

HB5797



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5797

by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-104

from Ch. 110, par. 9-104

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning a demand for possession of premises in connection with forcible entry and detainer.

LRB095 15925 AJ0 41934 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 9-104 as follows:

6 (735 ILCS 5/9-104) (from Ch. 110, par. 9-104)

7 Sec. 9-104. Demand - Notice - Return. The ~~The~~ demand
8 required by Section 9-102 of this Act may be made by delivering
9 a copy thereof to the tenant, or by leaving such a copy with
10 some person of the age of 13 years or upwards, residing on, or
11 being in charge of, the premises; or in case no one is in the
12 actual possession of the premises, then by posting the same on
13 the premises; or if those in possession are unknown occupants
14 who are not parties to any written lease, rental agreement, or
15 right to possession agreement for the premises, then by
16 delivering a copy of the notice, directed to "unknown
17 occupants", to the occupant or by leaving a copy of the notice
18 with some person of the age of 13 years or upwards occupying
19 the premises, or by posting a copy of the notice on the
20 premises directed to "unknown occupants". When such demand is
21 made by an officer authorized to serve process, his or her
22 return is prima facie evidence of the facts therein stated, and
23 if such demand is made by any person not an officer, the return

1 may be sworn to by the person serving the same, and is then
2 prima facie evidence of the facts therein stated. The demand
3 for possession may be in the following form:

4 To

5 I hereby demand immediate possession of the following
6 described premises: (describing the same.)

7 The demand shall be signed by the person claiming such
8 possession, his or her agent, or attorney.

9 (Source: P.A. 92-823, eff. 8-21-02.)