

Rule 107. Notice of Hearing for an Order of Replevin

(a) Form of Notice. A notice for an order of replevin (see 735 ILCS 5/19-105) shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix.

(b) Service. Notice of the hearing shall be served not less than five days prior to the hearing in accordance with sections 2-202 through 2-205 of the Code of Civil Procedure, or by mail in the manner prescribed in Rule 284.

Effective September 1, 1974; amended May 28, 1982, effective July 1, 1982; amended October 30, 1992, effective November 15, 1992; [amended May 30, 2008, effective immediately](#); [amended Dec. 9, 2015, eff. Jan. 1, 2016](#); [amended Dec. 29, 2017, eff. Jan. 1, 2018](#).

Committee Comments

In 1973, the Illinois Replevin Act (Ill. Rev. Stat. 1973, ch. 119) was amended to provide for a notice and hearing prior to the issuance of the writ in conformity with the decision of the United States Supreme Court in *Fuentes v. Shevin* (1972), 407 U.S. 67. Section 4(a) of the statute, as amended, provides that five days' notice of a hearing on the question of the issuance of a writ of replevin be given "in the manner required by Rule of the Supreme Court." Rule 107 provides the form and manner of service of such notice.