



Sen. Don Harmon

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10100SB1134sam002

LRB101 06929 LNS 58594 a

1 AMENDMENT TO SENATE BILL 1134

2 AMENDMENT NO. _____. Amend Senate Bill 1134 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 2-206 as follows:

6 (735 ILCS 5/2-206) (from Ch. 110, par. 2-206)

7 Sec. 2-206. Service by publication; affidavit; mailing;
8 certificate.

9 (a) Whenever, in any action affecting property or status
10 within the jurisdiction of the court, including an action to
11 obtain the specific performance, reformation, or rescission of
12 a contract for the conveyance of land, except for actions
13 brought under Part 15 of Article XV of this Code that are
14 subject to subsection (a-5), a plaintiff or his or her attorney
15 shall file, at the office of the clerk of the court in which
16 the action is pending, an affidavit showing that the defendant

1 resides or has gone out of this State, or on due inquiry cannot
2 be found, or is concealed within this State, so that process
3 cannot be served upon him or her, and stating the place of
4 residence of the defendant, if known, or that upon diligent
5 inquiry his or her place of residence cannot be ascertained,
6 the clerk shall cause publication to be made in some newspaper
7 published in the county in which the action is pending. If
8 there is no newspaper published in that county, then the
9 publication shall be in a newspaper published in an adjoining
10 county in this State, having a circulation in the county in
11 which action is pending. The publication shall contain notice
12 of the pendency of the action, the title of the court, the
13 title of the case, showing the names of the first named
14 plaintiff and the first named defendant, the number of the
15 case, the names of the parties to be served by publication, and
16 the date on or after which default may be entered against such
17 party. The clerk shall also, within 10 days of the first
18 publication of the notice, send a copy thereof by mail,
19 addressed to each defendant whose place of residence is stated
20 in such affidavit. The certificate of the clerk that he or she
21 has sent the copy in pursuance of this Section is evidence that
22 he or she has done so.

23 (a-5) If, in any action brought under Part 15 of Article XV
24 of this Code, a plaintiff or his or her attorney files, at the
25 office of the clerk of the court in which the action is
26 pending, an affidavit showing that the defendant resides

1 outside of or has left this State, or on due inquiry cannot be
2 found, or is concealed within this State so that process cannot
3 be served upon him or her, and stating the place of residence
4 of the defendant, if known, or that upon diligent inquiry the
5 place of residence of the defendant cannot be ascertained, the
6 plaintiff or his or her representative shall cause publication
7 to be made in some newspaper published in the county in which
8 the action is pending. If there is no newspaper published in
9 that county, then the publication shall be in a newspaper
10 published in an adjoining county in this State, having a
11 circulation in the county in which action is pending. The
12 publication shall contain notice of the pendency of the action,
13 the title of the court, the title of the case showing the names
14 of the first named plaintiff and the first named defendant, the
15 number of the case, the names of the parties to be served by
16 publication, and the date on or after which default may be
17 entered against such party. The plaintiff or his or her
18 representative shall also, within 10 days of the first
19 publication of the notice, send a copy thereof by mail,
20 addressed to each defendant whose place of residence is stated
21 in the affidavit. The certificate of the plaintiff or his or
22 her representative that he or she has sent the copy in
23 accordance with this Section is evidence that he or she has
24 done so.

25 (b) In any action brought by a unit of local government to
26 cause the demolition, repair, or enclosure of a dangerous and

1 unsafe or uncompleted or abandoned building, notice by
2 publication under this Section may be commenced during the time
3 during which attempts are made to locate the defendant for
4 personal service. In that case, the unit of local government
5 shall file with the clerk an affidavit stating that the action
6 meets the requirements of this subsection and that all required
7 attempts are being made to locate the defendant. Upon the
8 filing of the affidavit, the clerk shall cause publication to
9 be made under this Section. Upon completing the attempts to
10 locate the defendant required by this Section, the municipality
11 shall file with the clerk an affidavit meeting the requirements
12 of subsection (a). Service under this subsection shall not be
13 deemed to have been made until the affidavit is filed and
14 service by publication in the manner prescribed in subsection
15 (a) is completed.

16 (Source: P.A. 87-1276.)".