

Getting Started

Citation to Discover Assets to Debtor

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to do a *Citation to Discover Assets to Debtor* on the judgment defendant/debtor in order to find out about their income and property. Your use of the form does not guarantee you will be successful in court.

To learn how to fill out the form and file it with the court, read the *How to do a Citation to Discover Assets to Debtor* instruction sheet and the instructions on the form.

Name of form:	<i>Citation to Discover Assets to Debtor</i>
Purpose of the form:	To find out information about the debtor's income and property to learn if the debtor can pay the judgment.
Types of cases the form CAN be used for:	When you have a judgment for money and are trying to get information about the debtor's income and property.
Types of cases the form CANNOT be used for:	When you do not have a judgment for money or the judgment is for unpaid child support or maintenance.
Cost to file the form:	There is a fee for filing. If you cannot afford to pay the filing fee, you can ask the court to file for free by filing the <i>Application for Waiver of Court Fees</i> found at: http://www.illinoiscourts.gov/Forms/approved/ .
Special information or papers needed to complete the form:	<ul style="list-style-type: none">• Your case number;• Name of the debtor;• Address of the debtor;• Courtroom number;• Date of judgment or the date it was renewed;• Amount of judgment; AND• Amount that remains unpaid.
Statute covering the form:	735 Illinois Compiled Statutes, section 5/2-1402
Where to find the form and instruction sheet:	http://www.illinoiscourts.gov/Forms/approved/
For more information:	Read the <i>How to do a Citation to Discover Assets to Debtor</i> instruction sheet that comes with this form. You may also find more information, resources, and the location of your local county self help center at: https://www.illinoislegalaid.org/legal-information/what-citation-discover-assets

HOW TO DO A CITATION TO DISCOVER ASSETS TO DEBTOR

What is a *Citation to Discover Assets to Debtor*?

A *Citation to Discover Assets to Debtor* is a court document requiring the debtor to come to court and answer questions about their property and income. Then, the judgment creditor can try to get that property or income to pay the judgment, if it is not protected by law.

Who can file a *Citation to Discover Assets to Debtor*?

Anyone who has won a money judgment can file a *Citation to Discover Assets to Debtor* to try to collect the money.

- The person who won the judgment is called the “creditor.”
- The other person is called the “debtor.”

What if my judgment is over 7 years old?

- If your judgment is over 7 years old, you will need to renew (“revive”) your judgment before you can do a *Citation to Discover Assets to Debtor*. To start the process, file and serve a Petition for Revival.
- You can file to renew (“revive”) a judgment only up to the 20th year from the date of your judgment.
- If your judgment is over 27 years old, you cannot enforce your judgment.

Who do I serve the *Citation* on?

- If the debtor is a person, you serve that person.
- If the debtor is a company, you serve that company’s representative.
- You can use the Secretary of State’s website to find a company’s representative:
<http://www.ilsos.gov/corporatellc/>

What forms do I need?

- ***Citation to Discover Assets to Debtor***: is the form that tells the debtor to come to court to answer questions about their property and income.
- ***Letter to the Sheriff (optional)***: is a letter that tells the sheriff the addresses of the debtors to serve and how you will pay their service fee.

Where can I find the form I need?

You can find the form at:
<http://www.illinoiscourts.gov/Forms/approved/>.

Does it cost to file a *Citation to Discover Assets to Debtor*?

- Yes, there is a fee for filing a *Citation to Discover Assets to Debtor* with the Circuit Clerk.
- There will also be a fee for the sheriff or private process server.

- If you cannot afford to pay the court fee and the sheriff’s service fee, you can ask the court to file for free. Fill out the *Application for Waiver of Court Fees* to ask the court for a fee waiver. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

Fill out the *Citation to Discover Assets to Debtor* following the instructions on the form. You will need the address where the debtor can be served. See **Step 2**.

What do I do after I fill out the *Citation to Discover Assets to Debtor*?

Step 1: File your forms with the Circuit Clerk in the county where the court case is filed.

- Call the Circuit Clerk for a court date, time, and courtroom number for your *Citation to Discover Assets to Debtor*. This is the time and place where the debtor will show up to answer the questions. If you can, wait 30 days after your judgment to file your *Citation*. The reason you should wait is because it becomes difficult for the debtor to challenge your judgment after 30 days.
- Write the courthouse address, court date, time, and courtroom number on the *Citation to Discover Assets to Debtor*.
- Ask the Circuit Clerk how much it will cost to file your form, and what types of payment (cash, check, credit, online) they take.
- You must electronically file (e-file) court documents unless you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer, (2) you have a disability that keeps you from e-filing, or (3) you have trouble reading or speaking English.
 - Fill out a *Certification for Exemption from E-Filing* found here:
www.illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your *Citation* form, and the *Certification*, with the Circuit Clerk’s office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free, while others charge a processing fee.
 - For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here:
http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- If you do not have access to a computer, or if you need help e-filing, take your form to the Circuit Clerk’s office where you can use a public computer terminal to e-file your form.

- You can bring your form on paper or saved on a flash drive.
- The terminal will have a scanner and computer that you can use to e-file your form.

Step 2: Serve the debtor a copy of your form.

- The *Citation to Discover Assets to Debtor* must be served on the debtor. The judge has no power to order the debtor to do anything if the *Citation to Discover Assets to Debtor* is not served.
- You can use the sheriff or a private process server to serve the debtor with the *Citation*. You cannot give the *Citation* to the debtor yourself.
- The sheriff or a private process server can serve the debtor in the following ways:
 - By Personal Service: this is when the *Citation* is given to the debtor personally. This can be done anywhere the debtor can be found.
 - By Substitute Service: this is when the *Citation* is given to someone who lives with the debtor or a family member. The person who is served must be 13 years old or older. This must be done where the debtor lives.
- If by the sheriff
 - You can ask the sheriff to serve the debtor by taking or mailing your form to the sheriff.
 - Take it to the sheriff in person
 - Bring the file-stamped copies of your *Citation* to the sheriff's office.
 - Pay the sheriff's fees OR give the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one).
 - Mail it to the sheriff
 - Mail copies of your *Citation* to the sheriff's office.
 - Include the *Letter to the Sheriff* found at: <http://www.illinoiscourts.gov/Forms/approved/>
 - Include a self-addressed and stamped envelope for the sheriff to mail the Return/Affidavit of Service to you.
 - Pay the sheriff's fees for each party OR mail the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one)
- If by private process server
 - You may also have the form served by a private process server. A private process server is anyone 18 or older and not a party to the lawsuit. They do not accept fee waivers.
- If the debtor does NOT live in the same county or state where the case was filed:
 - Call the sheriff in that county or state to find out:
 - The address where you should bring or mail your *Citation*;
 - The number of copies of your *Citation* to bring or send; AND

- The sheriff's fees for service and if they will honor your *Order for Waiver of Court Fees* (if you have one).

- **NOTE:** If you e-filed your *Citation*, contact your sheriff's office to ask if the sheriff will file the Return/Affidavit of Service or if you will have to e-file it. If you use a private process server, you or the process server will have to e-file the Return/Affidavit of Service when you receive it back.

Step 3: Confirm the sheriff served your forms on the debtor.

- Before you go to court, check on whether the debtor was served. This is called the Return/Affidavit of Service. You may be able to check this online. Find your local Circuit Clerk's website at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.
- If the debtor was served, make sure the Return/Affidavit of Service is filed with the Circuit Clerk. The judge has no power to do anything if the *Citation* is not served.
- If the Return/Affidavit of Service says "no service," this means that the sheriff's deputy tried to find the debtor, but could not serve the debtor. If this happens, you must start over. The fee is less on the second attempt.
- **NOTE:** You should review the Return/Affidavit of Service. If it says the debtor moved, or does not live at the address you wrote down, you should find a new address for the debtor before starting again.

Step 4: Get ready for your court date.

- Decide and write down:
 - The questions you want to ask the debtor about their property and income. You can refer to the Income and Property Statement attached to the *Citation* to give you ideas of what kind of questions to ask.
 - Any information you have regarding the debtor's income and assets.

Step 5: Go to your court date.

- Your court date, time and room number are listed on your *Citation to Discover Assets to Debtor*.
- Bring these items with you to court:
 - A copy of the *Citation to Discover Assets to Debtor*;
 - A copy of any written judgment (if you have one);
 - Any receipts you have of your court costs including any costs for the sheriff; AND
 - The filed Return/Affidavit of Service showing that the *Citation to Discover Assets to Debtor* was served on the debtor (if it is not already in the court file).
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form. If your form does not have a courtroom number, look for a list of cases at the courthouse, or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.

- **If the debtor was served, but does not appear in court:**
 - The judge may issue a *Rule to Show Cause* requiring the debtor to come to court and explain why the debtor failed to appear. A *Rule to Show Cause* is a court order requiring the debtor to appear in court at a set date and time. You must have the *Rule* served by the sheriff or private process server. You must also appear in court on the new date and time.
 - If the debtor fails to appear for the *Rule to Show Cause* hearing, the judge may find them in contempt, and issue a warrant for their arrest.
- **If the debtor appears:**
 - When the case is called, the clerk or the judge will have the debtor swear to tell the truth when answering your questions.
 - You will ask the debtor questions outside the presence of the judge. There is an Income and Property Statement form attached to the *Citation* that you can use to ask questions. The debtor may file that form before the court date or may bring it with them to court. You can also look at that. You can ask other questions besides the questions on the form. However, the form is a good place to start.
 - Please note that the debtor has certain exemptions that protect their income and property. The judge will not force the debtor to make payments of exempt funds. See paragraphs six and seven of the *Citation to Discover Assets to Debtor*.
 - When you have finished asking questions, you may want to ask the debtor if they will agree to a payment plan. If you reach an agreement, let the judge know when the case is called again. If the judge approves the agreement, it will become a Court Ordered Payment Plan.
 - If there is no agreement, tell the judge what you found out about the debtor's income and assets and ask the judge to order the debtor to give you the debtor's income and property if it is not exempt. The judge can also order the debtor to make payments to you from their income.
- What if someone else owns or controls the property (like a bank or an employer)?
 - If the judge finds that the debtor has property in someone else's possession, the judge may or may not order the debtor to turn over the property directly to you. You must then follow the process to get the money from the person who controls it. For more information about this process, see the *Citation to Discover Assets to Debtor's Employer* or *Citation to Discover Assets to Debtor's Bank* found here: <http://www.illinoiscourts.gov/Forms/approved/>.
 - The judge will dismiss the *Citation* if all the debtor's income and property are exempt.
- If you find out later that the debtor has more money, you may be able to file another *Citation*. Before you leave court, ask the judge for permission to do another *Citation to Discover Assets to Debtor*.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	CITATION TO DISCOVER ASSETS TO DEBTOR	For Court Use Only
Instructions ▼	_____ Plaintiff <i>(First, middle, last name)</i> v. _____ Defendant <i>(First, middle, last name)</i>	_____ Case Number
Directly above, enter the name of the county where the case was filed.		
Enter the name of the plaintiff.		
Enter the name of the defendant.		
Enter the case number.		

In **1**, if the debtor is a person, enter the address where the debtor can be served. If the debtor is a business, enter the name of the registered agent, and the address for service. The registered agent can be found on the Illinois Secretary of State's website.

1. Name and address of debtor:

Debtor's name

Street, Apt #

City *State* *ZIP*

In **2**, enter courtroom number, date and time of the court date, and address of the courthouse.

2. You must come to courtroom _____ on _____

Number

_____ a.m. p.m.

Date *Time*

The address of the court is: _____

Street

City *State* *ZIP*

Notice to Debtor

- If you do not come to the court date listed above in section 2, the judge may issue a rule to show cause which will require you to come to court.
- On the rule to show cause court date, you will have to explain why you did not come to court on the citation ~~date~~ and why you should not be found in contempt of court.
- If you do not come to the rule to show cause court date, the judge may find you in contempt, and you may be arrested and jailed.

3. At your *Citation* hearing, you will be asked about your property and income. You will be sworn to tell the truth.

In **4a**, enter the date of the judgment. If the judgment has been revived (renewed), enter that date.

4. Information about what you owe:

a. A judgment was entered or renewed against you on _____.

Date

In **4b**, enter the amount of the judgment.

b. The amount of the judgment is \$ _____.

In **4c**, enter how much money is still owed to you. You can include the judgment amount, your court costs (like filing fees, service fees, sheriff's fee, etc.), and post judgment interest of 9% per year. Subtract any payments made by the debtor.

In **5**, enter any other document that the debtor should bring to court showing their income, property, or belongings.

C. The current amount that remains to be paid, including the creditor's court costs and post judgment interest, minus any payments you have made, is \$ _____ plus court costs of this proceeding.

5. You are ordered to bring these documents at the court date:

- Federal and state income taxes for the last 2 years;
- Recent pay stubs or proof of income;
- Bank records;
- Title to motor vehicles;
- Deed to any property you own; AND
- Insurance policies.
- Other: _____

6. At the court date, you have the right to claim certain protections (exemptions).

If you claim an exemption, the income or property covered by that exemption cannot be taken to pay the judgment. Here are some exemptions you may be able to claim:

1. Money or belongings up to \$4,000 ("wildcard exemption");
2. Social Security and Supplemental Security Income (SSI) benefits;
3. Public assistance benefits;
4. Child support;
5. Unemployment compensation benefits;
6. Workers' compensation benefits;
7. Veterans' benefits;
8. Circuit breaker property tax relief benefits;
9. Your equity interest, up to \$2,400, in any one motor vehicle;
10. Your equity interest, up to \$1,500, in any professional books, or tools of your trade;
11. Pension and retirement benefits and refunds; AND
12. Your equity interest, up to \$15,000, in the house you live in.

7. There are specific exemptions for wages. Under Illinois law, the amount of wages that may be taken to pay a judgment is limited to the lower of: 1) 15% of your gross wages, or 2) the amount by which your weekly wages, after deductions for taxes and other allowed deductions, is greater than 45 times the minimum wage (currently \$371.25 for one week; \$742.50 for two weeks; \$804.37 for semi-monthly wages; and \$1608.75 for a month). Federal law allows the lesser of: 1) 25% of disposable wages; or 2) the amount by which disposable earnings for a week is greater than 30 times the federal minimum wage.

Equity interest is the money you would get if you sold your property and paid off any outstanding loans.

I certify that everything in the *Citation to Discover Assets to Debtor* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

Enter the Case Number given by the Circuit Clerk: _____

STOP!
The Circuit Clerk will
fill in this section.

Witness this Date: _____

Seal of Court

Clerk of the Court: _____

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	INCOME AND PROPERTY STATEMENT (TO BE FILLED OUT BY DEBTOR)	<i>For Court Use Only</i> _____ Case Number
Instructions ▼ To creditor: Fill out this section in the same way you did on page 1. To debtor: fill out pages 4-6 and sign below.	_____ Plaintiff (<i>First, middle, last name</i>) v. _____ Defendant (<i>First, middle, last name</i>)	

Notice to Debtor:

1. Fill out this form and bring it with you to court; AND
2. Bring documents you have to support the information you listed in the form.

<p>In 1a, 1b and 1c enter your full name, phone number and current address.</p> <p>In 1d, enter your Driver's License Number if you have one.</p> <p>In 1e, enter the last 4 digits your social security number.</p> <p>In 1f, enter your date of birth.</p> <p>In 1g, check your marital status.</p> <p>In 2a and 2b, enter the number of people living in your house who you support. Support means that the people rely on you financially.</p> <p>In 3, check yes if you are employed.</p> <p>In 3a, if you receive unemployment, check the box and enter the amount of unemployment you receive.</p> <p>In 3b, check the box that applies to you.</p> <p>In 3c and 3d enter the company's name and address.</p> <p>In 3e, enter the gross amount (before taxes) for your income.</p>	<ol style="list-style-type: none"> 1. I am providing the following information about myself: <ol style="list-style-type: none"> a. Name: _____ <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> First Middle Last </div> b. Phone Number: _____ c. Home Address: _____ <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> Street Address, Apt. City State ZIP </div> d. Driver's License Number: _____ e. Social Security Number (<i>last 4 digits</i>): _____ f. Date of Birth: _____ g. I am <input type="checkbox"/> married <input type="checkbox"/> single <input type="checkbox"/> divorced 2. I am providing the following information about the people who live with me: <ol style="list-style-type: none"> a. I support _____ adults (<i>not counting myself</i>) who live with me. b. I support _____ children under 18 who live with me. 3. I am employed. <input type="checkbox"/> No (<i>answer 3a and skip to 4</i>) <input type="checkbox"/> Yes (<i>skip to 3b and complete the rest</i>) <ol style="list-style-type: none"> a. I receive unemployment. <input type="checkbox"/> Yes <input type="checkbox"/> No I receive \$ _____ in unemployment payments. b. If yes, <input type="checkbox"/> I am self-employed <input type="checkbox"/> I work for someone else c. Company's name: _____ d. Company's address: _____ <div style="display: flex; justify-content: space-between; width: 100%; font-size: small;"> Street Address City State ZIP </div> e. Income: \$ _____ per month
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In 4, check the box for each type of money you have received in the past month. The creditor may not use court proceedings to take any money you get from these sources.

4. I receive 1 or more of the following:

- Yes** (check all that apply) **No**
- General Assistance (GA)
 - Social Security
 - Supplemental Security Income (SSI)
 - Food Stamps (SNAP)
 - State Children & Family Assistance
 - Temporary Assistance to Needy Families (TANF)
 - Aid to the Aged, Blind and Disabled (AABD)
 - Unemployment
 - Pension
 - Other: _____

In 5, check if you own real estate.

5. I own real estate: **Yes** **No**

a. I own property at: _____
Street Address, Apt.

_____ *City* _____ *State* _____ *ZIP*

There is a mortgage on my property.

b. I own property at: _____
Street Address, Apt.

_____ *City* _____ *State* _____ *ZIP*

There is a mortgage on my property.

In 5a, list the address of the property you own and check the box if there is a mortgage on the property.

In 5b, list the address of any additional property you own and check the box if there is a mortgage on the property.

In 6, check if you have any of the listed accounts and provide the information about each account, but do not list account numbers.

6. I have checking, savings, money market, certificates of deposit, safety deposit boxes, or other bank or credit union accounts: **Yes** **No**

	Name of Bank or Institution	Names on Accounts	Account Type	Balance
1.				\$
2.				\$
3.				\$
4.				\$

In 7, check if you have any motor vehicles and provide the information about each vehicle. For Balance, fill in the amount remaining on your loan.

7. I have motor vehicles (Cars, boats, trailers, motorcycles etc.): **Yes** **No**

	Year, Make, and Model	Title in Name of	Monthly payment	Balance
1.			\$	\$
2.			\$	\$
3.			\$	\$
4.			\$	\$

In 8, check yes if you own other property such as jewelry, electronics, tools, etc.

8. I own other property: **Yes** **No**

The property is (describe and include its total value): \$ _____

Enter the Case Number given by the Circuit Clerk: _____

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name.

Enter your complete current address and telephone number.

Mail or hand-deliver a copy of this completed *Answer* to the Circuit Clerk, plaintiff, and debtor.

I certify that everything in the *Answer to Citation Proceeding* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

**LETTER TO THE SHERIFF
(SERVING FORM)**

Instructions to User

1. Complete this letter. If there is more than one debtor and they do not all live in the same county, you will need to complete this letter for each sheriff that you will be asking to serve the *Citation to Discover Assets to Debtor*.
2. With this letter, include the *Citation to Discover Assets to Debtor* for each of the debtors in your case that live in that county, payment or *Order for Waiver of Court Fees*, and a self-addressed and stamped envelope for the sheriff to mail the return of service to you.
3. Send your letter and the documents listed above to the sheriff's office in the county and state where the other party lives.

Date: _____

Sheriff of _____ County State of _____

Address of Sheriff _____

Dear Sheriff:

Re: _____ v. _____ Case Number: _____
Plaintiff *Defendant*

I am enclosing the *Citation to Discover Assets to Debtor*:

to be served on: _____
Name of Other Party

Street, Apt # City State Zip

to be served on: _____ *(fill in only if there is more than 1 other party)*
Name of Other Party

Street, Apt # City State Zip

to be served on: _____ *(fill in only if there are more than 2 other parties)*
Name of Other Party

Street, Apt # City State Zip

Check the box that applies:

- I have enclosed an *Order for Waiver of Court Fees* entered by the Court in _____ County, Illinois, which waives the cost of service; **OR**
- I have enclosed the cost of service \$ _____.

Once you have served the enclosed documents, please complete a return of service and return it to me in the enclosed self-addressed and stamped envelope.

Thank you for your attention to this matter.

Sincerely,

Signature

Printed Name

Street Address, Apt #

City *State* *Zip*

Phone