

**Illinois Compiled Statutes
Civil Procedure
Code of Civil Procedure
735 ILCS 5/**

(735 ILCS 5/)

Part 9. Exemption of Homestead

(735 ILCS 5/12-901)

Sec. 12-901. Amount. Every individual is entitled to an estate of homestead to the extent in value of \$7,500 of his or her interest in a farm or lot of land and buildings thereon, a condominium, or personal property, owned or rightly possessed by lease or otherwise and occupied by him or her as a residence, or in a cooperative that owns property that the individual uses as a residence. That homestead and all right in and title to that homestead is exempt from attachment, judgment, levy, or judgment sale for the payment of his or her debts or other purposes and from the laws of conveyance, descent, and legacy, except as provided in this Code or in Section 20-6 of the Probate Act of 1975. This Section is not applicable between joint tenants or tenants in common but it is applicable as to any creditors of those persons.

If 2 or more individuals own property that is exempt as a homestead, the value of the exemption of each individual may not exceed his or her proportionate share of \$15,000 based upon percentage of ownership. (Source: P.A. 88-672, eff. 12-14-94.)

(735 ILCS 5/12-902)

Sec. 12-902. Exemption after death or desertion. Such exemption shall continue after the death of such individual, for the benefit of the spouse surviving, so long as he or she continues to occupy such homestead, and of the children until the youngest child becomes 18 years of age; and in case the spouse deserts his or her family, the exemption shall continue in favor of the one occupying the premises as a residence.

(Source: P.A. 82-783.)

(735 ILCS 5/12-903)

Sec. 12-903. Extent of exemption. No property shall, by virtue of Part 9 of Article XII of this Act, be exempt from sale for nonpayment of taxes or assessments, or for a debt or liability incurred for the purchase or improvement thereof, or for enforcement of a lien thereon for nonpayment of common expenses pursuant to the "Condominium Property Act", approved June 20, 1963, as amended.

(Source: P.A. 83-707.)

(735 ILCS 5/12-903.5)

Sec. 12-903.5. Drug asset forfeitures.

(a) The homestead exemption under this Part 9 of Article XII does not apply to property subject to forfeiture under Section 505 of the Illinois Controlled Substances Act, Section 12 of the Cannabis Control Act, or Section 5 of the Narcotics Profit Forfeiture Act.

(b) This Section applies to actions pending on or commenced on or after the effective date of this Section.

(Source: P.A. 89-404, eff. 8-20-95; 90-593, eff. 6-19-98.)

(735 ILCS 5/12-904)

Sec. 12-904. Release, waiver or conveyance. No release, waiver or conveyance of the estate so exempted shall be valid, unless the same is in writing, signed by the individual and his or her spouse, if he or she have one, or possession is abandoned or given pursuant to the conveyance; or if the exception is continued to a child or children without the order of a court directing a release thereof; but if a conveyance is made by an individual as grantor to his or her spouse, such conveyance shall be effectual to pass the title expressed therein to be conveyed thereby, whether or not the grantor in such conveyance is joined therein by his or her spouse. In any case where such release, waiver or conveyance is taken by way of mortgage or security, the same shall only be operative as to such specific release, waiver or conveyance; and when the same includes different pieces of land, or the homestead is of greater value than \$7,500, the other lands shall first be sold before resorting to the homestead, and in case of the sale of such homestead, if any balance remains after the payment of the debt and costs, such balance shall, to the extent of \$7,500 be exempt, and be applied upon such homestead exemption in the manner provided by law.

(Source: P.A. 82-783.)

(735 ILCS 5/12-905)

Sec. 12-905. Dissolution of marriage. In case of a dissolution of marriage, the court granting the dissolution of marriage may dispose of the homestead estate according to the equities of the case.

(Source: P.A. 82-280.)

(735 ILCS 5/12-906)

Sec. 12-906. Proceeds of sale. When a homestead is conveyed by the owner thereof, such conveyance shall not subject the premises to any lien or encumbrance to which it would not be subject in the possession of such owner; and the proceeds thereof, to the extent of the amount of \$7,500, shall be exempt from judgment or other process, for one year after the receipt thereof, by the person entitled to the exemption, and if reinvested in a homestead the same shall be entitled to the same exemption as the original homestead.

(Source: P.A. 82-783.)

(735 ILCS 5/12-907)

Sec. 12-907. Insurance proceeds. Whenever a building, exempted as a homestead, is insured in favor of the person entitled to the exemption, and a loss occurs, entitling such person to the insurance, such insurance money shall be exempt to the same extent as the building would have been had it not been destroyed.

(Source: P.A. 82-280.)

(735 ILCS 5/12-908)

Sec. 12-908. Enforcement of lien. In the enforcement of a lien in the circuit court upon premises, including the homestead, if such right

is not waived or released, as provided in Part 9 of Article XII of this Act, the court may set off the homestead and order the sale of the balance of the premises, or, if the value of the premises exceeds the exemption, and the premises cannot be divided, the court may order the sale of the whole and the payment of the amount of the exemption to the person entitled thereto.

(Source: P.A. 83-707.)

(735 ILCS 5/12-909)

Sec. 12-909. Bid for less than exempted amount. No sale shall be made of the premises on such judgment unless a greater sum than \$7,500 is bid therefor. If a greater sum is not so bid, the judgment may be set aside or modified, or the enforcement of the judgment released, as for lack of property.

(Source: P.A. 82-783.)

(735 ILCS 5/12-910)

Sec. 12-910. Proceedings to enforce judgment. If in the opinion of the judgment creditors, or the officer holding a certified copy of a judgment for enforcement against such individuals, the premises claimed by him or her as exempt are worth more than \$7,500, such officer shall summon 3 individuals, as commissioners, who shall, upon oath, to be administered to them by the officer, appraise the premises, and if, in their opinion, the property may be divided without damage to the interest of the parties, they shall set off so much of the premises, including the dwelling house, as in their opinion is worth \$7,500, and the residue of the premises may be advertised and sold by such officer. Each commissioner shall receive for his or her services the sum of \$5 per day for each day necessarily engaged in such service. The officer summoning such commissioners shall receive such fees as may be allowed for serving summons, but shall be entitled to charge mileage for only the actual distance traveled from the premises to be appraised, to the residence of the commissioners summoned. The officer shall not be required to summon commissioners until the judgment creditor, or some one for him or her, shall advance to the officer one day's fees for the commissioners, and unless the creditor shall advance such fees the officer shall not be required to enforce the judgment. The costs of such appraisal shall not be taxed against the judgment debtor unless such appraisal shows that the judgment debtor has property subject to such judgment.

(Source: P.A. 83-707.)

(735 ILCS 5/12-911)

Sec. 12-911. Notice to judgment debtor. In case the value of the premises is, in the opinion of the commissioners, more than \$7,500, and cannot be divided as is provided for in Section 12-910 of this Act, they shall make and sign an appraisal of the value thereof, and deliver the same to the officer, who shall deliver a copy thereof to the judgment debtor, or to some one of the family of the age of 13 years or upwards, with a notice thereto attached that unless the judgment debtor pays to such officer the surplus over and above \$7,500 on the amount due on the judgment within 60 days thereafter, such premises will be sold.

(Source: P.A. 83-356.)

(735 ILCS 5/12-912)

Sec. 12-912. Sale of premises - Distribution of proceeds. In case of such surplus, or the amount due on the judgment is not paid within

the 60 days, the officer may advertise and sell the premises, and out of the proceeds of such sale pay to such judgment debtor the sum of \$7,500, and apply the balance on the judgment.

(Source: P.A. 82-783.)