

1 AMENDMENT TO HOUSE BILL 2088

2 AMENDMENT NO. _____. Amend House Bill 2088 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, 12-901, 12-904, 12-906, 12-909,
6 12-910, 12-911, 12-912, and 12-1001 as 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
14 the enforcement of the judgment, a deduction order or
15 garnishment, and of compelling the application of non-exempt
16 assets or income discovered toward the payment of the amount
17 due under the judgment. A supplementary proceeding shall be
18 commenced by the service of a citation issued by the clerk.
19 The procedure for conducting supplementary proceedings shall
20 be prescribed by rules. It is not a prerequisite to the
21 commencement of a supplementary proceeding that a certified
22 copy of the judgment has been returned wholly or partly

1 unsatisfied. All citations issued by the clerk shall have the
 2 following language, or language substantially similar
 3 thereto, stated prominently on the front, in capital letters:
 4 "YOUR FAILURE TO APPEAR IN COURT AS HEREIN DIRECTED MAY CAUSE
 5 YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO
 6 A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY
 7 IMPRISONMENT IN THE COUNTY JAIL." The court shall not grant a
 8 continuance of the supplementary proceeding except upon good
 9 cause shown.

10 (b) Any citation served upon a judgment debtor or any
 11 other person shall include a certification by the attorney
 12 for the judgment creditor or the judgment creditor setting
 13 forth the amount of the judgment, the date of the judgment,
 14 or its revival date, the balance due thereon, the name of the
 15 court, and the number of the case, and a copy of the citation
 16 notice required by this subsection. Whenever a citation is
 17 served upon a person or party other than the judgment debtor,
 18 the officer or person serving the citation shall send to the
 19 judgment debtor, within three business days of the service
 20 upon the cited party, a copy of the citation and the citation
 21 notice, which may be sent by regular first-class mail to the
 22 judgment debtor's last known address. In no event shall a
 23 citation hearing be held sooner than five business days after
 24 the mailing of the citation and citation notice to the
 25 judgment debtor, except by agreement of the parties. The
 26 citation notice need not be mailed to a corporation,
 27 partnership, or association. The citation notice shall be in
 28 substantially the following form:

29 "CITATION NOTICE

30 (Name and address of Court)

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

32 Judgment Creditor v.

33 (Name of Judgment Debtor),

34 Judgment Debtor.

1 Address of Judgment Debtor: (Insert last known
2 address)
3 Name and address of Attorney for Judgment
4 Creditor or of Judgment Creditor (If no
5 attorney is listed): (Insert name and address)
6 Amount of Judgment: \$ (Insert amount)
7 Name of Person Receiving Citation: (Insert name)
8 Court Date and Time: (Insert return date and time
9 specified in citation)

10 NOTICE: The court has issued a citation against the
11 person named above. The citation directs that person to
12 appear in court to be examined for the purpose of allowing
13 the judgment creditor to discover income and assets belonging
14 to the judgment debtor or in which the judgment debtor has an
15 interest. The citation was issued on the basis of a judgment
16 against the judgment debtor in favor of the judgment creditor
17 in the amount stated above. On or after the court date
18 stated above, the court may compel the application of any
19 discovered income or assets toward payment on the judgment.

20 The amount of income or assets that may be applied toward
21 the judgment is limited by federal and Illinois law. The
22 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS
23 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH
24 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED
25 ABOVE:

26 (1) Under Illinois or federal law, the exemptions
27 of personal property owned by the debtor include the
28 debtor's equity interest, not to exceed \$4,000 ~~\$2,000~~ in
29 value, in any personal property as chosen by the debtor;
30 Social Security and SSI benefits; public assistance
31 benefits; unemployment compensation benefits; worker's
32 compensation benefits; veteran's benefits; circuit
33 breaker property tax relief benefits; the debtor's equity
34 interest, not to exceed \$1,200 in value, in any one motor

1 vehicle, and the debtor's equity interest, not to exceed
2 \$750 in value, in any implements, professional books, or
3 tools of the trade of the debtor.

4 (2) Under Illinois law, every person is entitled to
5 an estate in homestead, when it is owned and occupied as
6 a residence, to the extent in value of \$15,000 (except as
7 otherwise provided in subsection (b) of Section 12-901 of
8 the Code of Civil Procedure) \$7,500, which homestead is
9 exempt from judgment.

10 (3) Under Illinois law, the amount of wages that
11 may be applied toward a judgment is limited to the lesser
12 of (i) 15% of gross weekly wages or (ii) the amount by
13 which disposable earnings for a week exceed the total of
14 45 times the federal minimum hourly wage.

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

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

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

24 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING
25 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The
26 judgment debtor also has the right to seek a declaration at
27 an earlier date, by notifying the clerk in writing at (insert
28 address of clerk). When so notified, the Clerk of the Court
29 will obtain a prompt hearing date from the court and will
30 provide the necessary forms that must be prepared by the
31 judgment debtor or the attorney for the judgment debtor and
32 sent to the judgment creditor and the judgment creditor's
33 attorney regarding the time and location of the hearing.
34 This notice may be sent by regular first class mail."

1 (c) When assets or income of the judgment debtor not
2 exempt from the satisfaction of a judgment, a deduction order
3 or garnishment are discovered, the court may, by appropriate
4 order or judgment:

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

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

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

33 (4) Enter any order upon or judgment against the
34 person cited that could be entered in any garnishment

1 proceeding.

2 (5) Compel any person cited to execute an
3 assignment of any chose in action or a conveyance of
4 title to real or personal property, in the same manner
5 and to the same extent as a court could do in any
6 proceeding by a judgment creditor to enforce payment of a
7 judgment or in aid of the enforcement of a judgment.

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

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

25 (e) All property ordered to be delivered up shall,
26 except as otherwise provided in this Section, be delivered to
27 the sheriff to be collected by the sheriff or sold at public
28 sale and the proceeds thereof applied towards the payment of
29 costs and the satisfaction of the judgment.

30 (f) (1) The citation may prohibit the party to whom it
31 is directed from making or allowing any transfer or other
32 disposition of, or interfering with, any property not
33 exempt from the enforcement of a judgment therefrom, a
34 deduction order or garnishment, belonging to the judgment

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

17 (2) The court may enjoin any person, whether or not
18 a party to the supplementary proceeding, from making or
19 allowing any transfer or other disposition of, or
20 interference with, the property of the judgment debtor
21 not exempt from the enforcement of a judgment, a
22 deduction order or garnishment, or the property or debt
23 not so exempt concerning which any person is required to
24 attend and be examined until further direction in the
25 premises. The injunction order shall remain in effect
26 until vacated by the court or until the proceeding is
27 terminated, whichever first occurs.

28 (g) If it appears that any property, chose in action,
29 credit or effect discovered, or any interest therein, is
30 claimed by any person, the court shall, as in garnishment
31 proceedings, permit or require the claimant to appear and
32 maintain his or her right. The rights of the person cited
33 and the rights of any adverse claimant shall be asserted and
34 determined pursuant to the law relating to garnishment

1 proceedings.

2 (h) Costs in proceedings authorized by this Section
3 shall be allowed, assessed and paid in accordance with rules,
4 provided that if the court determines, in its discretion,
5 that costs incurred by the judgment creditor were improperly
6 incurred, those costs shall be paid by the judgment creditor.

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

11 (j) This Section does not grant the power to any court
12 to order installment or other payments from, or compel the
13 sale, delivery, surrender, assignment or conveyance of any
14 property exempt by statute from the enforcement of a judgment
15 thereon, a deduction order, garnishment, attachment,
16 sequestration, process or other levy or seizure.

17 (k) (Blank).

18 (l) At any citation hearing at which the judgment debtor
19 appears and seeks a declaration that certain of his or her
20 income or assets are exempt, the court shall proceed to
21 determine whether the property which the judgment debtor
22 declares to be exempt is exempt from judgment. At any time
23 before the return date specified on the citation, the
24 judgment debtor may request, in writing, a hearing to declare
25 exempt certain income and assets by notifying the clerk of
26 the court before that time, using forms as may be provided by
27 the clerk of the court. The clerk of the court will obtain a
28 prompt hearing date from the court and will provide the
29 necessary forms that must be prepared by the judgment debtor
30 or the attorney for the judgment debtor and sent to the
31 judgment creditor, or the judgment creditor's attorney,
32 regarding the time and location of the hearing. This notice
33 may be sent by regular first class mail. At the hearing, the
34 court shall immediately, unless for good cause shown that the

1 hearing is to be continued, shall proceed to determine
2 whether the property which the judgment debtor declares to be
3 exempt is exempt from judgment. The restraining provisions
4 of subsection (f) shall not apply to any property determined
5 by the court to be exempt.

6 (m) The judgment or balance due on the judgment becomes
7 a lien when a citation is served in accordance with
8 subsection (a) of this Section. The lien binds nonexempt
9 personal property, including money, choses in action, and
10 effects of the judgment debtor as follows:

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

17 (2) When the citation is directed against a third
18 party, upon all personal property belonging to the
19 judgment debtor in the possession or control of the third
20 party or which thereafter may be acquired or come due the
21 judgment debtor and comes into the possession or control
22 of the third party to the time of the disposition of the
23 citation.

24 The lien established under this Section does not affect
25 the rights of citation respondents in property prior to the
26 service of the citation upon them and does not affect the
27 rights of bona fide purchasers or lenders without notice of
28 the citation. The lien is effective for the period specified
29 by Supreme Court Rule.

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

32 (n) If any provision of this Act or its application to
33 any person or circumstance is held invalid, the invalidity of
34 that provision or application does not affect the provisions

1 or applications of the Act that can be given effect without
2 the invalid provision or application.

3 (Source: P.A. 88-48; 88-299; 88-667, eff. 9-16-94; 88-670,
4 eff. 12-2-94; 89-364, eff. 1-1-96.)

5 (735 ILCS 5/12-901) (from Ch. 110, par. 12-901)

6 Sec. 12-901. Amount.

7 (a) Except as otherwise provided in subsection (b),
8 every individual is entitled to an estate of homestead to the
9 extent in value of \$15,000 ~~\$7,500~~ of his or her interest in a
10 farm or lot of land and buildings thereon, a condominium, or
11 personal property, owned or rightly possessed by lease or
12 otherwise and occupied by him or her as a residence, or in a
13 cooperative that owns property that the individual uses as a
14 residence. That homestead and all right in and title to that
15 homestead is exempt from attachment, judgment, levy, or
16 judgment sale for the payment of his or her debts or other
17 purposes and from the laws of conveyance, descent, and
18 legacy, except as provided in this Code or in Section 20-6 of
19 the Probate Act of 1975. This subsection (a) ~~Section~~ is not
20 applicable between joint tenants or tenants in common but it
21 is applicable as to any creditors of those persons. If 2 or
22 more individuals own property that is exempt as a homestead,
23 the value of the exemption of each individual may not exceed
24 his or her proportionate share of \$30,000 ~~\$15,000~~ based upon
25 percentage of ownership.

26 (b) With regard solely to a lien arising under Section 9
27 of the Condominium Property Act, every individual is entitled
28 to an estate of homestead to the extent in value of \$7,500
29 of his or her interest in a condominium that the individual
30 uses as a residence. That homestead and all right in and
31 title to that homestead is exempt from attachment,
32 judgment, levy, or judgment sale for the payment of his
33 or her debts or other purposes and from the laws of

1 conveyance, descent, and legacy, except as provided in this
2 Code or in Section 20-6 of the Probate Act of 1975. This
3 subsection (b) is not applicable between joint tenants
4 or tenants in common but it is applicable as to any creditors
5 of those persons. If 2 or more individuals own property that
6 is exempt as a homestead, the value of the exemption of each
7 individual may not exceed his or her proportionate share of
8 \$15,000 based upon percentage of ownership.

9 (Source: P.A. 88-672, eff. 12-14-94.)

10 (735 ILCS 5/12-904) (from Ch. 110, par. 12-904)

11 Sec. 12-904. Release, waiver or conveyance. No release,
12 waiver or conveyance of the estate so exempted shall be
13 valid, unless the same is in writing, signed by the
14 individual and his or her spouse, if he or she have one, or
15 possession is abandoned or given pursuant to the conveyance;
16 or if the exception is continued to a child or children
17 without the order of a court directing a release thereof; but
18 if a conveyance is made by an individual as grantor to his or
19 her spouse, such conveyance shall be effectual to pass the
20 title expressed therein to be conveyed thereby, whether or
21 not the grantor in such conveyance is joined therein by his
22 or her spouse. In addition, no release or waiver of the
23 estate so exempted is valid unless the release or waiver is
24 granted to a federally insured depository institution, as
25 that term is used in the Residential Mortgage License Act of
26 1987, or to a licensee under the Residential Mortgage License
27 Act of 1987. In any case where such release, waiver or
28 conveyance is taken by way of mortgage or security, the same
29 shall only be operative as to such specific release, waiver
30 or conveyance; and when the same includes different pieces of
31 land, or the homestead is of greater value than \$15,000 (or
32 \$7,500 if subsection (b) of Section 12-901 applies) \$7,500,
33 the other lands shall first be sold before resorting to the

1 homestead, and in case of the sale of such homestead, if any
2 balance remains after the payment of the debt and costs, such
3 balance shall, to the extent of \$15,000 (or \$7,500 if
4 subsection (b) of Section 12-901 applies) \$7,500 be exempt,
5 and be applied upon such homestead exemption in the manner
6 provided by law.

7 (Source: P.A. 82-783.)

8 (735 ILCS 5/12-906) (from Ch. 110, par. 12-906)

9 Sec. 12-906. Proceeds of sale. When a homestead is
10 conveyed by the owner thereof, such conveyance shall not
11 subject the premises to any lien or incumbrance to which it
12 would not be subject in the possession of such owner; and the
13 proceeds thereof, to the extent of the amount of \$15,000 (or
14 \$7,500 if subsection (b) of Section 12-901 applies) \$7,500,
15 shall be exempt from judgment or other process, for one year
16 after the receipt thereof, by the person entitled to the
17 exemption, and if reinvested in a homestead the same shall be
18 entitled to the same exemption as the original homestead.

19 (Source: P.A. 82-783.)

20 (735 ILCS 5/12-909) (from Ch. 110, par. 12-909)

21 Sec. 12-909. Bid for less than exempted amount. No sale
22 shall be made of the premises on such judgment unless a
23 greater sum than \$15,000 (or \$7,500 if subsection (b) of
24 Section 12-901 applies) \$7,500 is bid therefor. If a greater
25 sum is not so bid, the judgment may be set aside or modified,
26 or the enforcement of the judgment released, as for lack of
27 property.

28 (Source: P.A. 82-783.)

29 (735 ILCS 5/12-910) (from Ch. 110, par. 12-910)

30 Sec. 12-910. Proceedings to enforce judgment. If in the
31 opinion of the judgment creditors, or the officer holding a

1 certified copy of a judgment for enforcement against such
2 individuals, the premises claimed by him or her as exempt are
3 worth more than \$15,000 (or \$7,500 if subsection (b) of
4 Section 12-901 applies) \$7,500, such officer shall summon 3
5 individuals, as commissioners, who shall, upon oath, to be
6 administered to them by the officer, appraise the premises,
7 and if, in their opinion, the property may be divided without
8 damage to the interest of the parties, they shall set off so
9 much of the premises, including the dwelling house, as in
10 their opinion is worth \$15,000 (or \$7,500 if subsection (b)
11 of Section 12-901 applies) \$7,500, and the residue of the
12 premises may be advertised and sold by such officer. Each
13 commissioner shall receive for his or her services the sum of
14 \$5 per day for each day necessarily engaged in such service.
15 The officer summoning such commissioners shall receive such
16 fees as may be allowed for serving summons, but shall be
17 entitled to charge mileage for only the actual distance
18 traveled from the premises to be appraised, to the residence
19 of the commissioners summoned. The officer shall not be
20 required to summon commissioners until the judgment creditor,
21 or some one for him or her, shall advance to the officer one
22 day's fees for the commissioners, and unless the creditor
23 shall advance such fees the officer shall not be required to
24 enforce the judgment. The costs of such appraisement shall
25 not be taxed against the judgment debtor unless such
26 appraisement shows that the judgment debtor has property
27 subject to such judgment.

28 (Source: P.A. 83-707.)

29 (735 ILCS 5/12-911) (from Ch. 110, par. 12-911)

30 Sec. 12-911. Notice to judgment debtor. In case the
31 value of the premises is, in the opinion of the
32 commissioners, more than \$15,000 (or \$7,500 if subsection (b)
33 of Section 12-901 applies) \$7,500, and cannot be divided as

1 is provided for in Section 12-910 of this Act, they shall
 2 make and sign an appraisal of the value thereof, and deliver
 3 the same to the officer, who shall deliver a copy thereof to
 4 the judgment debtor, or to some one of the family of the age
 5 of 13 years or upwards, with a notice thereto attached that
 6 unless the judgment debtor pays to such officer the surplus
 7 over and above \$15,000 (or \$7,500 if subsection (b) of
 8 Section 12-901 applies) \$7,500 on the amount due on the
 9 judgment within 60 days thereafter, such premises will be
 10 sold.

11 (Source: P.A. 83-356.)

12 (735 ILCS 5/12-912) (from Ch. 110, par. 12-912)

13 Sec. 12-912. Sale of premises - Distribution of proceeds.
 14 In case of such surplus, or the amount due on the judgment is
 15 not paid within the 60 days, the officer may advertise and
 16 sell the premises, and out of the proceeds of such sale pay
 17 to such judgment debtor the sum of \$15,000 (or \$7,500 if
 18 subsection (b) of Section 12-901 applies) \$7,500, and apply
 19 the balance on the judgment.

20 (Source: P.A. 82-783.)

21 (735 ILCS 5/12-1001) (from Ch. 110, par. 12-1001)

22 Sec. 12-1001. Personal property exempt. The following
 23 personal property, owned by the debtor, is exempt from
 24 judgment, attachment, or distress for rent:

25 (a) The necessary wearing apparel, bible, school
 26 books, and family pictures of the debtor and the debtor's
 27 dependents;

28 (b) The debtor's equity interest, not to exceed
 29 \$4,000 \$2,000 in value, in any other property;

30 (c) The debtor's interest, not to exceed \$2,400
 31 \$1,200 in value, in any one motor vehicle;

32 (d) The debtor's equity interest, not to exceed

1 \$1,500 \$750 in value, in any implements, professional
2 books, or tools of the trade of the debtor;

3 (e) Professionally prescribed health aids for the
4 debtor or a dependent of the debtor;

5 (f) All proceeds payable because of the death of
6 the insured and the aggregate net cash value of any or
7 all life insurance and endowment policies and annuity
8 contracts payable to a wife or husband of the insured, or
9 to a child, parent, or other person dependent upon the
10 insured, whether the power to change the beneficiary is
11 reserved to the insured or not and whether the insured or
12 the insured's estate is a contingent beneficiary or not;

13 (g) The debtor's right to receive:

14 (1) a social security benefit, unemployment
15 compensation, or public assistance benefit;

16 (2) a veteran's benefit;

17 (3) a disability, illness, or unemployment
18 benefit; and

19 (4) alimony, support, or separate maintenance,
20 to the extent reasonably necessary for the support
21 of the debtor and any dependent of the debtor.

22 (h) The debtor's right to receive, or property that
23 is traceable to:

24 (1) an award under a crime victim's reparation
25 law;

26 (2) a payment on account of the wrongful death
27 of an individual of whom the debtor was a dependent,
28 to the extent reasonably necessary for the support
29 of the debtor;

30 (3) a payment under a life insurance contract
31 that insured the life of an individual of whom the
32 debtor was a dependent, to the extent reasonably
33 necessary for the support of the debtor or a
34 dependent of the debtor;

1 (4) a payment, not to exceed \$15,000 ~~\$7,500~~ in
2 value, on account of personal bodily injury of the
3 debtor or an individual of whom the debtor was a
4 dependent; and

5 (5) any restitution payments made to persons
6 pursuant to the federal Civil Liberties Act of 1988
7 and the Aleutian and Pribilof Island Restitution
8 Act, P.L. 100-383.

9 For purposes of this subsection (h), a debtor's
10 right to receive an award or payment shall be exempt for
11 a maximum of 2 years after the debtor's right to receive
12 the award or payment accrues; property traceable to an
13 award or payment shall be exempt for a maximum of 5 years
14 after the award or payment accrues; and an award or
15 payment and property traceable to an award or payment
16 shall be exempt only to the extent of the amount of the
17 award or payment, without interest or appreciation from
18 the date of the award or payment.

19 (i) The debtor's right to receive an award under
20 Part 20 of Article II of this Code relating to crime
21 victims' awards.

22 Money due the debtor from the sale of any personal
23 property that was exempt from judgment, attachment, or
24 distress for rent at the time of the sale is exempt from
25 attachment and garnishment to the same extent that the
26 property would be exempt had the same not been sold by the
27 debtor.

28 If a debtor owns property exempt under this Section and
29 he or she purchased that property with the intent of
30 converting nonexempt property into exempt property or in
31 fraud of his or her creditors, that property shall not be
32 exempt from judgment, attachment, or distress for rent.
33 Property acquired within 6 months of the filing of the
34 petition for bankruptcy shall be presumed to have been

1 acquired in contemplation of bankruptcy.

2 The personal property exemptions set forth in this
3 Section shall apply only to individuals and only to personal
4 property that is used for personal rather than business
5 purposes. The personal property exemptions set forth in this
6 Section shall not apply to or be allowed against any money,
7 salary, or wages due or to become due to the debtor that are
8 required to be withheld in a wage deduction proceeding under
9 Part 8 of this Article XII.

10 (Source: P.A. 88-378; 89-686, eff. 12-31-96.)

11 Section 99. Effective date. This Act takes effect on
12 January 1, 2004."