

## Legal terms and definitions:

**Alias Summons** -- Issued after the first instrument has not been effective or resulted in action. Filing fee is \$5.00 per alias.

**Citation to Discover Assets** -- This is a document presented by the Plaintiff for issuance by a Deputy Clerk, after judgment, which requires the defendant to reveal under oath the location of his or her bank accounts, property owned or name of employer if any of these exist. For amounts under \$1,000.00 the filing fee is \$15.00. For amounts between \$1,000.01 and \$5,000.00 the filing fee is \$30.00. For \$5,000.01 and over the filing fee is \$50.00.

**Complaint** -- A Court document that is filed by the plaintiff to initiate the lawsuit.

**Defendant** -- The party being sued.

**Execution** -- An order to the Sheriff to sell property owned by a defendant after judgment has been entered to satisfy the judgment order issued by the Court.

**Mittimus** -- A sentence of the Court against a party who has been found guilty of contempt of Court and ordering the Sheriff to hold the person in the County Jail.

**Notice of Motion** -- A written instrument sent by either the plaintiff or defendant, notifying the other party of a court date in which one of the parties is requesting the Court to take some action. If sent by U.S. Mail, the postmark must be 5 days from the Court date requested. If the NOTICE is served in person, it must be at least 2 days prior to the requested court date. The original must be filed with the Circuit Clerk before the court date. This notice does not have to be sent by certified mail.

**Plaintiff** -- The party who initiates a lawsuit.

**Pro Se** -- Latin term meaning “for himself” or “in his own behalf” and is pronounced, “pro say”. When a *PLAINTIFF* files a case without a lawyer’s assistance, the *plaintiff* is filing the case “PRO SE.”

**Rule to Show Cause** -- An order by the Court directing a party to appear before the Court on a certain day to show the Court why he or she should not be held in contempt of Court for failure to comply with the Court’s previous order.

**Service** -- A summons issued by the Clerk of the Court in Small Claims is either served by certified mail within the county or by the Will County Sheriff and a return is made either by the return receipt from the U.S. Post Office or an endorsement on the summons by the Sheriff. Until a summons has been served, the Court does not have authority to hear the case.

**Subpoena** -- A writ of the Court commanding a person to testify in a pending court case. (NOTE: In order for the subpoena to be valid, the statutory witness fees and mileage must be paid at the time of service.)

**Summons** -- A Court document issued by the Circuit Court Clerk, which commands the defendant to file an appearance or appear in court for trial.

**Turn Over Order** -- An order form used to direct a garnishee to “turn over” or transfer funds or property to a specific person.

**Writ of Attachment** -- An order by the Court to the Sheriff commanding them to take a person into custody for Contempt of Court and directing him to hold him or her until the day of court or admitting him or her to bail for a future court date.

**Writ of Possession** -- A writ issued to recover the possession of land.