

1 AN ACT concerning civil procedure.

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, 12-705, 12-901, 12-904, 12-906,  
6 12-909, 12-910, 12-911, 12-912, and 12-1001 and by adding  
7 Section 12-705 as follows:

8 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

9 Sec. 2-1402. Supplementary proceedings.

10 (a) A judgment creditor, or his or her successor in  
11 interest when that interest is made to appear of record, is  
12 entitled to prosecute supplementary proceedings for the  
13 purposes of examining the judgment debtor or any other person  
14 to discover assets or income of the debtor not exempt from the  
15 enforcement of the judgment, a deduction order or garnishment,  
16 and of compelling the application of non-exempt assets or  
17 income discovered toward the payment of the amount due under  
18 the judgment. A supplementary proceeding shall be commenced by  
19 the service of a citation issued by the clerk. The procedure  
20 for conducting supplementary proceedings shall be prescribed  
21 by rules. It is not a prerequisite to the commencement of a  
22 supplementary proceeding that a certified copy of the judgment  
23 has been returned wholly or partly unsatisfied. All citations  
24 issued by the clerk shall have the following language, or  
25 language substantially similar thereto, stated prominently on  
26 the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT  
27 AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT  
28 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,  
29 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."  
30 The court shall not grant a continuance of the supplementary  
31 proceeding except upon good cause shown.

32 (b) Any citation served upon a judgment debtor or any other

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

19 "CITATION NOTICE

20 (Name and address of Court)

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

22 Judgment Creditor v.

23 (Name of Judgment Debtor),

24 Judgment Debtor.

25 Address of Judgment Debtor: (Insert last known  
26 address)

27 Name and address of Attorney for Judgment

28 Creditor or of Judgment Creditor (If no

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

30 Amount of Judgment: \$ (Insert amount)

31 Name of Person Receiving Citation: (Insert name)

32 Court Date and Time: (Insert return date and time  
33 specified in citation)

34 NOTICE: The court has issued a citation against the person  
35 named above. The citation directs that person to appear in  
36 court to be examined for the purpose of allowing the judgment

1 creditor to discover income and assets belonging to the  
2 judgment debtor or in which the judgment debtor has an  
3 interest. The citation was issued on the basis of a judgment  
4 against the judgment debtor in favor of the judgment creditor  
5 in the amount stated above. On or after the court date stated  
6 above, the court may compel the application of any discovered  
7 income or assets toward payment on the judgment.

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

14 (1) Under Illinois or federal law, the exemptions of  
15 personal property owned by the debtor include the debtor's  
16 equity interest, not to exceed \$4,000 ~~\$2,000~~ in value, in  
17 any personal property as chosen by the debtor; Social  
18 Security and SSI benefits; public assistance benefits;  
19 unemployment compensation benefits; worker's compensation  
20 benefits; veteran's benefits; circuit breaker property tax  
21 relief benefits; the debtor's equity interest, not to  
22 exceed \$2,400 ~~\$1,200~~ in value, in any one motor vehicle,  
23 and the debtor's equity interest, not to exceed \$1,500 ~~\$750~~  
24 in value, in any implements, professional books, or tools  
25 of the trade of the debtor.

26 (2) Under Illinois law, every person is entitled to an  
27 estate in homestead, when it is owned and occupied as a  
28 residence, to the extent in value of \$15,000 ~~\$7,500~~, which  
29 homestead is exempt from judgment.

30 (3) Under Illinois law, the amount of wages that may be  
31 applied toward a judgment is limited to the lesser of (i)  
32 15% of gross weekly wages or (ii) the amount by which  
33 disposable earnings for a week exceed the total of 45 times  
34 the federal minimum hourly wage.

35 (4) Under federal law, the amount of wages that may be  
36 applied toward a judgment is limited to the lesser of (i)

1           25% of disposable earnings for a week or (ii) the amount by  
2           which disposable earnings for a week exceed 30 times the  
3           federal minimum hourly wage.

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

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

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

19          (c) When assets or income of the judgment debtor not exempt  
20          from the satisfaction of a judgment, a deduction order or  
21          garnishment are discovered, the court may, by appropriate order  
22          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  
27               delivery and to which his or her title or right of  
28               possession is not substantially disputed.

29               (2) Compel the judgment debtor to pay to the judgment  
30               creditor or apply on the judgment, in installments, a  
31               portion of his or her income, however or whenever earned or  
32               acquired, as the court may deem proper, having due regard  
33               for the reasonable requirements of the judgment debtor and  
34               his or her family, if dependent upon him or her, as well as  
35               any payments required to be made by prior order of court or  
36               under wage assignments outstanding; provided that the

1 judgment debtor shall not be compelled to pay income which  
2 would be considered exempt as wages under the Wage  
3 Deduction Statute. The court may modify an order for  
4 installment payments, from time to time, upon application  
5 of either party upon notice to the other.

6 (3) Compel any person cited, other than the judgment  
7 debtor, to deliver up any assets so discovered, to be  
8 applied in satisfaction of the judgment, in whole or in  
9 part, when those assets are held under such circumstances  
10 that in an action by the judgment debtor he or she could  
11 recover them in specie or obtain a judgment for the  
12 proceeds or value thereof as for conversion or  
13 embezzlement.

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

16 (5) Compel any person cited to execute an assignment of  
17 any chose in action or a conveyance of title to real or  
18 personal property, in the same manner and to the same  
19 extent as a court could do in any proceeding by a judgment  
20 creditor to enforce payment of a judgment or in aid of the  
21 enforcement of a judgment.

22 (6) Authorize the judgment creditor to maintain an  
23 action against any person or corporation that, it appears  
24 upon proof satisfactory to the court, is indebted to the  
25 judgment debtor, for the recovery of the debt, forbid the  
26 transfer or other disposition of the debt until an action  
27 can be commenced and prosecuted to judgment, direct that  
28 the papers or proof in the possession or control of the  
29 debtor and necessary in the prosecution of the action be  
30 delivered to the creditor or impounded in court, and  
31 provide for the disposition of any moneys in excess of the  
32 sum required to pay the judgment creditor's judgment and  
33 costs allowed by the court.

34 (d) No order or judgment shall be entered under subsection  
35 (c) in favor of the judgment creditor unless there appears of  
36 record a certification of mailing showing that a copy of the

1 citation and a copy of the citation notice was mailed to the  
2 judgment debtor as required by subsection (b).

3 (e) All property ordered to be delivered up shall, except  
4 as otherwise provided in this Section, be delivered to the  
5 sheriff to be collected by the sheriff or sold at public sale  
6 and the proceeds thereof applied towards the payment of costs  
7 and the satisfaction of the judgment.

8 (f) (1) The citation may prohibit the party to whom it is  
9 directed from making or allowing any transfer or other  
10 disposition of, or interfering with, any property not  
11 exempt from the enforcement of a judgment therefrom, a  
12 deduction order or garnishment, belonging to the judgment  
13 debtor or to which he or she may be entitled or which may  
14 thereafter be acquired by or become due to him or her, and  
15 from paying over or otherwise disposing of any moneys not  
16 so exempt which are due or to become due to the judgment  
17 debtor, until the further order of the court or the  
18 termination of the proceeding, whichever occurs first. The  
19 third party may not be obliged to withhold the payment of  
20 any moneys beyond double the amount of the balance due  
21 sought to be enforced by the judgment creditor. The court  
22 may punish any party who violates the restraining provision  
23 of a citation as and for a contempt, or if the party is a  
24 third party may enter judgment against him or her in the  
25 amount of the unpaid portion of the judgment and costs  
26 allowable under this Section, or in the amount of the value  
27 of the property transferred, whichever is lesser.

28 (2) The court may enjoin any person, whether or not a  
29 party to the supplementary proceeding, from making or  
30 allowing any transfer or other disposition of, or  
31 interference with, the property of the judgment debtor not  
32 exempt from the enforcement of a judgment, a deduction  
33 order or garnishment, or the property or debt not so exempt  
34 concerning which any person is required to attend and be  
35 examined until further direction in the premises. The  
36 injunction order shall remain in effect until vacated by

1 the court or until the proceeding is terminated, whichever  
2 first occurs.

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

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

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

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

25 (k) (Blank).

26 (l) At any citation hearing at which the judgment debtor  
27 appears and seeks a declaration that certain of his or her  
28 income or assets are exempt, the court shall proceed to  
29 determine whether the property which the judgment debtor  
30 declares to be exempt is exempt from judgment. At any time  
31 before the return date specified on the citation, the judgment  
32 debtor may request, in writing, a hearing to declare exempt  
33 certain income and assets by notifying the clerk of the court  
34 before that time, using forms as may be provided by the clerk  
35 of the court. The clerk of the court will obtain a prompt  
36 hearing date from the court and will provide the necessary

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

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

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

22 (2) When the citation is directed against a third  
23 party, upon all personal property belonging to the judgment  
24 debtor in the possession or control of the third party or  
25 which thereafter may be acquired or come due the judgment  
26 debtor and comes into the possession or control of the  
27 third party to the time of the disposition of the citation.

28 The lien established under this Section does not affect the  
29 rights of citation respondents in property prior to the service  
30 of the citation upon them and does not affect the rights of  
31 bona fide purchasers or lenders without notice of the citation.  
32 The lien is effective for the period specified by Supreme Court  
33 Rule.

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

36 (n) If any provision of this Act or its application to any



1 person or circumstance is held invalid, the invalidity of that  
2 provision or application does not affect the provisions or  
3 applications of the Act that can be given effect without the  
4 invalid provision or application.

5 (Source: P.A. 88-48; 88-299; 88-667, eff. 9-16-94; 88-670, eff.  
6 12-2-94; 89-364, eff. 1-1-96.)

7 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

8 Sec. 12-705. Summons.

9 (a) Summons shall be returnable not less than 21 nor more  
10 than 30 days after the date of issuance. Summons with 4 copies  
11 of the interrogatories shall be served and returned as in other  
12 civil cases. If the garnishee is served with summons less than  
13 10 days prior to the return date, the court shall continue the  
14 case to a new return date 14 days after the return date stated  
15 on the summons. The summons shall be in a form consistent with  
16 local court rules. The summons shall be accompanied by a copy  
17 of the underlying judgment or a certification by the clerk of  
18 the court that entered the judgment, or by the attorney for the  
19 judgment creditor, setting forth the amount of the judgment,  
20 the name of the court and the number of the case and one copy of  
21 a garnishment notice in substantially the following form:

22 "GARNISHMENT NOTICE

23 (Name and address of Court)

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

25 Judgment Creditor v.

26 (Name of Judgement Debtor),

27 Judgment Debtor.

28 Address of Judgment Debtor: (Insert last known address)

29 Name and address of Attorney for Judgment

30 Creditor or of Judgment Creditor (If no

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

32 Amount of Judgment: \$(Insert amount)

33 Name of Garnishee: (Insert name)

34 Return Date: (Insert return date specified in summons)

35 NOTICE: The court has issued a garnishment summons against

1 the garnishee named above for money or property (other than  
2 wages) belonging to the judgment debtor or in which the  
3 judgment debtor has an interest. The garnishment summons was  
4 issued on the basis of a judgment against the judgment debtor  
5 in favor of the judgment creditor in the amount stated above.

6 The amount of money or property (other than wages) that may  
7 be garnished is limited by federal and Illinois law. The  
8 judgment debtor has the right to assert statutory exemptions  
9 against certain money or property of the judgment debtor which  
10 may not be used to satisfy the judgment in the amount stated  
11 above.

12 Under Illinois or federal law, the exemptions of personal  
13 property owned by the debtor include the debtor's equity  
14 interest, not to exceed \$4,000 ~~\$2,000~~ in value, in any personal  
15 property as chosen by the debtor; Social Security and SSI  
16 benefits; public assistance benefits; unemployment  
17 compensation benefits; workers' compensation benefits;  
18 veterans' benefits; circuit breaker property tax relief  
19 benefits; the debtor's equity interest, not to exceed \$2,400  
20 ~~\$1,200~~ in value, in any one motor vehicle, and the debtor's  
21 equity interest, not to exceed \$1,500 ~~\$750~~ in value, in any  
22 implements, professional books or tools of the trade of the  
23 debtor.

24 The judgment debtor may have other possible exemptions from  
25 garnishment under the law.

26 The judgment debtor has the right to request a hearing  
27 before the court to dispute the garnishment or to declare  
28 exempt from garnishment certain money or property or both. To  
29 obtain a hearing in counties with a population of 1,000,000 or  
30 more, the judgment debtor must notify the Clerk of the Court in  
31 person and in writing at (insert address of Clerk) before the  
32 return date specified above or appear in court on the date and  
33 time on that return date. To obtain a hearing in counties with  
34 a population of less than 1,000,000, the judgment debtor must  
35 notify the Clerk of the Court in writing at (insert address of  
36 Clerk) on or before the return date specified above. The Clerk

1 of the Court will provide a hearing date and the necessary  
 2 forms that must be prepared by the judgment debtor or the  
 3 attorney for the judgment debtor and sent to the judgment  
 4 creditor and the garnishee regarding the time and location of  
 5 the hearing. This notice may be sent by regular first class  
 6 mail."

7 (b) An officer or other person authorized by law to serve  
 8 process shall serve the summons, interrogatories and the  
 9 garnishment notice required by subsection (a) of this Section  
 10 upon the garnishee and shall, (1) within 2 business days of the  
 11 service upon the garnishee, mail a copy of the garnishment  
 12 notice and the summons to the judgment debtor by first class  
 13 mail at the judgment debtor's address indicated in the  
 14 garnishment notice and (2) within 4 business days of the  
 15 service upon the garnishee file with the clerk of the court a  
 16 certificate of mailing in substantially the following form:

17 "CERTIFICATE OF MAILING

18 I hereby certify that, within 2 business days of service  
 19 upon the garnishee of the garnishment summons, interrogatories  
 20 and garnishment notice, I served upon the judgment debtor in  
 21 this cause a copy of the garnishment summons and garnishment  
 22 notice by first class mail to the judgment debtor's address as  
 23 indicated in the garnishment notice.

24 Date:.....

25 Signature"

26 In the case of service of the summons for garnishment upon  
 27 the garnishee by certified or registered mail, as provided in  
 28 subsection (c) of this Section, no sooner than 2 business days  
 29 nor later than 4 business days after the date of mailing, the  
 30 clerk shall mail a copy of the garnishment notice and the  
 31 summons to the judgment debtor by first class mail at the  
 32 judgment debtor's address indicated in the garnishment notice,  
 33 shall prepare the Certificate of Mailing described by this  
 34 subsection, and shall include the Certificate of Mailing in a  
 35 permanent record.

36 (c) In a county with a population of less than 1,000,000,

1 unless otherwise provided by circuit court rule, at the request  
2 of the judgment creditor or his or her attorney and instead of  
3 personal service, service of a summons for garnishment may be  
4 made as follows:

5 (1) For each garnishee to be served, the judgment  
6 creditor or his or her attorney shall pay to the clerk of  
7 the court a fee of \$2, plus the cost of mailing, and  
8 furnish to the clerk an original and 2 copies of a summons,  
9 an original and one copy of the interrogatories, an  
10 affidavit setting forth the garnishee's mailing address,  
11 an original and 2 copies of the garnishment notice required  
12 by subsection (a) of this Section, and a copy of the  
13 judgment or certification described in subsection (a) of  
14 this Section. The original judgment shall be retained by  
15 the clerk.

16 (2) The clerk shall mail to the garnishee, at the  
17 address appearing in the affidavit, the copy of the  
18 judgment or certification described in subsection (a) of  
19 this Section, the summons, the interrogatories, and the  
20 garnishment notice required by subsection (a) of this  
21 Section, by certified or registered mail, return receipt  
22 requested, showing to whom delivered and the date and  
23 address of delivery. This Mailing shall be mailed on a  
24 "restricted delivery" basis when service is directed to a  
25 natural person. The envelope and return receipt shall bear  
26 the return address of the clerk, and the return receipt  
27 shall be stamped with the docket number of the case. The  
28 receipt for certified or registered mail shall state the  
29 name and address of the addressee, the date of the mailing,  
30 shall identify the documents mailed, and shall be attached  
31 to the original summons.

32 (3) The return receipt must be attached to the original  
33 summons and, if it shows delivery at least 10 days before  
34 the day for the return date, shall constitute proof of  
35 service of any documents identified on the return receipt  
36 as having been mailed.

1           (4) The clerk shall note the fact of service in a  
2 permanent record.

3 (Source: P.A. 87-1252; 88-492.)

4           (735 ILCS 5/12-901) (from Ch. 110, par. 12-901)

5           Sec. 12-901. Amount. Every individual is entitled to an  
6 estate of homestead to the extent in value of \$15,000 ~~\$7,500~~ of  
7 his or her interest in a farm or lot of land and buildings  
8 thereon, a condominium, or personal property, owned or rightly  
9 possessed by lease or otherwise and occupied by him or her as a  
10 residence, or in a cooperative that owns property that the  
11 individual uses as a residence. That homestead and all right in  
12 and title to that homestead is exempt from attachment,  
13 judgment, levy, or judgment sale for the payment of his or her  
14 debts or other purposes and from the laws of conveyance,  
15 descent, and legacy, except as provided in this Code or in  
16 Section 20-6 of the Probate Act of 1975. This Section is not  
17 applicable between joint tenants or tenants in common but it is  
18 applicable as to any creditors of those persons. If 2 or more  
19 individuals own property that is exempt as a homestead, the  
20 value of the exemption of each individual may not exceed his or  
21 her proportionate share of \$30,000 ~~\$15,000~~ based upon  
22 percentage of ownership.

23 (Source: P.A. 88-672, eff. 12-14-94.)

24           (735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

25           Sec. 12-904. Release, waiver or conveyance. No release,  
26 waiver or conveyance of the estate so exempted shall be valid,  
27 unless the same is in writing, signed by the individual and his  
28 or her spouse, if he or she have one, or possession is  
29 abandoned or given pursuant to the conveyance; or if the  
30 exception is continued to a child or children without the order  
31 of a court directing a release thereof; but if a conveyance is  
32 made by an individual as grantor to his or her spouse, such  
33 conveyance shall be effectual to pass the title expressed  
34 therein to be conveyed thereby, whether or not the grantor in

1 such conveyance is joined therein by his or her spouse. In any  
2 case where such release, waiver or conveyance is taken by way  
3 of mortgage or security, the same shall only be operative as to  
4 such specific release, waiver or conveyance; and when the same  
5 includes different pieces of land, or the homestead is of  
6 greater value than \$15,000 ~~\$7,500~~, the other lands shall first  
7 be sold before resorting to the homestead, and in case of the  
8 sale of such homestead, if any balance remains after the  
9 payment of the debt and costs, such balance shall, to the  
10 extent of \$15,000 ~~\$7,500~~ be exempt, and be applied upon such  
11 homestead exemption in the manner provided by law.

12 (Source: P.A. 82-783.)

13 (735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

14 Sec. 12-906. Proceeds of sale. When a homestead is conveyed  
15 by the owner thereof, such conveyance shall not subject the  
16 premises to any lien or incumbrance to which it would not be  
17 subject in the possession of such owner; and the proceeds  
18 thereof, to the extent of the amount of \$15,000 ~~\$7,500~~, shall  
19 be exempt from judgment or other process, for one year after  
20 the receipt thereof, by the person entitled to the exemption,  
21 and if reinvested in a homestead the same shall be entitled to  
22 the same exemption as the original homestead.

23 (Source: P.A. 82-783.)

24 (735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

25 Sec. 12-909. Bid for less than exempted amount. No sale  
26 shall be made of the premises on such judgment unless a greater  
27 sum than \$15,000 ~~\$7,500~~ is bid therefor. If a greater sum is  
28 not so bid, the judgment may be set aside or modified, or the  
29 enforcement of the judgment released, as for lack of property.

30 (Source: P.A. 82-783.)

31 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

32 Sec. 12-910. Proceedings to enforce judgment. If in the  
33 opinion of the judgment creditors, or the officer holding a

1 certified copy of a judgment for enforcement against such  
2 individuals, the premises claimed by him or her as exempt are  
3 worth more than \$15,000 ~~\$7,500~~, such officer shall summon 3  
4 individuals, as commissioners, who shall, upon oath, to be  
5 administered to them by the officer, appraise the premises, and  
6 if, in their opinion, the property may be divided without  
7 damage to the interest of the parties, they shall set off so  
8 much of the premises, including the dwelling house, as in their  
9 opinion is worth \$15,000 ~~\$7,500~~, and the residue of the  
10 premises may be advertised and sold by such officer. Each  
11 commissioner shall receive for his or her services the sum of  
12 \$5 per day for each day necessarily engaged in such service.  
13 The officer summoning such commissioners shall receive such  
14 fees as may be allowed for serving summons, but shall be  
15 entitled to charge mileage for only the actual distance  
16 traveled from the premises to be appraised, to the residence of  
17 the commissioners summoned. The officer shall not be required  
18 to summon commissioners until the judgment creditor, or some  
19 one for him or her, shall advance to the officer one day's fees  
20 for the commissioners, and unless the creditor shall advance  
21 such fees the officer shall not be required to enforce the  
22 judgment. The costs of such appraisal shall not be taxed  
23 against the judgment debtor unless such appraisal shows that  
24 the judgment debtor has property subject to such judgment.

25 (Source: P.A. 83-707.)

26 (735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

27 Sec. 12-911. Notice to judgment debtor. In case the value  
28 of the premises is, in the opinion of the commissioners, more  
29 than \$15,000 ~~\$7,500~~, and cannot be divided as is provided for  
30 in Section 12-910 of this Act, they shall make and sign an  
31 appraisal of the value thereof, and deliver the same to the  
32 officer, who shall deliver a copy thereof to the judgment  
33 debtor, or to some one of the family of the age of 13 years or  
34 upwards, with a notice thereto attached that unless the  
35 judgment debtor pays to such officer the surplus over and above

1 \$15,000 ~~\$7,500~~ on the amount due on the judgment within 60 days  
2 thereafter, such premises will be sold.

3 (Source: P.A. 83-356.)

4 (735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

5 Sec. 12-912. Sale of premises - Distribution of proceeds.  
6 In case of such surplus, or the amount due on the judgment is  
7 not paid within the 60 days, the officer may advertise and sell  
8 the premises, and out of the proceeds of such sale pay to such  
9 judgment debtor the sum of \$15,000 ~~\$7,500~~, and apply the  
10 balance on the judgment.

11 (Source: P.A. 82-783.)

12 (735 ILCS 5/12-1001) (from Ch. 110, par. 12-1001)

13 Sec. 12-1001. Personal property exempt. The following  
14 personal property, owned by the debtor, is exempt from  
15 judgment, attachment, or distress for rent:

16 (a) The necessary wearing apparel, bible, school  
17 books, and family pictures of the debtor and the debtor's  
18 dependents;

19 (b) The debtor's equity interest, not to exceed \$4,000  
20 ~~\$2,000~~ in value, in any other property;

21 (c) The debtor's interest, not to exceed \$2,400 ~~\$1,200~~  
22 in value, in any one motor vehicle;

23 (d) The debtor's equity interest, not to exceed \$1,500  
24 ~~\$750~~ in value, in any implements, professional books, or  
25 tools of the trade of the debtor;

26 (e) Professionally prescribed health aids for the  
27 debtor or a dependent of the debtor;

28 (f) All proceeds payable because of the death of the  
29 insured and the aggregate net cash value of any or all life  
30 insurance and endowment policies and annuity contracts  
31 payable to a wife or husband of the insured, or to a child,  
32 parent, or other person dependent upon the insured, whether  
33 the power to change the beneficiary is reserved to the  
34 insured or not and whether the insured or the insured's



1 estate is a contingent beneficiary or not;

2 (g) The debtor's right to receive:

3 (1) a social security benefit, unemployment  
4 compensation, or public assistance benefit;

5 (2) a veteran's benefit;

6 (3) a disability, illness, or unemployment  
7 benefit; and

8 (4) alimony, support, or separate maintenance, to  
9 the extent reasonably necessary for the support of the  
10 debtor and any dependent of the debtor.

11 (h) The debtor's right to receive, or property that is  
12 traceable to:

13 (1) an award under a crime victim's reparation law;

14 (2) a payment on account of the wrongful death of  
15 an individual of whom the debtor was a dependent, to  
16 the extent reasonably necessary for the support of the  
17 debtor;

18 (3) a payment under a life insurance contract that  
19 insured the life of an individual of whom the debtor  
20 was a dependent, to the extent reasonably necessary for  
21 the support of the debtor or a dependent of the debtor;

22 (4) a payment, not to exceed \$15,000 ~~\$7,500~~ in  
23 value, on account of personal bodily injury of the  
24 debtor or an individual of whom the debtor was a  
25 dependent; and

26 (5) any restitution payments made to persons  
27 pursuant to the federal Civil Liberties Act of 1988 and  
28 the Aleutian and Pribilof Island Restitution Act, P.L.  
29 100-383.

30 For purposes of this subsection (h), a debtor's right  
31 to receive an award or payment shall be exempt for a  
32 maximum of 2 years after the debtor's right to receive the  
33 award or payment accrues; property traceable to an award or  
34 payment shall be exempt for a maximum of 5 years after the  
35 award or payment accrues; and an award or payment and  
36 property traceable to an award or payment shall be exempt

1           only to the extent of the amount of the award or payment,  
2           without interest or appreciation from the date of the award  
3           or payment.

4           (i) The debtor's right to receive an award under Part  
5           20 of Article II of this Code relating to crime victims'  
6           awards.

7           Money due the debtor from the sale of any personal property  
8           that was exempt from judgment, attachment, or distress for rent  
9           at the time of the sale is exempt from attachment and  
10          garnishment to the same extent that the property would be  
11          exempt had the same not been sold by the debtor.

12          If a debtor owns property exempt under this Section and he  
13          or she purchased that property with the intent of converting  
14          nonexempt property into exempt property or in fraud of his or  
15          her creditors, that property shall not be exempt from judgment,  
16          attachment, or distress for rent. Property acquired within 6  
17          months of the filing of the petition for bankruptcy shall be  
18          presumed to have been acquired in contemplation of bankruptcy.

19          The personal property exemptions set forth in this Section  
20          shall apply only to individuals and only to personal property  
21          that is used for personal rather than business purposes. The  
22          personal property exemptions set forth in this Section shall  
23          not apply to or be allowed against any money, salary, or wages  
24          due or to become due to the debtor that are required to be  
25          withheld in a wage deduction proceeding under Part 8 of this  
26          Article XII.

27          (Source: P.A. 88-378; 89-686, eff. 12-31-96.)