

EXHIBIT D

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ILLINOIS COMPILED STATUTES ANNOTATED
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*** STATUTES CURRENT THROUGH PUBLIC ACT 96-875 OF THE ***
2009 LEGISLATIVE SESSION
ANNOTATIONS CURRENT TO STATE CASES THROUGH DECEMBER 31, 2009

CHAPTER 735. CIVIL PROCEDURE
CODE OF CIVIL PROCEDURE
ARTICLE XII. JUDGMENTS -- ENFORCEMENT
PART 7. GARNISHMENT

GO TO THE ILLINOIS STATUTES ARCHIVE DIRECTORY

735 ILCS 5/12-706 (2010)

[Prior to 1/1/93 cited as: Ill. Rev. Stat., Ch. 110, para. 12-706]

§ 735 ILCS 5/12-706. Conditional judgment

Sec. 12-706. Conditional judgment. (a) When any person summoned as garnishee fails to appear and answer as required by Part 7 of Article XII of this Act [735 ILCS 5/12-701 et seq.], the court may enter a conditional judgment against the garnishee for the amount due upon the judgment against the judgment debtor. A summons to confirm the conditional judgment may issue against the garnishee, returnable in the same manner as provided in Section 12-705 of this Act [735 ILCS 5/12-705], commanding the garnishee to show cause why the judgment should not be made final. If the garnishee, after being served with summons to confirm the conditional judgment or after being notified as provided in subsection (b) hereof, fails to appear and answer, the court shall confirm such judgment to the amount of the judgment against the judgment debtor and award costs. If the garnishee appears and answers, the same proceedings may be had as in other cases.

(b) If any garnishee becomes a non-resident, goes out of this State, or is concealed within this State so that the summons to confirm the conditional judgment cannot be served upon him or her, upon the filing by the plaintiff or his or her agent of an affidavit as in cases of non-resident defendants in attachments, the garnishee may be notified in the same manner as a non-resident defendant in attachment; and upon notice being given to him or her as above stated, he or she may be proceeded against in the same manner as if he or she had been personally served with summons to confirm the conditional judgment.

HISTORY: Source: P.A. 83-707.