

\_\_\_\_\_ COUNTY ILLINOIS

	Plaintiff-	}	No. _____
vs.	Defendant		Return Date _____
and	Employer		

**AFFIDAVIT FOR WAGE DEDUCTION ORDER**

\_\_\_\_\_ on oath states:

- I believe employer \_\_\_\_\_ is indebted to the judgment debtor \_\_\_\_\_ for wages due or to become due. Employer's address is: \_\_\_\_\_
- The last known address of the judgment debtor is \_\_\_\_\_

I request that a summons issue directed to employer and I certify that a copy of the attached Wage Deduction Notice was mailed to judgment debtor, by first class mail, at his/her last known address prior to filing of this wage deduction proceeding.

Name: \_\_\_\_\_  
 Attorney for Judgment Creditor: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

Affiant: \_\_\_\_\_

Under penalty of perjury as provided by law pursuant to 735 ILCS 5/1-109 the affiant certifies that the statements set forth herein are true and correct.

**CERTIFICATE OF ATTORNEY OR JUDGMENT CREDITOR**

NOTE: Non-Attorneys must also submit a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment.

- Judgment in the above captioned case was entered on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_
  - The amount of judgment was \_\_\_\_\_ \$ \_\_\_\_\_
  - Allowable costs previously expended:
    - Initial filing fee \_\_\_\_\_ \$ \_\_\_\_\_
    - Original and alias summons \_\_\_\_\_ \$ \_\_\_\_\_
    - Filing and summons costs of prior supplementary proceedings \_\_\_\_\_ \$ \_\_\_\_\_
  - Filing and summons cost for this proceeding \_\_\_\_\_ \$ \_\_\_\_\_
  - Statutory interest due on judgment from date above \_\_\_\_\_ \$ \_\_\_\_\_
- Total \$ \_\_\_\_\_

DEDUCT: Total amount paid by or on behalf of the judgment debtor prior to this proceeding \_\_\_\_\_ \$ \_\_\_\_\_

BALANCE DUE JUDGMENT CREDITOR \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_  
Attorney or Judgment Creditor (OVER)

Return Date \_\_\_\_\_

Case Number: \_\_\_\_\_

**INTERROGATORIES/ANSWER TO WAGE DEDUCTION PROCEEDINGS**

Employer/Agent: \_\_\_\_\_, certifies under penalty of perjury that the following Answer Is true and correct to the best of her/his knowledge and belief concerning the property of the judgment debtor:

Debtor Name: \_\_\_\_\_ Soc. Sec. No. \_\_\_\_\_

Do you pay monies to the judgment debtor listed above? Yes \_\_\_\_\_ No \_\_\_\_\_

State whether any funds paid to the debtor are for disability, retirement or are in any other way exempt or subject to other Court Order: \_\_\_\_\_

One Pay Period equals: \_\_\_\_\_ day(s) \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)

**CALCULATION TO DETERMINE AMOUNT OF WITHHOLDING:**

- (A) Gross Wages minus mandatory contributions to pension or retirement plans is (A) \_\_\_\_\_
- (B) Method I – 15% of (A) = (B) \_\_\_\_\_
- Method II
- (C) Enter Total FICA, State and Federal Tax and Medicare (C) \_\_\_\_\_
- (D) Subtract (C) from (A) = (D) \_\_\_\_\_
- (E) Enter minimum wage per pay period (for each week in pay period, 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Illinois Minimum Wage Law, whichever is greater) (E) \_\_\_\_\_
- (F) Subtract (E) from (D) (F) \_\_\_\_\_
- (G) Enter the lesser of line (B) or (F) (G) \_\_\_\_\_
- (H) Enter Child Support of other Court Ordered Deduction (H) \_\_\_\_\_
- (I) Subtract (H) from (G) (I) \_\_\_\_\_
- (J) Subtract Employer’s Statutory Fee (5/12-814): greater of 2% of amount required to be deducted or \$12.00 (J) \_\_\_\_\_
- (K) Amount to be applied to judgment (K) \_\_\_\_\_

Line I is the amount to be withheld from employee’s paycheck as of the date of service of Summons and not disbursed until further order of Court.

Signature of Employer \_\_\_\_\_

**INSTRUCTIONS**

1. Mail a copy of this Answer to the Court and mail to attorney for Plaintiff and give a copy to the Defendant.
2. You will receive a copy of a Court Order by fax or mail instructing you how to proceed and where to send deducted funds.

Employer/Agent:

Agent Name: \_\_\_\_\_

Representing: \_\_\_\_\_

Address: \_\_\_\_\_

City, State: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Clerk of the Circuit Court

\_\_\_\_\_ County Courthouse

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A copy of this Answer should be mailed to the Court, Attorney for Plaintiff or Judgment Creditor and to the Defendant.

**IN THE CIRCUIT COURT OF THE \_\_\_\_\_ CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS**

<p>_____ Plaintiff -</p> <p style="text-align: center;">Judgment Creditor</p> <p style="text-align: center;">Vs.</p> <p>_____ Defendant-</p> <p style="text-align: center;">Judgment Debtor</p> <p style="text-align: center;">Judgment Debtor (Insert last known address)</p>		<p>No. _____</p>  <p>Name and Address of attorney for Judgment Creditor or of Judgment creditor if not represented by an attorney</p>
<p>Name _____</p> <p>Address _____</p> <p>City _____</p> <p>Phone _____</p> <p>Amount of Judgment: \$ _____</p> <p>Name of Employer: _____</p>	<p>Name _____</p> <p>Address _____</p> <p>City _____</p> <p>Phone _____</p> <p>Balance Due: \$ _____</p> <p>Return Date: _____</p>	

**WAGE DEDUCTION NOTICE**

NOTICE: The court has issued a wage deduction summons against the employer named above for wages due or about to become due to you. The wage deduction summons was issued on the basis of a judgment against you in favor of the judgment creditor in the amount stated above. This judgment is a lien on the judgment debtor's wages until the total amount due is paid.

The amount of wages that may be deducted is limited by federal and Illinois law.

- (1) Under Illinois law, the amount of wages that may be deducted is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage.
- (2) Under federal law, the amount of wages that may be deducted is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.
- (3) Pension and retirement benefits and refunds may be claimed as exempt from wage deduction under Illinois law.

You have the right to request a hearing before the court to dispute the wage deduction because the wages are exempt. To obtain a hearing, you must notify the clerk of the court in writing at \_\_\_\_\_ (Address) \_\_\_\_\_ or before the return date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by you or your attorney and sent to the judgment creditor and the employer, or their attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_ COUNTY ILLINOIS

	Plaintiff-	}	No. _____
vs.	Defendant		Address of employer:
And	Employer		_____
			_____

**WAGE DEDUCTION SUMMONS**

To the employer:

Located at:

YOU ARE SUMMONED and required to file answers to the judgment creditor's interrogatories, in the office of the clerk of this court \_\_\_\_\_ Illinois, on or before \_\_\_\_\_, 20\_\_\_\_. (21 to 40 days after issuance of summons)

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 BE 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 552(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 indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed. This summons may not be served later than the above date.

Witness, \_\_\_\_\_, 20 \_\_\_\_\_. \_\_\_\_\_ (Clerk of the Circuit Court)

(Seal of court) By \_\_\_\_\_ (Deputy)

\_\_\_\_\_  
(Plaintiff's attorney or plaintiff if 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:

(a) – (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.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(b) – (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 or 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
_____	_____	_____
_____	_____	_____
_____	_____	_____

(c) – (Corporation defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation, as follows:

Defendant corporation	Registered agent, officer or agent	Date of service
_____	_____	_____
_____	_____	_____
_____	_____	_____

(d) – (Other service):

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_, Sheriff of Jackson County

By \_\_\_\_\_, Deputy

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

\_\_\_\_\_  
Plaintiff-  
Vs. } No. \_\_\_\_\_  
\_\_\_\_\_  
Defendant- }

**CERTIFICATION OF JUDGMENT BALANCE**

Employer Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

Re: Creditor \_\_\_\_\_

Defendant \_\_\_\_\_

Case No. \_\_\_\_\_

Balance Due at End of Last Calendar Quarter \_\_\_\_\_

Pusuant to the Illinois Code of Civil Procedure, Section 12/808.5, the undersigned hereby certifies that the above amount is the balance due on the judgment as of the last day of the last calendar quarter.

Please note that the law requires the employer to hand deliver or mail by First Class Mail a copy of this certification to the judgment debtor at the judgment debtor's last known address within 15 days after the end of each calendar quarter (84 day period).

This Certification must be filed every quarter until debts is satisfied.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Attorney for Judgment Creditor or  
Pro Se Creditor

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_ COUNTY ILLINOIS

<div style="text-align: right; margin-right: 50px;">(Plaintiff)</div>	}	
Vs.		
<div style="text-align: right; margin-right: 50px;">(Defendant &amp; Social Security No.)</div>		
<div style="text-align: right; margin-right: 50px;">(Employer)</div>	}	No. _____

**WAGE DEDUCTION ORDER**

**THIS CAUSE** coming on to be heard upon the return of a Wage Deduction Summons served upon the employer and the answer filed by the employer, a Wage Deduction Notice having been served upon the employee and the Court fully advised: **IT IS HEREBY**

**ORDERED:**

1. That a lien is hereby imposed upon the non-exempt wages of \_\_\_\_\_, as of the date of the service of the Wage Deductions Summons in the amount of \$ \_\_\_\_\_ which includes court costs and interest to date and credit for payments to date
2. That \_\_\_\_\_ is ordered to deduct the lessor of 15% of the defendant's non-exempt gross wages after deductions for mandatory pension or retirement plans or where the spouse/child support deduction order, if any, leaves funds up to 15% of the non-exempt gross wages, each pay period, to be remitted to Plaintiff's attorney (or *Pro Se* creditor) at least monthly. No deductions may occur if Defendant's net check is less than 45 times the federal minimum wage prescribed by Section 206(a)(1) of Title 29, U.S.C., as amended, or the minimum hourly wage prescribed by Section 3 of the Minimum Wage Law, whichever is greater.
3. That a Wage Deduction judgment is hereby entered against Employer, \_\_\_\_\_, in the periodic sum ordered above each pay period in favor of Defendant \_\_\_\_\_, for the use of the Plaintiff \_\_\_\_\_.
4. That employer turn over to Plaintiff the withheld wages from the date of service of the wage deduction proceedings to the date of this order, pursuant to the calculations set forth herein.
5. A lien obtained hereunder shall have priority over any subsequent lien obtained hereunder, except that liens for the support of a spouse or dependent children shall have priority over all other liens obtained hereunder. Employer is further directed to file an amended Answer with their Court and send a copy to the attorney for Plaintiff, or the Plaintiff, informing the Court as to spouse/child support deductions received after the entry of this Order.
6. That this continuing Wage Deduction Order shall remain in effect until the judgment of \$ \_\_\_\_\_ plus 9% simple interest and costs of \$ \_\_\_\_\_ are paid in full, the defendant ceases to be employed by the employer, the employee files a bankruptcy, or this Court enters an order modifying this order.
7. That any other liens or wage deduction proceedings filed after this one (other than spouse/child support) shall be held and stacked in the order received by the employer and take effect only upon the conclusion of this Order.
8. That this Court retains jurisdiction of the parties hereto and subject matter hereof to amend this order upon any changes in circumstances.

DATE: \_\_\_\_\_

\_\_\_\_\_  
JUDGE