



Sen. Ira I. Silverstein

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LRB098 05335 HEP 44611 a

1 AMENDMENT TO SENATE BILL 1044

2 AMENDMENT NO. _____. Amend Senate Bill 1044 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-1402, 2-1602, 12-101, and 12-705 as
6 follows:

7 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

8 Sec. 2-1402. Supplementary proceedings.

9 (a) A judgment creditor, or his or her successor in
10 interest when that interest is made to appear of record, is
11 entitled to prosecute supplementary proceedings for the
12 purposes of examining the judgment debtor or any other person
13 to discover assets or income of the debtor not exempt from the
14 enforcement of the judgment, a deduction order or garnishment,
15 and of compelling the application of non-exempt assets or
16 income discovered toward the payment of the amount due under

1 the judgment. A supplementary proceeding shall be commenced by
2 the service of a citation issued by the clerk. The procedure
3 for conducting supplementary proceedings shall be prescribed
4 by rules. It is not a prerequisite to the commencement of a
5 supplementary proceeding that a certified copy of the judgment
6 has been returned wholly or partly unsatisfied. All citations
7 issued by the clerk shall have the following language, or
8 language substantially similar thereto, stated prominently on
9 the front, in capital letters: "IF YOU FAIL TO APPEAR IN COURT
10 AS DIRECTED IN THIS NOTICE, YOU MAY BE ARRESTED AND BROUGHT
11 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,
12 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."
13 The court shall not grant a continuance of the supplementary
14 proceeding except upon good cause shown.

15 (b) Any citation served upon a judgment debtor or any other
16 person shall include a certification by the attorney for the
17 judgment creditor or the judgment creditor setting forth the
18 amount of the judgment, the date of the judgment, or its
19 revival date, the balance due thereon, the name of the court,
20 and the number of the case, and a copy of the citation notice
21 required by this subsection. Whenever a citation is served upon
22 a person or party other than the judgment debtor, the officer
23 or person serving the citation shall send to the judgment
24 debtor, within three business days of the service upon the
25 cited party, a copy of the citation and the citation notice,
26 which may be sent by regular first-class mail to the judgment

1 debtor's last known address. In no event shall a citation
2 hearing be held sooner than five business days after the
3 mailing of the citation and citation notice to the judgment
4 debtor, except by agreement of the parties. The citation notice
5 need not be mailed to a corporation, partnership, or
6 association. The citation notice shall be in substantially the
7 following form:

8 "CITATION NOTICE

9 (Name and address of Court)

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

11 Judgment Creditor v.

12 (Name of Judgment Debtor),

13 Judgment Debtor.

14 Address of Judgment Debtor: (Insert last known
15 address)

16 Name and address of Attorney for Judgment

17 Creditor or of Judgment Creditor (If no

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

19 Amount of Judgment: \$ (Insert amount)

20 Name of Person Receiving Citation: (Insert name)

21 Court Date and Time: (Insert return date and time
22 specified in citation)

23 NOTICE: The court has issued a citation against the person
24 named above. The citation directs that person to appear in
25 court to be examined for the purpose of allowing the judgment
26 creditor to discover income and assets belonging to the

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

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

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

25 (2) Under Illinois law, every person is entitled to an
26 estate in homestead, when it is owned and occupied as a

1 residence, to the extent in value of \$15,000, which
2 homestead is exempt from judgment.

3 (3) Under Illinois law, the amount of wages that may be
4 applied toward a judgment is limited to the lesser of (i)
5 15% of gross weekly wages or (ii) the amount by which
6 disposable earnings for a week exceed the total of 45 times
7 the federal minimum hourly wage or, under a wage deduction
8 summons served on or after January 1, 2006, the Illinois
9 minimum hourly wage, whichever is greater.

10 (4) Under federal law, the amount of wages that may be
11 applied toward a judgment is limited to the lesser of (i)
12 25% of disposable earnings for a week or (ii) the amount by
13 which disposable earnings for a week exceed 30 times the
14 federal minimum hourly wage.

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

17 The judgment debtor may have other possible exemptions
18 under the law.

19 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING
20 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The
21 judgment debtor also has the right to seek a declaration at an
22 earlier date, by notifying the clerk in writing at (insert
23 address of clerk). When so notified, the Clerk of the Court
24 will obtain a prompt hearing date from the court and will
25 provide the necessary forms that must be prepared by the
26 judgment debtor or the attorney for the judgment debtor and

1 sent to the judgment creditor and the judgment creditor's
2 attorney regarding the time and location of the hearing. This
3 notice may be sent by regular first class mail."

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

9 (b-5) The Income and Asset Form required to be served by
10 the judgment creditor in subsection (b-1) shall be in
11 substantially the following form:

12 INCOME AND ASSET FORM

13 To Judgment Debtor: Please complete this form and bring
14 it with you to the hearing referenced in the enclosed
15 citation notice. You should also bring to the hearing any
16 documents you have to support the information you provide
17 in this form, such as pay stubs and account statements. The
18 information you provide will help the court determine
19 whether you have any property or income that can be used to
20 satisfy the judgment entered against you in this matter.
21 The information you provide must be accurate to the best of
22 your knowledge.

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

25 In answer to the citation and supplemental proceedings

1 served upon the judgment debtor, he or she answers as
2 follows:

3 Name:.....

4 Home Phone Number:.....

5 Home Address:.....

6 Date of Birth:.....

7 Marital Status:.....

8 I have.....dependents.

9 Do you have a job? YES NO

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

11 Company's address:.....

12 Job:

13 I earn \$..... per.....

14 If self employed, list here your business name and
15 address:

16

17 Income from self employment is \$..... per
18 year.

19 I have the following benefits with my employer:

20

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

22 Government Assistance \$..... per month

23 Unemployment \$..... per month

24 Social Security \$..... per month

1 SSI \$..... per month

2 Pension \$..... per month

3 Other \$..... per month

4 Real Estate:

5 Do you own any real estate? YES NO

6 I own real estate at....., with names of other
7 owners

8

9 Additional real estate I own:

10 I have a beneficial interest in a land trust. The name
11 and address of the trustee is:..... The beneficial
12 interest is listed in my name and

13 There is a mortgage on my real estate. State the
14 mortgage company's name and address for each parcel of real
15 estate owned:

16

17 An assignment of beneficial interest in the land trust
18 was signed to secure a loan from.....

19 I have the following accounts:

20 Checking account at;

21 account balance \$.....

22 Savings account at;

23 account balance \$.....

24 Money market or certificate of deposit at

25 Safe deposit box at

26 Other accounts (please identify):

1 I own:

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

3 Jewelry (please specify):

4 Other property described as:.....

5 Stocks/Bonds.....

6 Personal computer.....

7 DVD player.....

8 Television.....

9 Stove.....

10 Microwave.....

11 Work tools.....

12 Business equipment.....

13 Farm equipment.....

14 Other property (please specify):

15

16 Signature:.....

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

18 proceed notwithstanding an absent or incomplete Income and

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

20 purpose of allowing the judgment creditor to discover income

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

22 judgment debtor has an interest.

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

24 from the satisfaction of a judgment, a deduction order or

25 garnishment are discovered, the court may, by appropriate order

26 or judgment:

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

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

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

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

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

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

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

26 (c-5) If a citation is directed to a judgment debtor who is

1 a natural person, no payment order shall be entered under
2 subsection (c) unless the Income and Asset Form was served upon
3 the judgment debtor as required by subsection (b-1), the
4 judgment debtor has had an opportunity to assert exemptions,
5 and the payments are from non-exempt sources.

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

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

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

1 the balance due on the judgment.

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

22 (2) The court may enjoin any person, whether or not a
23 party to the supplementary proceeding, from making or
24 allowing any transfer or other disposition of, or
25 interference with, the property of the judgment debtor not
26 exempt from the enforcement of a judgment, a deduction

1 order or garnishment, or the property or debt not so exempt
2 concerning which any person is required to attend and be
3 examined until further direction in the premises. The
4 injunction order shall remain in effect until vacated by
5 the court or until the proceeding is terminated, whichever
6 first occurs.

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

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

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

23 (j) This Section does not grant the power to any court to
24 order installment or other payments from, or compel the sale,
25 delivery, surrender, assignment or conveyance of any property
26 exempt by statute from the enforcement of a judgment thereon, a

1 deduction order, garnishment, attachment, sequestration,
2 process or other levy or seizure.

3 (k) (Blank).

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

9 (k-5) If the court determines that any property held by a
10 third party respondent is wages pursuant to Section 12-801, the
11 court shall proceed as if a wage deduction proceeding had been
12 filed and proceed to enter such necessary and proper orders as
13 would have been entered in a wage deduction proceeding
14 including but not limited to the granting of the statutory
15 exemptions allowed by Section 12-803 and all other remedies
16 allowed plaintiff and defendant pursuant to Part 8 of Article
17 12 of this Act.

18 (k-10) If a creditor discovers personal property of the
19 judgment debtor that is subject to the lien of a citation to
20 discover assets, the creditor may have the court impress a lien
21 against a specific item of personal property, including a
22 beneficial interest in a land trust. The lien survives the
23 termination of the citation proceedings and remains as a lien
24 against the personal property in the same manner that a
25 judgment lien recorded against real property pursuant to
26 Section 12-101 remains a lien on real property. If the judgment

1 is revived before dormancy, the lien shall remain. A lien
2 against personal property may, but need not, be recorded in the
3 office of the recorder or filed as an informational filing
4 pursuant to the Uniform Commercial Code.

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

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

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

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

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

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

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

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

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

4 (o) The changes to this Section made by this amendatory Act
5 of the 97th General Assembly apply only to supplementary
6 proceedings commenced under this Section on or after the
7 effective date of this amendatory Act of the 97th General
8 Assembly. The requirements or limitations set forth in
9 subsections (b-1), (b-5), (b-10), (c-5), and (d-5) do not apply
10 to the enforcement of any order or judgment resulting from an
11 adjudication of a municipal ordinance violation that is subject
12 to Supreme Court Rules 570 through 579, or from an
13 administrative adjudication of such an ordinance violation.

14 (Source: P.A. 97-350, eff. 1-1-12; 97-848, eff. 7-25-12.)

15 (735 ILCS 5/2-1602)

16 Sec. 2-1602. Revival of judgment.

17 (a) A judgment may be revived by filing a petition to
18 revive the judgment in the seventh year after its entry, or in
19 the seventh year after its last revival, or in the twentieth
20 year after its entry, or at any other time within 20 years
21 after its entry if the judgment becomes dormant. The provisions
22 of this amendatory Act of the 96th General Assembly are
23 declarative of existing law.

24 (b) A petition to revive a judgment shall be filed in the
25 original case in which the judgment was entered. The petition

1 shall include a statement as to the original date and amount of
2 the judgment, court costs expended, accrued interest, and
3 credits to the judgment, if any.

4 (c) Service of notice of the petition to revive a judgment
5 shall be made in accordance with Supreme Court Rule 106.

6 (d) An order reviving a judgment shall be for the original
7 amount of the judgment. The plaintiff may recover interest and
8 court costs from the date of the original judgment. Credits to
9 the judgment shall be reflected by the plaintiff in
10 supplemental proceedings or execution.

11 (e) If a judgment debtor has filed for protection under the
12 United States Bankruptcy Code and failed to successfully
13 adjudicate and remove a lien filed by a judgment creditor, then
14 the judgment may be revived only as to the property to which a
15 lien attached before the filing of the bankruptcy action.

16 (f) A judgment may be revived as to fewer than all judgment
17 debtors, and such order for revival of judgment shall be final,
18 appealable, and enforceable.

19 (g) This Section does not apply to a child support judgment
20 or to a judgment recovered in an action for damages for an
21 injury described in Section 13-214.1, which need not be revived
22 as provided in this Section and which may be enforced at any
23 time as provided in Section 12-108.

24 (h) If a judgment becomes dormant during the pendency of an
25 enforcement proceeding under Part 14 of this Article or under
26 Article XII, the enforcement may continue to conclusion without

1 revival of the underlying judgment so long as the enforcement
2 is done under court supervision and includes a payment,
3 withholding, or turn over order.

4 (Source: P.A. 96-305, eff. 8-11-09; 97-350, eff. 1-1-12.)

5 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

6 Sec. 12-101. Lien of judgment. With respect to the creation
7 of liens on real estate by judgments, all real estate in the
8 State of Illinois is divided into 2 classes.

9 The first class consists of all real property, the title to
10 which is registered under "An Act concerning land titles",
11 approved May 1, 1897, as amended.

12 The second class consists of all real property not
13 registered under "An Act concerning land titles".

14 As to real estate in class one, a judgment is a lien on the
15 real estate of the person against whom it is entered for the
16 same period as in class two, when Section 85 of "An Act
17 concerning land titles", has been complied with.

18 As to real estate included within class two, a judgment is
19 a lien on the real estate of the person against whom it is
20 entered in any county in this State, including the county in
21 which it is entered, only from the time a transcript, certified
22 copy or memorandum of the judgment is filed in the office of
23 the recorder in the county in which the real estate is located.
24 The lien may be foreclosed by an action brought in the name of
25 the judgment creditor or its assignee of record under Article

1 XV in the same manner as a mortgage of real property, except
2 that the redemption period shall be 6 months from the date of
3 sale and the real estate homestead exemption under Section
4 12-901 shall apply. A judgment resulting from the entry of an
5 order requiring child support payments shall be a lien upon the
6 real estate of the person obligated to make the child support
7 payments, but shall not be enforceable in any county of this
8 State until a transcript, certified copy, or memorandum of the
9 lien is filed in the office of the recorder in the county in
10 which the real estate is located. Any lien hereunder arising
11 out of an order for support shall be a lien only as to and from
12 the time that an installment or payment is due under the terms
13 of the order. Further, the order for support shall not be a
14 lien on real estate to the extent of payments made as evidenced
15 by the records of the Clerk of the Circuit Court or State
16 agency receiving payments pursuant to the order. In the event
17 payments made pursuant to that order are not paid to the Clerk
18 of the Circuit Court or a State agency, then each lien imposed
19 by this Section may be released in the following manner:

20 (a) A Notice of Filing and an affidavit stating that
21 all installments of child support required to be paid
22 pursuant to the order under which the lien or liens were
23 imposed have been paid shall be filed with the office of
24 recorder in each county in which each such lien appears of
25 record, together with proof of service of such notice and
26 affidavit upon the recipient of such payments.

1 (b) Service of such affidavit shall be by any means
2 authorized under Sections 2-203 and 2-208 of the Code of
3 Civil Procedure or under Supreme Court Rules 11 or 105(b).

4 (c) The Notice of Filing shall set forth the name and
5 address of the judgment debtor and the judgment creditor,
6 the court file number of the order giving rise to the
7 judgment and, in capital letters, the following statement:

8 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
9 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER
10 OF COUNTY, ILLINOIS, WHOSE ADDRESS IS,
11 ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE,
12 YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF
13 THE STATED JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE,
14 SUCH JUDGMENT LIEN WILL BE DEEMED TO BE RELEASED AND NO
15 LONGER SUBJECT TO FORECLOSURE. THIS RELEASE OF LIEN WILL
16 NOT ACT AS A SATISFACTION OF SUCH JUDGMENT.

17 (d) If no affidavit objecting to the release of the
18 lien or liens is filed within 28 days of the Notice
19 described in paragraph (c) of this Section such lien or
20 liens shall be deemed to be released and no longer subject
21 to foreclosure.

22 A judgment is not a lien on real estate for longer than 7
23 years from the time it is entered or revived, unless the
24 judgment is revived within 7 years after its entry or last
25 revival and a new memorandum of judgment is recorded prior to
26 the judgment and its recorded memorandum of judgment becoming

1 dormant.

2 When a judgment is revived it is a lien on the real estate
3 of the person against whom it was entered in any county in this
4 State from the time a transcript, certified copy or memorandum
5 of the order of revival is filed in the office of the recorder
6 in the county in which the real estate is located.

7 A foreign judgment registered or filed pursuant to Sections
8 12-630 ~~12-601~~ through 12-672 ~~12-618~~ of this Act is a lien upon
9 the real estate of the person against whom it was entered only
10 from the time (1) a copy of the affidavit required by Section
11 12-653 with a copy ~~certified copy of the verified petition for~~
12 ~~registration~~ of the foreign judgment attached showing the
13 filing in a court of this State or (2) a transcript, certified
14 copy or memorandum of a ~~the~~ final judgment of the court of this
15 State entered on an action to enforce a ~~that~~ foreign judgment
16 is filed in the office of the recorder in the county in which
17 the real estate is located. However, no such judgment shall be
18 a lien on any real estate registered under "An Act concerning
19 land titles", as amended, until Section 85 of that Act has been
20 complied with.

21 The release of any transcript, certified copy or memorandum
22 of judgment or order of revival which has been recorded shall
23 be filed by the person receiving the release in the office of
24 the recorder in which such judgment or order has been recorded.

25 Such release shall contain in legible letters a statement
26 as follows:

1 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
2 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE
3 OFFICE THE LIEN WAS FILED.

4 The term "memorandum" as used in this Section means a
5 memorandum or copy of the judgment signed by a judge or a copy
6 attested by the clerk of the court entering it and showing the
7 court in which entered, date, amount, number of the case in
8 which it was entered, name of the party in whose favor and name
9 and last known address of the party against whom entered. If
10 the address of the party against whom the judgment was entered
11 is not known, the memorandum or copy of judgment shall so
12 state.

13 The term "memorandum" as used in this Section also means a
14 memorandum or copy of a child support order signed by a judge
15 or a copy attested by the clerk of the court entering it or a
16 copy attested by the administrative body entering it.

17 This Section shall not be construed as showing an intention
18 of the legislature to create a new classification of real
19 estate, but shall be construed as showing an intention of the
20 legislature to continue a classification already existing.

21 (Source: P.A. 97-350, eff. 1-1-12.)

22 (735 ILCS 5/12-705) (from Ch. 110, par. 12-705)

23 Sec. 12-705. Summons.

24 (a) Summons shall be returnable not less than 21 nor more
25 than 30 days after the date of issuance. Summons with 4 copies

1 of the interrogatories shall be served and returned as in other
2 civil cases. If the garnishee is served with summons less than
3 10 days prior to the return date, the court shall continue the
4 case to a new return date 14 days after the return date stated
5 on the summons. The summons shall be in a form consistent with
6 local court rules. The summons shall be accompanied by a copy
7 of the underlying judgment or a certification by the clerk of
8 the court that entered the judgment, or by the attorney for the
9 judgment creditor, setting forth the amount of the judgment,
10 the name of the court and the number of the case and one copy of
11 a garnishment notice in substantially the following form:

12 "GARNISHMENT NOTICE

13 (Name and address of Court)

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

15 Judgment Creditor v.

16 (Name of Judgement Debtor),

17 Judgment Debtor.

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

19 Name and address of Attorney for Judgment

20 Creditor or of Judgment Creditor (If no

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

22 Amount of Judgment: \$(Insert amount)

23 Name of Garnishee: (Insert name)

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

25 NOTICE: The court has issued a garnishment summons against
26 the garnishee named above for money or property (other than

1 wages) belonging to the judgment debtor or in which the
2 judgment debtor has an interest. The garnishment summons was
3 issued on the basis of a judgment against the judgment debtor
4 in favor of the judgment creditor in the amount stated above.

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

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

22 The judgment debtor may have other possible exemptions from
23 garnishment under the law.

24 The judgment debtor has the right to request a hearing
25 before the court to dispute the garnishment or to declare
26 exempt from garnishment certain money or property or both. To

1 obtain a hearing in counties with a population of 1,000,000 or
2 more, the judgment debtor must notify the Clerk of the Court in
3 person and in writing at (insert address of Clerk) before the
4 return date specified above or appear in court on the date and
5 time on that return date. To obtain a hearing in counties with
6 a population of less than 1,000,000, the judgment debtor must
7 notify the Clerk of the Court in writing at (insert address of
8 Clerk) on or before the return date specified above. The Clerk
9 of the Court will provide a hearing date and the necessary
10 forms that must be prepared by the judgment debtor or the
11 attorney for the judgment debtor and sent to the judgment
12 creditor and the garnishee regarding the time and location of
13 the hearing. This notice may be sent by regular first class
14 mail."

15 (b) An officer or other person authorized by law to serve
16 process shall serve the summons, interrogatories and the
17 garnishment notice required by subsection (a) of this Section
18 upon the garnishee and shall, (1) within 2 business days of the
19 service upon the garnishee, mail a copy of the garnishment
20 notice and the summons to the judgment debtor by first class
21 mail at the judgment debtor's address indicated in the
22 garnishment notice and (2) within 4 business days of the
23 service upon the garnishee file with the clerk of the court a
24 certificate of mailing in substantially the following form:

25 "CERTIFICATE OF MAILING

26 I hereby certify that, within 2 business days of service

1 upon the garnishee of the garnishment summons, interrogatories
 2 and garnishment notice, I served upon the judgment debtor in
 3 this cause a copy of the garnishment summons and garnishment
 4 notice by first class mail to the judgment debtor's address as
 5 indicated in the garnishment notice.

6 Date:.....

7 Signature"

8 In the case of service of the summons for garnishment upon
 9 the garnishee by certified or registered mail, as provided in
 10 subsection (c) of this Section, no sooner than 2 business days
 11 nor later than 4 business days after the date of mailing, the
 12 clerk shall mail a copy of the garnishment notice and the
 13 summons to the judgment debtor by first class mail at the
 14 judgment debtor's address indicated in the garnishment notice,
 15 shall prepare the Certificate of Mailing described by this
 16 subsection, and shall include the Certificate of Mailing in a
 17 permanent record.

18 (c) In a county with a population of less than 1,000,000,
 19 unless otherwise provided by circuit court rule, at the request
 20 of the judgment creditor or his or her attorney and instead of
 21 personal service, service of a summons for garnishment may be
 22 made as follows:

23 (1) For each garnishee to be served, the judgment
 24 creditor or his or her attorney shall pay to the clerk of
 25 the court a fee of \$2, plus the cost of mailing, and
 26 furnish to the clerk an original and 2 copies of a summons,

1 an original and one copy of the interrogatories, an
2 affidavit setting forth the garnishee's mailing address,
3 an original and 2 copies of the garnishment notice required
4 by subsection (a) of this Section, and a copy of the
5 judgment or certification described in subsection (a) of
6 this Section. The original judgment shall be retained by
7 the clerk.

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

24 (3) The return receipt must be attached to the original
25 summons and, if it shows delivery at least 10 days before
26 the day for the return date, shall constitute proof of

1 service of any documents identified on the return receipt
2 as having been mailed.

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

5 (d) The garnishment summons may be served and returned in
6 the manner provided by Supreme Court Rule for service,
7 otherwise than by publication, of a notice for additional
8 relief upon a party in default.

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