

M.R. 3140

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS**

Order entered January 4, 2013.

(Deleted material is struck through and new material is underscored.)

Effective immediately, Illinois Supreme Court Rules 2, 12, 13, 104, 110, 131, 132, 137, 181, 187, 191, 216, and 277 are amended, as follows.

**Amended Rule 2**

**Rule 2. Construction**

**(a) Standards.** These rules are to be construed in accordance with the appropriate provisions of the Statute on Statutes (5 ILCS 70/0.01 *et seq.*), and in accordance with the standards stated in section 1-106 of the Code of Civil Procedure (735 ILCS 5/1-106).

**(b) Definitions.** The following meanings are to be given terms used in these rules:

- (1) "Judge" also includes associate judge and justice.
- (2) "Judgment" also includes decree, determination, decision, order, or portion thereof.
- (3) "Paper Document" means pleading, motion, notice, affidavit, memorandum, brief, petition, or other paper document or combination of papers documents required or permitted to be filed.

Amended effective July 1, 1971; amended May 28, 1982, effective July 1, 1982 ; amended May 30, 2008, effective immediately; amended Jan. 4, 2013, eff. immediately.

**Amended Rule 12**

**Rule 12. Proof of Service in the Trial and Reviewing Courts; Effective Date of Service**

**(a) Filing.** When service of a paper document is required, proof of service shall be filed with the clerk.

**(b) Manner of Proof.** Service is proved:

- (1) by written acknowledgment signed by the person served;
- (2) in case of service by personal delivery, by certificate of the attorney, or affidavit of a person, other than an attorney, who made delivery;
- (3) in case of service by mail or by delivery to a third-party commercial carrier, by certificate of the attorney, or affidavit of a person other than the attorney, who deposited the paper document in the mail or delivered the paper document to a third-party commercial carrier, stating the time and place of mailing or delivery, the complete address which appeared on the envelope or package, and the fact that proper postage or the delivery charge was prepaid; or
- (4) in case of service by facsimile transmission, by certificate of the attorney or affidavit of a person other than the attorney, who transmitted the paper document via facsimile machine, stating the time and place of transmission, the telephone number to which the transmission was sent, and the number of pages transmitted.

(5) in case of service by e-mail, by certificate of the attorney or affidavit of a person other than the attorney who transmitted the document via e-mail, stating the time and place of transmission to a designated e-mail address of record.

**(c) Effective Date of Service by Mail.** Service by mail is complete four days after mailing.

**(d) Effective Date of Service by Delivery to Third-Party Commercial Carrier.** Service by delivery to a third-party commercial carrier is complete on the third business day after delivery of the package to the third-party carrier.

**(e) Effective Date of Service by Facsimile Transmission.** Service by facsimile machine is complete on the first court day following transmission.

**(f) Effective Date of Service by E-mail.** Service by e-mail is complete on the first court day following transmission.

Amended effective July 1, 1971, and July 1, 1975; amended October 30, 1992, effective November 15, 1992; amended December 29, 2009, effective immediately; amended Dec. 21, 2012, eff. Jan. 1, 2013; amended Jan. 4, 2013, eff. immediately.

### **Amended Rule 13**

#### **Rule 13. Appearances—Time to Plead—Withdrawal**

**(a) Written Appearances.** If a written appearance, general or special, is filed, copies of the appearance shall be served in the manner required for the service of copies of pleadings.

**(b) Time to Plead.** A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he appears.

**(c) Appearance and Withdrawal of Attorneys.**

(1) *Addressing the Court.* An attorney shall file his written appearance or other pleading before he addresses the court unless he is presenting a motion for leave to appear by intervention or otherwise.

(2) *Notice of Withdrawal.* An attorney may not withdraw his appearance for a party without leave of court and notice to all parties of record, and, unless another attorney is substituted, he must give reasonable notice of the time and place of the presentation of the motion for leave to withdraw, by personal service, certified mail, or a third-party carrier, directed to the party represented by him at his last known business or residence address. Such notice shall advise said party that to insure notice of any action in said cause, he should retain other counsel therein or file with the clerk of the court, within 21 days after entry of the order of withdrawal, his supplementary appearance stating therein an address at which service of notices or other papers documents may be had upon him.

(3) *Motion to Withdraw.* The motion for leave to withdraw shall be in writing and, unless another attorney is substituted shall state the last known address of the party represented. The motion may be denied by the court if the granting of it would delay the trial of the case, or would otherwise be inequitable.

(4) *Copy to be Served on Party.* If the party does not appear at the time the motion for withdrawal is granted, either in person or by substitute counsel, then, within three days of the entry of the order of withdrawal, a copy thereof shall be served upon the party by the withdrawing attorney in the manner provided in paragraph (c)(2) of this rule, and proof of service shall be made and filed.

(5) *Supplemental Appearance.* Unless another attorney is, at the time of such withdrawal, substituted for the one withdrawing, the party shall file in the case within 21 days after entry of the order of withdrawal a supplementary appearance, stating therein an address at which the service of notices or other papers documents may be had upon him. In case of his failure to file such supplementary appearance, notice, if by mail or by third-party carrier, shall be directed to him at his last known business or residence address.

Adopted June 15, 1982, effective July 1, 1982; amended February 16, 2011, effective immediately; amended Jan. 4, 2013, eff. immediately.

#### **Amended Rule 104**

##### **Rule 104. Service of Pleadings and Other Papers Documents; Filing**

(a) **Delivery of Copy of Complaint.** Every copy of a summons used in making service shall have attached thereto a copy of the complaint, which shall be furnished by plaintiff.

(b) **Filing of Papers Documents and Proof of Service.** Pleadings subsequent to the complaint, written motions, and other papers documents required to be filed shall be filed with the clerk with a certificate of counsel or other proof that copies have been served on all parties who have appeared and have not theretofore been

found by the court to be in default for failure to plead.

**(c) Excusing Service.** For good cause shown on *ex parte* application, the court or any judge thereof may excuse the delivery or service of any complaint, pleading, or written motion or part thereof on any party, but the attorney filing it shall furnish a copy promptly and without charge to any party requesting it.

**(d) Failure to Serve Copies.** Failure to deliver or serve copies as required by this rule does not in any way impair the jurisdiction of the court over the person of any party, but the aggrieved party may obtain a copy from the clerk and the court shall order the offending party to reimburse the aggrieved party for the expense thereof.

Amended effective January 1, 1970; amended Jan. 4, 2013, eff. immediately.

### **Amended Rule 110**

#### **Rule 110. Explanation of Rights in Independent Administration; Form of Petition to Terminate**

When independent administration is granted in accordance with section 28-2 of the Probate Act of 1975, as amended, the notice required to be mailed to heirs and legatees under section 6-10 or section 28-2(c) of that act shall be accompanied by an explanation of the rights of interested persons in substantially the following form:

#### **Rights of Interested Persons During Independent Administration; Form of Petition to Terminate Administration**

A copy of an order is enclosed granting independent administration of decedent's estate. This means that the executor or administrator will not have to obtain court orders or file estate ~~papers~~ documents in court during probate. The estate will be administered without court supervision, unless an interested person asks the court to become involved.

Under section 28-4 of the Probate Act of 1975 ( 755 ILCS 5/28-4) any interested person may terminate independent administration at any time by mailing or delivering a petition to terminate to the clerk of the court. However, if there is a will which directs independent administration, independent administration will be terminated only if the court finds there is good cause to require supervised administration; and if the petitioner is a creditor or nonresiduary legatee, independent administration will be terminated only if the court finds that termination is necessary to protect the petitioner's interest.

A petition in substantially the following form may be used to terminate independent administration:

In the Circuit Court of the \_\_\_\_\_ Judicial Circuit,  
\_\_\_\_\_ County, Illinois  
(Or, In the Circuit Court of Cook County, Illinois)

*In re* Estate of \_\_\_\_\_, Deceased  
(name of decedent)

No. \_\_\_\_\_

Petition to Terminate Independent Administration

\_\_\_\_\_, on oath states:

1. On \_\_\_\_\_, 20\_\_, an order was entered granting independent administration to \_\_\_\_\_ as independent \_\_\_\_\_.  
(executor) (administrator)

2. I am an interested person in this estate as \_\_\_\_\_  
(heir) (nonresiduary legatee) (residuary legatee) (creditor) (representative)

\*3. The will \_\_\_\_\_ direct independent administration.  
(does) (does not)

4. I request that independent administration be terminated.

\_\_\_\_\_  
(Signature of petitioner)

Signed and sworn to before me

\_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

\*Strike if no will.

In addition to the right to terminate independent administration, any interested person may petition the court to hold a hearing and resolve any particular question that may arise during independent administration, even though supervised

administration has not been requested (755 ILCS 5/28-5). The independent representative must mail a copy of the estate inventory and final account to each interested person and must send notice to or obtain the approval of each interested person before the estate can be closed (755 ILCS 5/28-6, 28-11). Any interested person has the right to question or object to any item included in or omitted from an inventory or account or to insist on a full court accounting of all receipts and disbursements with prior notice, as required in supervised administration (755 ILCS 5/28-11).

Adopted February 1, 1980, effective March 1, 1980; amended May 30, 2008, effective immediately; amended Jan. 4, 2013, eff. immediately.

### **Amended Part B and Rule 131**

#### **PART B. PLEADINGS AND OTHER PAPERS DOCUMENTS**

##### **Rule 131. Form of Papers Documents**

**(a) Legibility.** All papers documents and copies thereof for filing and service shall be legibly written, typewritten, printed, or otherwise duplicated. The clerk shall not file any which do not conform to this rule.

**(b) Titles.** All papers documents shall be entitled in the court and cause, and the plaintiff's name shall be placed first.

**(c) Multiple Parties.** In cases in which there are two or more plaintiffs or two or more defendants, it is sufficient in entitling papers documents, except a summons, to name the first-named plaintiff and the first-named defendant with the usual indication of other parties, provided there be added the official number of the cause.

**(d) Name, Address, Telephone Number, and E-mail Address of Responsible Attorney or Attorneys.** All papers documents filed in any cause or served upon the opposite party shall bear the name, business address, and telephone number of the responsible attorney or attorneys and the law firm filing the same, or the mailing address, and telephone number of the party who appears in his own proper person. If the responsible attorney or attorneys or the party who appears in his own proper person will accept service by facsimile transmission or via e-mail, then the paper document shall also bear the statement "Service [by facsimile transmission ] [via e-mail] will be accepted at [facsimile telephone number ] [e-mail address]."

Amended February 19, 1982, effective April 1, 1982; amended October 30, 1992, effective November 15, 1992; amended Dec. 21, 2012, eff. Jan. 1, 2013; amended Jan. 4, 2013, eff. immediately.

## **Amended Rule 132**

### **Rule 132. Designation of Cases**

Every complaint or other paper document initiating any civil action or proceeding shall contain in the caption the words “at law,” “in chancery,” “in probate,” “small claim,” or other designation conforming to the organization of the circuit court into divisions. Misdesignation shall not affect the jurisdiction of the court.

Amended Jan. 4, 2013, eff. immediately.

## **Amended Rule 137**

### **Rule 137. Signing of Pleadings, Motions and Other Papers Documents—Sanctions**

Every pleading, motion and other paper document of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading, motion, or other paper document and state his address. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other paper document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other paper document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant. If a pleading, motion, or other paper document is signed in violation of this rule, the court, upon motion or upon its own initiative, may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other paper document, including a reasonable attorney fee.

All proceedings under this rule shall be brought within the civil action in which the pleading, motion or other paper document referred to has been filed, and no violation or alleged violation of this rule shall give rise to a separate civil suit, but shall be considered a claim within the same civil action. Motions brought pursuant to this rule must be filed within 30 days of the entry of final judgment, or if a timely post-judgment motion is filed, within 30 days of the ruling on the post-judgment motion.

This rule shall apply to the State of Illinois or any agency of the State in the same manner as any other party. Furthermore, where the litigation involves review of a

determination of an administrative agency, the court may include in its award for expenses an amount to compensate a party for costs actually incurred by that party in contesting on the administrative level an allegation or denial made by the State without reasonable cause and found to be untrue.

Where a sanction is imposed under this rule, the judge shall set forth with specificity the reasons and basis of any sanction so imposed either in the judgment order itself or in a separate written order.

Adopted June 19, 1989, effective August 1, 1989; amended December 17, 1993, effective February 1, 1994; amended Jan. 4, 2013, eff. immediately.

### **Amended Rule 181**

#### **Rule 181. Appearances—Answers—Motions**

##### **(a) When Summons Requires Appearance Within 30 Days After Service.**

When the summons requires appearance within 30 days after service, exclusive of the day of service (see Rule 101(d)), the 30-day period shall be computed from the day the copy of the summons is left with the person designated by law and not from the day a copy is mailed, in case mailing is also required. The defendant may make his or her appearance by filing a motion within the 30-day period, in which instance an answer or another appropriate motion shall be filed within the time the court directs in the order disposing of the motion. If the defendant's appearance is made in some other manner, nevertheless his or her answer or appropriate motion shall be filed on or before the last day on which he or she was required to appear.

##### **(b) When Summons Requires Appearance on Specified Day.**

(1) *Actions for Money.* Unless the "Notice to Defendant" (see Rule 101(b)) provides otherwise, an appearance in a civil action for money in which the summons requires appearance on a specified day may be made by appearing in person or by attorney at the time and place specified in the summons and making the appearance known to the court, or before the time specified for appearance by filing a written appearance, answer, or motion, in person or by attorney. The written appearance, answer, or motion shall state with particularity the address where service of notice or ~~papers~~ documents may be made upon the party or attorney so appearing. When a defendant appears in open court, the court shall require him to enter an appearance in writing. When an appearance is made in writing otherwise than by filing an answer or motion, the defendant shall be allowed 10 days after the day for appearance within which to file an answer or motion, unless the court, by rule or order, otherwise directs.

(2) *Forcible Detainer Actions.* In actions for forcible detainer (see Rule 101(b)), the defendant must appear at the time and place specified in the summons. If the defendant appears, he or she need not file an answer unless ordered by the court; and when no answer is ordered, the allegations of the

complaint will be deemed denied, and any defense may be proved as if it were specifically pleaded.

(3) *Small Claims*. Appearances in small claims (actions for money not in excess of \$10,000) are governed by Rule 286.

Amended October 21, 1969, effective January 1, 1970; amended December 3, 1996, effective January 1, 1997; amended February 10, 2006, effective immediately; amended Jan. 4, 2013, eff. immediately.

## Amended Rule 187

### Rule 187. Motions on Grounds of Forum Non Conveniens

(a) **Time for Filing.** A motion to dismiss or transfer the action under the doctrine of *forum non conveniens* must be filed by a party not later than 90 days after the last day allowed for the filing of that party's answer.

(b) **Proceedings on motions.** Hearings on motions to dismiss or transfer the action under the doctrine of *forum non conveniens* shall be scheduled so as to allow the parties sufficient time to conduct discovery on issues of fact raised by such motions. Such motions may be supported and opposed by affidavit. In determining issues of fact raised by affidavits, any competent evidence adduced by the parties shall also be considered. The determination of any issue of fact in connection with such a motion does not constitute a determination of the merits of the case or any aspect thereof.

(c) **Proceedings upon granting of motions.**

(1) *Intrastate transfer of action.* The clerk of the court from which a transfer is granted to another circuit court in this State on the ground of *forum non conveniens* shall immediately certify and transmit to the clerk of the court to which the transfer is ordered the originals of all ~~papers~~ documents filed in the case together with copies of all orders entered therein. In the event of a severance, certified copies of ~~papers~~ documents filed and orders entered shall be transmitted. The clerk of the court to which the transfer is ordered shall file the ~~papers~~ documents and transcript transmitted to him or her and docket the case, and the action shall proceed and be determined as if it had originated in that court. The costs attending a transfer shall be taxed by the clerk of the court from which the transfer is granted, and, together with the filing fee in the transferee court, shall be paid by the party or parties who applied for the transfer.

(2) *Dismissal of action.* Dismissal of an action under the doctrine of *forum non conveniens* shall be upon the following conditions:

(i) if the plaintiff elects to file the action in another forum within six months of the dismissal order, the defendant shall accept service of process from that court; and

(ii) if the statute of limitations has run in the other forum, the defendant shall waive that defense.

If the defendant refuses to abide by these conditions, the cause shall be reinstated for further proceedings in the court in which the dismissal was granted. If the court in the other forum refuses to accept jurisdiction, the plaintiff may, within 30 days of the final order refusing jurisdiction, reinstate the action in the court in which the dismissal was granted. The costs attending a dismissal may be awarded in the discretion of the court.

Adopted February 21, 1986, effective August 1, 1986; amended Jan. 4, 2013, eff. immediately.

### **Amended Rule 191**

#### **Rule 191. Proceedings Under Sections 2-1005, 2-619 and 2-301(b) of the Code of Civil Procedure**

**(a) Requirements.** Motions for summary judgment under section 2-1005 of the Code of Civil Procedure and motions for involuntary dismissal under section 2-619 of the Code of Civil Procedure must be filed before the last date, if any, set by the trial court for the filing of dispositive motions. Affidavits in support of and in opposition to a motion for summary judgment under section 2-1005 of the Code of Civil Procedure, affidavits submitted in connection with a motion for involuntary dismissal under section 2-619 of the Code of Civil Procedure, and affidavits submitted in connection with a motion to contest jurisdiction over the person, as provided by section 2-301 of the Code of Civil Procedure, shall be made on the personal knowledge of the affiants; shall set forth with particularity the facts upon which the claim, counterclaim, or defense is based; shall have attached thereto sworn or certified copies of all ~~papers~~ documents upon which the affiant relies; shall not consist of conclusions but of facts admissible in evidence; and shall affirmatively show that the affiant, if sworn as a witness, can testify competently thereto. If all of the facts to be shown are not within the personal knowledge of one person, two or more affidavits shall be used.

**(b) When Material Facts Are Not Obtainable by Affidavit.** If the affidavit of either party contains a statement that any of the material facts which ought to appear in the affidavit are known only to persons whose affidavits affiant is unable to procure by reason of hostility or otherwise, naming the persons and showing why their affidavits cannot be procured and what affiant believes they would testify to if sworn, with his reasons for his belief, the court may make any order that may be just, either granting or refusing the motion, or granting a continuance to permit affidavits to be obtained, or for submitting interrogatories to or taking the depositions of any of the persons so named, or for producing ~~papers~~ or documents in the possession of those persons or furnishing sworn copies thereof. The interrogatories and sworn answers thereto, depositions so taken, and sworn copies of ~~papers and~~ documents so furnished, shall be considered with the affidavits in passing upon the motion.

Amended effective July 1, 1971; amended May 28, 1982, effective July 1, 1982; amended April 1, 1992, effective August 1, 1992; amended March 28, 2002, effective July 1, 2002; amended Jan. 4, 2013, eff. immediately.

## **Amended Rule 216**

### **Rule 216. Admission of Fact or of Genuineness of Documents**

**(a) Request for Admission of Fact.** A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request.

**(b) Request for Admission of Genuineness of Document.** A party may serve on any other party a written request for admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

**(c) Admission in the Absence of Denial.** Each of the matters of fact and the genuineness of each document of which admission is requested is admitted unless, within 28 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission. If good faith requires that a party deny only a part, or requires qualification, of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. Any objection to a request or to an answer shall be heard by the court upon prompt notice and motion of the party making the request.

**(d) Public Records.** If any public records are to be used as evidence, the party intending to use them may prepare a copy of them insofar as they are to be used, and may seasonably present the copy to the adverse party by notice in writing, and the copy shall thereupon be admissible in evidence as admitted facts in the case if otherwise admissible, except insofar as its inaccuracy is pointed out under oath by the adverse party in an affidavit filed and served within 14 days after service of the notice.

**(e) Effect of Admission.** Any admission made by a party pursuant to request under this rule is for the purpose of the pending action and any action commenced pursuant to the authority of section 13-217 of the Code of Civil Procedure (735 ILCS 5/13-217) only. It does not constitute an admission by him for any other purpose and may not be used against him in any other proceeding.

**(f) Number of Requests.** The maximum number of requests for admission a party may serve on another party is 30, unless a higher number is agreed to by the

parties or ordered by the court for good cause shown. If a request has subparts, each subpart counts as a separate request.

**(g) Special Requirements.** A party must: (1) prepare a separate paper document which contains only the requests and the documents required for genuine document requests; (2) serve this paper document separate from other papers documents; and (3) put the following warning in a prominent place on the first page in 12-point or larger boldface type: **“WARNING: If you fail to serve the response required by Rule 216 within 28 days after you are served with this paper document, all the facts set forth in the requests will be deemed true and all the documents described in the requests will be deemed genuine.”**

Amended July 1, 1985, effective August 1, 1985; amended May 30, 2008, effective immediately; amended October 1, 2010, effective January 1, 2011; amended Jan. 4, 2013, eff. immediately.

### Amended Rule 277

#### **Rule 277. Supplementary Proceedings**

**(a) When Proceeding May be Commenced and Against Whom; Subsequent Proceeding Against Same Party.** 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. If there has been a prior supplementary proceeding with respect to the same judgment against the party, whether he is the judgment debtor or a third party, no further proceeding shall be commenced against him except by leave of court. The leave may be granted upon *ex parte* motion of the judgment creditor, but only upon a finding of the court, based upon affidavit of the judgment creditor or some other person, having personal knowledge of the facts, (1) that there is reason to believe the party against whom the proceeding is sought to be commenced has property or income the creditor is entitled to reach, or, if a third party, is indebted to the judgment debtor, (2) that the existence of the property, income or indebtedness was not known to the judgment creditor during the pendency of any prior supplementary proceeding, and (3) that the additional supplementary proceeding is sought in good faith to discover assets and not to harass the judgment debtor or third party.

**(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.

**(c) Citation—Form, Contents, and Service.** The citation by which a

supplementary proceeding is commenced:

- (1) shall be captioned in the cause in which the judgment was entered;
- (2) shall state the date the judgment was entered or revived, and the amount thereof remaining unsatisfied;
- (3) shall require the party to whom it is directed, or if directed to a corporation or partnership, a designated officer or partner thereof, to appear for examination at a time (not less than 5 days from the date of service of the citation) and place to be specified therein, concerning the property or income of or indebtedness due the judgment debtor; and
- (4) may require, upon reasonable specification thereof, the production at the examination of any books, ~~papers~~ documents, or records in his or its possession or control which have or may contain information concerning the property or income of the debtor.

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.

**(d) When Proceeding May Be Commenced.** A supplementary proceeding against the judgment debtor may be commenced in the court in which the judgment was entered. A supplementary proceeding 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.

**(e) Hearing.** The examination of the judgment debtor, third party or other witnesses shall be before the court, or, if the court so orders, before an officer authorized to administer oaths designated by the court, unless the judgment creditor elects, by so indicating in the citation or subpoena served or by requesting the court to so order, to conduct all or a part of the hearing by deposition as provided by the rules of this court for discovery depositions. The court at any time may terminate the deposition or order that proceedings be conducted before the court or officer designated by the court, and otherwise control and direct the proceeding to the end that the rights and interests of all parties and persons involved may be protected and harassment avoided. Any interested party may subpoena witnesses and adduce evidence as upon the trial of any civil action. Upon the request of either party or the direction of the court, the officer before whom the proceeding is conducted shall certify to the court any evidence taken or other proceedings had before him.

**(f) When Proceeding Terminated.** A proceeding under this rule continues until terminated by motion of the judgment creditor, order of the court, or satisfaction of the judgment, but terminates automatically 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. The court may, however, grant extensions beyond the 6 months, as justice may require. Orders for the payment of money continue in effect notwithstanding the termination of the proceedings until the judgment is satisfied or the court orders otherwise.

**(g) Concurrent and Consecutive Proceedings.** 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.

**(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.

**(i) Costs.** The court may tax as costs a sum for witness', stenographer's, and officer's fees, and the fees and outlays of the sheriff, and direct the payment thereof out of any money which may come into the hands of the sheriff or the judgment creditor as a result of the proceeding. If no property applicable to the payment of the judgment is discovered in the course of the proceeding, the court may tax as costs a sum for witness', stenographer's, and officer's fees incurred by any person subpoenaed, to be paid to him by the person who subpoenaed him, and unless paid within the time fixed, enforcement may be had in the manner provided by law for the collection of a judgment for the payment of money.

Amended October 1, 1976, effective November 15, 1976; amended September 29, 1978, effective November 1, 1978; amended May 28, 1982, effective July 1, 1982; amended Jan. 4, 2013, eff. immediately.