**Plaintiff(s),** **)**

**Arnell Frances Thompson )**

**) Case No:** 02D056455

vs. **)**

**Defendant(s) )**

**David Terrence Martin )**

**Sui Juris )**

**In Propria Persona )**

**MOTION TO VACATE BODY ATTACHMENT AND RELEASE BOND**

NOW COMES the Respondent, DAVID MARTIN, pro se, and respectfully moves this Honorable Court to vacate the body attachment issued against him on October 24, 2023, and to release any bond related thereto. In support of this motion, Respondent states as follows:

**BRIEF STATEMENT OF FACTS**

1. On August 10, 2023, this Court entered an Order holding Respondent in indirect civil contempt for failure to comply with the March 10, 2022, Order requiring contributions towards the college expenses of the parties' son, Emmanuel.
2. The Court found Respondent to be in arrears in the amount of $18,420.00 and ordered that Respondent pay the arrears within 14 days or be subject to a body attachment.
3. A body attachment was subsequently issued on October 24, 2023.
4. On August 5, 2024, Respondent contacted Petitioner, Arnell Thompson, via email to confirm the total amount owed **(see Exhibit A)**.
5. Petitioner confirmed that the outstanding amount was **$20,000.00**.
6. On August 14, 2024, Respondent paid **$20,000.00** via a cashier’s check issued by **Bank of America**, made payable to Petitioner, **Arnell Thompson**.
7. On August 14, 2024, at 2:33 PM, Petitioner **confirmed receipt of the payment** via email. Shortly thereafter, Petitioner deposited and cashed the check issued by Respondent. **(See Exhibit B).**
8. Since Respondent has fully satisfied his financial obligation, the basis for the body attachment no longer exists.

**ARGUMENT**

The purpose of a body attachment in a civil contempt proceeding is to compel compliance with a court order, not to serve as punishment. In **In re Marriage of Logston, 469 N.E.2d 167 (Ill. 1984)**, the Illinois Supreme Court held that once the party in contempt has complied with the order, the contempt must be purged, and any enforcement measures, including body attachments, must be vacated.

Respondent has now fully complied with the March 10, 2022, order by paying the required $20,000.00 in college expenses. The petitioner has confirmed receipt of the payment and has deposited the check. Therefore, continued enforcement of the body attachment serves no lawful purpose and should be vacated.

Additionally, under **735 ILCS 5/2-1402(c)**, the court may enforce judgments through contempt but must release enforcement measures once the judgment is satisfied. Similarly, in **People ex rel. Chicago Bar Ass'n v. Barasch, 21 N.E.2d 315 (Ill. 1939)**, the Illinois courts have affirmed that bonds related to contempt proceedings must be released upon compliance. Given that Respondent has fulfilled his financial obligation, any bond associated with the body attachment should also be released.

**WHEREFORE, Respondent, David Martin, respectfully requests that this Honorable Court:**

A. **Vacate the body attachment issued against him** on October 24, 2023;

B. **Release any bond associated with the body attachment**;

C. **Enter any further relief** that the Court deems just and appropriate.

SIGNATURE:

NAME: David Martin

ADDRESS: 5352 S. Princeton

CITY/STATE/ZIP: Chicago, Illinois, 60609

**EXHIBIT A**

**EMAIL COMMUNICATION WITH ARNELL THOMPSON**

martin thompson <martinvthompson@gmail.com>

Aug 5, 2024, 10:54 AM

to arnellthom

Hello Ms. Thompson.

I am reaching out to send payment for Emmanuel's college expenses.

Can you provide me with the total amount?

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Arnell Thompson <arnellthom@gmail.com>

Aug 5, 2024, 11:43 AM

to me

Hello David,

I hope you are well.

$20,000.0 was the last court order towards college expenses.

(708) 253 3601

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martin thompson <martinvthompson@gmail.com>

Aug 12, 2024, 4:51 PM

to Arnell

Hello Ms. Thompson.

I should be able to send the check out tomorrow.

Which address should I send it to?

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Arnell Thompson <arnellthom@gmail.com>

Aug 14, 2024, 2:33 PM

to me

Received. Thank you

(708) 253 3601

**EXHIBT B**

**COPY OF CASHIER CHECK & PROOF OF CASHING**