

**LETTER TO THE SHERIFF
(SERVING A SUMMONS AND FORMS)**

Instructions to User

1. Complete this letter.
2. With this letter, include (1) the *Summons* and (2) a copy of the *documents that have been filed upon the court*, (3) payment or *Order for Waiver of Court Fees*, and (4) a self-addressed and stamped envelope for the sheriff to mail the Affidavit of Service to you.
3. Send your letter and the documents listed above to the sheriff's office in the county and state where your spouse lives.

Date: _____

Sheriff of _____ County State of _____

Address of sheriff _____

Dear Sheriff:

Re: _____ v. _____ Case Number: - -
Plaintiff/Petitioner *Defendant/Respondent*

I am enclosing the *Summons* and *Petition for Dissolution of Marriage/Civil Union*

to be served on: _____
Full Name

_____ *Street, Apt #* *City* *State* *Zip*

Check the box that applies:

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

After you have served the enclosed documents, please complete the Affidavit of Service and return it to me in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Sincerely,

Signature

Printed Name

Street Address, Apt #

_____ *City* *State* *Zip*

Phone

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE _____ CIRCUIT
_____ COUNTY

(Name all parties)

vs.

Plaintiff,

Defendant.

No. - -

SUMMONS

ILLINOIS MARRIAGE AND DISSOLUTION OF MARRIAGE ACT

To each defendant:

Located at: _____,

YOU ARE HEREBY SUMMONED and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court, located at:

within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT, BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

**YOU ARE FURTHER NOTIFIED THAT A DISSOLUTION ACTION STAY IS
IN FULL FORCE AND EFFECT UPON SERVICE OF THIS SUMMONS.
THE CONDITIONS OF THE STAY ARE SET FORTH ON THE REVERSE SIDE OF THIS
SUMMONS, AND ARE APPLICABLE TO THE PARTIES AS SET FORTH IN THE STATUTE.**

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 30 days after its date.

(Seal of Court)

Witness _____, 20 _____

(Clerk of the Circuit Court)

(Plaintiff's attorney or plaintiff if he is not represented by an attorney)

Attorney Name: _____

Representing: _____

Address: _____

City, State: _____

Phone: _____

Email: _____

SHERIFF'S FEES

| | | |
|---|-----------------------------|----------|
| } | Service and return. | \$ _____ |
| | Miles _____ | _____ |
| | Total. | \$ _____ |

Sheriff of Jackson County

I certify that I served this summons on defendants as follows:

-(Individual defendants – personal):

(The officer or other person making service shall (a) identify as to sex, race and approximate age of the defendant with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant.)

-(Individual defendants – abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age of 13 years of upwards, informing that person of the contents of the summons. (The officer or other person making service shall (a) identify as to sex, race and approximate age of the person, other than the defendant, with whom he left the summons, and (b) state the place where (whenever possible in terms of an exact street address) and the date and time of day when the summons was left with such person.)

and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his usual place of abode, as follows:

| Name of Defendant | Mailing Address | Date of Mailing |
|-------------------|-----------------|-----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

-(Other Service):

_____. Sheriff of Jackson County

By _____ . Deputy

CONDITIONS OF DISSOLUTION ACTION STAY

750 ILCS 5/501.1

Chapter 40, paragraph 501.1, Illinois Revised Statutes

- (a) Upon service of a summons and petition or praecipe filed under the Illinois Marriage and Dissolution of Marriage Act or upon the filing of the respondent's appearance in the proceeding, whichever first occurs, a dissolution action stay shall be in effect against both parties and their agents and employees, without bond or further notice, until a final judgment is entered, the proceeding is dismissed, or until further order of the court:
- (1) restraining both parties from transferring, encumbering, concealing, destroying, spending, damaging or in any way disposing of any property, without the consent of the other party or an order of the court except in the usual course of business, for the necessities of life, or for the reasonable costs, expenses, and attorney's fees arising from the proceeding, as well as requesting each party to provide written notice to the other party and his or her attorney of any proposed extraordinary expenditure or transaction;
 - (2) restraining both parties from physically abusing, harassing, intimidating, striking, or interfering with the personal liberty of the other party or the minor children of either party; and
 - (3) restraining both parties from removing any minor child or either party from the State of Illinois or from concealing any such child from the other party, without the consent of the other party or an order of the court.

A restraint of the parties' actions under this Section does not, however, affect the rights of a bona fide purchaser or mortgagee whose interest in real property or whose beneficial interest in real property under an Illinois land trust was acquired before the filing of a lis pendens notice under Section 2-1901 of the Code of Civil Procedure.

- (b) Notice of any proposed extraordinary expenditure or transaction, as required by subsection (a), shall be given as soon as practicable, but not less than 7 days before the proposed date for the carrying out of commencement of the carrying out of the extraordinary expenditure or transaction, except in an emergency, in which event notice shall be given as soon as practicable under the circumstances. If proper notice is given and if the party receiving the notice does not object by filing a petition for injunctive relief under the Code of Civil Procedure within 7 days of receipt of the notice, the carrying out of the proposed extraordinary expenditure or transaction is not a violation of the dissolution action stay. The dissolution action stay shall remain in full force and effect against both parties for 14 days after the filing of a petition for injunctive relief by the objecting party (or a shorter period if the court so orders); and no extension beyond that 14 day period shall be granted by the court. For good cause shown, a party may file a petition for reduction in time with respect to any 7 day notice requirement under this subsection.
- (c) A party making any extraordinary expenditure or carrying out any extraordinary transaction after a dissolution action stay is in effect shall account promptly to the court and to the other party for all of those expenditures and transactions. This obligation to account applies throughout the pendency of the proceeding, irrespective of (i) any notice given by any party as to any proposed extraordinary expenditure or transaction, (ii) any filing of an objection and petition under this Section of the absence of any such filing, or (iii) any court ruling as to an issue presented to it by either party.
- (d) If the party making an extraordinary expenditure or transaction fails to provide proper notice or if despite proper notice the other party filed a petition and prevailed on that petition, and the extraordinary expenditure or transaction results in a loss of income or reduction in the amount or in the value of property, there is a presumption of dissipation of property, equal to the amount of the loss of reduction, charge against the party for the purposes of property distribution under Section 503.
- (e) In a proceeding filed under this Act, the summons shall provide notice of the entry of the automatic dissolution action stay in a form as required by applicable rules.