



## **Rule 278. Claims to Exempt Income or Assets From Enforcement of Judgment.**

**(a) Applicability of this Rule.** This rule shall apply to all postjudgment proceedings to enforce judgments against a judgment debtor's property, including but not limited to:

- (1) Citations to Discover Assets;
- (2) Nonwage Garnishments;
- (3) Wage Deductions; and
- (4) Sheriff Levy Sales.

### **(b) When an Exemption May Be Claimed.**

(1) Return Date. The judgment debtor may claim statutory exemptions to protect income or assets from enforcement of judgment on the return date in a judgment enforcement proceeding against a judgment debtor's property, without the need to file a written motion.

(2) Expedited Motion Prior to Return Date. Prior to the return date, the judgment debtor may file a motion to claim statutory exemptions.

(i) The motion shall:

- (A) Include the statutory basis for the exemption claimed;
- (B) State that it shall be granted unless an objection is filed before the end of the fifth (5th) business day after the day on which the motion is served; and
- (C) Be served on the attorney for the judgment creditor, or the judgment creditor if unrepresented, by e-mail, facsimile, or personal delivery.

(ii) Upon satisfactory proof of service, signed under oath, of the notice and motion on the judgment creditor or its attorney and if no objection is filed before the end of the fifth (5th) business day after the day on which the motion is served, the court shall enter an order granting the motion. The Clerk of Court shall send a copy of the order to all parties.

(iii) If either the motion or notice of motion fails to include language that the motion shall be granted unless an objection is filed within five (5) business days, the court shall set the motion for hearing so that it is heard within seven (7) business days after service. If the judgment creditor files an objection to the motion, the court shall promptly set the motion so that it is heard within seven (7) business days after service of the objection. The Clerk of Court shall send notice of hearing to all parties.

(iv) The Supreme Court Commission on Access to Justice shall develop a statewide standardized motion to claim statutory exemptions, notice of motion, proof of service/delivery, objection, and order forms.

### **(c) Exemption Claims in the Absence of an Answer by a Third-Party Respondent.**

When a judgment debtor seeks to claim an exemption and a third-party respondent has not yet provided a written answer to interrogatories, the court shall allow application of the statutory exemption in the amount allowed by law, or any amount determined by agreement of the parties. The court shall order that all funds in excess of the statutory exemption or agreed amount remain frozen until further order of the court and set the matter for status of the third-party

respondent's answer.

**(d) Remote Proceedings.** Case participants shall be allowed to appear remotely at a hearing on a motion to claim exemptions and at a status hearing on a third-party answer in accordance with Rule 45 and any Supreme Court policy on remote court appearances.

**(e) Agreed Orders.**

(1) When a proposed agreed order relating to the judgment debtor's exempt property or property held or owned by a third-party is submitted, the judge shall rule on the proposed order expeditiously, but in no event later than two (2) business days after it is submitted.

(2) If the court grants an agreed order, no exemption hearing need be scheduled. The court shall return copies of the order bearing the judge's signature or stamp to all parties upon its entry.

(3) If a proposed agreed order is not granted, the court shall set the matter for hearing to be held within five (5) business days of its submission to the court if one is not already scheduled in this time frame. The Clerk of Court shall send notice of hearing to all parties.

**(f) Application of Statutory Exemptions and Frequency of Claims.**

(1) A court shall liberally construe all state and federal statutes that income and assets are exempt from enforcement of judgment in favor of the judgment debtor. The judgment debtor's right to claim exemptions is continuous and ongoing and not limited to a single use during the period in which a judgment may be enforced.

(2) The court shall permit the debtor to exempt from enforcement at any given time the "wildcard" amount specified in 735 ILCS 5/12-1001(b) regardless of the number of financial institutions, accounts, and proceedings involved, provided however that the wildcard exemption amount shall be applied collectively and not individually in the case of multiple financial institutions, accounts, or proceedings.

[Adopted Oct. 16, 2026, eff. July 1, 2027.](#)

**Comment**

This new Rule establishes procedures in postjudgment proceedings when a judgment debtor seeks to invoke statutes that exempt income and assets from enforcement of judgment held by a third party. It authorizes expedited determination of an exemption claim and, under certain conditions, automates the granting of an exemption claim. It otherwise provides expedited hearings. It explains that a "wildcard" exemption claim under 735 ILCS 5/12-1001(b) is to be liberally construed and may be used more than once by a judgment debtor subject to the restrictions therein.