



CITATION TO DISCOVER ASSETS TO DEBTOR'S BANK

IN THE STATE OF ILLINOIS, CIRCUIT COURT

COUNTY: _____

County Where the Case Was Filed

Enter the case information as it appears on your other court documents.

PLAINTIFF:

Who started the case.

First, Middle, and Last Name, or Business Name

DEFENDANT:

Who the case was filed against.

First, Middle, and Last Name

RESPONDENT:

Bank.

Bank Name

Bank Street Address

City State Zip Code

Case Number

1. This citation and notice is being sent to the bank and to the debtor because the creditor believes the bank has property belonging to the debtor listed below:

Enter the name and address of the debtor.

Debtor's Name

Street, Apt. #

City

State

Zip Code

2. A representative from the bank must fill out the attached **Answer to Citation Proceeding** on page 6.

3. **Court Date Information**

Information about getting a court date and how to attend is available from the Circuit Clerk. You can find their contact information at ilcourts.info/clerks.

A. The next court date is:

Month, Day, Year at _____ a.m. p.m. in _____
Time *Courtroom Number*

Court dates may be scheduled in-person, remotely, or a combination of in-person and remotely. Find out how your court date will be scheduled and provide that information here. Add the Clerk's phone number and website.

B. Attend court any of the ways checked:

In person at: _____
Courtroom Address *Courtroom Number*
 Remotely (video or telephone option)

By video conference at: _____
Video Conference Website

Log-in information: _____
Video Conference Log-in Information, Meeting ID, Password, etc.

By telephone at: _____
Call-in Number for Telephone Remote Appearance

To find out more about remote court options:

Phone: _____ or Website: _____
Circuit Clerk's Phone Number *Website URL*



Notice to Debtor

- IF YOU FAIL TO APPEAR IN COURT AT THE DATE AND TIME PROVIDED, YOU MAY LOSE THE RIGHT TO PROTECT MONEY IN A BANK, SAVINGS BANK, OR CREDIT UNION ACCOUNT AND OTHER ASSETS AND COULD BE SUBJECT TO ARREST AND IMPRISONMENT.
- If you go to court on the court date listed in section 3 you may be able to claim certain protections (exemptions) at that court date. For a list of exemptions see section 5 below. See *How to File an Emergency Motion to Claim Exemption* for information on how to file this *Motion*.
- If you need to go to court earlier than the court date listed in section 3, you can file an *Emergency Motion to Claim Exemption*.
- If you do not attend court and you have money in this bank, the court may turn your money over to the creditor.

Notice to Bank

- You are prohibited from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from enforcement of a judgment, a deduction order or garnishment, property belonging to the judgment debtor or to which they may be entitled or which may thereafter be acquired by or become due to them, and from paying over or otherwise disposing of any monies not so exempt, which are due to the judgment debtor. This prohibition shall remain in effect until further order of court or termination of the proceeding. You are not required to withhold the payment of any monies beyond double the amount of the total sum due to the judgment creditor.
- If you do not answer or attend court on the date listed in section 3, the judge may do one of two things:
 - Enter a conditional judgment; OR
 - Issue a rule to show cause.
- **Warning:** If you fail to appear in court as directed in this notice, you may be arrested and brought before the court to answer to a charge of contempt of court, which may be punishable by imprisonment in the county jail.

4. The Bank's Duties and Obligations:

You must file the *Answer to Citation Proceeding* on page 6 telling the Court about all accounts, property, or safety deposit boxes that the debtor may have an ownership interest in or appears as a signatory. You must not transfer (sell, give away or get rid of) any property not exempt from the enforcement of a judgment. This prohibition shall remain in effect until further order of the court or termination of the proceeding. The bank is required to withhold double the unpaid amount listed below in paragraph 6. The bank is not required to withhold beyond double the unpaid amount listed below.

If the account consists solely of funds that can be identified as exempt under federal or state law, the bank is **prohibited** from withholding the funds, and the bank must respond that the funds are exempt. Deposited funds that are exempt under federal and state law include Social Security Disability Insurance (SSDI) and Social Security Retirement Insurance (SSRI), Supplemental Security Income (SSI), veteran's benefits, public assistance benefits, unemployment compensation benefits, child support, and/or circuit breaker property tax relief benefits.

A. Production Notice

If requested by the creditor, you are required to produce copies of all books & records about the income or property of the judgment debtor, including, but not limited to, the following documents:

5. Citation Notice to Debtor

The debtor has the **right to claim certain protections ("exemptions")**. If the debtor claims an exemption, the income or property covered by that exemption cannot be taken to pay the judgment.

**To Debtor:**

- **Automatic protections:** If you have \$1,000 or less in a bank account, that amount will be automatically exempt and available through the return date listed in Section 3.
- **Right to protect other funds:** You have the right to protect money in bank account up to \$4,000 by using the "wildcard" exemption.
- **Right to unfreeze funds for emergencies:** If you need the money frozen in your bank account for emergencies or necessities, you can file the *Emergency Motion to Claim Exemption* form.

Here are some exemptions the debtor may be able to claim:

- A.** Money or belongings up to \$4,000 ("wildcard exemption"), of which \$1,000 will be automatically applied to the debtor's bank, savings bank, or credit union account through the end of the hearing above in Section 3.
- B.** Social Security, Supplemental Security Income benefits, and disability.
- C.** Public assistance benefits.
- D.** Child support.
- E.** Unemployment compensation benefits.
- F.** Workers' compensation benefits.
- G.** Veteran's benefits.
- H.** Circuit breaker property tax relief benefits.
- I.** Debtor's equity interest, up to \$3600, in any one motor vehicle.
- J.** Debtor's equity interest, up to \$2250, in any professional books, or tools of their trade.
- K.** Pension and retirement benefits and refunds.
- L.** Debtor's equity interest, up to \$50,000 for an individual and \$100,000 for two or more individual owners, in the house they live in.
Equity interest is the money the debtor would get if they sold their property and paid off any outstanding loans.
- M.** Personal property including: food, eating and cooking utensils, bedding, furniture, books, refrigerator, stove, microwave oven, kitchen appliances, necessary provisions, washing machine, clothes dryer, vacuum cleaner, yard equipment and household equipment and tools.
- N.** Personal possessions including: clothing, pets, personal health aids, medications, computers or similar electronic devices and telephones.
- O.** One piece of jewelry up to a value of \$5,000.
- P.** Personal bodily injury awards up to \$22,500.

The debtor has the right at the court date listed in section 3 to declare property or income as exempt. The debtor also has the right to ask for these exemptions at an earlier date by notifying the clerk in writing at the office of the Circuit Clerk. A court date will be promptly set. Necessary forms must be prepared by the debtor and sent to the bank and the creditor or the creditor's attorney.

6. Certification by the Creditor

- A. Enter the name of the debtor and the date of the judgment. If the judgment has been renewed ("revived"), enter that date.

A judgment was entered or renewed against _____,
Name

the debtor, on _____.
Date

- B. The amount of the judgment is \$ _____.
Amount of Judgment

- C. Enter how much is still owed to you. You are entitled to the judgment amount, court costs (e.g., filing fees, service fees, sheriff's fee, etc.), and post judgment interest of 9% per year. Subtract any payments made by the debtor.

The **current balance due**, including judgment interest and the creditor's court costs, minus any payments made by the debtor or on behalf of the debtor after the judgment was entered is
\$ _____.

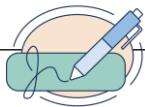
Check one of the boxes below depending on the judgment:

This is a consumer debt judgment with 5% per year post judgment interest.

This is **not** a consumer debt judgment with 9% per year post judgment interest.

7. You must mail this Citation by first-class regular mail to the debtor.

I certify I will mail by regular first-class mail a copy of the **Citation** to the debtor at the address shown above within 3 business days after service on the bank's authorized agent.

**SIGN**

Under [735 ILCS 5/1-109](#), my signature means that:

- 1) Everything in this document is true and correct, or I have been informed or I believe it to be true and correct, and
- 2) I understand that making a false statement on this form is perjury and has penalties provided by law.

If you are filling out this form online, sign your name by typing it. If you are filling out this form by hand, sign and print your name.

Signature /s/ _____ Print Name _____

I am completing this form for myself

Phone Number _____ Email (if you have one) _____

Address _____

Street, Apt. #

City

State

Zip Code

Be sure to **check your email every day** so you do not miss important information, court dates, or documents from other parties.

I am a lawyer completing this form on behalf of a client (Client name): _____

Lawyer Name _____ Attorney Number _____

Lawyer Phone Number _____ Law Firm _____

Lawyer Email _____

Address _____

Street, Apt. #

City

State

Zip Code



The Circuit Clerk will fill in this section.

To be filled in by the Circuit Clerk:

Witness this Date: _____

Seal of Court

Clerk of the Court: _____



WHAT'S NEXT

NEXT STEP FOR PERSON FILLING OUT THIS FORM:

After you fill out your forms, file them with the Circuit Clerk's office in the county where your case is taking place. After the Circuit Clerk's office has stamped the court's seal to this form, then send your forms to the other people in the case. Find your Circuit Clerk: ilcourts.info/clerks.



Learn more about each step in the process and how to file in our Instructions:

ilcourts.info/how-to-bank-citation

THE NEXT FORM IS FOR THE BANK TO FILL OUT AND FILE.



ANSWER TO CITATION PROCEEDING

(TO BE FILLED OUT BY DEBTOR'S BANK)
IN THE STATE OF ILLINOIS, CIRCUIT COURT

COUNTY: _____

County Where the Case Was Filed

Enter the case information as it appears on your other court documents.

PLAINTIFF:

Who started the case.

First, Middle, and Last Name, or Business Name

DEFENDANT:

Who the case was filed against.

First, Middle, and Last Name

Case Number _____

RESPONDENT:

Bank.

Bank Name



To Creditor:

- Fill out section 1.
- Then, leave the rest of the form blank.

To Bank:

- Fill out sections 2, 3, 4, and 5 and sign the form.
- Then, file this *Answer to Citation Proceeding* with the court and send a copy to the creditor.
- Contact the Circuit Clerk for instructions on how to file this *Answer* with the court.

1. Information about the Respondent and the Debtor:

A. Bank's name: _____

B. Bank's address: _____
Street, Apt. # _____ *City* _____ *State* _____ *Zip* _____

C. Debtor's name: _____
First _____ *Middle* _____ *Last Name* _____

D. Debtor's social security number (*last 4 digits*): _____

E. Judgment Amount: \$ _____

NOTICE TO BANK: This is a *Citation*. Do not freeze any non-exempt funds that are more than twice the balance due. See section 2 below.

2. Interrogatories:

A. On the date of service of the *Citation*, do you have any personal property or money belonging to the debtor?

Yes

- or -

No

If you check the box next to "no", do **not** fill out the rest of the form. Sign on page 8.

B. Automatic Exemption Funds

This refers to the debtor's automatic \$1,000 exemption right under [735 ILCS 5/12-1001.1](#), following entry of a consumer debt judgment. If there is any change in this amount, you must immediately notify the court, the creditor, and the debtor to inform them how much has been used.

How much of the \$1000 automatic exemption of funds in the debtor's checking or savings deposit accounts has been used by the debtor?

\$ _____ as of _____
Date

C. Is any of the money deposited into an IRA?

Yes. If yes, do **not** freeze the IRA accounts. No

D. Have all of the deposits made during the past 90 days been electronically deposited and identified as Social Security, Unemployment Compensation, Public Assistance, Veteran's Benefits, Pension, or Retirement?

Yes. If yes, do **not** freeze the account. No

E. Is the account's current balance equal to or less than the total of the exempt deposits?

Yes. If yes, do **not** freeze the account. No

If you checked **No** in **C, D, and E**, then freeze up to double the amount of the judgment.

3. Property:

A. Account

<u>Account Type</u>	<u>Account Balance</u>	<u>Amount Withheld</u>
1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____
3. _____	\$ _____	\$ _____
4. _____	\$ _____	\$ _____
5. _____	\$ _____	\$ _____
6. _____	\$ _____	\$ _____

B. Safety Deposit Yes No

C. Other property (*rents, mortgages, etc.*)

<u>Describe Property</u>	<u>Value of Property</u>	<u>Amount Withheld</u>
1. _____	\$ _____	\$ _____
2. _____	\$ _____	\$ _____

D. Less Right of Offset for Loans: \$ _____

E. **Total Amount Frozen:** \$ _____

4. List all electronic monthly deposits:

<u>Account Number</u>	<u>Source of Deposit</u>	<u>Monthly Amount</u>
A. _____	_____	\$ _____
B. _____	_____	\$ _____
C. _____	_____	\$ _____

5. List all joint account holders or anyone who has a claim on the property:

If all of the property belongs to another person who is not the debtor, do not freeze the property.

A. Name: _____
 First _____ Middle _____ Last Name _____

Address: _____
 Street, Apt. # _____ City _____ State _____ Zip Code _____

Account Information: Type: Checking CD Savings

Account Number: _____

B. Name: _____
 First _____ Middle _____ Last Name _____

Address: _____
 Street, Apt. # _____ City _____ State _____ Zip Code _____

Account Information: Type: Checking CD Savings

Account Number: _____

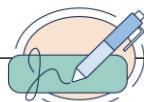
C. Name: _____
 First _____ Middle _____ Last Name _____

Address: _____
 Street, Apt. # _____ City _____ State _____ Zip Code _____

Account Information: Type: Checking CD Savings

Account Number: _____

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

**SIGN**

Under [735 ILCS 5/1-109](#), my signature means that:

- 1) Everything in this document is true and correct, or I have been informed or I believe it to be true and correct, and
- 2) I understand that making a false statement on this form is perjury and has penalties provided by law.

If you are filling out this form online, sign your name by typing it. If you are filling out this form by hand, sign and print your name.

Signature /s/ _____ Print Name _____

Date _____

Job Title _____

Phone Number _____ Email _____

Address _____
 Street, Apt. # _____ City _____ State _____ Zip Code _____

Attorney Number _____ Law Firm _____