

UNITED STATES OF AMERICA
STATE OF ILLINOIS COUNTY OF LASALLE
IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

Case Number

Plaintiff
-vs-

Defendant
and

Employer

WAGE DEDUCTION SUMMONS

To the Employer:
Address:

YOU ARE SUMMONED and required to file answers to the judgment creditor's interrogatories, with the LaSalle County Circuit Clerk, in the LaSalle County Courthouse, at 119 W. Madison Street, Room 201, Ottawa, Illinois, on or before*
However, if this summons is served on you less than 3 days before that date, you must file answers to the interrogatories on or before a new return date to be set by the Court, not less than 21 days after you were served with this summons.

This proceeding applies to non-exempt wages due at the time you were served with this summons and to wages which become due thereafter until the balance due on the judgment is paid.

IF YOU FAIL TO ANSWER, A CONDITIONAL JUDGMENT BY DEFAULT
MAY BE TAKEN AGAINST YOU FOR THE AMOUNT OF THE JUDGMENT UNPAID.

FEDERAL AGENCY EMPLOYERS: Effective upon service of this summons and pursuant to 5 USC 522(a), you are to commence to pay over deducted wages to the attorney for the judgment creditor in accordance with 735 ILCS 5/12-808.

TO THE OFFICER: This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than the above date.

Plaintiff's Attorney

(or Plaintiff, if he/she is not represented by an attorney):

Witness:

Clerk of LaSalle County Circuit Clerk and the Seal thereof, at Ottawa, Illinois

Dated:

Address

Telephone

Date of Service

(To be inserted by officer on copy left with employer or other person.)

*21 to 40 days after issuance of this summons

4 copies of the wage deduction interrogatories, a copy of the judgment or certification of the judgment and a copy of the wage deduction notice as set forth in 735 ILCS 5/12-805 shall be sent with this summons to the Employer.

SHERIFF'S FEES

Service and return \$ _____
Miles _____ \$ _____
Total \$ _____

Sheriff of _____ County

I certify that I served this summons on defendants as follows:
(Check appropriate box, and complete information below)

(c)—(Employer):
By leaving a copy of the complaint with the registered agent, officer, or agent of Employer.

Name of Person Summons given to: _____

DUTY OF EMPLOYER
735 ILCS 5/12-808

- (a) An employer served as herein provided shall pay the employee the amount of his or her exempt wages.
- (b) To the extent of the amount due upon the judgment and costs, the employer shall hold, subject to order of court, any nonexempt wages due or subsequently come due. The judgment or balance due thereon is a lien on wages due at the time of the service of summons, and such lien shall continue as to subsequent earnings until the total amount due upon the judgment and costs is paid except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated or modified.
- (b-5) If the employer is a federal agency employer and the creditor is represented by an attorney, then the employer, upon service of summons and to the extent of the amount due upon the judgment and costs, shall commence to pay over to the attorney for the judgment creditor any non-exempt wages due or that subsequently come due. The attorney for the judgment creditor shall thereafter hold the deducted wages subject to further order of the Court and shall make answer to the court regarding amounts received from the federal agency employer. The federal agency employer's periodic payments shall be considered a sufficient answer to the interrogatories.
- (c) Except as provided in subsection (b-5), the employer shall file, on or before the return date, or within the further time that the court for cause may allow, a written answer under oath to the interrogatories, setting forth the amount due as wages to the judgment debtor for the payroll periods ending immediately prior to and a summary of the computation used to determine the amount of non-exempt wages. Except as provided in subsection (b-5), the employer shall mail by first class mail or hand deliver a copy of the answer to the judgment debtor at the address specified in the affidavit filed under Section 12-805 of this Act, or at any other address or location of the judgment debtor known to the employer.
A lien obtained hereunder shall have priority over any subsequent lien obtained hereunder, except that liens for the support of a spouse or dependant children shall have priority over all other liens obtained hereunder. Subsequent summones shall be effective in the order in which they are served.
- (d) The Illinois Supreme Court may by rule allow an employer to file answers to interrogatories by facsimile transmission.
- (e) Pursuant to answer under oath to the interrogatories by the employer, an order shall be entered compelling the employer to deduct from wages of the judgment debtor subject to collection under a deduction order an amount not to exceed the lesser of (i) 15% of the gross amount of the wages or (ii) the amount by which disposable earnings for a week exceed 45 times the Federal Minimum Hourly Wage prescribed by Section 206(a)(1) for Title 29 of the United States Code, as amended, or the minimum hourly wage prescribed by Section 4 of the Illinois Minimum Wage Law, whichever is greater, in effect at the time the amounts are payable, for each pay period in which statutory exemptions under Section 12-804 and child support garnishments, if any, leave funds to be remitted. The order shall further provide that deducted wages shall be remitted to the creditor or creditor's attorney on a monthly basis.

DEFINITIONS
735 ILCS 5/12-801

"Deduction order" means an order entered pursuant to Section 12-811 of this Act.
 "Employer" means the person named as employer in the affidavit filed under Section 12-805
 "Judgment creditor" means the recipient of any judgment, except a judgment by confession which had not been confirmed as provided in Part 8 of Article XII of this Act.
 "Judgment debtor" means a person against whom a judgment has been obtained.
 "Wages" means any hourly pay, salaries, commissions, bonuses, or other compensation owed by an employer to a judgment debtor.