



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0636

Introduced 2/8/2007, by Sen. Dave Syverson

SYNOPSIS AS INTRODUCED:

See Index

Amends the Clerks of Courts Act. Provides that the filing fees for landlords and tenants, varying by county population size, are reduced: a plaintiff's filing fee is a minimum of \$5 and a maximum of \$165 (at present, \$10 minimum and \$335 maximum) and a defendant's appearance filing fee is a minimum of \$5 and a maximum of \$40 (at present, \$10 minimum and \$90 maximum). Amends the Code of Civil Procedure. Provides that 4 categories of forcible entry and detainer actions shall be treated as expedited proceedings: forcible entry; peaceable entry and possession unlawfully withheld; entry upon vacant or unoccupied lands; and lessee holds possession after lease termination or notice to quit. Provides that time limits for certain provisions are reduced: posted notice, 5 days (at present, 10 days); stay of enforcement, no more than 5 days (at present, 7 days); sheriff's execution of an order, within 5 days (at present, 7 days); time between notice by a verified complaint and a hearing, at least 7 days (at present, 14 days); no continuance beyond 5 days (at present, 7 days); and a notice to terminate tenancy from week to week, at least 5 days (at present, 7 days). Effective immediately. Effective immediately.

LRB095 10595 AJ0 30817 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 Clerks of Courts Act is amended by changing
5 Sections 27.1a, 27.2, and 27.2a as follows:

6 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

7 Sec. 27.1a. The fees of the clerks of the circuit court in
8 all counties having a population of not more than 500,000
9 inhabitants in the instances described in this Section shall be
10 as provided in this Section. In those instances where a minimum
11 and maximum fee is stated, the clerk of the circuit court must
12 charge the minimum fee listed and may charge up to the maximum
13 fee if the county board has by resolution increased the fee.
14 The fees shall be paid in advance and shall be as follows:

15 (a) Civil Cases.

16 The fee for filing a complaint, petition, or other
17 pleading initiating a civil action, with the following
18 exceptions, shall be a minimum of \$40 and a maximum of
19 \$160.

20 (A) When the amount of money or damages or the
21 value of personal property claimed does not exceed
22 \$250, \$10.

23 (B) When that amount exceeds \$250 but does not

1 exceed \$500, a minimum of \$10 and a maximum of \$20.

2 (C) When that amount exceeds \$500 but does not
3 exceed \$2500, a minimum of \$25 and a maximum of \$40.

4 (D) When that amount exceeds \$2500 but does not
5 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

6 (E) For the exercise of eminent domain, a minimum
7 of \$45 and a maximum of \$150. For each additional lot
8 or tract of land or right or interest therein subject
9 to be condemned, the damages in respect to which shall
10 require separate assessment by a jury, a minimum of \$45
11 and a maximum of \$150.

12 (a-1) Family.

13 For filing a petition under the Juvenile Court Act of
14 1987, \$25.

15 For filing a petition for a marriage license, \$10.

16 For performing a marriage in court, \$10.

17 For filing a petition under the Illinois Parentage Act
18 of 1984, \$40.

19 (b) Forcible Entry and Detainer.

20 In each forcible entry and detainer case when the
21 plaintiff seeks possession only or unites with his or her
22 claim for possession of the property a claim for rent or
23 damages or both in the amount of \$15,000 or less, a minimum
24 of \$5 ~~\$10~~ and a maximum of \$25 ~~\$50~~. When the plaintiff
25 unites his or her claim for possession with a claim for
26 rent or damages or both exceeding \$15,000, a minimum of \$20

1 ~~\$40~~ and a maximum of \$80 ~~\$160~~.

2 (c) Counterclaim or Joining Third Party Defendant.

3 When any defendant files a counterclaim as part of his
4 or her answer or otherwise or joins another party as a
5 third party defendant, or both, the defendant shall pay a
6 fee for each counterclaim or third party action in an
7 amount equal to the fee he or she would have had to pay had
8 he or she brought a separate action for the relief sought
9 in the counterclaim or against the third party defendant,
10 less the amount of the appearance fee, if that has been
11 paid.

12 (d) Confession of Judgment.

13 In a confession of judgment when the amount does not
14 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
15 the amount exceeds \$1500, but does not exceed \$15,000, a
16 minimum of \$40 and a maximum of \$115. When the amount
17 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

18 (e) Appearance.

19 The fee for filing an appearance in each civil case
20 shall be a minimum of \$15 and a maximum of \$60, except as
21 follows:

22 (A) When the plaintiff in a forcible entry and
23 detainer case seeks possession only, a minimum of \$5
24 ~~\$10~~ and a maximum of \$25 ~~\$50~~.

25 (B) When the amount in the case does not exceed
26 \$1500, a minimum of \$5 ~~\$10~~ and a maximum of \$15 ~~\$30~~.

1 (C) When that amount exceeds \$1500 but does not
2 exceed \$15,000, a minimum of \$5 ~~\$15~~ and a maximum of
3 \$30 ~~\$60~~.

4 (f) Garnishment, Wage Deduction, and Citation.

5 In garnishment affidavit, wage deduction affidavit,
6 and citation petition when the amount does not exceed
7 \$1,000, a minimum of \$5 and a maximum of \$15; when the
8 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
9 of \$5 and a maximum of \$30; and when the amount exceeds
10 \$5,000, a minimum of \$5 and a maximum of \$50.

11 (g) Petition to Vacate or Modify.

12 (1) Petition to vacate or modify any final judgment or
13 order of court, except in forcible entry and detainer cases
14 and small claims cases or a petition to reopen an estate,
15 to modify, terminate, or enforce a judgment or order for
16 child or spousal support, or to modify, suspend, or
17 terminate an order for withholding, if filed before 30 days
18 after the entry of the judgment or order, a minimum of \$20
19 and a maximum of \$50.

20 (2) Petition to vacate or modify any final judgment or
21 order of court, except a petition to modify, terminate, or
22 enforce a judgment or order for child or spousal support or
23 to modify, suspend, or terminate an order for withholding,
24 if filed later than 30 days after the entry of the judgment
25 or order, a minimum of \$20 and a maximum of \$75.

26 (3) Petition to vacate order of bond forfeiture, a

1 minimum of \$10 and a maximum of \$40.

2 (h) Mailing.

3 When the clerk is required to mail, the fee will be a
4 minimum of \$2 and a maximum of \$10, plus the cost of
5 postage.

6 (i) Certified Copies.

7 Each certified copy of a judgment after the first,
8 except in small claims and forcible entry and detainer
9 cases, a minimum of \$2 and a maximum of \$10.

10 (j) Habeas Corpus.

11 For filing a petition for relief by habeas corpus, a
12 minimum of \$60 and a maximum of \$100.

13 (k) Certification, Authentication, and Reproduction.

14 (1) Each certification or authentication for taking
15 the acknowledgment of a deed or other instrument in writing
16 with the seal of office, a minimum of \$2 and a maximum of
17 \$6.

18 (2) Court appeals when original documents are
19 forwarded, under 100 pages, plus delivery and costs, a
20 minimum of \$20 and a maximum of \$60.

21 (3) Court appeals when original documents are
22 forwarded, over 100 pages, plus delivery and costs, a
23 minimum of \$50 and a maximum of \$150.

24 (4) Court appeals when original documents are
25 forwarded, over 200 pages, an additional fee of a minimum
26 of 20 cents and a maximum of 25 cents per page.

1 (5) For reproduction of any document contained in the
2 clerk's files:

3 (A) First page, a minimum of \$1 and a maximum of
4 \$2.

5 (B) Next 19 pages, 50 cents per page.

6 (C) All remaining pages, 25 cents per page.

7 (l) Remands.

8 In any cases remanded to the Circuit Court from the
9 Supreme Court or the Appellate Court for a new trial, the
10 clerk shall file the remanding order and reinstate the case
11 with either its original number or a new number. The Clerk
12 shall not charge any new or additional fee for the
13 reinstatement. Upon reinstatement the Clerk shall advise
14 the parties of the reinstatement. A party shall have the
15 same right to a jury trial on remand and reinstatement as
16 he or she had before the appeal, and no additional or new
17 fee or charge shall be made for a jury trial after remand.

18 (m) Record Search.

19 For each record search, within a division or municipal
20 district, the clerk shall be entitled to a search fee of a
21 minimum of \$4 and a maximum of \$6 for each year searched.

22 (n) Hard Copy.

23 For each page of hard copy print output, when case
24 records are maintained on an automated medium, the clerk
25 shall be entitled to a fee of a minimum of \$4 and a maximum
26 of \$6.

1 (o) Index Inquiry and Other Records.

2 No fee shall be charged for a single
3 plaintiff/defendant index inquiry or single case record
4 inquiry when this request is made in person and the records
5 are maintained in a current automated medium, and when no
6 hard copy print output is requested. The fees to be charged
7 for management records, multiple case records, and
8 multiple journal records may be specified by the Chief
9 Judge pursuant to the guidelines for access and
10 dissemination of information approved by the Supreme
11 Court.

12 (p) (Blank).

13 ~~a minimum of \$25 and a maximum of \$50~~

14 (q) Alias Summons.

15 For each alias summons or citation issued by the clerk,
16 a minimum of \$2 and a maximum of \$5.

17 (r) Other Fees.

18 Any fees not covered in this Section shall be set by
19 rule or administrative order of the Circuit Court with the
20 approval of the Administrative Office of the Illinois
21 Courts.

22 The clerk of the circuit court may provide additional
23 services for which there is no fee specified by statute in
24 connection with the operation of the clerk's office as may
25 be requested by the public and agreed to by the clerk and
26 approved by the chief judge of the circuit court. Any

1 charges for additional services shall be as agreed to
2 between the clerk and the party making the request and
3 approved by the chief judge of the circuit court. Nothing
4 in this subsection shall be construed to require any clerk
5 to provide any service not otherwise required by law.

6 (s) Jury Services.

7 The clerk shall be entitled to receive, in addition to
8 other fees allowed by law, the sum of a minimum of \$62.50
9 and a maximum of \$212.50, as a fee for the services of a
10 jury in every civil action not quasi-criminal in its nature
11 and not a proceeding for the exercise of the right of
12 eminent domain and in every other action wherein the right
13 of trial by jury is or may be given by law. The jury fee
14 shall be paid by the party demanding a jury at the time of
15 filing the jury demand. If the fee is not paid by either
16 party, no jury shall be called in the action or proceeding,
17 and the same shall be tried by the court without a jury.

18 (t) Voluntary Assignment.

19 For filing each deed of voluntary assignment, a minimum
20 of \$10 and a maximum of \$20; for recording the same, a
21 minimum of 25 cents and a maximum of 50 cents for each 100
22 words. Exceptions filed to claims presented to an assignee
23 of a debtor who has made a voluntary assignment for the
24 benefit of creditors shall be considered and treated, for
25 the purpose of taxing costs therein, as actions in which
26 the party or parties filing the exceptions shall be

1 considered as party or parties plaintiff, and the claimant
2 or claimants as party or parties defendant, and those
3 parties respectively shall pay to the clerk the same fees
4 as provided by this Section to be paid in other actions.

5 (u) Expungement Petition.

6 The clerk shall be entitled to receive a fee of a
7 minimum of \$15 and a maximum of \$60 for each expungement
8 petition filed and an additional fee of a minimum of \$2 and
9 a maximum of \$4 for each certified copy of an order to
10 expunge arrest records.

11 (v) Probate.

12 The clerk is entitled to receive the fees specified in
13 this subsection (v), which shall be paid in advance, except
14 that, for good cause shown, the court may suspend, reduce,
15 or release the costs payable under this subsection:

16 (1) For administration of the estate of a decedent
17 (whether testate or intestate) or of a missing person, a
18 minimum of \$50 and a maximum of \$150, plus the fees
19 specified in subsection (v) (3), except:

20 (A) When the value of the real and personal
21 property does not exceed \$15,000, the fee shall be a
22 minimum of \$25 and a maximum of \$40.

23 (B) When (i) proof of heirship alone is made, (ii)
24 a domestic or foreign will is admitted to probate
25 without administration (including proof of heirship),
26 or (iii) letters of office are issued for a particular

1 purpose without administration of the estate, the fee
2 shall be a minimum of \$10 and a maximum of \$40.

3 (C) For filing a petition to sell Real Estate, \$50.

4 (2) For administration of the estate of a ward, a
5 minimum of \$50 and a maximum of \$75, plus the fees
6 specified in subsection (v) (3), except:

7 (A) When the value of the real and personal
8 property does not exceed \$15,000, the fee shall be a
9 minimum of \$25 and a maximum of \$40.

10 (B) When (i) letters of office are issued to a
11 guardian of the person or persons, but not of the
12 estate or (ii) letters of office are issued in the
13 estate of a ward without administration of the estate,
14 including filing or joining in the filing of a tax
15 return or releasing a mortgage or consenting to the
16 marriage of the ward, the fee shall be a minimum of \$10
17 and a maximum of \$20.

18 (C) For filing a Petition to sell Real Estate, \$50.

19 (3) In addition to the fees payable under subsection
20 (v) (1) or (v) (2) of this Section, the following fees are
21 payable:

22 (A) For each account (other than one final account)
23 filed in the estate of a decedent, or ward, a minimum
24 of \$10 and a maximum of \$25.

25 (B) For filing a claim in an estate when the amount
26 claimed is \$150 or more but less than \$500, a minimum

1 of \$10 and a maximum of \$25; when the amount claimed is
2 \$500 or more but less than \$10,000, a minimum of \$10
3 and a maximum of \$40; when the amount claimed is
4 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
5 provided that the court in allowing a claim may add to
6 the amount allowed the filing fee paid by the claimant.

7 (C) For filing in an estate a claim, petition, or
8 supplemental proceeding based upon an action seeking
9 equitable relief including the construction or contest
10 of a will, enforcement of a contract to make a will,
11 and proceedings involving testamentary trusts or the
12 appointment of testamentary trustees, a minimum of \$40
13 and a maximum of \$60.

14 (D) For filing in an estate (i) the appearance of
15 any person for the purpose of consent or (ii) the
16 appearance of an executor, administrator,
17 administrator to collect, guardian, guardian ad litem,
18 or special administrator, no fee.

19 (E) Except as provided in subsection (v)(3)(D),
20 for filing the appearance of any person or persons, a
21 minimum of \$10 and a maximum of \$30.

22 (F) For each jury demand, a minimum of \$62.50 and a
23 maximum of \$137.50.

24 (G) For disposition of the collection of a judgment
25 or settlement of an action or claim for wrongful death
26 of a decedent or of any cause of action of a ward, when

1 there is no other administration of the estate, a
2 minimum of \$30 and a maximum of \$50, less any amount
3 paid under subsection (v) (1) (B) or (v) (2) (B) except
4 that if the amount involved does not exceed \$5,000, the
5 fee, including any amount paid under subsection
6 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
7 maximum of \$20.

8 (H) For each certified copy of letters of office,
9 of court order or other certification, a minimum of \$1
10 and a maximum of \$2, plus a minimum of 50 cents and a
11 maximum of \$1 per page in excess of 3 pages for the
12 document certified.

13 (I) For each exemplification, a minimum of \$1 and a
14 maximum of \$2, plus the fee for certification.

15 (4) The executor, administrator, guardian, petitioner,
16 or other interested person or his or her attorney shall pay
17 the cost of publication by the clerk directly to the
18 newspaper.

19 (5) The person on whose behalf a charge is incurred for
20 witness, court reporter, appraiser, or other miscellaneous
21 fee shall pay the same directly to the person entitled
22 thereto.

23 (6) The executor, administrator, guardian, petitioner,
24 or other interested person or his or her attorney shall pay
25 to the clerk all postage charges incurred by the clerk in
26 mailing petitions, orders, notices, or other documents

1 pursuant to the provisions of the Probate Act of 1975.

2 (w) Criminal and Quasi-Criminal Costs and Fees.

3 (1) The clerk shall be entitled to costs in all
4 criminal and quasi-criminal cases from each person
5 convicted or sentenced to supervision therein as follows:

6 (A) Felony complaints, a minimum of \$40 and a
7 maximum of \$100.

8 (B) Misdemeanor complaints, a minimum of \$25 and a
9 maximum of \$75.

10 (C) Business offense complaints, a minimum of \$25
11 and a maximum of \$75.

12 (D) Petty offense complaints, a minimum of \$25 and
13 a maximum of \$75.

14 (E) Minor traffic or ordinance violations, \$10.

15 (F) When court appearance required, \$15.

16 (G) Motions to vacate or amend final orders, a
17 minimum of \$20 and a maximum of \$40.

18 (H) Motions to vacate bond forfeiture orders, a
19 minimum of \$20 and a maximum of \$40.

20 (I) Motions to vacate ex parte judgments, whenever
21 filed, a minimum of \$20 and a maximum of \$40.

22 (J) Motions to vacate judgment on forfeitures,
23 whenever filed, a minimum of \$20 and a maximum of \$40.

24 (K) Motions to vacate "failure to appear" or
25 "failure to comply" notices sent to the Secretary of
26 State, a minimum of \$20 and a maximum of \$40.

1 (2) In counties having a population of not more than
2 500,000 inhabitants, when the violation complaint is
3 issued by a municipal police department, the clerk shall be
4 entitled to costs from each person convicted therein as
5 follows:

6 (A) Minor traffic or ordinance violations, \$10.

7 (B) When court appearance required, \$15.

8 (3) In ordinance violation cases punishable by fine
9 only, the clerk of the circuit court shall be entitled to
10 receive, unless the fee is excused upon a finding by the
11 court that the defendant is indigent, in addition to other
12 fees or costs allowed or imposed by law, the sum of a
13 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
14 services of a jury. The jury fee shall be paid by the
15 defendant at the time of filing his or her jury demand. If
16 the fee is not so paid by the defendant, no jury shall be
17 called, and the case shall be tried by the court without a
18 jury.

19 (x) Transcripts of Judgment.

20 For the filing of a transcript of judgment, the clerk
21 shall be entitled to the same fee as if it were the
22 commencement of a new suit.

23 (y) Change of Venue.

24 (1) For the filing of a change of case on a change of
25 venue, the clerk shall be entitled to the same fee as if it
26 were the commencement of a new suit.

1 (2) The fee for the preparation and certification of a
2 record on a change of venue to another jurisdiction, when
3 original documents are forwarded, a minimum of \$10 and a
4 maximum of \$40.

5 (z) Tax objection complaints.

6 For each tax objection complaint containing one or more
7 tax objections, regardless of the number of parcels
8 involved or the number of taxpayers joining on the
9 complaint, a minimum of \$10 and a maximum of \$50.

10 (aa) Tax Deeds.

11 (1) Petition for tax deed, if only one parcel is
12 involved, a minimum of \$45 and a maximum of \$200.

13 (2) For each additional parcel, add a fee of a minimum
14 of \$10 and a maximum of \$60.

15 (bb) Collections.

16 (1) For all collections made of others, except the
17 State and county and except in maintenance or child support
18 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
19 of the amount collected and turned over.

20 (2) Interest earned on any funds held by the clerk
21 shall be turned over to the county general fund as an
22 earning of the office.

23 (3) For any check, draft, or other bank instrument
24 returned to the clerk for non-sufficient funds, account
25 closed, or payment stopped, \$25.

26 (4) In child support and maintenance cases, the clerk,

1 if authorized by an ordinance of the county board, may
2 collect an annual fee of up to \$36 from the person making
3 payment for maintaining child support records and the
4 processing of support orders to the State of Illinois KIDS
5 system and the recording of payments issued by the State
6 Disbursement Unit for the official record of the Court.
7 This fee shall be in addition to and separate from amounts
8 ordered to be paid as maintenance or child support and
9 shall be deposited into a Separate Maintenance and Child
10 Support Collection Fund, of which the clerk shall be the
11 custodian, ex-officio, to be used by the clerk to maintain
12 child support orders and record all payments issued by the
13 State Disbursement Unit for the official record of the
14 Court. The clerk may recover from the person making the
15 maintenance or child support payment any additional cost
16 incurred in the collection of this annual fee.

17 The clerk shall also be entitled to a fee of \$5 for
18 certifications made to the Secretary of State as provided
19 in Section 7-703 of the Family Financial Responsibility Law
20 and these fees shall also be deposited into the Separate
21 Maintenance and Child Support Collection Fund.

22 (cc) Corrections of Numbers.

23 For correction of the case number, case title, or
24 attorney computer identification number, if required by
25 rule of court, on any document filed in the clerk's office,
26 to be charged against the party that filed the document, a

1 minimum of \$10 and a maximum of \$25.

2 (dd) Exceptions.

3 (1) The fee requirements of this Section shall not
4 apply to police departments or other law enforcement
5 agencies. In this Section, "law enforcement agency" means
6 an agency of the State or a unit of local government which
7 is vested by law or ordinance with the duty to maintain
8 public order and to enforce criminal laws or ordinances.
9 "Law enforcement agency" also means the Attorney General or
10 any state's attorney.

11 (2) No fee provided herein shall be charged to any unit
12 of local government or school district.

13 (3) The fee requirements of this Section shall not
14 apply to any action instituted under subsection (b) of
15 Section 11-31-1 of the Illinois Municipal Code by a private
16 owner or tenant of real property within 1200 feet of a
17 dangerous or unsafe building seeking an order compelling
18 the owner or owners of the building to take any of the
19 actions authorized under that subsection.

20 (4) The fee requirements of this Section shall not
21 apply to the filing of any commitment petition or petition
22 for an order authorizing the administration of authorized
23 involuntary treatment in the form of medication under the
24 Mental Health and Developmental Disabilities Code.

25 (ee) Adoptions.

26 (1) For an adoption \$65

1 (2) Upon good cause shown, the court may waive the
2 adoption filing fee in a special needs adoption. The term
3 "special needs adoption" shall have the meaning ascribed to
4 it by the Illinois Department of Children and Family
5 Services.

6 (ff) Adoption exemptions.

7 No fee other than that set forth in subsection (ee)
8 shall be charged to any person in connection with an
9 adoption proceeding nor may any fee be charged for
10 proceedings for the appointment of a confidential
11 intermediary under the Adoption Act.

12 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,
13 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;
14 revised 9-5-03.)

15 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

16 Sec. 27.2. The fees of the clerks of the circuit court in
17 all counties having a population in excess of 500,000
18 inhabitants but less than 3,000,000 inhabitants in the
19 instances described in this Section shall be as provided in
20 this Section. In those instances where a minimum and maximum
21 fee is stated, counties with more than 500,000 inhabitants but
22 less than 3,000,000 inhabitants must charge the minimum fee
23 listed in this Section and may charge up to the maximum fee if
24 the county board has by resolution increased the fee. In
25 addition, the minimum fees authorized in this Section shall

1 apply to all units of local government and school districts in
2 counties with more than 3,000,000 inhabitants. The fees shall
3 be paid in advance and shall be as follows:

4 (a) Civil Cases.

5 The fee for filing a complaint, petition, or other
6 pleading initiating a civil action, with the following
7 exceptions, shall be a minimum of \$150 and a maximum of
8 \$190.

9 (A) When the amount of money or damages or the
10 value of personal property claimed does not exceed
11 \$250, a minimum of \$10 and a maximum of \$15.

12 (B) When that amount exceeds \$250 but does not
13 exceed \$1,000, a minimum of \$20 and a maximum of \$40.

14 (C) When that amount exceeds \$1,000 but does not
15 exceed \$2500, a minimum of \$30 and a maximum of \$50.

16 (D) When that amount exceeds \$2500 but does not
17 exceed \$5,000, a minimum of \$75 and a maximum of \$100.

18 (D-5) When the amount exceeds \$5,000 but does not
19 exceed \$15,000, a minimum of \$75 and a maximum of \$150.

20 (E) For the exercise of eminent domain, \$150. For
21 each additional lot or tract of land or right or
22 interest therein subject to be condemned, the damages
23 in respect to which shall require separate assessment
24 by a jury, \$150.

25 (F) No fees shall be charged by the clerk to a
26 petitioner in any order of protection including, but

1 not limited to, filing, modifying, withdrawing,
2 certifying, or photocopying petitions for orders of
3 protection, or for issuing alias summons, or for any
4 related filing service, certifying, modifying,
5 vacating, or photocopying any orders of protection.

6 (b) Forcible Entry and Detainer.

7 In each forcible entry and detainer case when the
8 plaintiff seeks possession only or unites with his or her
9 claim for possession of the property a claim for rent or
10 damages or both in the amount of \$15,000 or less, a minimum
11 of \$20 ~~\$40~~ and a maximum of \$35 ~~\$75~~. When the plaintiff
12 unites his or her claim for possession with a claim for
13 rent or damages or both exceeding \$15,000, a minimum of \$75
14 ~~\$150~~ and a maximum of \$110 ~~\$225~~.

15 (c) Counterclaim or Joining Third Party Defendant.

16 When any defendant files a counterclaim as part of his
17 or her answer or otherwise or joins another party as a
18 third party defendant, or both, the defendant shall pay a
19 fee for each counterclaim or third party action in an
20 amount equal to the fee he or she would have had to pay had
21 he or she brought a separate action for the relief sought
22 in the counterclaim or against the third party defendant,
23 less the amount of the appearance fee, if that has been
24 paid.

25 (d) Confession of Judgment.

26 In a confession of judgment when the amount does not

1 exceed \$1500, a minimum of \$50 and a maximum of \$60. When
2 the amount exceeds \$1500, but does not exceed \$5,000, \$75.
3 When the amount exceeds \$5,000, but does not exceed
4 \$15,000, \$175. When the amount exceeds \$15,000, a minimum
5 of \$200 and a maximum of \$250.

6 (e) Appearance.

7 The fee for filing an appearance in each civil case
8 shall be a minimum of \$50 and a maximum of \$75, except as
9 follows:

10 (A) When the plaintiff in a forcible entry and
11 detainer case seeks possession only, a minimum of \$10
12 ~~\$20~~ and a maximum of \$20 ~~\$40~~.

13 (B) When the amount in the case does not exceed
14 \$1500, a minimum of \$10 ~~\$20~~ and a maximum of \$20 ~~\$40~~.

15 (C) When the amount in the case exceeds \$1500 but
16 does not exceed \$15,000, a minimum of \$20 ~~\$40~~ and a
17 maximum of \$30 ~~\$60~~.

18 (f) Garnishment, Wage Deduction, and Citation.

19 In garnishment affidavit, wage deduction affidavit,
20 and citation petition when the amount does not exceed
21 \$1,000, a minimum of \$10 and a maximum of \$15; when the
22 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
23 of \$20 and a maximum of \$30; and when the amount exceeds
24 \$5,000, a minimum of \$30 and a maximum of \$50.

25 (g) Petition to Vacate or Modify.

26 (1) Petition to vacate or modify any final judgment or

1 order of court, except in forcible entry and detainer cases
2 and small claims cases or a petition to reopen an estate,
3 to modify, terminate, or enforce a judgment or order for
4 child or spousal support, or to modify, suspend, or
5 terminate an order for withholding, if filed before 30 days
6 after the entry of the judgment or order, a minimum of \$40
7 and a maximum of \$50.

8 (2) Petition to vacate or modify any final judgment or
9 order of court, except a petition to modify, terminate, or
10 enforce a judgment or order for child or spousal support or
11 to modify, suspend, or terminate an order for withholding,
12 if filed later than 30 days after the entry of the judgment
13 or order, a minimum of \$60 and a maximum of \$75.

14 (3) Petition to vacate order of bond forfeiture, a
15 minimum of \$20 and a maximum of \$40.

16 (h) Mailing.

17 When the clerk is required to mail, the fee will be a
18 minimum of \$6 and a maximum of \$10, plus the cost of
19 postage.

20 (i) Certified Copies.

21 Each certified copy of a judgment after the first,
22 except in small claims and forcible entry and detainer
23 cases, a minimum of \$10 and a maximum of \$15.

24 (j) Habeas Corpus.

25 For filing a petition for relief by habeas corpus, a
26 minimum of \$80 and a maximum of \$125.

1 (k) Certification, Authentication, and Reproduction.

2 (1) Each certification or authentication for taking
3 the acknowledgment of a deed or other instrument in writing
4 with the seal of office, a minimum of \$4 and a maximum of
5 \$6.

6 (2) Court appeals when original documents are
7 forwarded, under 100 pages, plus delivery and costs, a
8 minimum of \$50 and a maximum of \$75.

9 (3) Court appeals when original documents are
10 forwarded, over 100 pages, plus delivery and costs, a
11 minimum of \$120 and a maximum of \$150.

12 (4) Court appeals when original documents are
13 forwarded, over 200 pages, an additional fee of a minimum
14 of 20 and a maximum of 25 cents per page.

15 (5) For reproduction of any document contained in the
16 clerk's files:

17 (A) First page, \$2.

18 (B) Next 19 pages, 50 cents per page.

19 (C) All remaining pages, 25 cents per page.

20 (l) Remands.

21 In any cases remanded to the Circuit Court from the
22 Supreme Court or the Appellate Court for a new trial, the
23 clerk shall file the remanding order and reinstate the case
24 with either its original number or a new number. The Clerk
25 shall not charge any new or additional fee for the
26 reinstatement. Upon reinstatement the Clerk shall advise

1 the parties of the reinstatement. A party shall have the
2 same right to a jury trial on remand and reinstatement as
3 he or she had before the appeal, and no additional or new
4 fee or charge shall be made for a jury trial after remand.

5 (m) Record Search.

6 For each record search, within a division or municipal
7 district, the clerk shall be entitled to a search fee of a
8 minimum of \$4 and a maximum of \$6 for each year searched.

9 (n) Hard Copy.

10 For each page of hard copy print output, when case
11 records are maintained on an automated medium, the clerk
12 shall be entitled to a fee of a minimum of \$4 and a maximum
13 of \$6.

14 (o) Index Inquiry and Other Records.

15 No fee shall be charged for a single
16 plaintiff/defendant index inquiry or single case record
17 inquiry when this request is made in person and the records
18 are maintained in a current automated medium, and when no
19 hard copy print output is requested. The fees to be charged
20 for management records, multiple case records, and
21 multiple journal records may be specified by the Chief
22 Judge pursuant to the guidelines for access and
23 dissemination of information approved by the Supreme
24 Court.

25 (p) (Blank).

26 (q) Alias Summons.

1 For each alias summons or citation issued by the clerk,
2 a minimum of \$4 and a maximum of \$5.

3 (r) Other Fees.

4 Any fees not covered in this Section shall be set by
5 rule or administrative order of the Circuit Court with the
6 approval of the Administrative Office of the Illinois
7 Courts.

8 The clerk of the circuit court may provide additional
9 services for which there is no fee specified by statute in
10 connection with the operation of the clerk's office as may
11 be requested by the public and agreed to by the clerk and
12 approved by the chief judge of the circuit court. Any
13 charges for additional services shall be as agreed to
14 between the clerk and the party making the request and
15 approved by the chief judge of the circuit court. Nothing
16 in this subsection shall be construed to require any clerk
17 to provide any service not otherwise required by law.

18 (s) Jury Services.

19 The clerk shall be entitled to receive, in addition to
20 other fees allowed by law, the sum of a minimum of \$192.50
21 and a maximum of \$212.50, as a fee for the services of a
22 jury in every civil action not quasi-criminal in its nature
23 and not a proceeding for the exercise of the right of
24 eminent domain and in every other action wherein the right
25 of trial by jury is or may be given by law. The jury fee
26 shall be paid by the party demanding a jury at the time of

1 filing the jury demand. If the fee is not paid by either
2 party, no jury shall be called in the action or proceeding,
3 and the same shall be tried by the court without a jury.

4 (t) Voluntary Assignment.

5 For filing each deed of voluntary assignment, a minimum
6 of \$10 and a maximum of \$20; for recording the same, a
7 minimum of 25¢ and a maximum of 50¢ for each 100 words.
8 Exceptions filed to claims presented to an assignee of a
9 debtor who has made a voluntary assignment for the benefit
10 of creditors shall be considered and treated, for the
11 purpose of taxing costs therein, as actions in which the
12 party or parties filing the exceptions shall be considered
13 as party or parties plaintiff, and the claimant or
14 claimants as party or parties defendant, and those parties
15 respectively shall pay to the clerk the same fees as
16 provided by this Section to be paid in other actions.

17 (u) Expungement Petition.

18 The clerk shall be entitled to receive a fee of a
19 minimum of \$30 and a maximum of \$60 for each expungement
20 petition filed and an additional fee of a minimum of \$2 and
21 a maximum of \$4 for each certified copy of an order to
22 expunge arrest records.

23 (v) Probate.

24 The clerk is entitled to receive the fees specified in
25 this subsection (v), which shall be paid in advance, except
26 that, for good cause shown, the court may suspend, reduce,

1 or release the costs payable under this subsection:

2 (1) For administration of the estate of a decedent
3 (whether testate or intestate) or of a missing person, a
4 minimum of \$100 and a maximum of \$150, plus the fees
5 specified in subsection (v) (3), except:

6 (A) When the value of the real and personal
7 property does not exceed \$15,000, the fee shall be a
8 minimum of \$25 and a maximum of \$40.

9 (B) When (i) proof of heirship alone is made, (ii)
10 a domestic or foreign will is admitted to probate
11 without administration (including proof of heirship),
12 or (iii) letters of office are issued for a particular
13 purpose without administration of the estate, the fee
14 shall be a minimum of \$25 and a maximum of \$40.

15 (2) For administration of the estate of a ward, a
16 minimum of \$50 and a maximum of \$75, plus the fees
17 specified in subsection (v) (3), except:

18 (A) When the value of the real and personal
19 property does not exceed \$15,000, the fee shall be a
20 minimum of \$25 and a maximum of \$40.

21 (B) When (i) letters of office are issued to a
22 guardian of the person or persons, but not of the
23 estate or (ii) letters of office are issued in the
24 estate of a ward without administration of the estate,
25 including filing or joining in the filing of a tax
26 return or releasing a mortgage or consenting to the

1 marriage of the ward, the fee shall be a minimum of \$10
2 and a maximum of \$20.

3 (3) In addition to the fees payable under subsection
4 (v) (1) or (v) (2) of this Section, the following fees are
5 payable:

6 (A) For each account (other than one final account)
7 filed in the estate of a decedent, or ward, a minimum
8 of \$15 and a maximum of \$25.

9 (B) For filing a claim in an estate when the amount
10 claimed is \$150 or more but less than \$500, a minimum
11 of \$10 and a maximum of \$20; when the amount claimed is
12 \$500 or more but less than \$10,000, a minimum of \$25
13 and a maximum of \$40; when the amount claimed is
14 \$10,000 or more, a minimum of \$40 and a maximum of \$60;
15 provided that the court in allowing a claim may add to
16 the amount allowed the filing fee paid by the claimant.

17 (C) For filing in an estate a claim, petition, or
18 supplemental proceeding based upon an action seeking
19 equitable relief including the construction or contest
20 of a will, enforcement of a contract to make a will,
21 and proceedings involving testamentary trusts or the
22 appointment of testamentary trustees, a minimum of \$40
23 and a maximum of \$60.

24 (D) For filing in an estate (i) the appearance of
25 any person for the purpose of consent or (ii) the
26 appearance of an executor, administrator,

1 administrator to collect, guardian, guardian ad litem,
2 or special administrator, no fee.

3 (E) Except as provided in subsection (v)(3)(D),
4 for filing the appearance of any person or persons, a
5 minimum of \$10 and a maximum of \$30.

6 (F) For each jury demand, a minimum of \$102.50 and
7 a maximum of \$137.50.

8 (G) For disposition of the collection of a judgment
9 or settlement of an action or claim for wrongful death
10 of a decedent or of any cause of action of a ward, when
11 there is no other administration of the estate, a
12 minimum of \$30 and a maximum of \$50, less any amount
13 paid under subsection (v)(1)(B) or (v)(2)(B) except
14 that if the amount involved does not exceed \$5,000, the
15 fee, including any amount paid under subsection
16 (v)(1)(B) or (v)(2)(B), shall be a minimum of \$10 and a
17 maximum of \$20.

18 (H) For each certified copy of letters of office,
19 of court order or other certification, a minimum of \$1
20 and a maximum of \$2, plus a minimum of 50¢ and a
21 maximum of \$1 per page in excess of 3 pages for the
22 document certified.

23 (I) For each exemplification, a minimum of \$1 and a
24 maximum of \$2, plus the fee for certification.

25 (4) The executor, administrator, guardian, petitioner,
26 or other interested person or his or her attorney shall pay

1 the cost of publication by the clerk directly to the
2 newspaper.

3 (5) The person on whose behalf a charge is incurred for
4 witness, court reporter, appraiser, or other miscellaneous
5 fee shall pay the same directly to the person entitled
6 thereto.

7 (6) The executor, administrator, guardian, petitioner,
8 or other interested person or his attorney shall pay to the
9 clerk all postage charges incurred by the clerk in mailing
10 petitions, orders, notices, or other documents pursuant to
11 the provisions of the Probate Act of 1975.

12 (w) Criminal and Quasi-Criminal Costs and Fees.

13 (1) The clerk shall be entitled to costs in all
14 criminal and quasi-criminal cases from each person
15 convicted or sentenced to supervision therein as follows:

16 (A) Felony complaints, a minimum of \$80 and a
17 maximum of \$125.

18 (B) Misdemeanor complaints, a minimum of \$50 and a
19 maximum of \$75.

20 (C) Business offense complaints, a minimum of \$50
21 and a maximum of \$75.

22 (D) Petty offense complaints, a minimum of \$50 and
23 a maximum of \$75.

24 (E) Minor traffic or ordinance violations, \$20.

25 (F) When court appearance required, \$30.

26 (G) Motions to vacate or amend final orders, a

1 minimum of \$20 and a maximum of \$40.

2 (H) Motions to vacate bond forfeiture orders, a
3 minimum of \$20 and a maximum of \$30.

4 (I) Motions to vacate ex parte judgments, whenever
5 filed, a minimum of \$20 and a maximum of \$30.

6 (J) Motions to vacate judgment on forfeitures,
7 whenever filed, a minimum of \$20 and a maximum of \$25.

8 (K) Motions to vacate "failure to appear" or
9 "failure to comply" notices sent to the Secretary of
10 State, a minimum of \$20 and a maximum of \$40.

11 (2) In counties having a population of more than
12 500,000 but fewer than 3,000,000 inhabitants, when the
13 violation complaint is issued by a municipal police
14 department, the clerk shall be entitled to costs from each
15 person convicted therein as follows:

16 (A) Minor traffic or ordinance violations, \$10.

17 (B) When court appearance required, \$15.

18 (3) In ordinance violation cases punishable by fine
19 only, the clerk of the circuit court shall be entitled to
20 receive, unless the fee is excused upon a finding by the
21 court that the defendant is indigent, in addition to other
22 fees or costs allowed or imposed by law, the sum of a
23 minimum of \$50 and a maximum of \$112.50 as a fee for the
24 services of a jury. The jury fee shall be paid by the
25 defendant at the time of filing his or her jury demand. If
26 the fee is not so paid by the defendant, no jury shall be

1 called, and the case shall be tried by the court without a
2 jury.

3 (x) Transcripts of Judgment.

4 For the filing of a transcript of judgment, the clerk
5 shall be entitled to the same fee as if it were the
6 commencement of new suit.

7 (y) Change of Venue.

8 (1) For the filing of a change of case on a change of
9 venue, the clerk shall be entitled to the same fee as if it
10 were the commencement of a new suit.

11 (2) The fee for the preparation and certification of a
12 record on a change of venue to another jurisdiction, when
13 original documents are forwarded, a minimum of \$25 and a
14 maximum of \$40.

15 (z) Tax objection complaints.

16 For each tax objection complaint containing one or more
17 tax objections, regardless of the number of parcels
18 involved or the number of taxpayers joining in the
19 complaint, a minimum of \$25 and a maximum of \$50.

20 (aa) Tax Deeds.

21 (1) Petition for tax deed, if only one parcel is
22 involved, a minimum of \$150 and a maximum of \$250.

23 (2) For each additional parcel, add a fee of a minimum
24 of \$50 and a maximum of \$100.

25 (bb) Collections.

26 (1) For all collections made of others, except the

1 State and county and except in maintenance or child support
2 cases, a sum equal to a minimum of 2.5% and a maximum of
3 3.0% of the amount collected and turned over.

4 (2) Interest earned on any funds held by the clerk
5 shall be turned over to the county general fund as an
6 earning of the office.

7 (3) For any check, draft, or other bank instrument
8 returned to the clerk for non-sufficient funds, account
9 closed, or payment stopped, \$25.

10 (4) In child support and maintenance cases, the clerk,
11 if authorized by an ordinance of the county board, may
12 collect an annual fee of up to \$36 from the person making
13 payment for maintaining child support records and the
14 processing of support orders to the State of Illinois KIDS
15 system and the recording of payments issued by the State
16 Disbursement Unit for the official record of the Court.
17 This fee shall be in addition to and separate from amounts
18 ordered to be paid as maintenance or child support and
19 shall be deposited into a Separate Maintenance and Child
20 Support Collection Fund, of which the clerk shall be the
21 custodian, ex-officio, to be used by the clerk to maintain
22 child support orders and record all payments issued by the
23 State Disbursement Unit for the official record of the
24 Court. The clerk may recover from the person making the
25 maintenance or child support payment any additional cost
26 incurred in the collection of this annual fee.

1 The clerk shall also be entitled to a fee of \$5 for
2 certifications made to the Secretary of State as provided
3 in Section 7-703 of the Family Financial Responsibility Law
4 and these fees shall also be deposited into the Separate
5 Maintenance and Child Support Collection Fund.

6 (cc) Corrections of Numbers.

7 For correction of the case number, case title, or
8 attorney computer identification number, if required by
9 rule of court, on any document filed in the clerk's office,
10 to be charged against the party that filed the document, a
11 minimum of \$15 and a maximum of \$25.

12 (dd) Exceptions.

13 The fee requirements of this Section shall not apply to
14 police departments or other law enforcement agencies. In
15 this Section, "law enforcement agency" means an agency of
16 the State or a unit of local government which is vested by
17 law or ordinance with the duty to maintain public order and
18 to enforce criminal laws or ordinances. "Law enforcement
19 agency" also means the Attorney General or any state's
20 attorney. The fee requirements of this Section shall not
21 apply to any action instituted under subsection (b) of
22 Section 11-31-1 of the Illinois Municipal Code by a private
23 owner or tenant of real property within 1200 feet of a
24 dangerous or unsafe building seeking an order compelling
25 the owner or owners of the building to take any of the
26 actions authorized under that subsection.

1 The fee requirements of this Section shall not apply to
 2 the filing of any commitment petition or petition for an
 3 order authorizing the administration of authorized
 4 involuntary treatment in the form of medication under the
 5 Mental Health and Developmental Disabilities Code.

6 (ee) Adoptions.

7 (1) For an adoption \$65

8 (2) Upon good cause shown, the court may waive the
 9 adoption filing fee in a special needs adoption. The term
 10 "special needs adoption" shall have the meaning ascribed to
 11 it by the Illinois Department of Children and Family
 12 Services.

13 (ff) Adoption exemptions.

14 No fee other than that set forth in subsection (ee)
 15 shall be charged to any person in connection with an
 16 adoption proceeding nor may any fee be charged for
 17 proceedings for the appointment of a confidential
 18 intermediary under the Adoption Act.

19 (gg) Unpaid fees.

20 Unless a court ordered payment schedule is implemented
 21 or the fee requirements of this Section are waived pursuant
 22 to court order, the clerk of the court may add to any
 23 unpaid fees and costs under this Section a delinquency
 24 amount equal to 5% of the unpaid fees that remain unpaid
 25 after 30 days, 10% of the unpaid fees that remain unpaid
 26 after 60 days, and 15% of the unpaid fees that remain

1 unpaid after 90 days. Notice to those parties may be made
2 by signage posting or publication. The additional
3 delinquency amounts collected under this Section shall be
4 used to defray additional administrative costs incurred by
5 the clerk of the circuit court in collecting unpaid fees
6 and costs.

7 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-385,
8 eff. 7-25-03; 93-573, eff. 8-21-03; 93-760, eff. 1-1-05.)

9 (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

10 Sec. 27.2a. The fees of the clerks of the circuit court in
11 all counties having a population of 3,000,000 or more
12 inhabitants in the instances described in this Section shall be
13 as provided in this Section. In those instances where a minimum
14 and maximum fee is stated, the clerk of the circuit court must
15 charge the minimum fee listed and may charge up to the maximum
16 fee if the county board has by resolution increased the fee.
17 The fees shall be paid in advance and shall be as follows:

18 (a) Civil Cases.

19 The fee for filing a complaint, petition, or other
20 pleading initiating a civil action, with the following
21 exceptions, shall be a minimum of \$190 and a maximum of
22 \$240.

23 (A) When the amount of money or damages or the
24 value of personal property claimed does not exceed
25 \$250, a minimum of \$15 and a maximum of \$22.

1 (B) When that amount exceeds \$250 but does not
2 exceed \$1000, a minimum of \$40 and a maximum of \$75.

3 (C) When that amount exceeds \$1000 but does not
4 exceed \$2500, a minimum of \$50 and a maximum of \$80.

5 (D) When that amount exceeds \$2500 but does not
6 exceed \$5000, a minimum of \$100 and a maximum of \$130.

7 (E) When that amount exceeds \$5000 but does not
8 exceed \$15,000, \$150.

9 (F) For the exercise of eminent domain, \$150. For
10 each additional lot or tract of land or right or
11 interest therein subject to be condemned, the damages
12 in respect to which shall require separate assessment
13 by a jury, \$150.

14 (G) For the final determination of parking,
15 standing, and compliance violations and final
16 administrative decisions issued after hearings
17 regarding vehicle immobilization and impoundment made
18 pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of
19 the Illinois Vehicle Code, \$25.

20 (H) No fees shall be charged by the clerk to a
21 petitioner in any order of protection including, but
22 not limited to, filing, modifying, withdrawing,
23 certifying, or photocopying petitions for orders of
24 protection, or for issuing alias summons, or for any
25 related filing service, certifying, modifying,
26 vacating, or photocopying any orders of protection.

1 (b) Forcible Entry and Detainer.

2 In each forcible entry and detainer case when the
3 plaintiff seeks possession only or unites with his or her
4 claim for possession of the property a claim for rent or
5 damages or both in the amount of \$15,000 or less, a minimum
6 of \$35 ~~\$75~~ and a maximum of \$70 ~~\$140~~. When the plaintiff
7 unites his or her claim for possession with a claim for
8 rent or damages or both exceeding \$15,000, a minimum of
9 \$110 ~~\$225~~ and a maximum of \$165 ~~\$335~~.

10 (c) Counterclaim or Joining Third Party Defendant.

11 When any defendant files a counterclaim as part of his
12 or her answer or otherwise or joins another party as a
13 third party defendant, or both, the defendant shall pay a
14 fee for each counterclaim or third party action in an
15 amount equal to the fee he or she would have had to pay had
16 he or she brought a separate action for the relief sought
17 in the counterclaim or against the third party defendant,
18 less the amount of the appearance fee, if that has been
19 paid.

20 (d) Confession of Judgment.

21 In a confession of judgment when the amount does not
22 exceed \$1500, a minimum of \$60 and a maximum of \$70. When
23 the amount exceeds \$1500, but does not exceed \$5000, a
24 minimum of \$75 and a maximum of \$150. When the amount
25 exceeds \$5000, but does not exceed \$15,000, a minimum of
26 \$175 and a maximum of \$260. When the amount exceeds

1 \$15,000, a minimum of \$250 and a maximum of \$310.

2 (e) Appearance.

3 The fee for filing an appearance in each civil case
4 shall be a minimum of \$75 and a maximum of \$110, except as
5 follows:

6 (A) When the plaintiff in a forcible entry and
7 detainer case seeks possession only, a minimum of \$20
8 ~~\$40~~ and a maximum of \$40 ~~\$80~~.

9 (B) When the amount in the case does not exceed
10 \$1500, a minimum of \$20 ~~\$40~~ and a maximum of \$40 ~~\$80~~.

11 (C) When that amount exceeds \$1500 but does not
12 exceed \$15,000, a minimum of \$30 ~~\$60~~ and a maximum of
13 \$45 ~~\$90~~.

14 (f) Garnishment, Wage Deduction, and Citation.

15 In garnishment affidavit, wage deduction affidavit,
16 and citation petition when the amount does not exceed
17 \$1,000, a minimum of \$15 and a maximum of \$25; when the
18 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
19 of \$30 and a maximum of \$45; and when the amount exceeds
20 \$5,000, a minimum of \$50 and a maximum of \$80.

21 (g) Petition to Vacate or Modify.

22 (1) Petition to vacate or modify any final judgment or
23 order of court, except in forcible entry and detainer cases
24 and small claims cases or a petition to reopen an estate,
25 to modify, terminate, or enforce a judgment or order for
26 child or spousal support, or to modify, suspend, or

1 terminate an order for withholding, if filed before 30 days
2 after the entry of the judgment or order, a minimum of \$50
3 and a maximum of \$60.

4 (2) Petition to vacate or modify any final judgment or
5 order of court, except a petition to modify, terminate, or
6 enforce a judgment or order for child or spousal support or
7 to modify, suspend, or terminate an order for withholding,
8 if filed later than 30 days after the entry of the judgment
9 or order, a minimum of \$75 and a maximum of \$90.

10 (3) Petition to vacate order of bond forfeiture, a
11 minimum of \$40 and a maximum of \$80.

12 (h) Mailing.

13 When the clerk is required to mail, the fee will be a
14 minimum of \$10 and a maximum of \$15, plus the cost of
15 postage.

16 (i) Certified Copies.

17 Each certified copy of a judgment after the first,
18 except in small claims and forcible entry and detainer
19 cases, a minimum of \$15 and a maximum of \$20.

20 (j) Habeas Corpus.

21 For filing a petition for relief by habeas corpus, a
22 minimum of \$125 and a maximum of \$190.

23 (k) Certification, Authentication, and Reproduction.

24 (1) Each certification or authentication for taking
25 the acknowledgment of a deed or other instrument in writing
26 with the seal of office, a minimum of \$6 and a maximum of

1 \$9.

2 (2) Court appeals when original documents are
3 forwarded, under 100 pages, plus delivery and costs, a
4 minimum of \$75 and a maximum of \$110.

5 (3) Court appeals when original documents are
6 forwarded, over 100 pages, plus delivery and costs, a
7 minimum of \$150 and a maximum of \$185.

8 (4) Court appeals when original documents are
9 forwarded, over 200 pages, an additional fee of a minimum
10 of 25 and a maximum of 30 cents per page.

11 (5) For reproduction of any document contained in the
12 clerk's files:

13 (A) First page, \$2.

14 (B) Next 19 pages, 50 cents per page.

15 (C) All remaining pages, 25 cents per page.

16 (1) Remands.

17 In any cases remanded to the Circuit Court from the
18 Supreme Court or the Appellate Court for a new trial, the
19 clerk shall file the remanding order and reinstate the case
20 with either its original number or a new number. The Clerk
21 shall not charge any new or additional fee for the
22 reinstatement. Upon reinstatement the Clerk shall advise
23 the parties of the reinstatement. A party shall have the
24 same right to a jury trial on remand and reinstatement as
25 he or she had before the appeal, and no additional or new
26 fee or charge shall be made for a jury trial after remand.

1 (m) Record Search.

2 For each record search, within a division or municipal
3 district, the clerk shall be entitled to a search fee of a
4 minimum of \$6 and a maximum of \$9 for each year searched.

5 (n) Hard Copy.

6 For each page of hard copy print output, when case
7 records are maintained on an automated medium, the clerk
8 shall be entitled to a fee of a minimum of \$6 and a maximum
9 of \$9.

10 (o) Index Inquiry and Other Records.

11 No fee shall be charged for a single
12 plaintiff/defendant index inquiry or single case record
13 inquiry when this request is made in person and the records
14 are maintained in a current automated medium, and when no
15 hard copy print output is requested. The fees to be charged
16 for management records, multiple case records, and
17 multiple journal records may be specified by the Chief
18 Judge pursuant to the guidelines for access and
19 dissemination of information approved by the Supreme
20 Court.

21 (p) (Blank).

22 (q) Alias Summons.

23 For each alias summons or citation issued by the clerk,
24 a minimum of \$5 and a maximum of \$6.

25 (r) Other Fees.

26 Any fees not covered in this Section shall be set by

1 rule or administrative order of the Circuit Court with the
2 approval of the Administrative Office of the Illinois
3 Courts.

4 The clerk of the circuit court may provide additional
5 services for which there is no fee specified by statute in
6 connection with the operation of the clerk's office as may
7 be requested by the public and agreed to by the clerk and
8 approved by the chief judge of the circuit court. Any
9 charges for additional services shall be as agreed to
10 between the clerk and the party making the request and
11 approved by the chief judge of the circuit court. Nothing
12 in this subsection shall be construed to require any clerk
13 to provide any service not otherwise required by law.

14 (s) Jury Services.

15 The clerk shall be entitled to receive, in addition to
16 other fees allowed by law, the sum of a minimum of \$212.50
17 and maximum of \$230, as a fee for the services of a jury in
18 every civil action not quasi-criminal in its nature and not
19 a proceeding for the exercise of the right of eminent
20 domain and in every other action wherein the right of trial
21 by jury is or may be given by law. The jury fee shall be
22 paid by the party demanding a jury at the time of filing
23 the jury demand. If the fee is not paid by either party, no
24 jury shall be called in the action or proceeding, and the
25 same shall be tried by the court without a jury.

26 (t) Voluntary Assignment.

1 For filing each deed of voluntary assignment, a minimum
2 of \$20 and a maximum of \$40; for recording the same, a
3 minimum of 50¢ and a maximum of \$0.80 for each 100 words.
4 Exceptions filed to claims presented to an assignee of a
5 debtor who has made a voluntary assignment for the benefit
6 of creditors shall be considered and treated, for the
7 purpose of taxing costs therein, as actions in which the
8 party or parties filing the exceptions shall be considered
9 as party or parties plaintiff, and the claimant or
10 claimants as party or parties defendant, and those parties
11 respectively shall pay to the clerk the same fees as
12 provided by this Section to be paid in other actions.

13 (u) Expungement Petition.

14 The clerk shall be entitled to receive a fee of a
15 minimum of \$60 and a maximum of \$120 for each expungement
16 petition filed and an additional fee of a minimum of \$4 and
17 a maximum of \$8 for each certified copy of an order to
18 expunge arrest records.

19 (v) Probate.

20 The clerk is entitled to receive the fees specified in
21 this subsection (v), which shall be paid in advance, except
22 that, for good cause shown, the court may suspend, reduce,
23 or release the costs payable under this subsection:

24 (1) For administration of the estate of a decedent
25 (whether testate or intestate) or of a missing person, a
26 minimum of \$150 and a maximum of \$225, plus the fees

1 specified in subsection (v) (3), except:

2 (A) When the value of the real and personal
3 property does not exceed \$15,000, the fee shall be a
4 minimum of \$40 and a maximum of \$65.

5 (B) When (i) proof of heirship alone is made, (ii)
6 a domestic or foreign will is admitted to probate
7 without administration (including proof of heirship),
8 or (iii) letters of office are issued for a particular
9 purpose without administration of the estate, the fee
10 shall be a minimum of \$40 and a maximum of \$65.

11 (2) For administration of the estate of a ward, a
12 minimum of \$75 and a maximum of \$110, plus the fees
13 specified in subsection (v) (3), except:

14 (A) When the value of the real and personal
15 property does not exceed \$15,000, the fee shall be a
16 minimum of \$40 and a maximum of \$65.

17 (B) When (i) letters of office are issued to a
18 guardian of the person or persons, but not of the
19 estate or (ii) letters of office are issued in the
20 estate of a ward without administration of the estate,
21 including filing or joining in the filing of a tax
22 return or releasing a mortgage or consenting to the
23 marriage of the ward, the fee shall be a minimum of \$20
24 and a maximum of \$40.

25 (3) In addition to the fees payable under subsection
26 (v) (1) or (v) (2) of this Section, the following fees are

1 payable:

2 (A) For each account (other than one final account)
3 filed in the estate of a decedent, or ward, a minimum
4 of \$25 and a maximum of \$40.

5 (B) For filing a claim in an estate when the amount
6 claimed is \$150 or more but less than \$500, a minimum
7 of \$20 and a maximum of \$40; when the amount claimed is
8 \$500 or more but less than \$10,000, a minimum of \$40
9 and a maximum of \$65; when the amount claimed is
10 \$10,000 or more, a minimum of \$60 and a maximum of \$90;
11 provided that the court in allowing a claim may add to
12 the amount allowed the filing fee paid by the claimant.

13 (C) For filing in an estate a claim, petition, or
14 supplemental proceeding based upon an action seeking
15 equitable relief including the construction or contest
16 of a will, enforcement of a contract to make a will,
17 and proceedings involving testamentary trusts or the
18 appointment of testamentary trustees, a minimum of \$60
19 and a maximum of \$90.

20 (D) For filing in an estate (i) the appearance of
21 any person for the purpose of consent or (ii) the
22 appearance of an executor, administrator,
23 administrator to collect, guardian, guardian ad litem,
24 or special administrator, no fee.

25 (E) Except as provided in subsection (v) (3) (D),
26 for filing the appearance of any person or persons, a

1 minimum of \$30 and a maximum of \$90.

2 (F) For each jury demand, a minimum of \$137.50 and
3 a maximum of \$180.

4 (G) For disposition of the collection of a judgment
5 or settlement of an action or claim for wrongful death
6 of a decedent or of any cause of action of a ward, when
7 there is no other administration of the estate, a
8 minimum of \$50 and a maximum of \$80, less any amount
9 paid under subsection (v) (1) (B) or (v) (2) (B) except
10 that if the amount involved does not exceed \$5,000, the
11 fee, including any amount paid under subsection
12 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$20 and a
13 maximum of \$40.

14 (H) For each certified copy of letters of office,
15 of court order or other certification, a minimum of \$2
16 and a maximum of \$4, plus \$1 per page in excess of 3
17 pages for the document certified.

18 (I) For each exemplification, \$2, plus the fee for
19 certification.

20 (4) The executor, administrator, guardian, petitioner,
21 or other interested person or his or her attorney shall pay
22 the cost of publication by the clerk directly to the
23 newspaper.

24 (5) The person on whose behalf a charge is incurred for
25 witness, court reporter, appraiser, or other miscellaneous
26 fee shall pay the same directly to the person entitled

1 thereto.

2 (6) The executor, administrator, guardian, petitioner,
3 or other interested person or his or her attorney shall pay
4 to the clerk all postage charges incurred by the clerk in
5 mailing petitions, orders, notices, or other documents
6 pursuant to the provisions of the Probate Act of 1975.

7 (w) Criminal and Quasi-Criminal Costs and Fees.

8 (1) The clerk shall be entitled to costs in all
9 criminal and quasi-criminal cases from each person
10 convicted or sentenced to supervision therein as follows:

11 (A) Felony complaints, a minimum of \$125 and a
12 maximum of \$190.

13 (B) Misdemeanor complaints, a minimum of \$75 and a
14 maximum of \$110.

15 (C) Business offense complaints, a minimum of \$75
16 and a maximum of \$110.

17 (D) Petty offense complaints, a minimum of \$75 and
18 a maximum of \$110.

19 (E) Minor traffic or ordinance violations, \$30.

20 (F) When court appearance required, \$50.

21 (G) Motions to vacate or amend final orders, a
22 minimum of \$40 and a maximum of \$80.

23 (H) Motions to vacate bond forfeiture orders, a
24 minimum of \$30 and a maximum of \$45.

25 (I) Motions to vacate ex parte judgments, whenever
26 filed, a minimum of \$30 and a maximum of \$45.

1 (J) Motions to vacate judgment on forfeitures,
2 whenever filed, a minimum of \$25 and a maximum of \$30.

3 (K) Motions to vacate "failure to appear" or
4 "failure to comply" notices sent to the Secretary of
5 State, a minimum of \$40 and a maximum of \$50.

6 (2) In counties having a population of 3,000,000 or
7 more, when the violation complaint is issued by a municipal
8 police department, the clerk shall be entitled to costs
9 from each person convicted therein as follows:

10 (A) Minor traffic or ordinance violations, \$30.

11 (B) When court appearance required, \$50.

12 (3) In ordinance violation cases punishable by fine
13 only, the clerk of the circuit court shall be entitled to
14 receive, unless the fee is excused upon a finding by the
15 court that the defendant is indigent, in addition to other
16 fees or costs allowed or imposed by law, the sum of a
17 minimum of \$112.50 and a maximum of \$250 as a fee for the
18 services of a jury. The jury fee shall be paid by the
19 defendant at the time of filing his or her jury demand. If
20 the fee is not so paid by the defendant, no jury shall be
21 called, and the case shall be tried by the court without a
22 jury.

23 (x) Transcripts of Judgment.

24 For the filing of a transcript of judgment, the clerk
25 shall be entitled to the same fee as if it were the
26 commencement of a new suit.

1 (y) Change of Venue.

2 (1) For the filing of a change of case on a change of
3 venue, the clerk shall be entitled to the same fee as if it
4 were the commencement of a new suit.

5 (2) The fee for the preparation and certification of a
6 record on a change of venue to another jurisdiction, when
7 original documents are forwarded, a minimum of \$40 and a
8 maximum of \$65.

9 (z) Tax objection complaints.

10 For each tax objection complaint containing one or more
11 tax objections, regardless of the number of parcels
12 involved or the number of taxpayers joining in the
13 complaint, a minimum of \$50 and a maximum of \$100.

14 (aa) Tax Deeds.

15 (1) Petition for tax deed, if only one parcel is
16 involved, a minimum of \$250 and a maximum of \$400.

17 (2) For each additional parcel, add a fee of a minimum
18 of \$100 and a maximum of \$200.

19 (bb) Collections.

20 (1) For all collections made of others, except the
21 State and county and except in maintenance or child support
22 cases, a sum equal to 3.0% of the amount collected and
23 turned over.

24 (2) Interest earned on any funds held by the clerk
25 shall be turned over to the county general fund as an
26 earning of the office.

1 (3) For any check, draft, or other bank instrument
2 returned to the clerk for non-sufficient funds, account
3 closed, or payment stopped, \$25.

4 (4) In child support and maintenance cases, the clerk,
5 if authorized by an ordinance of the county board, may
6 collect an annual fee of up to \$36 from the person making
7 payment for maintaining child support records and the
8 processing of support orders to the State of Illinois KIDS
9 system and the recording of payments issued by the State
10 Disbursement Unit for the official record of the Court.
11 This fee shall be in addition to and separate from amounts
12 ordered to be paid as maintenance or child support and
13 shall be deposited into a Separate Maintenance and Child
14 Support Collection Fund, of which the clerk shall be the
15 custodian, ex-officio, to be used by the clerk to maintain
16 child support orders and record all payments issued by the
17 State Disbursement Unit for the official record of the
18 Court. The clerk may recover from the person making the
19 maintenance or child support payment any additional cost
20 incurred in the collection of this annual fee.

21 The clerk shall also be entitled to a fee of \$5 for
22 certifications made to the Secretary of State as provided
23 in Section 7-703 of the Family Financial Responsibility Law
24 and these fees shall also be deposited into the Separate
25 Maintenance and Child Support Collection Fund.

26 (cc) Corrections of Numbers.

1 For correction of the case number, case title, or
2 attorney computer identification number, if required by
3 rule of court, on any document filed in the clerk's office,
4 to be charged against the party that filed the document, a
5 minimum of \$25 and a maximum of \$40.

6 (dd) Exceptions.

7 (1) The fee requirements of this Section shall not
8 apply to police departments or other law enforcement
9 agencies. In this Section, "law enforcement agency" means
10 an agency of the State or a unit of local government which
11 is vested by law or ordinance with the duty to maintain
12 public order and to enforce criminal laws or ordinances.
13 "Law enforcement agency" also means the Attorney General or
14 any state's attorney.

15 (2) No fee provided herein shall be charged to any unit
16 of local government or school district. The fee
17 requirements of this Section shall not apply to any action
18 instituted under subsection (b) of Section 11-31-1 of the
19 Illinois Municipal Code by a private owner or tenant of
20 real property within 1200 feet of a dangerous or unsafe
21 building seeking an order compelling the owner or owners of
22 the building to take any of the actions authorized under
23 that subsection.

24 (3) The fee requirements of this Section shall not
25 apply to the filing of any commitment petition or petition
26 for an order authorizing the administration of authorized

1 involuntary treatment in the form of medication under the
2 Mental Health and Developmental Disabilities Code.

3 (ee) Adoption.

4 (1) For an adoption \$65

5 (2) Upon good cause shown, the court may waive the
6 adoption filing fee in a special needs adoption. The term
7 "special needs adoption" shall have the meaning ascribed to
8 it by the Illinois Department of Children and Family
9 Services.

10 (ff) Adoption exemptions.

11 No fee other than that set forth in subsection (ee)
12 shall be charged to any person in connection with an
13 adoption proceeding nor may any fee be charged for
14 proceedings for the appointment of a confidential
15 intermediary under the Adoption Act.

16 (gg) Unpaid fees.

17 Unless a court ordered payment schedule is implemented
18 or the fee requirements of this Section are waived pursuant
19 to court order, the clerk of the court may add to any
20 unpaid fees and costs under this Section a delinquency
21 amount equal to 5% of the unpaid fees that remain unpaid
22 after 30 days, 10% of the unpaid fees that remain unpaid
23 after 60 days, and 15% of the unpaid fees that remain
24 unpaid after 90 days. Notice to those parties may be made
25 by signage posting or publication. The additional
26 delinquency amounts collected under this Section shall be

1 used to defray additional administrative costs incurred by
2 the clerk of the circuit court in collecting unpaid fees
3 and costs.

4 (Source: P.A. 92-521, eff. 6-1-02; 93-385, eff. 7-25-03;
5 93-573, eff. 8-21-03; 93-760, eff. 1-1-05.)

6 Section 10. The Code of Civil Procedure is amended by
7 changing Sections 9-102, 9-107, 9-109.7, 9-118, 9-119, 9-120,
8 9-207, and 9-210 as follows:

9 (735 ILCS 5/9-102) (from Ch. 110, par. 9-102)

10 Sec. 9-102. When action may be maintained.

11 (a) The person entitled to the possession of lands or
12 tenements may be restored thereto under any of the following
13 circumstances:

14 (1) When a forcible entry is made thereon.

15 (2) When a peaceable entry is made and the possession
16 unlawfully withheld.

17 (3) When entry is made into vacant or unoccupied lands
18 or tenements without right or title.

19 (4) When any lessee of the lands or tenements, or any
20 person holding under such lessee, holds possession without
21 right after the termination of the lease or tenancy by its
22 own limitation, condition or terms, or by notice to quit or
23 otherwise.

24 (5) When a vendee having obtained possession under a

1 written or verbal agreement to purchase lands or tenements,
2 and having failed to comply with the agreement, withholds
3 possession thereof, after demand in writing by the person
4 entitled to such possession; provided, however, that any
5 such agreement for residential real estate as defined in
6 the Illinois Mortgage Foreclosure Law entered into on or
7 after July 1, 1987 where the purchase price is to be paid
8 in installments over a period in excess of 5 years and the
9 amount unpaid under the terms of the contract at the time
10 of the filing of a foreclosure complaint under Article XV,
11 including principal and due and unpaid interest, is less
12 than 80% of the original purchase price shall be foreclosed
13 under the Illinois Mortgage Foreclosure Law.

14 This amendatory Act of 1993 is declarative of existing
15 law.

16 (6) When lands or tenements have been conveyed by any
17 grantor in possession, or sold under the order or judgment
18 of any court in this State, or by virtue of any sale in any
19 mortgage or deed of trust contained and the grantor in
20 possession or party to such order or judgment or to such
21 mortgage or deed of trust, after the expiration of the time
22 of redemption, when redemption is allowed by law, refuses
23 or neglects to surrender possession thereof, after demand
24 in writing by the person entitled thereto, or his or her
25 agent.

26 (7) When any property is subject to the provisions of

1 the Condominium Property Act, the owner of a unit fails or
2 refuses to pay when due his or her proportionate share of
3 the common expenses of such property, or of any other
4 expenses lawfully agreed upon or any unpaid fine, the Board
5 of Managers or its agents have served the demand set forth
6 in Section 9-104.1 of this Article in the manner provided
7 for in that Section and the unit owner has failed to pay
8 the amount claimed within the time prescribed in the
9 demand; or if the lessor-owner of a unit fails to comply
10 with the leasing requirements prescribed by subsection (n)
11 of Section 18 of the Condominium Property Act or by the
12 declaration, by-laws, and rules and regulations of the
13 condominium, or if a lessee of an owner is in breach of any
14 covenants, rules, regulations, or by-laws of the
15 condominium, and the Board of Managers or its agents have
16 served the demand set forth in Section 9-104.2 of this
17 Article in the manner provided in that Section.

18 (8) When any property is subject to the provisions of a
19 declaration establishing a common interest community and
20 requiring the unit owner to pay regular or special
21 assessments for the maintenance or repair of common areas
22 owned in common by all of the owners of the common interest
23 community or by the community association and maintained
24 for the use of the unit owners or of any other expenses of
25 the association lawfully agreed upon, and the unit owner
26 fails or refuses to pay when due his or her proportionate

1 share of such assessments or expenses and the board or its
2 agents have served the demand set forth in Section 9-104.1
3 of this Article in the manner provided for in that Section
4 and the unit owner has failed to pay the amount claimed
5 within the time prescribed in the demand.

6 (a-5) An action maintained pursuant to paragraph (1), (2),
7 (3), or (4) of subsection (a) of this Section 9-102 shall be
8 treated as an expedited proceeding.

9 (b) The provisions of paragraph (8) of subsection (a) of
10 Section 9-102 and Section 9-104.3 of this Act shall not apply
11 to any common interest community unless (1) the association is
12 a not-for-profit corporation, (2) unit owners are authorized to
13 attend meetings of the board of directors or board of managers
14 of the association in the same manner as provided for
15 condominiums under the Condominium Property Act, and (3) the
16 board of managers or board of directors of the common interest
17 community association has, subsequent to the effective date of
18 this amendatory Act of 1984 voted to have the provisions of
19 this Article apply to such association and has delivered or
20 mailed notice of such action to the unit owners or unless the
21 declaration of the association is recorded after the effective
22 date of this amendatory Act of 1985.

23 (c) For purposes of this Article:

24 (1) "Common interest community" means real estate
25 other than a condominium or cooperative with respect to
26 which any person by virtue of his or her ownership of a

1 partial interest or unit therein is obligated to pay for
2 maintenance, improvement, insurance premiums, or real
3 estate taxes of other real estate described in a
4 declaration which is administered by an association.

5 (2) "Declaration" means any duly recorded instruments,
6 however designated, that have created a common interest
7 community and any duly recorded amendments to those
8 instruments.

9 (3) "Unit" means a physical portion of the common
10 interest community designated by separate ownership or
11 occupancy by boundaries which are described in a
12 declaration.

13 (4) "Unit owners' association" or "association" means
14 the association of all owners of units in the common
15 interest community acting pursuant to the declaration.

16 (d) If the board of a common interest community elects to
17 have the provisions of this Article apply to such association
18 or the declaration of the association is recorded after the
19 effective date of this amendatory Act of 1985, the provisions
20 of subsections (c) through (h) of Section 18.5 of the
21 Condominium Property Act applicable to a Master Association and
22 condominium unit subject to such association under subsections
23 (c) through (h) of Section 18.5 shall be applicable to the
24 community associations and to its unit owners.

25 (Source: P.A. 88-47; 89-41, eff. 6-23-95; 89-626, eff. 8-9-96.)

1 (735 ILCS 5/9-107) (from Ch. 110, par. 9-107)

2 Sec. 9-107. Constructive service. If the plaintiff, his or
3 her agent, or attorney files a forcible detainer action, with
4 or without joinder of a claim for rent in the complaint, and is
5 unable to obtain personal service on the defendant or unknown
6 occupant and a summons duly issued in such action is returned
7 without service stating that service can not be obtained, then
8 the plaintiff, his or her agent or attorney may file an
9 affidavit stating that the defendant or unknown occupant is not
10 a resident of this State, or has departed from this State, or
11 on due inquiry cannot be found, or is concealed within this
12 State so that process cannot be served upon him or her, and
13 also stating the place of residence of the defendant or unknown
14 occupant, if known, or if not known, that upon diligent inquiry
15 the affiant has not been able to ascertain the defendant's or
16 unknown occupant's place of residence, then in all such
17 forcible detainer cases whether or not a claim for rent is
18 joined with the complaint for possession, the defendant or
19 unknown occupant may be notified by posting and mailing of
20 notices; or by publication and mailing, as provided for in
21 Section 2-206 of this Act. However, in cases where the
22 defendant or unknown occupant is notified by posting and
23 mailing of notices or by publication and mailing, and the
24 defendant or unknown occupant does not appear generally, the
25 court may rule only on the portion of the complaint which seeks
26 judgment for possession, and the court shall not enter judgment

1 as to any rent claim joined in the complaint or enter personal
2 judgment for any amount owed by a unit owner for his or her
3 proportionate share of the common expenses, however, an in rem
4 judgment may be entered against the unit for the amount of
5 common expenses due, any other expenses lawfully agreed upon or
6 the amount of any unpaid fine, together with reasonable
7 attorney fees, if any, and costs. The claim for rent may remain
8 pending until such time as the defendant or unknown occupant
9 appears generally or is served with summons, but the order for
10 possession shall be final, enforceable and appealable if the
11 court makes an express written finding that there is no just
12 reason for delaying enforcement or appeal, as provided by
13 Supreme Court rule of this State.

14 Such notice shall be in the name of the clerk of the court,
15 be directed to the defendant or unknown occupant, shall state
16 the nature of the cause against the defendant or unknown
17 occupant and at whose instance issued and the time and place
18 for trial, and shall also state that unless the defendant or
19 unknown occupant appears at the time and place fixed for trial,
20 judgment will be entered by default, and shall specify the
21 character of the judgment that will be entered in such cause.
22 The sheriff shall post 3 copies of the notice in 3 public
23 places in the neighborhood of the court where the cause is to
24 be tried, at least 5 ~~10~~ days prior to the day set for the
25 appearance, and, if the place of residence of the defendant or
26 unknown occupant is stated in any affidavit on file, shall at

1 the same time mail one copy of the notice addressed to such
2 defendant or unknown occupant at such place of residence shown
3 in such affidavit. On or before the day set for the appearance,
4 the sheriff shall file the notice with an endorsement thereon
5 stating the time when and places where the sheriff posted and
6 to whom and at what address he or she mailed copies as required
7 by this Section. For want of sufficient notice any cause may be
8 continued from time to time until the court has jurisdiction of
9 the defendant or unknown occupant.

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

11 (735 ILCS 5/9-109.7)

12 Sec. 9-109.7. Stay of enforcement; drug related action. A
13 judgment for possession of the premises entered in an action
14 brought by a lessor or lessor's assignee, if the action was
15 brought as a result of a lessor or lessor's assignee declaring
16 a lease void pursuant to Section 11 of the Controlled Substance
17 and Cannabis Nuisance Act, may not be stayed for any period in
18 excess of 5 ~~7~~ days by the court. Thereafter the plaintiff shall
19 be entitled to re-enter the premises immediately. The sheriff
20 or other lawfully deputized officers shall execute an order
21 entered pursuant to this Section within 5 ~~7~~ days of its entry,
22 or within 5 ~~7~~ days of the expiration of a stay of judgment, if
23 one is entered.

24 (Source: P.A. 90-557, eff. 6-1-98.)

1 (735 ILCS 5/9-118) (from Ch. 110, par. 9-118)

2 Sec. 9-118. Emergency housing eviction proceedings.

3 (a) As used in this Section:

4 "Cannabis" has the meaning ascribed to that term in the
5 Cannabis Control Act.

6 "Narcotics" and "controlled substance" have the meanings
7 ascribed to those terms in the Illinois Controlled Substances
8 Act.

9 (b) This Section applies only if all of the following
10 conditions are met:

11 (1) The complaint seeks possession of premises that are
12 owned or managed by a housing authority established under
13 the Housing Authorities Act or privately owned and managed.

14 (2) The verified complaint alleges that there is direct
15 evidence of any of the following:

16 (A) unlawful possessing, serving, storing,
17 manufacturing, cultivating, delivering, using,
18 selling, giving away, or trafficking in cannabis,
19 methamphetamine, narcotics, or controlled substances
20 within or upon the premises by or with the knowledge
21 and consent of, or in concert with the person or
22 persons named in the complaint; or

23 (B) the possession, use, sale, or delivery of a
24 firearm which is otherwise prohibited by State law
25 within or upon the premises by or with the knowledge
26 and consent of, or in concert with, the person or

1 persons named in the complaint; or

2 (C) murder, attempted murder, kidnapping,
3 attempted kidnapping, arson, attempted arson,
4 aggravated battery, criminal sexual assault, attempted
5 criminal sexual assault, aggravated criminal sexual
6 assault, predatory criminal sexual assault of a child,
7 or criminal sexual abuse within or upon the premises by
8 or with the knowledge and consent of, or in concert
9 with, the person or persons named in the complaint.

10 (3) Notice by verified complaint setting forth the
11 relevant facts, and a demand for possession of the type
12 specified in Section 9-104 is served on the tenant or
13 occupant of the premises at least 7 ~~14~~ days before a
14 hearing on the complaint is held, and proof of service of
15 the complaint is submitted by the plaintiff to the court.

16 (b-5) In all actions brought under this Section 9-118, no
17 predicate notice of termination or demand for possession shall
18 be required to initiate an eviction action.

19 (c) When a complaint has been filed under this Section, a
20 hearing on the complaint shall be scheduled on any day after
21 the expiration of 7 ~~14~~ days following the filing of the
22 complaint. The summons shall advise the defendant that a
23 hearing on the complaint shall be held at the specified date
24 and time, and that the defendant should be prepared to present
25 any evidence on his or her behalf at that time.

26 If a plaintiff which is a public housing authority accepts

1 rent from the defendant after an action is initiated under this
2 Section, the acceptance of rent shall not be a cause for
3 dismissal of the complaint.

4 (d) If the defendant does not appear at the hearing,
5 judgment for possession of the premises in favor of the
6 plaintiff shall be entered by default. If the defendant
7 appears, a trial shall be held immediately as is prescribed in
8 other proceedings for possession. The matter shall not be
9 continued beyond 5 7 days from the date set for the first
10 hearing on the complaint except by agreement of both the
11 plaintiff and the defendant. After a trial, if the court finds,
12 by a preponderance of the evidence, that the allegations in the
13 complaint have been proven, the court shall enter judgment for
14 possession of the premises in favor of the plaintiff and the
15 court shall order that the plaintiff shall be entitled to
16 re-enter the premises immediately.

17 (d-5) If cannabis, methamphetamine, narcotics, or
18 controlled substances are found or used anywhere in the
19 premises, there is a rebuttable presumption either (1) that the
20 cannabis, methamphetamine, narcotics, or controlled substances
21 were used or possessed by a tenant or occupant or (2) that a
22 tenant or occupant permitted the premises to be used for that
23 use or possession, and knew or should have reasonably known
24 that the substance was used or possessed.

25 (e) A judgment for possession entered under this Section
26 may not be stayed for any period in excess of 7 days by the

1 court. Thereafter the plaintiff shall be entitled to re-enter
2 the premises immediately. The sheriff or other lawfully
3 deputized officers shall give priority to service and execution
4 of orders entered under this Section over other possession
5 orders.

6 (f) This Section shall not be construed to prohibit the use
7 or possession of cannabis, methamphetamine, narcotics, or a
8 controlled substance that has been legally obtained in
9 accordance with a valid prescription for the personal use of a
10 lawful occupant of a dwelling unit.

11 (Source: P.A. 94-556, eff. 9-11-05.)

12 (735 ILCS 5/9-119)

13 Sec. 9-119. Emergency subsidized housing eviction
14 proceedings.

15 (a) As used in this Section:

16 "FmHA" means the Farmers Home Administration or a local
17 housing authority administering an FmHA program.

18 "HUD" means the United States Department of Housing and
19 Urban Development, or the Federal Housing Administration or a
20 local housing authority administering a HUD program.

21 "Section 8 contract" means a contract with HUD or FmHA
22 which provides rent subsidies entered into pursuant to Section
23 8 of the United States Housing Act of 1937 or the Section 8
24 Existing Housing Program (24 C.F.R. Part 882).

25 "Subsidized housing" means:

1 (1) any housing or unit of housing subject to a Section
2 8 contract;

3 (2) any housing or unit of housing owned, operated, or
4 managed by a housing authority established under the
5 Housing Authorities Act; or

6 (3) any housing or unit of housing financed by a loan
7 or mortgage held by the Illinois Housing Development
8 Authority, a local housing authority, or the federal
9 Department of Housing and Urban Development ("HUD") that
10 is:

11 (i) insured or held by HUD under Section 221(d) (3)
12 of the National Housing Act and assisted under Section
13 101 of the Housing and Urban Development Act of 1965 or
14 Section 8 of the United States Housing Act of 1937;

15 (ii) insured or held by HUD and bears interest at a
16 rate determined under the proviso of Section 221(d) (3)
17 of the National Housing Act;

18 (iii) insured, assisted, or held by HUD under
19 Section 202 or 236 of the National Housing Act;

20 (iv) insured or held by HUD under Section 514 or
21 515 of the Housing Act of 1949;

22 (v) insured or held by HUD under the United States
23 Housing Act of 1937; or

24 (vi) held by HUD and formerly insured under a
25 program listed in subdivision (i), (ii), (iii), (iv),
26 or (v).

1 (b) This Section applies only if all of the following
2 conditions are met:

3 (1) The verified complaint seeks possession of
4 premises that are subsidized housing as defined under this
5 Section.

6 (2) The verified complaint alleges that there is direct
7 evidence of refusal by the tenant to allow the landlord or
8 agent of the landlord or other person authorized by State
9 or federal law or regulations or local ordinance to inspect
10 the premises, provided that all of the following conditions
11 have been met:

12 (A) on 2 separate occasions within a 30 day period
13 the tenant, or another person on the premises with the
14 consent of the tenant, refuses to allow the landlord or
15 agent of the landlord or other person authorized by
16 State or federal law or regulations or local ordinance
17 to inspect the premises;

18 (B) the landlord then sends written notice to the
19 tenant stating that (i) the tenant, or a person on the
20 premises with the consent of the tenant, failed twice
21 within a 30 day period to allow the landlord or agent
22 of the landlord or other person authorized by State or
23 federal law or regulations or local ordinance to
24 inspect the premises and (ii) the tenant must allow the
25 landlord or agent of the landlord or other person
26 authorized by State or federal law or regulations or

1 local ordinance to inspect the premises within the next
2 30 days or face emergency eviction proceedings under
3 this Section;

4 (C) the tenant subsequently fails to allow the
5 landlord or agent of the landlord or other person
6 authorized by State or federal law or regulations or
7 local ordinance to inspect the premises within 30 days
8 of receiving the notice from the landlord; and

9 (D) the tenant's written lease states that the
10 occurrence of the events described in items (A), (B),
11 and (C) may result in eviction.

12 (3) Notice, by verified complaint setting forth the
13 relevant facts, and a demand for possession of the type
14 specified in Section 9-104 is served on the tenant or
15 occupant of the premises at least 7 ~~14~~ days before a
16 hearing on the complaint is held, and proof of service of
17 the complaint is submitted by the plaintiff to the court.

18 (c) When a complaint has been filed under this Section, a
19 hearing on the complaint shall be scheduled on any day after
20 the expiration of 7 ~~14~~ days following the filing of the
21 complaint. The summons shall advise the defendant that a
22 hearing on the complaint shall be held at the specified date
23 and time, and that the defendant should be prepared to present
24 any evidence on his or her behalf at that time.

25 (d) If the defendant does not appear at the hearing,
26 judgment for possession of the premises in favor of the

1 plaintiff shall be entered by default. If the defendant
2 appears, a trial shall be held immediately as is prescribed in
3 other proceedings for possession. The matter shall not be
4 continued beyond 7 days from the date set for the first hearing
5 on the complaint except by agreement of both the plaintiff and
6 the defendant. After a trial, if the court finds, by a
7 preponderance of the evidence, that the allegations in the
8 complaint have been proven, the court shall enter judgment for
9 possession of the premises in favor of the plaintiff and the
10 court shall order that the plaintiff shall be entitled to
11 re-enter the premises immediately.

12 (e) A judgment for possession entered under this Section
13 may not be stayed for any period in excess of 7 days by the
14 court. Thereafter the plaintiff shall be entitled to re-enter
15 the premises immediately. The sheriff or other lawfully
16 deputized officers shall give priority to service and execution
17 of orders entered under this Section over other possession
18 orders.

19 (Source: P.A. 89-660, eff. 1-1-97.)

20 (735 ILCS 5/9-120)

21 Sec. 9-120. Leased premises used in furtherance of a
22 criminal offense; lease void at option of lessor or assignee.

23 (a) If any lessee or occupant, on one or more occasions,
24 uses or permits the use of leased premises for the commission
25 of any act that would constitute a felony or a Class A

1 misdemeanor under the laws of this State, the lease or rental
2 agreement shall, at the option of the lessor or the lessor's
3 assignee become void, and the owner or lessor shall be entitled
4 to recover possession of the leased premises as against a
5 tenant holding over after the expiration of his or her term.

6 (b) The owner or lessor may bring a forcible entry and
7 detainer action, or, if the State's Attorney of the county in
8 which the real property is located agrees, assign to that
9 State's Attorney the right to bring a forcible entry and
10 detainer action on behalf of the owner or lessor, against the
11 lessee and all occupants of the leased premises. The assignment
12 must be in writing on a form prepared by the State's Attorney
13 of the county in which the real property is located. If the
14 owner or lessor assigns the right to bring a forcible entry and
15 detainer action, the assignment shall be limited to those
16 rights and duties up to and including delivery of the order of
17 eviction to the sheriff for execution. The owner or lessor
18 shall remain liable for the cost of the eviction whether or not
19 the right to bring the forcible entry and detainer action has
20 been assigned.

21 (c) A person does not forfeit any part of his or her
22 security deposit due solely to an eviction under the provisions
23 of this Section, except that a security deposit may be used to
24 pay fees charged by the sheriff for carrying out an eviction.

25 (d) If a lessor or the lessor's assignee voids a lease or
26 contract under the provisions of this Section and the tenant or

1 occupant has not vacated the premises within 5 days after
2 receipt of a written notice to vacate the premises, the lessor
3 or lessor's assignee may seek relief under this Article IX.
4 Notwithstanding Sections 9-112, 9-113, and 9-114 of this Code,
5 judgment for costs against a plaintiff seeking possession of
6 the premises under this Section shall not be awarded to the
7 defendant unless the action was brought by the plaintiff in bad
8 faith. An action to possess premises under this Section shall
9 not be deemed to be in bad faith when the plaintiff based his
10 or her cause of action on information provided to him or her by
11 a law enforcement agency or the State's Attorney.

12 (e) After a trial, if the court finds, by a preponderance
13 of the evidence, that the allegations in the complaint have
14 been proven, the court shall enter judgment for possession of
15 the premises in favor of the plaintiff and the court shall
16 order that the plaintiff shall be entitled to re-enter the
17 premises immediately.

18 (f) A judgment for possession of the premises entered in an
19 action brought by a lessor or lessor's assignee, if the action
20 was brought as a result of a lessor or lessor's assignee
21 declaring a lease void pursuant to this Section, may not be
22 stayed for any period in excess of 5 ~~7~~ days by the court unless
23 all parties agree to a longer period. Thereafter the plaintiff
24 shall be entitled to re-enter the premises immediately. The
25 sheriff or other lawfully deputized officers shall execute an
26 order entered pursuant to this Section within 5 ~~7~~ days of its

1 entry, or within 5 ~~7~~ days of the expiration of a stay of
2 judgment, if one is entered.

3 (g) Nothing in this Section shall limit the rights of an
4 owner or lessor to bring a forcible entry and detainer action
5 on the basis of other applicable law.

6 (Source: P.A. 90-360, eff. 1-1-98.)

7 (735 ILCS 5/9-207) (from Ch. 110, par. 9-207)

8 Sec. 9-207. Notice to terminate tenancy for less than a
9 year. In all cases of tenancy from week to week, where the
10 tenant holds over without special agreement, the landlord may
11 terminate the tenancy by 5 ~~7~~ days' notice, in writing, and may
12 maintain an action for forcible entry and detainer or
13 ejectment.

14 In all cases of tenancy for any term less than one year,
15 other than tenancy from week to week, where the tenant holds
16 over without special agreement, the landlord may terminate the
17 tenancy by 14 ~~30~~ days' notice, in writing, and may maintain an
18 action for forcible entry and detainer or ejectment.

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

20 (735 ILCS 5/9-210) (from Ch. 110, par. 9-210)

21 Sec. 9-210. Notice to quit. When default is made in any of
22 the terms of a lease, it is not necessary to give more than 7 ~~10~~
23 days' notice to quit, or of the termination of such tenancy,
24 and the same may be terminated on giving such notice to quit at

1 any time after such default in any of the terms of such lease.

2 Such notice may be substantially in the following form:

3 "To A.B.: You are hereby notified that in consequence of
4 your default in (here insert the character of the default) of
5 the premises now occupied by you, being, etc., (here describe
6 the premises) I have elected to terminate your lease, and you
7 are hereby notified to quit and deliver up possession of the
8 same to me within 7 ~~10~~ days of this date (dated, etc.)."

9 The notice is to be signed by the lessor or his or her
10 agent, and no other notice or demand of possession or
11 termination of such tenancy is necessary.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	705 ILCS 105/27.1a	from Ch. 25, par. 27.1a
4	705 ILCS 105/27.2	from Ch. 25, par. 27.2
5	705 ILCS 105/27.2a	from Ch. 25, par. 27.2a
6	735 ILCS 5/9-102	from Ch. 110, par. 9-102
7	735 ILCS 5/9-107	from Ch. 110, par. 9-107
8	735 ILCS 5/9-109.7	
9	735 ILCS 5/9-118	from Ch. 110, par. 9-118
10	735 ILCS 5/9-119	
11	735 ILCS 5/9-120	
12	735 ILCS 5/9-207	from Ch. 110, par. 9-207
13	735 ILCS 5/9-210	from Ch. 110, par. 9-210