted and  
8 determined pursuant to the law relating to garnishment  
9 proceedings.

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

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

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

24 (k) (Blank).

25 (k-3) The court may enter any order upon or judgment  
26 against the respondent cited that could be entered in any

1 garnishment proceeding under Part 7 of Article XII of this  
2 Code. This subsection (k-3) shall be construed as being  
3 declarative of existing law and not as a new enactment.

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

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

26 (l) At any citation hearing at which the judgment debtor

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

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



1           (1) When the citation is directed against the judgment  
2 debtor, upon all personal property belonging to the  
3 judgment debtor in the possession or control of the  
4 judgment debtor or which may thereafter be acquired or  
5 come due to the judgment debtor to the time of the  
6 disposition of the citation.

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

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

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

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

1           (o) The changes to this Section made by this amendatory  
2 Act of the 97th General Assembly apply only to citation  
3 proceedings commenced under this Section on or after the  
4 effective date of this amendatory Act of the 97th General  
5 Assembly. The requirements or limitations set forth in  
6 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not  
7 apply to the enforcement of any order or judgment resulting  
8 from an adjudication of a municipal ordinance violation that  
9 is subject to Supreme Court Rules 570 through 579, or from an  
10 administrative adjudication of such an ordinance violation.

11           (Source: P.A. 101-191, eff. 8-2-19.)

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

13           Sec. 12-901. Amount. Every individual is entitled to an  
14 estate of homestead to the extent in value of \$30,000 ~~\$15,000~~  
15 of his or her interest in a farm or lot of land and buildings  
16 thereon, a condominium, or personal property, owned or rightly  
17 possessed by lease or otherwise and occupied by him or her as a  
18 residence, or in a cooperative that owns property that the  
19 individual uses as a residence. That homestead and all right  
20 in and title to that homestead is exempt from attachment,  
21 judgment, levy, or judgment sale for the payment of his or her  
22 debts or other purposes and from the laws of conveyance,  
23 descent, and legacy, except as provided in this Code or in  
24 Section 20-6 of the Probate Act of 1975. This Section is not  
25 applicable between joint tenants or tenants in common but it

1 is applicable as to any creditors of those persons. If 2 or  
2 more individuals own property that is exempt as a homestead,  
3 the value of the exemption of each individual may not exceed  
4 his or her proportionate share of \$60,000 ~~\$30,000~~ based upon  
5 percentage of ownership.

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

7 (735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

8 Sec. 12-904. Release, waiver, l or conveyance. No release,  
9 waiver, l or conveyance of the estate so exempted shall be  
10 valid, unless the same is in writing, signed by the individual  
11 and his or her spouse, if he or she have one, or possession is  
12 abandoned or given pursuant to the conveyance; or if the  
13 exception is continued to a child or children without the  
14 order of a court directing a release thereof; but if a  
15 conveyance is made by an individual as grantor to his or her  
16 spouse, such conveyance shall be effectual to pass the title  
17 expressed therein to be conveyed thereby, whether or not the  
18 grantor in such conveyance is joined therein by his or her  
19 spouse. In any case where such release, waiver, l or conveyance  
20 is taken by way of mortgage or security, the same shall only be  
21 operative as to such specific release, waiver, l or conveyance;  
22 and when the same includes different pieces of land, or the  
23 homestead is of greater value than \$30,000 ~~\$15,000~~, the other  
24 lands shall first be sold before resorting to the homestead,  
25 and in case of the sale of such homestead, if any balance

1 remains after the payment of the debt and costs, such balance  
2 shall, to the extent of \$30,000 ~~\$15,000~~ be exempt, and be  
3 applied upon such homestead exemption in the manner provided  
4 by law.

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

6 (735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

7 Sec. 12-906. Proceeds of sale. When a homestead is  
8 conveyed by the owner thereof, such conveyance shall not  
9 subject the premises to any lien or encumbrance ~~incumbrance~~ to  
10 which it would not be subject in the possession of such owner;  
11 and the proceeds thereof, to the extent of the amount of  
12 \$30,000 ~~\$15,000~~, shall be exempt from judgment or other  
13 process, for one year after the receipt thereof, by the person  
14 entitled to the exemption, and if reinvested in a homestead  
15 the same shall be entitled to the same exemption as the  
16 original homestead.

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

18 (735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

19 Sec. 12-909. Bid for less than exempted amount. No sale  
20 shall be made of the premises on such judgment unless a greater  
21 sum than \$30,000 ~~\$15,000~~ is bid therefor. If a greater sum is  
22 not so bid, the judgment may be set aside or modified, or the  
23 enforcement of the judgment released, as for lack of property.

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

1 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

2 Sec. 12-910. Proceedings to enforce judgment. If in the  
3 opinion of the judgment creditors, or the officer holding a  
4 certified copy of a judgment for enforcement against such  
5 individuals, the premises claimed by him or her as exempt are  
6 worth more than \$30,000 ~~\$15,000~~, such officer shall summon 3  
7 individuals, as commissioners, who shall, upon oath, to be  
8 administered to them by the officer, appraise the premises,  
9 and if, in their opinion, the property may be divided without  
10 damage to the interest of the parties, they shall set off so  
11 much of the premises, including the dwelling house, as in  
12 their opinion is worth \$30,000 ~~\$15,000~~, and the residue of the  
13 premises may be advertised and sold by such officer. Each  
14 commissioner shall receive for his or her services the sum of  
15 \$5 per day for each day necessarily engaged in such service.  
16 The officer summoning such commissioners shall receive such  
17 fees as may be allowed for serving summons, but shall be  
18 entitled to charge mileage for only the actual distance  
19 traveled from the premises to be appraised, to the residence  
20 of the commissioners summoned. The officer shall not be  
21 required to summon commissioners until the judgment creditor,  
22 or someone ~~some one~~ for him or her, shall advance to the  
23 officer one day's fees for the commissioners, and unless the  
24 creditor shall advance such fees the officer shall not be  
25 required to enforce the judgment. The costs of such

1 appraisal shall not be taxed against the judgment debtor  
2 unless such appraisal shows that the judgment debtor has  
3 property subject to such judgment.

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

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

6 Sec. 12-911. Notice to judgment debtor. In case the value  
7 of the premises is, in the opinion of the commissioners, more  
8 than \$30,000 ~~\$15,000~~, and cannot be divided as is provided for  
9 in Section 12-910 of this Act, they shall make and sign an  
10 appraisal of the value thereof, and deliver the same to the  
11 officer, who shall deliver a copy thereof to the judgment  
12 debtor, or to some one of the family of the age of 13 years or  
13 upwards, with a notice thereto attached that unless the  
14 judgment debtor pays to such officer the surplus over and  
15 above \$30,000 ~~\$15,000~~ on the amount due on the judgment within  
16 60 days thereafter, such premises will be sold.

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

18 (735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

19 Sec. 12-912. Sale of premises - Distribution of proceeds.  
20 In case of such surplus, or the amount due on the judgment is  
21 not paid within the 60 days, the officer may advertise and sell  
22 the premises, and out of the proceeds of such sale pay to such  
23 judgment debtor the sum of \$30,000 ~~\$15,000~~, and apply the  
24 balance on the judgment.

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