

## **PART 15.00 POST-JUDGMENT PROCEEDINGS**

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- 15.01 Post-Judgment Notices -  
Warnings
- 15.02 Post-Trial Motions and  
Supplemental Proceedings to  
Enforce Judgments
- 15.03 Citation to Discover Assets
- 15.04 Rule to Show Cause
- 15.05 Issuance of Order of Body  
Attachment
- 15.06 Copy of Rule or Order
- 15.07 Satisfaction of Judgment by Court  
Order
- 15.08 Deposit with Clerk of Court and  
order of Satisfaction of Judgment
- 15.09 Deposit for Preparation by Clerk  
of Appeal Record in Civil Cases

## **15.01 POST-JUDGMENT NOTICES – WARNINGS**

Notices of hearings on Citations to Discover Assets, Rules to Show Cause and any other hearing where a body attachment or warrant of arrest may issue for a party's failure to appear after receipt of notice shall, in addition to the time, date and place of hearing, include the following words in bold type and underlined: **"YOUR FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN YOUR ARREST."**

## **15.02 POST-TRIAL MOTIONS AND SUPPLEMENTAL PROCEEDINGS TO ENFORCE JUDGMENTS**

- A. Post-trial motions shall be heard by the judge who entered the judgment unless such judge is no longer serving by reason of retirement, death, illness or any other reason preventing his hearing such matters within a reasonable time. In such an event, the Chief Judge shall assign such matters to another judge for determination.
- B. Certified copies of judgment orders shall be obtained from the Office of the Circuit Clerk.
- C. All supplemental proceedings to enforce money judgments shall be filed under the original case number if filed in the county of origin.

## **15.03 CITATION TO DISCOVER ASSETS**

- A. The clerk shall, upon request, issue a Citation to Discover Assets in the form set forth for service upon a judgment debtor and in the form set forth in the Civil Practice Act and Supreme Court Rules.
- B. Service of a Citation to Discover Assets shall be made in like manner as service of summons or by certified or registered mail return receipt requested in conformity with [Supreme Court Rules 277\(c\)](#) and [105\(b\) \(1\) \(2\)](#).
- C. Upon respondent's failure to appear in response to a Citation to Discover Assets, a Rule to Show Cause may issue pursuant to Local Rule 15.04.

## **15.04 RULE TO SHOW CAUSE**

- A. Upon the failure of a respondent to comply with a duly entered order of the court or failure to appear in response to a Citation to Discover Assets pursuant to Local Rule [15.03\(c\)](#) or upon the filing of a verified Petition for a Rule to Show Cause or after hearing sworn testimony on an unverified Petition for a Rule to Show Cause, due notice having been given to the respondent, the court may issue a Rule which includes the date, time and location for the hearing.

- B. If the respondent appears pursuant to notice on the petition and the court issues a Rule, the court may direct that the respondent then and there be served with the Rule to Show Cause. If not then heard, the court shall schedule a date, time and place for the hearing, further advising the respondent that failure to appear for such hearing may result in the issuance of a body attachment for his arrest.

#### **15.05 ISSUANCE OF ORDER OF BODY ATTACHMENT**

Upon the failure of the respondent to appear pursuant to personal service of a Rule to Show Cause or a Citation to Discover Assets, and the Rule or Citation having included the advisory language of Rule 15.01, the court in its discretion may order the Clerk of the Court to issue an order of body attachment, with or without bond, directing the Sheriff to arrest and have the respondent brought forthwith before the judge issuing the order to show cause why he should not be held in contempt of court.

#### **15.06 COPY OF RULE OR ORDER**

The copy of a rule or order served upon any person and the return of service of same shall be accompanied by the certificate of the attorney for the party obtaining the rule or order that it is a true and correct copy of the rule or order entered.

#### **15.07 SATISFACTION OF JUDGMENT BY COURT ORDER**

A money judgment may be satisfied upon written motion of the judgment debtor supported by an affidavit stating the following:

- A. that the full amount of the judgment including accrued interest and costs has been paid; or
- B. that the debtor is ready, willing and able to tender the full amount of the judgment or balance due thereon; that after the exercise of due diligence the judgment creditor and his attorney cannot be found for the purpose of tender in satisfaction of the judgment, or that the judgment creditor or his attorney fails or refuses to accept payment or deliver the satisfaction of judgment upon tender of the amount due; and
- C. that notice of the motion and affidavit have been sent by mail to the judgment creditor and his attorney of record at their last known addresses.
- D. If the court is satisfied that the judgment debtor has satisfied the outstanding judgment in its entirety, it may grant the motion and enter an order in satisfaction of a judgment.

#### **15.08 DEPOSIT WITH CLERK OF COURT AND ORDER OF SATISFACTION OF JUDGMENT**

If the judgment creditor is unavailable to receive tender or refuses to do so and the court grants the motion, the court shall enter an order directing the Clerk of the Court to receive the outstanding balance due on the judgment, including accrued interest and costs on behalf of the judgment creditor. After receipt of payment, the court shall enter an order satisfying the judgment and showing the amount deposited with the clerk, who shall hold the money subject to further order of court.

#### **15.09 DEPOSIT FOR PREPARATION BY CLERK OF APPEAL RECORD IN CIVIL CASES**

At the time that any request is made to the Clerk of the Circuit Court of the Twenty-Second Judicial Circuit for Certification or Authentication of an Appeal Record, pursuant to [705 ILCS 105/27.1a \(k\)](#), a deposit of not less than fifty dollars (\$50.00) shall be paid to the clerk's office to be applied against the total fees, delivery charges, and costs authorized by the above statute. The balance of the statutorily prescribed fee and delivery costs, or the balance of the clerk's estimate of said fee and costs, shall be paid prior to the clerk's transmission or delivery of the record on appeal pursuant to [Supreme Court Rule 325](#).