

SB1678



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1678

Introduced 2/26/2021, by Sen. Adriane Johnson

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-107

from Ch. 110, par. 9-107

Amends the Eviction Article of the Code of Civil Procedure. Provides that, in counties that have a website that the staff of the county maintains, if the plaintiff is unable to obtain personal service on the defendant, the sheriff shall cause the notice of the eviction action to be posted on the website of the county where the cause is to be tried at least 10 days before the day set for the appearance.

LRB102 14917 LNS 20272 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 9-107 as follows:

6 (735 ILCS 5/9-107) (from Ch. 110, par. 9-107)

7 Sec. 9-107. Constructive service. If the plaintiff, his or
8 her agent, or attorney files an eviction action, with or
9 without joinder of a claim for rent in the complaint, and is
10 unable to obtain personal service on the defendant or unknown
11 occupant and a summons duly issued in such action is returned
12 without service stating that service can not be obtained, then
13 the plaintiff, his or her agent or attorney may file an
14 affidavit stating that the defendant or unknown occupant is
15 not a resident of this State, or has departed from this State,
16 or on due inquiry cannot be found, or is concealed within this
17 State so that process cannot be served upon him or her, and
18 also stating the place of residence of the defendant or
19 unknown occupant, if known, or if not known, that upon
20 diligent inquiry the affiant has not been able to ascertain
21 the defendant's or unknown occupant's place of residence, then
22 in all such eviction cases whether or not a claim for rent is
23 joined with the complaint for possession, the defendant or

1 unknown occupant may be notified by posting and mailing of
2 notices; or by publication and mailing, as provided for in
3 Section 2-206 of this Act. However, in cases where the
4 defendant or unknown occupant is notified by posting and
5 mailing of notices or by publication and mailing, and the
6 defendant or unknown occupant does not appear generally, the
7 court may rule only on the portion of the complaint which seeks
8 an eviction order, and the court shall not enter judgment as to
9 any rent claim joined in the complaint or enter personal
10 judgment for any amount owed by a unit owner for his or her
11 proportionate share of the common expenses, however, an in rem
12 judgment may be entered against the unit for the amount of
13 common expenses due, any other expenses lawfully agreed upon
14 or the amount of any unpaid fine, together with reasonable
15 attorney fees, if any, and costs. The claim for rent may remain
16 pending until such time as the defendant or unknown occupant
17 appears generally or is served with summons, but the eviction
18 order shall be final, enforceable and appealable if the court
19 makes an express written finding that there is no just reason
20 for delaying enforcement or appeal, as provided by Supreme
21 Court rule of this State.

22 Such notice shall be in the name of the clerk of the court,
23 be directed to the defendant or unknown occupant, shall state
24 the nature of the cause against the defendant or unknown
25 occupant and at whose instance issued and the time and place
26 for trial, and shall also state that unless the defendant or

1 unknown occupant appears at the time and place fixed for
2 trial, judgment will be entered by default, and shall specify
3 the character of the judgment that will be entered in such
4 cause. The sheriff (i) shall post 3 copies of the notice in 3
5 public places in the neighborhood of the court where the cause
6 is to be tried, at least 10 days prior to the day set for the
7 appearance or, in counties that have a website that the staff
8 of the county maintains, shall cause the notice to be posted on
9 the website of the county where the cause is to be tried at
10 least 10 days prior to the day set for the appearance, and,
11 (ii) if the place of residence of the defendant or unknown
12 occupant is stated in any affidavit on file, shall at the same
13 time mail one copy of the notice addressed to such defendant or
14 unknown occupant at such place of residence shown in such
15 affidavit. On or before the day set for the appearance, the
16 sheriff shall file the notice with an endorsement thereon
17 stating the time when and places where the sheriff posted and
18 to whom and at what address he or she mailed copies as required
19 by this Section. For want of sufficient notice any cause may be
20 continued from time to time until the court has jurisdiction
21 of the defendant or unknown occupant.

22 (Source: P.A. 100-173, eff. 1-1-18.)