

**95TH GENERAL ASSEMBLY****State of Illinois****2007 and 2008****SB0229**

Introduced 2/7/2007, by Sen. Ira I. Silverstein

**SYNOPSIS AS INTRODUCED:**

See Index

Amends the Code of Civil Procedure. Provides that a judgment creditor may recover a corporate judgment debtor's property for the creditor's use. Provides that a debtor may be compelled to resign memberships in exchanges, clubs, or other entities. Provides that a judgment debtor's property that is not amenable to a sheriff's sale may be sold by other means. Provides property held by a third party that is determined to be wages is subject to a wage deduction. Provides recoverable costs include the cost of levy and replevin bonds. Provides that a federal judgment entered in Illinois shall be afforded recognition as if it were a circuit court judgment. Provides that wages subject to collection shall be (at present, shall not exceed) the lesser of 15% of the gross amount paid or the amount by which the disposable earnings exceed 45 times the federal minimum hourly wage. Provides that if an employer ceases to remit funds under a wage deduction order without a lawful excuse, a court may enter a conditional judgment against the employer for the balance due on the judgment and issue a Summons After Conditional Judgment requiring the employer to show cause the conditional judgment should not become final. Provides that if a certification of judgment balance is not provided to the employer, the employer must continue to withhold funds from the defendant's wages and hold the funds until the certification is provided; the certification need not be filed with the court. Provides that the fee of 2% (at present, \$12 or 2%, whichever is greater) of the amount deducted from wages shall be retained by the employer. Provides that if a defendant fails to deliver chattel to the sheriff and the plaintiff has a reasonable belief of the chattel's location, the court may authorize the sheriff to use reasonable force to recover the chattel. Provides that if a mobile home subject to a replevin action is occupied, the court may issue a forcible order for the removal of personal property of the tenant but the order has to provide reasonable time and notice for the defendant and unknown occupants.

LRB095 07909 AJO 28071 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, 12-501, 12-803, 12-808, 12-808.5,  
6 12-814, 19-117, and 19-123 and by adding Sections 5-126.5 and  
7 19-129 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

1 issued by the clerk shall have the following language, or  
2 language substantially similar thereto, stated prominently on  
3 the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT  
4 AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT  
5 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,  
6 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."  
7 The court shall not grant a continuance of the supplementary  
8 proceeding except upon good cause shown.

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

1 following form:

2 "CITATION NOTICE

3 (Name and address of Court)

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

5 Judgment Creditor v.

6 (Name of Judgment Debtor),

7 Judgment Debtor.

8 Address of Judgment Debtor: (Insert last known

9 address)

10 Name and address of Attorney for Judgment

11 Creditor or of Judgment Creditor (If no

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

13 Amount of Judgment: \$ (Insert amount)

14 Name of Person Receiving Citation: (Insert name)

15 Court Date and Time: (Insert return date and time

16 specified in citation)

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

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

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

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

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

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

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

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

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

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

24 (c) When assets or income of the judgment debtor not exempt  
25 from the satisfaction of a judgment, a deduction order or  
26 garnishment are discovered, the court may, by appropriate order

1 or judgment:

2 (1) Compel the judgment debtor to deliver up, to be  
3 applied in satisfaction of the judgment, in whole or in  
4 part, money, choses in action, property or effects in his  
5 or her possession or control, so discovered, capable of  
6 delivery and to which his or her title or right of  
7 possession is not substantially disputed.

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

21 (3) Compel any person cited, other than the judgment  
22 debtor, to deliver up any assets so discovered, to be  
23 applied in satisfaction of the judgment, in whole or in  
24 part, when those assets are held under such circumstances  
25 that in an action by the judgment debtor he or she could  
26 recover them in specie or obtain a judgment for the

1 proceeds or value thereof as for conversion or  
2 embezzlement. A judgment creditor may recover a corporate  
3 judgment debtor's property on behalf of the judgment debtor  
4 for use of the judgment creditor by filing an appropriate  
5 petition within the citation proceedings.

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

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

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



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

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

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

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

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

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

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

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

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

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

21 (k) (Blank).

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

1 including but not limited to the granting of the statutory  
2 exemptions allowed by Section 12-803 and all other remedies  
3 allowed plaintiff and defendant pursuant to Part 8 of Article  
4 12 of this Act.

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

26 (m) The judgment or balance due on the judgment becomes a

1     lien when a citation is served in accordance with subsection  
2     (a) of this Section. The lien binds nonexempt personal  
3     property, including money, choses in action, and effects of the  
4     judgment debtor as follows:

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

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

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

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

25            (n) If any provision of this Act or its application to any  
26    person or circumstance is held invalid, the invalidity of that

1 provision or application does not affect the provisions or  
2 applications of the Act that can be given effect without the  
3 invalid provision or application.

4 (Source: P.A. 94-293, eff. 1-1-06; 94-306, eff. 1-1-06; revised  
5 8-19-05.)

6 (735 ILCS 5/5-126.5 new)

7 Sec. 5-126.5. Expenses. The plaintiff shall be allowed to  
8 recover as costs those expenses required by law or a law  
9 enforcement or court officer for the purposes of enforcing a  
10 judgment including levy bonds, replevin bonds, certification  
11 of court orders, recording certified orders or memoranda of  
12 judgment, and expenses for those assisting a sheriff or other  
13 court officer in enforcing court orders including, but not  
14 limited to, orders for possession, replevin orders, and  
15 personal property levies.

16 (735 ILCS 5/12-501) (from Ch. 110, par. 12-501)

17 Sec. 12-501. Registration of Federal judgments. Judgments  
18 of courts of the United States held, within this State, and all  
19 process, returns, certificates of the levy of a process, and  
20 records of such courts may be registered, recorded, docketed,  
21 indexed or otherwise dealt with in, the public offices of this  
22 State, so as to make them conform to the rules and requirements  
23 relating to judgments of courts of this State. A certified copy  
24 of a federal judgment order entered in this State may be filed

1 in any circuit court and shall be afforded recognition as if it  
2 were a judgment entered in any other circuit court of this  
3 State.

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

5 (735 ILCS 5/12-803) (from Ch. 110, par. 12-803)

6 Sec. 12-803. Wages ~~Maximum wages~~ subject to collection. The  
7 ~~maximum~~ wages, salary, commissions and bonuses subject to  
8 collection under a deduction order, for any work week shall be  
9 ~~not exceed~~ the lesser of (1) 15% of such gross amount paid for  
10 that week or (2) the amount by which disposable earnings for a  
11 week exceed 45 times the Federal Minimum Hourly Wage prescribed  
12 by Section 206(a)(1) of Title 29 of the United States Code, as  
13 amended, or, under a wage deduction summons served on or after  
14 January 1, 2006, the minimum hourly wage prescribed by Section  
15 4 of the Minimum Wage Law, whichever is greater, in effect at  
16 the time the amounts are payable. This provision (and no other)  
17 applies irrespective of the place where the compensation was  
18 earned or payable and the State where the employee resides. No  
19 amounts required by law to be withheld may be taken from the  
20 amount collected by the creditor. The term "disposable  
21 earnings" means that part of the earnings of any individual  
22 remaining after the deduction from those earnings of any  
23 amounts required by law to be withheld.

24 (Source: P.A. 94-306, eff. 1-1-06.)

1 (735 ILCS 5/12-808) (from Ch. 110, par. 12-808)

2 Sec. 12-808. Duty of employer.

3 (a) An employer served as herein provided shall pay the  
4 employee the amount of his or her exempt wages.

5 (b) To the extent of the amount due upon the judgment and  
6 costs, the employer shall hold, subject to order of court, any  
7 non-exempt wages due or which subsequently come due. The  
8 judgment or balance due thereon is a lien on wages due at the  
9 time of the service of summons, and such lien shall continue as  
10 to subsequent earnings until the total amount due upon the  
11 judgment and costs is paid, except that such lien on subsequent  
12 earnings shall terminate sooner if the employment relationship  
13 is terminated or if the underlying judgment is vacated or  
14 modified.

15 (b-5) If the employer is a federal agency employer and the  
16 creditor is represented by an attorney, then the employer, upon  
17 service of summons and to the extent of the amount due upon the  
18 judgment and costs, shall commence to pay over to the attorney  
19 for the judgment creditor any non-exempt wages due or that  
20 subsequently come due. The attorney for the judgment creditor  
21 shall thereafter hold the deducted wages subject to further  
22 order of the court and shall make answer to the court regarding  
23 amounts received from the federal agency employer. The federal  
24 agency employer's periodic payments shall be considered a  
25 sufficient answer to the interrogatories.

26 (c) Except as provided in subsection (b-5), the employer



1 shall file, on or before the return date or within the further  
2 time that the court for cause may allow, a written answer under  
3 oath to the interrogatories, setting forth the amount due as  
4 wages to the judgment debtor for the payroll periods ending  
5 immediately prior to the service of the summons and a summary  
6 of the computation used to determine the amount of non-exempt  
7 wages. Except as provided in subsection (b-5), the employer  
8 shall mail by first class mail or hand deliver a copy of the  
9 answer to the judgment debtor at the address specified in the  
10 affidavit filed under Section 12-805 of this Act, or at any  
11 other address or location of the judgment debtor known to the  
12 employer.

13 A lien obtained hereunder shall have priority over any  
14 subsequent lien obtained hereunder, except that liens for the  
15 support of a spouse or dependent children shall have priority  
16 over all other liens obtained hereunder. Subsequent summonses  
17 shall be effective in the order in which they are served.

18 (d) The Illinois Supreme Court may by rule allow an  
19 employer to file answers to interrogatories by facsimile  
20 transmission.

21 (e) Pursuant to answer under oath to the interrogatories by  
22 the employer, an order shall be entered compelling the employer  
23 to deduct from wages of the judgment debtor subject to  
24 collection under a deduction order an amount which is not to  
25 ~~exceed~~ the lesser of (i) 15% of the gross amount of the wages  
26 or (ii) the amount by which disposable earnings for a week

1 exceed 45 times the Federal Minimum Hourly Wage prescribed by  
2 Section 206(a)(1) of Title 29 of the United States Code, as  
3 amended, in effect at the time the amounts are payable, for  
4 each pay period in which statutory exemptions under Section  
5 12-804 and child support garnishments, if any, leave funds to  
6 be remitted or, under a wage deduction summons served on or  
7 after January 1, 2006, the minimum hourly wage prescribed by  
8 Section 4 of the Minimum Wage Law, whichever is greater. The  
9 order shall further provide that deducted wages shall be  
10 remitted to the creditor or creditor's attorney on a monthly  
11 basis.

12 (f) If after the entry of a deduction order, the employer  
13 ceases to remit funds to the plaintiff pursuant to the order  
14 without a lawful excuse (which would terminate the employer's  
15 obligation under the deduction order such as the debtor having  
16 filed a bankruptcy, the debtor having left employment or the  
17 employer having received service of a support order against the  
18 judgment debtor having priority over the wage deduction  
19 proceedings), the court shall, upon plaintiffs motion, enter a  
20 conditional judgment against the employer for the balance due  
21 on the judgment. The plaintiff may then issue a Summons After  
22 Conditional Judgment. After service of the Summons After  
23 Conditional Judgment, the employer may show cause why the  
24 conditional judgment, or some portion thereof should not be  
25 made a final judgment. If the employer shall fail to respond or  
26 show cause why the conditional judgment or some portion thereof

1 should not be made final, the court shall confirm the  
2 conditional judgment and make it final as to the employer plus  
3 additional court costs.

4 (Source: P.A. 94-306, eff. 1-1-06.)

5 (735 ILCS 5/12-808.5)

6 Sec. 12-808.5. Certification of judgment balance. Whenever  
7 a wage deduction order has not been fully satisfied by the end  
8 of the first full calendar quarter following the date of  
9 service of the wage deduction summons:

10 (1) The judgment creditor or his attorney shall prepare  
11 a certification that states the amount of the judgment  
12 remaining unsatisfied as of the last calendar day of each  
13 full calendar quarter for which the wage deduction order  
14 continues in effect.

15 (2) The certification shall be mailed or delivered to  
16 the employer by the judgment creditor or his or her  
17 attorney within 15 days after the end of each calendar  
18 quarter for which the wage deduction order continues in  
19 effect. The employer shall hand deliver or mail by first  
20 class mail a copy of the certification to the judgment  
21 debtor at the judgment debtor's last known address.

22 (3) In the event that the plaintiff fails to provide  
23 the certification required by this Section, the employer  
24 must continue to withhold funds from the defendant's wages  
25 but may hold the funds without remitting to the plaintiff

1 until such time as it receives a certification required by  
2 this Section. A certification of judgment balance need not  
3 be filed with the court.

4 (4) Any party to the wage deduction proceeding may,  
5 upon motion with notice to all other parties, ask the court  
6 to review the balance due claimed by the judgment creditor.

7 (Source: P.A. 90-677, eff. 1-1-99.)

8 (735 ILCS 5/12-814) (from Ch. 110, par. 12-814)

9 Sec. 12-814. Costs and fees.

10 (a) The costs of obtaining a deduction order shall be  
11 charged to the judgment debtor, unless the court determines, in  
12 its discretion, that costs incurred by the judgment creditor  
13 were improperly incurred, in which case those costs shall be  
14 paid by the judgment creditor.

15 (b) No fee shall be paid by an employer for filing his or  
16 her appearance, answer or satisfaction of judgment against him  
17 or her.

18 (c) A fee consisting of ~~the greater of \$12 or~~ 2% of the  
19 amount required to be deducted by any deduction order ~~or series~~  
20 ~~of deduction orders arising out of the same judgment debt~~ shall  
21 be allowed and paid to the employer, and the amount so paid  
22 shall be charged to the judgment debtor.

23 (d) No other fee shall be paid to an employer at the time  
24 of service of the summons or at any other time thereafter  
25 unless he or she is subpoenaed to appear as a witness, in which

1 case he or she is entitled to witness fees as in other civil  
2 cases.

3 (Source: P.A. 87-569.)

4 (735 ILCS 5/19-117) (from Ch. 110, par. 19-117)

5 Sec. 19-117. Service upon defendant. It shall be the duty  
6 of the officer having an order for replevin, to serve the same  
7 upon the defendant, whether the property is found or delivered  
8 to him or her, or not, unless, when none of the property is  
9 found, the officer is otherwise directed by the plaintiff or  
10 his or her attorney or agent.

11 If the defendant fails to deliver up to the sheriff the  
12 chattel which is the subject of the order for replevin and the  
13 plaintiff has a reasonable belief as to where the chattel is  
14 sequestered, the court may authorize the sheriff to use  
15 reasonable force to enter into the property to recover same  
16 upon such terms and conditions as the court may direct.

17 (Source: P.A. 82-280.)

18 (735 ILCS 5/19-123) (from Ch. 110, par. 19-123)

19 Sec. 19-123. Judgment against plaintiff. If the plaintiff  
20 in an action of replevin obtains an order for replevin and  
21 ~~fails to prosecute the action with effect, or allows a~~  
22 ~~voluntary or involuntary dismissal, or if~~ the right of property  
23 is adjudged against the plaintiff, judgment shall be entered  
24 for a return of the property if such property has been

1 delivered to the plaintiff, and damages for the use thereof  
2 from the time it was taken until a return thereof is made,  
3 unless the plaintiff shall, in the meantime, have become  
4 entitled to the possession of the property, in which event  
5 judgment may be entered against the plaintiff for costs and  
6 such damage as the defendant has sustained; or if the property  
7 was held for the payment of any money, the judgment may be in  
8 the alternative that the plaintiff pay the amount for which the  
9 same was rightfully held, with proper damages, within a given  
10 time, or make return of the property in case such property was  
11 delivered to the plaintiff.

12 (Source: P.A. 82-280.)

13 (735 ILCS 5/19-129 new)

14 Sec. 19-129. Mobile homes. If the chattel which is the  
15 subject of the replevin action is a mobile home and is occupied  
16 by the defendant or other persons, the court may issue a  
17 forcible order directing the sheriff to remove the personal  
18 property of the defendant or occupants from the mobile home  
19 provided that the defendants and unknown occupants are given  
20 notice of plaintiff's intent to seek a forcible order and that  
21 upon entry of said order for possession, the execution is  
22 stayed for a reasonable time as determined by the court so as  
23 to allow the defendants and unknown occupants to remove their  
24 property from the mobile home.

1 INDEX

2 Statutes amended in order of appearance

3 735 ILCS 5/2-1402 from Ch. 110, par. 2-1402

4 735 ILCS 5/5-126.5 new

5 735 ILCS 5/12-501 from Ch. 110, par. 12-501

6 735 ILCS 5/12-803 from Ch. 110, par. 12-803

7 735 ILCS 5/12-808 from Ch. 110, par. 12-808

8 735 ILCS 5/12-808.5

9 735 ILCS 5/12-814 from Ch. 110, par. 12-814

10 735 ILCS 5/19-117 from Ch. 110, par. 19-117

11 735 ILCS 5/19-123 from Ch. 110, par. 19-123

12 735 ILCS 5/19-129 new