



Enforcement and Collection of Civil Judgments

Seminar Topic: This material provides an in-depth examination of the process and procedure of collecting judgments.

This material is intended to be a guide in general and is not legal advice. If you have any specific question regarding the state of the law in any particular jurisdiction, we recommend that you seek legal guidance relating to your particular fact situation.

The course materials will provide the attendee with the knowledge and tools necessary to identify the current legal trends with respect to these issues. The course materials are designed to provide the attendee with current law, impending issues and future trends that can be applied in practical situations.



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Disclaimer: The views expressed herein are not a legal opinion. Every fact situation is different and the reader is encouraged to seek legal advice for their particular situation.

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Enforcement and Collection of Civil Judgements

I. Introduction

You have successfully litigated your breach of contract or other civil case to a final judgment and now you would like to collect. But your defendant, like most, is not quick to write the check. They may be un-willing to pay given the contentious nature of the litigation, or simply unable to pay. Thankfully, Illinois law provides mechanisms to enforce your judgment.

Absent an agreement to pay the judgment, you will have to initiate further action to collect from the able, but unwilling defendant. None of these mechanisms exist at common law. You may elect to pursue wage (735 ILCS 5/12-801, et seq.,) and non-wage (735 ILCS 5/12-701, et seq.,) garnishment. Or, under 735 5/12-101 through 5/12-183 you may choose to levy the debtor's personal or real property. But the most comprehensive and effective means of collecting your judgment, and the focus of this seminar, is the Citation to Discover Assets, also known as the "supplementary proceeding."

Section 735 ILCS 5/2-1402, and Illinois Supreme Court Rule 277 govern the procedure for a Citation to Discover Assets. Accurate and full usage of local court forms are essential to effectively pursue your Citation in Cook, DuPage and Lake County. This paper outlines the procedures set forth in the Code and Rules,

summarizes case law and also identifies the forms that must be used under the local rules of Cook, DuPage and Lake counties in order to collect your judgment.

II. The Applicable Code and Rule, and Illustrative Case Law.

Section 735 ILCS 5/2-1402, and Illinois Supreme Court Rule 277 govern the procedure for a Citation to Discover Assets. The full text of Section 5/2-1402, and Supreme Court Rule 277, and the annotations, is an essential read. The following is a summary of the key provisions.

A. 735 ILCS 5/2-1402

Subsections (a) and (b) detail the purpose and form of the Citation. The purpose of the Citation is to “discover assets or income of the debtor not exempt from the enforcement of the judgment, a deduction order or garnishment, and of compelling the application of non-exempt assets or income discovered toward the payment of the amount due under the judgment.”

The Citation itself must be in proper form and include the following statement:

1. “IF YOU FAIL TO APPEAR IN COURT AS DIRECTED IN THIS NOTICE, YOU MAY BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL.”

Any citation served upon a judgment debtor or any other person “shall include a certification by the attorney for the judgment creditor or the judgment creditor setting forth the amount of the judgment, the date of the judgment, or its revival date, the balance due thereon, the name of the court, and the number of the case, and a copy of the citation notice required by this subsection.”

Whenever a citation is served upon a person or party other than the judgment debtor – a “third-party” citation - the officer or person serving the citation “shall send to the judgment debtor, within three business days of the service upon the cited party, a copy of the citation and the citation notice, which may be sent by regular first-class mail to the judgment debtor’s last known address.”

Sample Citations and Income and Asset Forms are both written into the Code section. While you can create your own form from the Code sample, DuPage, Lake and Cook Counties each have their own forms for the Citation and Notice that meet the requirements of 5/2-1402. Below is a fairly exhaustive list of the relevant forms. The Notice and Citation are essentially the same for each of the three counties, but you must use the form of the county within which you obtained your judgment. Cook and DuPage counties have corresponding form numbers. Lake county forms are by title only.

Cook County Forms -

<http://www.cookcountyclerkofcourt.org/?section=FormsPage>

<u>Form No.</u>	<u>Division</u>	<u>Description</u>	<u>Revision</u>
CCG 0005	GENERAL	CITATION TO DISCOVER ASSETS (EXAMPLE)	12/4/2000
CCG 0648	GENERAL	CITATION TO DISCOVER ASSETS NOTICE (EXAMPLE)	10/24/2005
CCG N005	GENERAL	CITATION TO DISCOVER ASSETS	12/4/2000
CCG N102	GENERAL	ORDER - CITATION TO DISCOVER ASSETS EXEMPTION	2/27/2001
CCG N643	GENERAL	CERTIFICATE OF MAILING CITATION TO DISCOVER ASSETS	7/18/2003
CCG N648	GENERAL	CITATION TO DISCOVER ASSETS NOTICE	10/24/2005
CCG N649	GENERAL	NOTICE OF MOTION CITATION EXEMPTION HEARING	5/9/2016
CCM 0124	CIVIL	CITATION TO DISCOVER ASSETS TO A THIRD PARTY (EXAMPLE)	4/14/2015
CCM 0136	CIVIL	RULE TO SHOW CAUSE - FAILURE TO APPEAR CITATION TO DISCOVER ASSETS EXAMPLE (FOR USE ONLY IF ASSISTED AT PRO SE HELP DESK)	2/22/2001
CCM N124	CIVIL	CITATION TO DISCOVER ASSETS TO A THIRD PARTY	12/19/2014
CCM N128	CIVIL	ANSWER TO CITATION TO DISCOVER ASSETS PROCEEDING	1/4/2016
CCM N136	CIVIL	RULE TO SHOW CAUSE - FAILURE TO APPEAR CITATION TO DISCOVER ASSETS	2/22/2001
CCM N638	CIVIL	CITATION TO DISCOVER ASSETS TO THIRD PARTY (WAGES)	4/30/2010

CCP N212	PROBATE	CITATION FOR REMOVAL OF REPRESENTATIVE	9/6/2013
CCP N368	PROBATE	CITATION	9/6/2013
CCG 0127	GENERAL	INCOME AND ASSETS FORM	10/16/2012

DuPage County Forms -

<https://www.dupageco.org/CourtClerk/CourtForms/>

Number	Form Title	Form Date	Department	Case Type
2209	Citation of Assets - Notice	05/16	Civil	General
2209	Citation of Assets - Notice	05/16	Civil	Garnishment
2210	Citation to Discover Assets - Judgment Debtor	11/12	Civil	General
2211	Citation to Discover Assets - Third Party	08/17	Civil	General
2217	Rule to Show Cause - Failure to Appear - Citation	06/10	Civil	General
2336	Certificate of Attorney in Citation Proceedings	04/06	Civil	General
2336	Certificate of Attorney in Citation Proceedings	06/10	Civil	Garnishment
3843	Probate - Citation to Discover Assets	12/04	Civil	Probate
4255	Income and Assets	10/12	General	General

Lake County - <https://www.lakecountycircuitclerk.org/court-forms>

1. [Citation Notice](#)
2. [Citation to Discover Assets](#)
3. [Citation to Discover Assets to a Third Party](#)
4. [Income and Asset Form](#)
5. [Judgment Debtor's Motion to Claim Exemption in Non-Wage Garnishment Proceeding](#)
6. [Judgment Debtor's Motion to Claim Exemption in Wage Deduction Proceedings](#)
7. [Memorandum of Judgment](#)

Section 1402 (c) gives the Court broad authority to take action against the debtor when “assets or income of the judgment debtor not exempt from the satisfaction of a judgment,” are discovered. These include (1) compelling the debtor to deliver “money, choses in action, property or effects in his or her possession or control, (2) ordering installment payments through wage deductions (3) ordering third-party turnover orders and (4) wage garnishments, (5) compelling assignments of the debtor’s rights in a claim against another, or order conveyance of debtor’s real or personal property, and (6) authorize the creditor to pursue claims against any person or corporation that is indebted to the judgment debtor..., forbid the transfer or other disposition of the debt until

an action can be commenced and prosecuted to judgment, and impound any papers of the debtor necessary in the prosecution of the action... .

Under section d-5, the Citation shall be dismissed if the court determines that the judgment debtor “does not possess any non-exempt income or assets.”

Under Section (e), any property ordered up by the Court shall be delivered to the Sheriff or other selling agent and can be liquidated or sold at public auction to satisfy the judgment.

Section (f) contains “restraining” provisions. The Court “may prohibit” and “may enjoin” any party from “making or allowing any transfer or other disposition of, or interfering with” any property not exempt from the enforcement of a judgment or any “deduction order or garnishment,” and “any moneys not so exempt which are due or to become due to the judgment debtor, until the further order of the court or the termination of the proceeding, whichever occurs first.”

Sections (g)-(j) are general provisions that address the court’s limited authority. Section (g) addresses the procedure for the assertion of rights to debtors property by adverse claimants, (h) the assessments of costs, (i) that citations are not the exclusive method to enforce a judgment and (j) expressly states that the Court does not have the power to order any disposition of property exempt from the enforcement of judgment or other proceedings.

Sections (k-3) and (k-5) cross reference non-wage (735 ILCS 5/12-701, et seq.) and wage (735 ILCS 5/12-801, et seq.) garnishment respectively, and are to be construed as being “declarative of existing law and not as a new enactment” thereby preserving each as an alternative method of recovering on the judgment.

Section (k-10) allows a creditor to obtain a lien by court order on “personal property of the judgment debtor that is subject to the lien of a citation to discover assets.” The lien survives the termination of the citation proceedings and remains as a lien against the personal property in the same manner that a judgment lien recorded against real property pursuant to Section 12-101 remains a lien on real property [735 ILCS 5/12-101]. If the judgment is revived before dormancy, the lien shall remain. A lien against personal property may, but need not, be recorded in the office of the recorder or filed as an informational filing pursuant to the Uniform Commercial Code [810 ILCS 5/1-101 et seq.].

Section (l) provides for a hearing initiated by the judgment debtor to determine “whether the property which the judgment debtor declares to be exempt is exempt from judgment.” The restraining provisions of subsection (f) “shall not apply to any property determined by the court to be exempt.”

Section (m) is the final operative provision and provides that “the judgment or balance due on the judgment becomes a lien when a citation is served in accordance with subsection (a). The lien binds nonexempt personal

property, including money, choses in action, and effects of the judgment debtor and includes:

- * “all personal property belonging to the judgment debtor in the possession or control of the judgment debtor or which may thereafter be acquired or come due to the judgment debtor to the time of the disposition of the citation; “and

- * “all personal property belonging to the judgment debtor in the possession or control of the third party or which thereafter may be acquired or come due the judgment debtor and comes into the possession or control of the third party to the time of the disposition of the citation.”

The lien established under this Section does not affect the rights of citation respondents in property prior to the service of the citation upon them and does not affect the rights of bona fide purchasers or lenders without notice of the citation. The lien is effective for the period specified by Supreme Court Rule 277.

B. Supreme Court Rule 277

Rule 277 governs the citation proceeding and sets forth the processes for commencing, serving, prosecuting and terminating a Citation to Discover Assets. Section (a) sets forth the timing and against whom the citation may be commenced:

A supplementary proceeding authorized by section 2--1402 of the Code of Civil Procedure may be commenced at any time with

respect to a judgment which is subject to enforcement. The proceeding may be against the judgment debtor or any third party the judgment creditor believes has property of or is indebted to the judgment debtor.”

Rule 277(b) provides how the citation is to be issued:

(b) How Commenced. The supplementary proceeding shall be commenced by the service of a citation on the party against whom it is brought. The clerk shall issue a citation upon oral request. In cases in which an order of court is prerequisite to the commencement of the proceeding, a copy of the order shall be served with the citation.

Rule 277(c) provides how the citation is to be issued and served:

(c) . . . The citation shall be served and returned in the manner provided by rule for service, otherwise than by publication, of a notice of additional relief upon a party in default.

Rule 277(d) provides where a citation proceeding can be initiated:

*** against the judgment debtor - in the court in which the judgment was entered.**

*** against a third party - must, and against the judgment debtor may, be commenced in a county of this State in which the party against whom it is brought resides, or, if an individual, is employed or**

transacts business in person, upon the filing of a transcript of the judgment in the court in that county.

If the party to be cited neither resides nor is employed nor transacts his business in person in this State, the proceeding may be commenced in any county in the State, upon the filing of a transcript of the judgment in the court in the county in which the proceeding is to be commenced.

Section **(e) *Hearing*** sets forth the procedures for the hearing and provides that it can be held before the court, or, by deposition as provided by the rules of this court for discovery depositions.

Section **(f) *When Proceeding Terminated***. Provides that the citation “terminates automatically after 6 months from the date of (1) the respondent's first personal appearance pursuant to the citation or (2) the respondent's first personal appearance pursuant to subsequent process issued to enforce the citation, whichever is sooner.” Extensions may be granted “as justice may require” and orders for the payment of money continue in effect after termination of the proceedings “until the judgment is satisfied or the court orders otherwise.”

Section **(g) *Concurrent and Consecutive Proceedings***. Provides that “Supplementary proceedings against the debtor and third parties may be

conducted concurrently or consecutively. The termination of one proceeding does not affect other pending proceedings not concluded.”

Section **(h) Sanctions.** “Any person who fails to obey a citation, subpoena, or order or other direction of the court issued pursuant to any provision of this rule may be punished for contempt.” Any person who refuses to obey any order to deliver up or convey or assign any personal property or in an appropriate case its proceeds or value or title to lands, or choses in action, or evidences of debt may be committed until he has complied with the order or is discharged by due course of law. The court may also enforce its order against the real and personal property of that person.

C. Case Law

1. 735 ILC 6/2-1402

a. General Principles.

A citation to discover assets “is a method by which a judgment creditor may proceed against a judgment debtor or third parties to discover and recover the judgment debtor's assets for the purpose of applying the property in satisfaction of the judgment.” Pontikes v. Perazic, 295 Ill. App. 3d 478, 484, 692 N.E.2d 712 (1998). The citation authorizes the judgment creditor to go on a fishing expedition for the judgment debtor’s assets if the judgment creditor has a reasonable belief that the respondent possesses assets of the debtor. Regan v.

Garfield Ridge Trust & Savings Bank, 247 Ill.App.3d 621, 617 N.E.2d 818 (2d Dist. 1993).

A citation to discover assets is more appropriately considered a document in the nature of a summons; service of the citation commences the supplementary proceeding in the same manner that service of a summons commences an ordinary civil action, and the citation, like a summons, commands the party served, to appear before the court in regard to the specified cause and as a result, Rule 45(d)(2), F.R.Civ.P., governing the service of subpoenas, is inapplicable to the service of a citation summons and does not displace Illinois law. Textile Banking Co. v. Rentschler, 657 F.2d 844 (7th Cir. 1981); Ill. Sup. Ct., R 277

"[S]upplementary proceedings to collect, of whatever nature, must derive their support from the main judgment, and if the main judgment fails the right to collect in such proceedings must also fail." People ex rel. Scott v. Police Hall of Fame, Inc., 69 Ill. App. 3d 501, 503, 387 N.E.2d 856 (1979) (quoting Alsen v. Stoner, 114 Ill. App. 2d 216, 224-25, 252 N.E.2d 488 (1969)). POM 1250 N. Milwaukee, LLC v. F.C.S.C., Inc., 2014 IL App (1st) 132098, ¶ 26, 12 N.E.3d 798, 805.

The judgment creditor or her attorney shall certify the name of the court, the number of the case, the date or revival date of the judgment, the amount of the judgment and the balance due. 735 ILCS 5/2-1402(b) (West 1998). Bianchi v.

Savino Del Bene Int'l Freight Forwarders, 329 Ill. App. 3d 908, 920, 770 N.E.2d 684, 694 (2002).

b. Third-party Citations

A judgment creditor may prosecute supplementary proceedings by service of a citation upon the judgment debtor or any other person to discover assets or income of the debtor and to compel application of nonexempt assets or income toward the payment of the amount due under the judgment; the citation may prohibit the party to whom it is directed from making or allowing any transfer or disposition of nonexempt property belonging to the judgment debtor, or which he is entitled to. Bank of Aspen v. Fox Cartage, Inc., 141 Ill. App. 3d 369, 490 N.E.2d 145 (2 Dist. 1986). The judgment creditor must have a reasonable belief that the third-party respondent possesses assets of the debtor. Regan v. Garfield Ridge Trust & Savings Bank, 247 Ill.App.3d 621, 617 N.E.2d 818 (2d Dist. 1993). However, there is little case law defining the meaning of “reasonable belief” in this context.

Section 735 ILCS 5/2-1402 and this Rule do not require a finding of fraudulent intent on behalf of the judgment debtor in transferring assets to a third party in order for a court to force that third party to deliver up the assets to the judgment creditor; it is enough that the judgment debtor has the right to recover the assets from the third party. Bentley v. Glenn Shipley Enters., 248 Ill.

App. 3d 647, 619 N.E.2d 816 (4 Dist.), appeal denied, 153 Ill. 2d 557, 624 N.E.2d 804 (1993).

Court properly denied the co-owner's claim to funds held in a joint checking account with the borrower because it was the co-owner's burden by clear and convincing evidence to prove her sole ownership of the joint checking account. Gataric v. Colak, 2016 IL App (1st) 151281, 59 N.E.3d 109, 2016 Ill. App. LEXIS 463 (1st Dist. 2016).

735 ILCS 5/2-1402 allows a judgment creditor to obtain a restraining order preventing a third-party citation respondent from making potential future payments to the judgment debtor pursuant to litigation brought by the judgment debtor against the third party. Laborers' Pension Fund v. KMC Masonry, LLC, 710 F. Supp. 2d 741, 2010 U.S. Dist. LEXIS 43277 (N.D. Ill. 2010).

c. Liens.

Serving the citation to discover assets on debtor created a lien on all of his personal property, including the checking account funds at the bank. This holding was consistent with the sound principle that statutes authorizing a judgment creditor to discover the assets of a debtor or of a third party in order to enforce a judgment are to be broadly construed. In re Porayko, No. 09 B 29262, 2010 Bankr. LEXIS 1014 (Bankr. N.D. Ill. Mar. 30, 2010), aff'd, No. 10-cv-2630, 2012 U.S. Dist. LEXIS 93387 (N.D. Ill. July 3, 2012).

Court granted plaintiff judgment against an officer of a company, personally, for transfers made by company in violation of a citation issued against the company for discovery of assets because (1) the citation created a lien under 735 ILCS 5/2-1402(m); (2) corporate officers were obligated to obey judicial orders directed at their corporation and were liable when they permitted the corporation to make nonexempt payments in violation of the citation; (3) the violation was not merely technical; (4) plaintiffs' lien was senior to the lien of another creditor of the company pursuant to 810 ILCS 5/9-310(a); and (5) the officer's argument that the lien created by the citation was unenforceable under 11 U.S.C.S. § 547 because it constituted a preferential transfer had to be decided by the bankruptcy court. Laborers' Pension Fund v. A & C Envtl., Inc., No. 99 C 8300, 2005 U.S. Dist. LEXIS 7892 (N.D. Ill. Apr. 19, 2005).

d. Ethics

Disclosure by an attorney of the identity of his client in supplementary proceedings brought by a judgment creditor pursuant to this section of the Code of Civil Procedure would not have constituted unethical behavior under Canon 4 of the former Code of Professional Responsibility (see now the Rules of Professional Conduct). Shatkin Inv. Corp. v. Connelly, 128 Ill. App. 3d 518, 470 N.E.2d 1230, 1984 Ill. App. LEXIS 2458 (Ill. App. Ct. 2d Dist. 1984).

Suspension from practice for nine months was held appropriate for an attorney who was guilty of "an almost total lack of care" in transferring property

under a citation order and who “appeared to lack appreciation of the significance of the disciplinary proceedings” where his misconduct occurred only seven months after the Supreme Court censured him. In re Trezise, 118 Ill. 2d 346, 515 N.E.2d 80, 1987 Ill. LEXIS 248 (Ill. 1987).

2. Illinois Supreme Court Rule 277

a. General Principles

Rule 277 specifies the form and procedures for conducting citation proceedings and indicates that citation proceedings may be commenced at any time with respect to a judgment that is subject to enforcement. 134 Ill. 2d R. 277. This Rule permits supplemental proceedings to discover assets when the property, income, or indebtedness is not known to the judgment creditor during the pendency of any prior supplementary proceedings. Stevenson v. Samkow, 142 Ill. App. 3d 293, 491 N.E.2d 1318 (1 Dist. 1986).

The remedies available by supplementary proceeding cannot be invoked if the necessary steps set out by the statute and the Supreme Court Rules are not followed; plaintiffs, having brought garnishment actions, could not convert them into supplementary proceedings by a mere oral statement to the court, without complying with the required statutory procedure. National Home, Inc. v. American Nat'l Bank & Trust Co., 16 Ill. App. 2d 111, 147 N.E.2d 412 (1 Dist. 1958).

Where the landlord did not take any further steps to enforce a judgment against the debtor other than to reduce the claim to a prepetition judgment and set off the security deposit it held in partial satisfaction of the agreed order, no judicial lien was created for the purposes of 11 U.S.C. § 522. In re Johnson, 215 Bankr. 381 (Bankr. N.D. Ill. 1997).

b. Service.

735 ILCS 5/2-1402, and Ill. Sup. Ct. R. 277 and 105 generally govern the service of a citation to discover assets. It was clear that under Rule 105(b)(1), service could be made by an officer or by any person over 18 years of age not a party to the action; thus, it was not improper to serve the citation at the financial center branch by someone other than the sheriff or a special process server. Paloian v. Grupo Serla S.A. de C.V. (In re GGS Liquidation, Inc.), 389 B.R. 636, 2008 Bankr. LEXIS 1865 (Bankr. N.D. Ill. 2008).

The fact that the witness was a New Jersey resident did not excuse him from his duty to appear at a citation hearing in an Illinois jurisdiction, because when served with a citation to discover assets, as opposed to a deposition subpoena, a nonresident party generally must appear before the court and answer questions regarding the assets or indebtedness of the judgment debtor. Meyer v. ERJ, Inc., F. Supp. 2d , 2000 U.S. Dist. LEXIS 5953 (N.D. Ill. Apr. 3, 2000).

c. Contempt

Plaintiff's petition for rule to show cause why the mortgage company and defendant individual should not be held in contempt for violating the citations to discover assets and the court's garnishment order was denied because at no point did the individual have control over the funds in the account at the mortgage company. United States v. Capital Tax Corp., F. Supp. 2d , 2012 U.S. Dist. LEXIS 75057 (N.D. Ill. May 31, 2012).

Trial court had the authority pursuant to 735 ILCS 5/2-1402(f)(1) and Ill. Sup. Ct. R. 277(h) to hold the corporate president and corporate loan guarantor in civil contempt for violating citations to discover assets by improperly transferring assets in a case involving a foreclosure by the bank on a commercial mortgage. Another remedy it could order, under 735 ILCS 5/12-718, was to appoint a receiver, but the purge provision contained in the order allowing for that appointment had to be revisited, as the purge provision gave the receiver too much discretion by allowing the receiver to decide when the investigation into the transfer of assets would end. Bank of Am., N.A. v. Freed, Ill. App. 3d , 971 N.E.2d 1087, 2012 Ill. App. LEXIS 220 (1 Dist. 2012).

d. 6-month Rule.

Courts typically do not grant such continuances unless the debtor is responsible for the continuance either by failing to appear personally or by failing to produce requested documentation. City of Chicago v. Air Auto Leasing Co., 297 Ill.App.3d 873, 697 N.E.2d 788, (1st Dist. 1998). The six-month period does not

begin to run until the defendant appears for their examination. TM Ryan Co. v. 5350 South Shore, L.L.C., 361 Ill.App.3d 352, 836 N.E.2d 803, (1st Dist. 2005).

The defendant was estopped from pleading the subsection (h) six month deadline where the motions which he filed delayed the citation proceedings. 100 W. Monroe Pshp. v. Carlson, 319 Ill. App. 3d 761, 253 Ill. Dec. 431, 745 N.E.2d 554, 2001 Ill. App. LEXIS 42 (1 Dist. 2001), appeal denied, 195 Ill. 2d 581, 258 Ill. Dec. 95, 755 N.E.2d 478 (2001).

II. Practice Primer

The following is a brief practice outline for pursuing your Citation.

A. **Prepare** your Citation using the proper county forms for the Notice and Citation. Be sure to include the Income and Asset Form. I prefer this over the Rider which, at a minimum, should request (1) a years' worth of bank statements, (2) income and earnings documentations, e.g. six most recent paystubs 1099 forms etc., (3) titles to cars and real estate, and (4) stocks, bonds, and securities, and (5) beneficial interests in other actions.

B. **File** your Citation against the judgment debtor and any third-party respondent of which you are aware – such as employers or banks – in the county in which you obtained your judgment. In Cook County, your Citation will be in 2503 if your judgment is over \$30,000, otherwise it will be in Room 1401.

C. **Serve** your Citation in the same manner you would file a summons and complaint. You may elect to use a special process server from the

start instead of the Sheriff, which is permitted by S.Ct. Rule 105(b). The return date of the citation may not be less than five days after service of the citation. S.Ct. Rule 277(c)(3).

D. **Set** a date for the production of all income and asset records – 7 to 14 days. I suggest this be done on the first status date. Keep the 6-month deadline in mind – Rule 277(f). Request a Rule to Show Cause for failure to comply. Contempt proceedings could follow and a body attachment could issue resulting in the judgment debtor’s arrest.

E. Upon the production of Income and Asset Form or Response to the Rider, **file and serve** third-party citations, again using the proper county form. Within three business days after service on the third-party respondent, serve a copy of the citation and citation notice on the judgment debtor.

F. **Set** a date for your examination. Again, with an eye towards the 6-month deadline.

G. Initiate action to collect on your judgment: Obtain turnover orders; initiate garnishment proceedings; obtain Sheriff or other sale of personal and real property. For real property, you should prepare, file and record a Memorandum of Judgment – again using the local form. Keep the following exemptions in mind:

- \$4,000.00 - personal property; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; worker’s

compensation benefits; veteran's benefits; circuit breaker property tax relief benefits;

- \$2,400 equity value in any one motor vehicle,

- \$1,500 equity interest, in any implements, professional books, or tools of the trade of the debtor.

- \$15,000 for any homestead, when it is owned and occupied as a residence.

- 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the Illinois minimum hourly wage, whichever is greater.

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

- Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

H. Collect on your judgment and dismiss the citation.