



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0244

Introduced 1/31/2023, 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 \$30,000 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, or \$60,000 if the homestead is owned by 2 or more individuals. Makes conforming changes.

LRB103 25922 LNS 52273 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 \$30,000 ~~\$15,000~~,
18 which homestead is exempt from judgment.

19 (3) Under Illinois law, the amount of wages that may
20 be applied toward a judgment is limited to the lesser of
21 (i) 15% of gross weekly wages or (ii) the amount by which
22 disposable earnings for a week exceed the total of 45
23 times the federal minimum hourly wage or, under a wage
24 deduction summons served on or after January 1, 2006, the
25 Illinois minimum hourly wage, whichever is greater.

26 (4) Under federal law, the amount of wages that may be

1 applied toward a judgment is limited to the lesser of (i)
2 25% of disposable earnings for a week or (ii) the amount by
3 which disposable earnings for a week exceed 30 times the
4 federal minimum hourly wage.

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

7 The judgment debtor may have other possible exemptions
8 under the law.

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

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

25 (b-5) The Income and Asset Form required to be served by
26 the judgment creditor in subsection (b-1) shall be in

1 substantially the following form:

2 INCOME AND ASSET FORM

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

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

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

17 Name:.....

18 Home Phone Number:.....

19 Home Address:.....

20 Date of Birth:.....

21 Marital Status:.....

22 I have.....dependents.

23 Do you have a job? YES NO

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

1 Company's address:.....

2 Job:

3 I earn \$..... per.....

4 If self employed, list here your business name and
5 address:

6

7 Income from self employment is \$..... per
8 year.

9 I have the following benefits with my employer:

10

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

12 Government Assistance \$..... per month

13 Unemployment \$..... per month

14 Social Security \$..... per month

15 SSI \$..... per month

16 Pension \$..... per month

17 Other \$..... per month

18 Real Estate:

19 Do you own any real estate? YES NO

20 I own real estate at....., with names of other
21 owners

22

23 Additional real estate I own:

24 I have a beneficial interest in a land trust. The name
25 and address of the trustee is:..... The beneficial

1 interest is listed in my name and

2 There is a mortgage on my real estate. State the
3 mortgage company's name and address for each parcel of
4 real estate owned:

5

6 An assignment of beneficial interest in the land trust
7 was signed to secure a loan from

8 I have the following accounts:

9 Checking account at

10 account balance \$.....

11 Savings account at

12 account balance \$.....

13 Money market or certificate of deposit at

14 Safe deposit box at

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

16 I own:

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

18 Jewelry (please specify):.....

19 Other property described as:.....

20 Stocks/Bonds.....

21 Personal computer.....

22 DVD player.....

23 Television.....

24 Stove.....

25 Microwave.....

26 Work tools.....

1 Business equipment.....

2 Farm equipment.....

3 Other property (please specify):

4

5 Signature:.....

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

7 may proceed notwithstanding an absent or incomplete Income and

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

9 purpose of allowing the judgment creditor to discover income

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

11 judgment debtor has an interest.

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

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

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

15 order or judgment:

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

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

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

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

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

21 possession is not substantially disputed.

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

23 creditor or apply on the judgment, in installments, a

24 portion of his or her income, however or whenever earned

25 or acquired, as the court may deem proper, having due

26 regard for the reasonable requirements of the judgment

1 debtor and his or her family, if dependent upon him or her,
2 as well as any payments required to be made by prior order
3 of court or under wage assignments outstanding; provided
4 that the judgment debtor shall not be compelled to pay
5 income which would be considered exempt as wages under the
6 Wage Deduction Statute. The court may modify an order for
7 installment payments, from time to time, upon application
8 of either party upon notice to the other.

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

20 (4) Enter any order upon or judgment against the
21 person cited that could be entered in any garnishment
22 proceeding.

23 (5) Compel any person cited to execute an assignment
24 of any chose in action or a conveyance of title to real or
25 personal property or resign memberships in exchanges,
26 clubs, or other entities in the same manner and to the same

1 extent as a court could do in any proceeding by a judgment
2 creditor to enforce payment of a judgment or in aid of the
3 enforcement of a judgment.

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

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

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

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

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

18 (f)(1) The citation may prohibit the party to whom it is
19 directed from making or allowing any transfer or other
20 disposition of, or interfering with, any property not exempt
21 from the enforcement of a judgment therefrom, a deduction
22 order or garnishment, belonging to the judgment debtor or to
23 which he or she may be entitled or which may thereafter be
24 acquired by or become due to him or her, and from paying over
25 or otherwise disposing of any moneys not so exempt which are
26 due or to become due to the judgment debtor, until the further

1 order of the court or the termination of the proceeding,
2 whichever occurs first. The third party may not be obliged to
3 withhold the payment of any moneys beyond double the amount of
4 the balance due sought to be enforced by the judgment
5 creditor. The court may punish any party who violates the
6 restraining provision of a citation as and for a contempt, or
7 if the party is a third party may enter judgment against him or
8 her in the amount of the unpaid portion of the judgment and
9 costs allowable under this Section, or in the amount of the
10 value of the property transferred, whichever is lesser.

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

21 (g) If it appears that any property, chose in action,
22 credit or effect discovered, or any interest therein, is
23 claimed by any person, the court shall, as in garnishment
24 proceedings, permit or require the claimant to appear and
25 maintain his or her right. The rights of the person cited and
26 the rights of any adverse claimant shall be asserted and

1 determined pursuant to the law relating to garnishment
2 proceedings.

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

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

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

17 (k) (Blank).

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

23 (k-5) If the court determines that any property held by a
24 third party respondent is wages pursuant to Section 12-801,
25 the court shall proceed as if a wage deduction proceeding had
26 been filed and proceed to enter such necessary and proper

1 orders as would have been entered in a wage deduction
2 proceeding including but not limited to the granting of the
3 statutory exemptions allowed by Section 12-803 and all other
4 remedies allowed plaintiff and defendant pursuant to Part 8 of
5 Article 12 of this Act.

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

19 (l) At any citation hearing at which the judgment debtor
20 appears and seeks a declaration that certain of his or her
21 income or assets are exempt, the court shall proceed to
22 determine whether the property which the judgment debtor
23 declares to be exempt is exempt from judgment. At any time
24 before the return date specified on the citation, the judgment
25 debtor may request, in writing, a hearing to declare exempt
26 certain income and assets by notifying the clerk of the court

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

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

20 (1) When the citation is directed against the judgment
21 debtor, upon all personal property belonging to the
22 judgment debtor in the possession or control of the
23 judgment debtor or which may thereafter be acquired or
24 come due to the judgment debtor to the time of the
25 disposition of the citation.

26 (2) When the citation is directed against a third

1 party, upon all personal property belonging to the
2 judgment debtor in the possession or control of the third
3 party or which thereafter may be acquired or come due the
4 judgment debtor and comes into the possession or control
5 of the third party to the time of the disposition of the
6 citation.

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

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

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

20 (o) The changes to this Section made by this amendatory
21 Act of the 97th General Assembly apply only to citation
22 proceedings commenced under this Section on or after the
23 effective date of this amendatory Act of the 97th General
24 Assembly. The requirements or limitations set forth in
25 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not
26 apply to the enforcement of any order or judgment resulting

1 from an adjudication of a municipal ordinance violation that
2 is subject to Supreme Court Rules 570 through 579, or from an
3 administrative adjudication of such an ordinance violation.

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

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

6 Sec. 12-901. Amount. Every individual is entitled to an
7 estate of homestead to the extent in value of \$30,000 ~~\$15,000~~
8 of his or her interest in a farm or lot of land and buildings
9 thereon, a condominium, or personal property, owned or rightly
10 possessed by lease or otherwise and occupied by him or her as a
11 residence, or in a cooperative that owns property that the
12 individual uses as a residence. That homestead and all right
13 in and title to that homestead is exempt from attachment,
14 judgment, levy, or judgment sale for the payment of his or her
15 debts or other purposes and from the laws of conveyance,
16 descent, and legacy, except as provided in this Code or in
17 Section 20-6 of the Probate Act of 1975. This Section is not
18 applicable between joint tenants or tenants in common but it
19 is applicable as to any creditors of those persons. If 2 or
20 more individuals own property that is exempt as a homestead,
21 the value of the exemption of each individual may not exceed
22 his or her proportionate share of \$60,000 ~~\$30,000~~ based upon
23 percentage of ownership.

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

1 (735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

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

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

25 (735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

1 Sec. 12-906. Proceeds of sale. When a homestead is
2 conveyed by the owner thereof, such conveyance shall not
3 subject the premises to any lien or encumbrance ~~incumbrance~~ to
4 which it would not be subject in the possession of such owner;
5 and the proceeds thereof, to the extent of the amount of
6 \$30,000 ~~\$15,000~~, shall be exempt from judgment or other
7 process, for one year after the receipt thereof, by the person
8 entitled to the exemption, and if reinvested in a homestead
9 the same shall be entitled to the same exemption as the
10 original homestead.

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

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

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

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

19 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

20 Sec. 12-910. Proceedings to enforce judgment. If in the
21 opinion of the judgment creditors, or the officer holding a
22 certified copy of a judgment for enforcement against such
23 individuals, the premises claimed by him or her as exempt are
24 worth more than \$30,000 ~~\$15,000~~, such officer shall summon 3

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

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

24 (735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

25 Sec. 12-911. Notice to judgment debtor. In case the value

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

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

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

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

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