STATE OF ILLINOIS

## COUNTY OF LAKE

## IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT, LAKE COUNTY, ILLINOIS

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	)	
VS.	)	No.
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) SS

## ORDER FOR REPLEVIN (WITHOUT NOTICE)

On motion of the plaintiff, \_\_\_\_\_\_ that an order of replevin issue without notice to the defendant, \_\_\_\_\_\_ the court finds:

\* 1. The defendant, who is not a consumer as defined in Section 4a of "An Act to revise the law in relation to replevin" approved February 9, 1874, as amended, has voluntarily, intelligently and knowingly waived, in writing, notice and hearing to contest the issuance of an order of replevin, under 735 ILCS 5/19-105.

\* 2. Summary seizure of the property without notice is justified by reason of the necessity to:

- a. protect the plaintiff from an immediately impending harm which will result from the imminent destruction or concealment of the disputed property in derogation of the plaintiff's rights in the property;
- b. protect the plaintiff from an immediately impending harm which will result from the imminent removal of the disputed property from the state, taking into consideration the availability of judicial remedies in the event of such removal;
- c. protect the plaintiff from an immediately impending harm which will result from the perishable nature of the disputed property under the particular circumstances at the time of the action;
- d. protect the plaintiff from an immediately impending harm which will result from the imminent sale, transfer or assignment of the disputed property to the extent such sale, transfer or assignment is fraudulent or in derogation of the plaintiff's rights in the property;

e. recover the property from a defendant who has obtained possession by theft.

3. The plaintiff has established a prima facie case to a superior right to possession of of the disputed property and has also demonstrated to the court the probability that he will ultimately prevail on the underlying claim to possession.

IT IS THEREFORE ORDERED that the Sheriff of Lake County or such other officer to whom this is directed, having received, from the plaintiff or someone else on his or her behalf, a bond of sufficient security in double value of the property described herein and valued at \$\_\_\_\_\_\_ take the specified property of the defendant that may be found in your county and described as follows: \_\_\_\_\_\_\_

and deliver the same to the plaintiff unless such defendant executes a bond and security in and double the value of this property described herein in which case you shall return said bond so taken together with this order to the clerk of the court, and that you summon said defendant to answer the complaint of the plaintiff in this cause by filing said answer or appearance with the clerk of the court at 18 N County St., Waukegan, Illinois on or before \_\_\_\_\_\_, 20 \_\_\_\_\_ at 1:30 P.M. or in the case the property or any party thereof is not found to answer the plaintiff for the value of the same.

IT IS FURTHER ORDERED that this cause is hereby set for status on the 28<sup>th</sup> day hereafter, or on \_\_\_\_\_\_, 20 \_\_\_\_\_, at 1:30 P.M.; failure of the plaintiff to appear shall result in a dismissal for want of prosecution on said date; failure of the defendant to appear shall, if the court has jurisdiction over such defendant, result in a default judgment against said defendant.

JUDGE

Date in Waukegan, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Name	
Attorney for	
Address	
City	
Telephone	
Attorney Number	

\*Strike if not applicable.

\*\* Strike a, b, c, d, or e if not applicable. At least one of said subdivision must remain.

This order is the command of the Circuit Court and violation thereof is subject to the penalty of the law.