

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Plaintiff

vs.

Defendant

Case Number

File Stamp Here

**Installment Payment/Judgment Order
(SC/SR Small Claims Only)**

1. Defendant acknowledges that he/she/it has been served with summons or otherwise waives service of summons in this case.
2. Defendant acknowledges indebtedness to Plaintiff in the amount of \$ _____ (*Plaintiff shall insert amount of money damages sought in Complaint*), and agrees to the entry of a judgment against Defendant and in favor of Plaintiff for said amount *plus court costs and statutory judgment interest*. Therefore, said judgment in said amount, plus court costs and statutory judgment interest, is hereby entered.
3. Defendant agrees and is hereby ordered to pay said judgment amount, plus court costs and statutory judgment interest, as follows: \$ _____ per month (*Defendant shall insert monthly amount which shall be in a minimum amount of 1/36 of the amount of indebtedness stated in Paragraph 2 of this Installment Payment/Judgment Order*), beginning the 15th day of _____, 20__ (*Defendant shall insert month which shall be the month next following the month of the date of court appearance stated on the Summons*), and the 15th day of each month thereafter until the judgment amount, *together with court costs and statutory judgment interest*, is fully paid.
4. All payments shall be paid to Plaintiff at Plaintiff's address listed on the Complaint. All monthly payment due dates specified herein shall mean U.S. Postal Service postmark dates.
5. For so long as Defendant timely complies with the monthly payments required herein, there shall be and is hereby further ordered a STAY OF ENFORCEMENT OF THIS JUDGMENT. Plaintiff is hereby ordered to cease and desist from all enforcement or other collection of this judgment and other supplementary process herein without prior leave of Court.
6. If Defendant fails to timely comply with the provisions of this Installment Payment/Judgment Order, Plaintiff may, upon notice to Defendant, move the Court to vacate the installment payment portion of this Installment Payment/Judgment Order (with judgment to stand) and grant Plaintiff leave to proceed with the enforcement and collection of this judgment and other supplementary process as allowed by law.
7. *Defendant acknowledges that statutory judgment interest shall apply notwithstanding the entry of this Installment Payment/Judgment Order. See Instruction No. 7 on the reverse side of this Order for an explanation of statutory judgment interest.*
8. Final Order; case closed.

_____ Defendant (signature)

_____ Defendant Address

ENTERED:

_____ Judge

_____ Date

_____ DATE:

(See Reverse Side for Instructions On Use Of This Order)

STATE OF ILLINOIS

UNITED STATES OF AMERICA

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

INSTRUCTIONS ON USE OF THIS ORDER

1. While the parties can reach some other resolution in settlement of this litigation, ***a Defendant who wishes to avoid a court appearance*** may consider the use of this Installment Payment/Judgment Order.
2. This Installment Payment/Judgment Order may be used by Defendant ***without the agreement of Plaintiff*** only if the "Money Damages Only" box located on the Summons is checked by Plaintiff, and Defendant agrees to all of the following:
 - a. Defendant acknowledges indebtedness to Plaintiff in the amount noted in Paragraph 2 of this Installment Payment/Judgment Order
 - b. ***Defendant agrees to the entry of a judgment against Defendant and in favor of Plaintiff*** in the amount noted in Paragraph 2 of this Installment Payment/Judgment Order, plus court costs and statutory judgment interest.
 - c. Defendant agrees to pay said judgment amount, plus court costs and statutory judgment interest, to Plaintiff by monthly installments specified in Paragraph 3 of this Installment Payment/Judgment Order. Said monthly installment payments shall not extend over a period in excess of three years duration from the date of the judgment entered herein.
 - d. Defendant shall complete, sign and file the original of this Installment Payment/Judgment Order with the Clerk of the Eighteenth Judicial Circuit Court not less than 3 business days before the date of court appearance stated on the Summons.
3. ***IF DEFENDANT FAILS TO COMPLETE AND TIMELY FILE THIS INSTALLMENT PAYMENT/JUDGMENT ORDER, DEFENDANT'S APPEARANCE IN COURT WILL NOT BE WAIVED, AND A DEFAULT JUDGMENT MAY BE ENTERED AGAINST DEFENDANT IF DEFENDANT FAILS TO APPEAR IN COURT.***
4. If Defendant completes and timely files this Installment Payment/Judgment Order, Defendant's appearance in court shall be waived, the Installment Payment/Judgment Order shall be entered by the Court, and the case will be closed.
5. ***If this Installment Payment/Judgment Order is entered, and for so long as Defendant timely complies with the monthly payment required herein, Plaintiff shall not pursue enforcement or other collection of said judgment (for example, wage garnishments, bank garnishments, citations, etc.) without prior leave of Court.***
6. Defendant agrees that, if Defendant fails to timely comply with the monthly payments required herein, Plaintiff may, upon notice to Defendant, move the Court to vacate the installment payment portion of this Installment Payment/Judgment Order, with said judgment to stand, and request leave to proceed with the enforcement and collection of said judgment and other supplementary process as allowed by law.
7. Defendant acknowledges that statutory judgment interest shall apply notwithstanding the entry of this Installment Payment/Judgment Order. 735 ILCS 5/2-1303, Interest on Judgment, provides in part, "Judgments recovered in any court shall draw interest at the rate of 9% per annum from the date of the judgment until satisfied ... Interest shall be computed and charged only on the unsatisfied portion of the judgment as it exists from time to time..." ***By way of example, if a \$100 per month installment payment order is entered to satisfy a \$3,600 judgment, and a defendant pays \$100 per month on a timely basis for 36 months, the \$3,600 judgment is still not paid in full after 36 payments because statutory judgment interest that accrued from time to time over the 36 months must still be paid. In this example, a defendant would then continue to pay \$100 per month for approximately 7 more months until any remaining accrued judgment interest is paid in full. If a defendant is able to do so, a defendant can pay a judgment balance in full at any time during the course of the installment payment period and thereby reduce his/her/its liability for statutory judgment interest.***
8. Authority for use of this Installment Payment/Judgment Order is found in Illinois Supreme Court Rule 288, Installment Payment of Judgments, which provides, "The court may order that the amount of a small claim judgment shall be paid to the prevailing party on a certain date or in specified installments, and may stay the enforcement of the judgment and other supplementary process during compliance with such order. The stay may be modified or vacated by the court, but the installment payments of small claims judgments shall not extend over a period in excess of three years duration."