

COMMON COLLECTION PROCEDURES FOLLOWING JUDGMENT

The following is not intended to be a complete listing of all the remedies available to a creditor. Also, there are limitations such as homestead and personal property exemptions that may affect the collection of a debt.

The forms mentioned below can be found on the two websites listed below; it is noted after each form where it can be located.

- **IL Supreme Court** website under the categories: *“Post Judgment Collection”* and *“Proof of Delivery”*: www.illinoiscourts.gov/documents-and-forms/approved-forms/
- **Lake County Circuit Clerk** website under the category *“Civil/Small Claims”*: www.lakecountycircuitclerk.org/court-forms

Option 1: Using the Debtor’s bank information

Locate the name of the bank used by the debtor and complete the following forms:

- a. Citation to Discover Assets to Debtor’s Bank (IL Supreme Court, Post Judgment Collection)
 - i. See *“Getting Started”* and *“How to documents”* for help with this process and for information on how to serve the documents properly
- b. Citation to Discover Assets to Debtor’s Employer Letter to Sheriff
- c. Proof of Delivery on debtor (IL Supreme Court, Proof of Delivery)
 - i. See *“Getting Started”* and *“How to documents”* for help with this process

You must then appear in Court on the court date. **Turn Over Order to be completed in Court** (Circuit Clerk, Civil/Small Claims).

Option 2: Using the Debtor’s employment information

Locate the employer of the debtor and complete the following forms:

- a. Wage Deduction Summons (Circuit Clerk, Civil/Small Claims).
- b. Wage Deduction Notice (Circuit Clerk, Civil/Small Claims).
- c. Affidavit for Wage Deduction Order (Circuit Clerk, Civil/Small Claims).

You must then appear in Court on the court date. Provided you have proper service upon the employer and there are funds able to be garnished, you may ask for an Order from the Court directing the employer to withhold monies from the debtor’s paycheck to turn over to you.

Option 3: Individual without known bank or employer information

If you do not have bank or employer information for the debtor and the debtor is an individual and **NOT** a company, complete the following forms:

- a. Citation to Discover Assets (IL Supreme Court, Post Judgment Collection)
 - i. See “Getting Started” and “How to documents” for help with this process and for information on how to serve the documents properly.

You must then appear in Court on the court date. You will be entitled to ask the debtor, under oath, questions regarding his/her assets such as where he/she banks, works, the property he/she owns, whether he/she is owed any money, etc.

If the debtor has assets, you may proceed with remedies identified in either option 1 or 2 above to attach any assets discovered unless other arrangements are made by the debtor for payment.

Option 4: Company as a Debtor

If the debtor is a company, you will have to get the name of an owner or officer before serving the Citation referred to in option 3 above.

- b. The names and addresses of corporate officers can be secured from searching the Secretary of State’s online corporation database:
<http://apps.ilsos.gov/corporatellc/CorporateLlcController>
- c. The names and address of owners of a business that is not incorporated can be secured from the Assumed Name Index located in the County Clerk’s Office (this office is off of the southwest corner of the court building rotunda).
- d. Once you have the name of an individual officer or owner you can serve the officer with a “Citation to Discover Assets” as described in option 3.

Option 5: Lien

If the debtor owns his/her own home but does not have liquid assets, you may complete a Memorandum of Judgment (Circuit Clerk, Civil/Small Claims).

When the Memorandum of Judgment is filed with the Recorder of Deeds (located on floor six in north side of courthouse) your claim becomes a lien upon the real estate.

PLEASE BE ADVISED:

- The Sheriff’s fee for serving the documents described must be paid in advance. Such costs, however, are to be added to the amount due from the debtor.
- Please contact an attorney regarding these matters if you have any questions.