

# HB6478



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB6478**

Introduced 2/18/2010, by Rep. Michael J. Madigan - Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/12-910

from Ch. 110, par. 12-910

Amends the Code of Civil Procedure. Makes a technical change in provisions concerning proceedings to enforce judgments.

LRB096 21112 AJ0 36963 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 12-910 as follows:

6 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

7 Sec. 12-910. Proceedings to enforce judgment. If in ~~the~~ the  
8 opinion of the judgment creditors, or the officer holding a  
9 certified copy of a judgment for enforcement against such  
10 individuals, the premises claimed by him or her as exempt are  
11 worth more than \$15,000, such officer shall summon 3  
12 individuals, as commissioners, who shall, upon oath, to be  
13 administered to them by the officer, appraise the premises, and  
14 if, in their opinion, the property may be divided without  
15 damage to the interest of the parties, they shall set off so  
16 much of the premises, including the dwelling house, as in their  
17 opinion is worth \$15,000, and the residue of the premises may  
18 be advertised and sold by such officer. Each commissioner shall  
19 receive for his or her services the sum of \$5 per day for each  
20 day necessarily engaged in such service. The officer summoning  
21 such commissioners shall receive such fees as may be allowed  
22 for serving summons, but shall be entitled to charge mileage  
23 for only the actual distance traveled from the premises to be

1 appraised, to the residence of the commissioners summoned. The  
2 officer shall not be required to summon commissioners until the  
3 judgment creditor, or some one for him or her, shall advance to  
4 the officer one day's fees for the commissioners, and unless  
5 the creditor shall advance such fees the officer shall not be  
6 required to enforce the judgment. The costs of such  
7 appraisement shall not be taxed against the judgment debtor  
8 unless such appraisement shows that the judgment debtor has  
9 property subject to such judgment.

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