



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3478

Introduced 2/24/2011, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1402	from Ch. 110, par. 2-1402
735 ILCS 5/2-1602	
735 ILCS 5/12-101	from Ch. 110, par. 12-101
735 ILCS 5/12-112.5 new	
735 ILCS 5/12-652	from Ch. 110, par. 12-652
755 ILCS 5/18-12	from Ch. 110 1/2, par. 18-12

Amends the Code of Civil Procedure. Provides that if a creditor discovers personal property of the judgment debtor that is subject to the lien of a citation to discover assets, the creditor may have the court impress a lien against a specific item of personal property, including a land trust. Provides that this type of lien survives the termination of the citation proceedings and remains as a lien against the personal property. Provides that if the judgment is revived before dormancy, the lien shall remain. Provides that a lien against personal property may be recorded in the recorder's office or filed pursuant to the Uniform Commercial Code. Provides that if a statute or case requires or permits a judgment creditor to use the remedy of a charging order, this remedy may be obtained by using an enforcement procedure under the Act and provides that if the court does not otherwise have jurisdiction of the parties, the law relating to the type of enforcement served shall be used to determine issues ancillary to the entry of a charging order such as jurisdiction, liens, and priority of liens. Amends the Probate Act of 1975. Modifies provision that states that all claims against an estate are barred 2 years after decedent's death, by adding an exception that states: if the estate is opened 21 months after the date of death or later, a claim must be filed not less than 6 months after the first notice is published or 3 months from the date of mailing or delivery of the required notice, whichever is later.

LRB097 10881 AJ0 51405 b

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 Sections 2-1402, 2-1602, 12-101, 12-652, and by adding
6 Section 12-112.5 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 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
17 the judgment. A supplementary proceeding shall be commenced by
18 the service of a citation issued by the clerk. The procedure
19 for conducting supplementary proceedings shall be prescribed
20 by rules. It is not a prerequisite to the commencement of a
21 supplementary proceeding that a certified copy of the judgment
22 has been returned wholly or partly unsatisfied. All citations
23 issued by the clerk shall have the following language, or

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

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

1 "CITATION NOTICE

2 (Name and address of Court)

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

4 Judgment Creditor v.

5 (Name of Judgment Debtor),

6 Judgment Debtor.

7 Address of Judgment Debtor: (Insert last known

8 address)

9 Name and address of Attorney for Judgment

10 Creditor or of Judgment Creditor (If no

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

12 Amount of Judgment: \$ (Insert amount)

13 Name of Person Receiving Citation: (Insert name)

14 Court Date and Time: (Insert return date and time

15 specified in citation)

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

26 The amount of income or assets that may be applied toward

1 the judgment is limited by federal and Illinois law. The
2 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS
3 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH
4 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED
5 ABOVE:

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

18 (2) Under Illinois law, every person is entitled to an
19 estate in homestead, when it is owned and occupied as a
20 residence, to the extent in value of \$15,000, which
21 homestead is exempt from judgment.

22 (3) Under Illinois law, the amount of wages that may be
23 applied toward a judgment is limited to the lesser of (i)
24 15% of gross weekly wages or (ii) the amount by which
25 disposable earnings for a week exceed the total of 45 times
26 the federal minimum hourly wage or, under a wage deduction

1 summons served on or after January 1, 2006, the Illinois
2 minimum hourly wage, whichever is greater.

3 (4) Under federal law, the amount of wages that may be
4 applied toward a judgment is limited to the lesser of (i)
5 25% of disposable earnings for a week or (ii) the amount by
6 which disposable earnings for a week exceed 30 times the
7 federal minimum hourly wage.

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

10 The judgment debtor may have other possible exemptions
11 under the law.

12 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING
13 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The
14 judgment debtor also has the right to seek a declaration at an
15 earlier date, by notifying the clerk in writing at (insert
16 address of clerk). When so notified, the Clerk of the Court
17 will obtain a prompt hearing date from the court and will
18 provide the necessary forms that must be prepared by the
19 judgment debtor or the attorney for the judgment debtor and
20 sent to the judgment creditor and the judgment creditor's
21 attorney regarding the time and location of the hearing. This
22 notice may be sent by regular first class mail."

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 (d) No order or judgment shall be entered under subsection

1 (c) in favor of the judgment creditor unless there appears of
2 record a certification of mailing showing that a copy of the
3 citation and a copy of the citation notice was mailed to the
4 judgment debtor as required by subsection (b).

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

19 (f) (1) The citation may prohibit the party to whom it is
20 directed from making or allowing any transfer or other
21 disposition of, or interfering with, any property not
22 exempt from the enforcement of a judgment therefrom, a
23 deduction order or garnishment, belonging to the judgment
24 debtor or to which he or she may be entitled or which may
25 thereafter be acquired by or become due to him or her, and
26 from paying over or otherwise disposing of any moneys not

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

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

24 (g) If it appears that any property, chose in action,
25 credit or effect discovered, or any interest therein, is
26 claimed by any person, the court shall, as in garnishment

1 proceedings, permit or require the claimant to appear and
2 maintain his or her right. The rights of the person cited and
3 the rights of any adverse claimant shall be asserted and
4 determined pursuant to the law relating to garnishment
5 proceedings.

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

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

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

20 (k) (Blank).

21 (k-5) If the court determines that any property held by a
22 third party respondent is wages pursuant to Section 12-801, the
23 court shall proceed as if a wage deduction proceeding had been
24 filed and proceed to enter such necessary and proper orders as
25 would have been entered in a wage deduction proceeding
26 including but not limited to the granting of the statutory

1 exemptions allowed by Section 12-803 and all other remedies
2 allowed plaintiff and defendant pursuant to Part 8 of Article
3 12 of this Act.

4 (k-10) If a creditor discovers personal property of the
5 judgment debtor that is subject to the lien of a citation to
6 discover assets, the creditor may have the court impress a lien
7 against a specific item of personal property, including a land
8 trust. The lien survives the termination of the citation
9 proceedings and remains as a lien against the personal property
10 in the same manner that a judgment lien recorded against real
11 property pursuant to Section 12-101 remains a lien on real
12 property. If the judgment is revived before dormancy, the lien
13 shall remain. A lien against personal property may, but need
14 not, be recorded in the office of the recorder or filed as an
15 informational filing pursuant to the Uniform Commercial Code.

16 (l) At any citation hearing at which the judgment debtor
17 appears and seeks a declaration that certain of his or her
18 income or assets are exempt, the court shall proceed to
19 determine whether the property which the judgment debtor
20 declares to be exempt is exempt from judgment. At any time
21 before the return date specified on the citation, the judgment
22 debtor may request, in writing, a hearing to declare exempt
23 certain income and assets by notifying the clerk of the court
24 before that time, using forms as may be provided by the clerk
25 of the court. The clerk of the court will obtain a prompt
26 hearing date from the court and will provide the necessary

1 forms that must be prepared by the judgment debtor or the
2 attorney for the judgment debtor and sent to the judgment
3 creditor, or the judgment creditor's attorney, regarding the
4 time and location of the hearing. This notice may be sent by
5 regular first class mail. At the hearing, the court shall
6 immediately, unless for good cause shown that the hearing is to
7 be continued, shall proceed to determine whether the property
8 which the judgment debtor declares to be exempt is exempt from
9 judgment. The restraining provisions of subsection (f) shall
10 not apply to any property determined by the court to be exempt.

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

16 (1) When the citation is directed against the judgment
17 debtor, upon all personal property belonging to the
18 judgment debtor in the possession or control of the
19 judgment debtor or which may thereafter be acquired or come
20 due to the judgment debtor to the time of the disposition
21 of the citation.

22 (2) When the citation is directed against a third
23 party, upon all personal property belonging to the judgment
24 debtor in the possession or control of the third party or
25 which thereafter may be acquired or come due the judgment
26 debtor and comes into the possession or control of the

1 third party to the time of the disposition of the citation.

2 The lien established under this Section does not affect the
3 rights of citation respondents in property prior to the service
4 of the citation upon them and does not affect the rights of
5 bona fide purchasers or lenders without notice of the citation.
6 The lien is effective for the period specified by Supreme Court
7 Rule.

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

10 (n) If any provision of this Act or its application to any
11 person or circumstance is held invalid, the invalidity of that
12 provision or application does not affect the provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application.

15 (Source: P.A. 94-293, eff. 1-1-06; 94-306, eff. 1-1-06; 95-331,
16 eff. 8-21-07; 95-661, eff. 1-1-08.)

17 (735 ILCS 5/2-1602)

18 Sec. 2-1602. Revival of judgment.

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

1 (b) A petition to revive a judgment shall be filed in the
2 original case in which the judgment was entered. The petition
3 shall include a statement as to the original date and amount of
4 the judgment, court costs expended, accrued interest, and
5 credits to the judgment, if any.

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

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

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

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

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

26 (Source: P.A. 96-305, eff. 8-11-09.)

1 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

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

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

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

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

14 As to real estate included within class two, a judgment is
15 a lien on the real estate of the person against whom it is
16 entered in any county in this State, including the county in
17 which it is entered, only from the time a transcript, certified
18 copy or memorandum of the judgment is filed in the office of
19 the recorder in the county in which the real estate is located.
20 The lien may be foreclosed by an action brought in the name of
21 the judgment creditor or its assignee of record under Article
22 XV in the same manner as a mortgage of real property, except
23 that the redemption period shall be 6 months from the date of
24 sale and the real estate homestead exemption under Section
25 12-901 shall apply. A judgment resulting from the entry of an

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

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

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

26 (c) The Notice of Filing shall set forth the name and

1 address of the judgment debtor and the judgment creditor,
2 the court file number of the order giving rise to the
3 judgment and, in capital letters, the following statement:

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

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

18 A judgment is not a lien on real estate for longer than 7
19 years from the time it is entered or revived, unless the
20 judgment is revived within 7 years after its entry or last
21 revival and a new memorandum of judgment is recorded prior to
22 the judgment and its recorded memorandum of judgment becoming
23 dormant ~~filed before the expiration of the prior memorandum of~~
24 ~~judgment.~~

25 When a judgment is revived it is a lien on the real estate
26 of the person against whom it was entered in any county in this

1 State from the time a transcript, certified copy or memorandum
2 of the order of revival is filed in the office of the recorder
3 in the county in which the real estate is located.

4 A foreign judgment registered pursuant to Sections 12-601
5 through 12-618 of this Act is a lien upon the real estate of
6 the person against whom it was entered only from the time (1) a
7 certified copy of the verified petition for registration of the
8 foreign judgment or (2) a transcript, certified copy or
9 memorandum of the final judgment of the court of this State
10 entered on that foreign judgment is filed in the office of the
11 recorder in the county in which the real estate is located.
12 However, no such judgment shall be a lien on any real estate
13 registered under "An Act concerning land titles", as amended,
14 until Section 85 of that Act has been complied with.

15 The release of any transcript, certified copy or memorandum
16 of judgment or order of revival which has been recorded shall
17 be filed by the person receiving the release in the office of
18 the recorder in which such judgment or order has been recorded.

19 Such release shall contain in legible letters a statement
20 as follows:

21 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
22 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE
23 OFFICE THE LIEN WAS FILED.

24 The term "memorandum" as used in this Section means a
25 memorandum or copy of the judgment signed by a judge or a copy
26 attested by the clerk of the court entering it and showing the

1 court in which entered, date, amount, number of the case in
2 which it was entered, name of the party in whose favor and name
3 and last known address of the party against whom entered. If
4 the address of the party against whom the judgment was entered
5 is not known, the memorandum or copy of judgment shall so
6 state.

7 The term "memorandum" as used in this Section also means a
8 memorandum or copy of a child support order signed by a judge
9 or a copy attested by the clerk of the court entering it or a
10 copy attested by the administrative body entering it.

11 This Section shall not be construed as showing an intention
12 of the legislature to create a new classification of real
13 estate, but shall be construed as showing an intention of the
14 legislature to continue a classification already existing.

15 (Source: P.A. 91-357, eff. 7-29-99; 92-817, eff. 8-21-02.)

16 (735 ILCS 5/12-112.5 new)

17 Sec. 12-112.5. Charging orders. If a statute or case
18 requires or permits a judgment creditor to use the remedy of a
19 charging order, said remedy may be brought and obtained by
20 serving any of the various enforcement procedures set forth
21 within this Article XII. If the court does not otherwise have
22 jurisdiction of the parties, the law relating to the type of
23 enforcement served shall be used to determine issues ancillary
24 to the entry of a charging order such as jurisdiction, liens,
25 and priority of liens.

1 (735 ILCS 5/12-652) (from Ch. 110, par. 12-652)

2 Sec. 12-652. Filing and Status of Foreign Judgments.

3 (a) A copy of any foreign judgment authenticated in
4 accordance with the acts of Congress or the statutes of this
5 State may be filed in the office of the circuit clerk for any
6 county of this State. The clerk shall treat the foreign
7 judgment in the same manner as a judgment of the circuit court
8 for any county of this State. A judgment so filed has the same
9 effect and is subject to the same procedures, defenses and
10 proceedings for reopening, vacating, or staying as a judgment
11 of a circuit court for any county of this State and may be
12 enforced or satisfied in like manner. A judgment filed or
13 registered under this Act shall be an original Illinois
14 judgment from the date it is filed with the clerk of the
15 circuit court and for purposes of enforcement and revival,
16 shall be treated in exactly the same manner as an Illinois
17 judgment entered on that same date.

18 (b) A foreign judgment or lien arising by operation of law,
19 and resulting from an order requiring child support payments
20 shall be entitled to full faith and credit in this State, shall
21 be enforceable in the same manner as any judgment or lien of
22 this State resulting from an order requiring child support
23 payments, and shall not be required to be filed with the office
24 of the circuit clerk in any county of this State, except as
25 provided for in Sections 10-25 and 10-25.5 of the Illinois

1 Public Aid Code.

2 (c) A foreign order of protection issued by the court of
3 another state, tribe, or United States territory is entitled to
4 full faith and credit in this State, is enforceable in the same
5 manner as any order of protection issued by a circuit court for
6 any county of this State, and may be filed with the circuit
7 clerk in any county of this State as provided in Section 222.5
8 of the Illinois Domestic Violence Act of 1986 or Section 22.5
9 of the Code of Criminal Procedure of 1963. A foreign order of
10 protection shall not be required to be filed with the circuit
11 clerk to be entitled to full faith and credit in this State.

12 (Source: P.A. 90-18, eff. 7-1-97; 91-903, eff. 1-1-01.)

13 Section 10. The Probate Act of 1975 is amended by changing
14 Section 18-12 as follows:

15 (755 ILCS 5/18-12) (from Ch. 110 1/2, par. 18-12)

16 Sec. 18-12. Limitations on payment of claims.

17 (a) Every claim against the estate of a decedent, except
18 expenses of administration and surviving spouse's or child's
19 award, is barred as to all of the decedent's estate if:

20 (1) Notice is given to the claimant as provided in
21 Section 18-3 and the claimant does not file a claim with
22 the representative or the court on or before the date
23 stated in the notice; or

24 (2) Notice of disallowance is given to the claimant as

1 provided in Section 18-11 and the claimant does not file a
2 claim with the court on or before the date stated in the
3 notice; or

4 (3) The claimant or the claimant's address is not known
5 to or reasonably ascertainable by the representative and
6 the claimant does not file a claim with the representative
7 or the court on or before the date stated in the published
8 notice as provided in Section 18-3.

9 (b) Unless sooner barred under subsection (a) of this
10 Section, all claims which could have been barred under this
11 Section are, in any event, barred 2 years after decedent's
12 death, whether or not letters of office are issued upon the
13 estate of the decedent, unless the estate of the decedent is
14 opened 21 months after the date of death or later, in which
15 case the time for filing the claim shall be not less than 6
16 months from the date of the first publication or 3 months from
17 the date of mailing or delivery of the notice required in
18 Section 18-3, whichever is later.

19 (c) This Section does not bar actions to establish
20 liability of the decedent to the extent the estate is protected
21 by liability insurance.

22 (d) Except with respect to a claimant whose claim is known
23 to the representative and is not paid or otherwise barred under
24 this Section, a representative who acts in good faith to
25 determine and give notice to creditors of a decedent, as
26 provided in Section 18-3, is not personally liable to a

1 creditor of a decedent, but any claim not barred under this
2 Section may be asserted against (1) the estate, to the extent
3 that assets have not been distributed, and (2) a distributee of
4 the estate (other than a creditor), but only to the extent that
5 the distributee's share of the estate will not, in effect, be
6 diminished below what the distributee would have received had
7 the claim been paid by the representative.

8 (Source: P.A. 89-21, eff. 7-1-95; 89-686, eff. 12-31-96.)