

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
SANGAMON COUNTY, ILLINOIS**

**LOCAL RULES OF PRACTICE  
Sangamon County Circuit Court of Illinois  
Seventh Judicial Circuit**

**PART 1. ORGANIZATION**

**1.1 RULES OF COURT**

**(a) Power of court to adopt rules.** These rules are promulgated pursuant to Section 1-104(b) of the Code of Civil Procedure authorizing the Circuit Court to make rules regulating their dockets, calendars and business and Supreme Court Rule 21(a) authorizing a majority of the circuit judges in each circuit to adopt rules governing civil and criminal cases consistent with rules and statutes.

**(b) Existing rules repealed.** These rules shall become effective on February 1, 2009, and shall apply to all cases filed on or after that date. All prior rules of the Sangamon County Circuit Court of the Seventh Judicial Circuit, State of Illinois, that are inconsistent with the rules contained herein are hereby repealed to the extent of the inconsistencies.

**(c) Transmittal of rules.** Copy of rules to be transmitted to the Director, Administrative Office of the Illinois Courts. All rules of this court and amendments thereto shall be filed with the Director of the Administrative Office of the Illinois Courts, Springfield, Illinois, within fourteen (14) days after the adoption thereof pursuant to Supreme Court Rules 21(c).

**(d) Compliance.** All personnel of the Sangamon County Circuit Court and persons coming before the court shall comply with these rules and all administrative orders of the Chief Circuit Judge and Presiding Judge.

**(e) Construction of these rules.** In the construction of these rules, the law governing the construction of statutes shall apply. These rules are intended to assist the Court, Attorneys, and interested parties in applying the Illinois Probate Act, and for the clarification and applying of the Illinois Probate Act in all cases the statutes shall control.

**PART II – PROBATE PROCEEDING**

**(1) Personal presence.** The Petitioner in any proceeding filed under Articles XI or XI(a) of the Illinois Probate Act of 1975 or its successor shall attend the hearing on the Petition for appointment except that personal presence is not required in the following situations:

- (a) The Petitioner has signed a Scheduling Order, which shall be entered at said hearing; or
- (b) Personal presence is waived by the Court.

**(2) Scheduling Order. Supervised Administration** - At the hearing on the Appointment of a Personal Representative under Articles VI – Probate of Wills and Issuance of Letters of Office, IX – Letters of Administration, XI – Minors or XI(a) – Guardians for Disabled Adults of the Illinois Probate Act of 1975 the Court shall enter a date for the personal representative to file and Inventory and for the initial Periodic Accounting.

**(3) Scheduling Order. Independent Administration** – At the hearing on the Appointment of a Personal Representative under Article XXVIII – Independent Administration of Decedent’s Estate of the Illinois Probate Act of 1975 the Court shall enter a Scheduling Order in the form approved by the Court.

**(4) Out of State Representative.** Any out of State Executor, Administrator, Independent Representative or Guardian of the person and/or estate appointed under the Illinois Probate Act shall provide the court with an Illinois Registered agent with an Illinois address for the purpose of the service of notice by the Court.

**(5) Periodic Accounting.**

**(a) When required – executor/administrator.** Every Executor and Administrator shall present the account and evidence of disbursements required by Section 24-1 unless excused by the Court on the written consent of all interested persons of the Probate Act.

- (1) Within 50 days after the expiration of 12 months after the issuance of letters;
- (2) Annually after the date of the first account; and
- (3) At such other times as the court may order.

**(b) When required – guardian.** Every guardian shall present the account and evidence required by Section 24-11 of the Probate Act:

- (1) Within 30 days after the expiration of one year after the issuance of letters;
- (2) Annually after the date of the first account;
- (3) Within 30 days after the termination of his office; and
- (4) At such other times as the court may order.

**(c) Requests for extensions of time to file.** Requests for an extension of time to a definite date or for an order allowing accounting in a particular estate less frequently than above provided shall be filed by verified petition of the personal representative specifying the reasons for the request.

The petition may be heard without notice if it requests an extension:

- (1) In any case in which it appears from record that an annual accounting is not necessary;
- (2) For any reason which is apparent from the record of the estate and for which exists without fault of the petitioner;
- (3) For other good cause.

If the petition seeks an extension for any other reasons, the court shall set the petition for hearing and the Clerk shall mail notice of the hearing to all persons interested in the administration of the estate or the guardianship proceedings, including all unpaid creditors. The notice shall be mailed at least 14 days prior to the hearing date.

The court shall consider the evidence presented at the hearing by the petitioner and by any person interested in the administration of the estate or the guardianship proceedings. Lack of sufficient time on the part of the personal representative or his/her attorney will not constitute sufficient cause for extension.

If the prayer of the petition is granted, the order shall set a definite date for accounting.

**(d) Periodic accounting not filed – notice and citation.** In any case in which an account has not been filed within the time specified in paragraphs (a) and (b) above or on the date certain set by court order, the following procedure is prescribed:

- (1) The clerk shall mail to the personal representatives and the attorneys of record in the estate or Guardian of the ward a notice that the account is due.
- (2) If the account is not presented within 60 days after the date such notice was mailed, the Clerk shall issue a citation directing the personal representative to account as required or to appear on a date fixed by the court to show cause why he/she should not do so, or be removed as personal representative.
- (3) If the personal representative fails to account or to appear as directed, or if, having appeared, he/she fails or refuses to account as required or to show cause why he/she should not do so, his/her letters shall be revoked and he may be subject to contempt of court. Lack of sufficient time on the part of the personal representative or his/her attorney will not constitute good cause for failure to account as required by this rule.
- (4) At the time of the issuance of a citation required by this rule, the Clerk shall mail notices of the pendency of the citation proceeding, and return date thereof, to all persons interested in the administration of the estate, including unpaid creditors.

**(e) Notice of Accounting.** Unless waived by the person entitled thereto, notice of the hearing on any account intended to be binding pursuant to Section 24-2 or Section 24-11(b) of the Probate Act, shall be given as follows:

(1) On an account of a guardian or guardian to collect: to the ward, to each claimant whose claim is filed and remains undetermined or unpaid, and to other persons entitled to notice. If a person entitled to notice other than the ward is represented by an attorney whose appearance is on file, notice as required for motions shall be sent to the attorney not less than fourteen (14) days before the date set for hearing.

- (2) Notice to all other persons entitled to notice shall be as follows:

- (i) Notice, accompanied by a copy of the account, shall be given in person or sent by mail to the last known address not less than 14 days before the hearing, except if the post office address of the person is outside the United States or Canada, the notice shall be sent not less than 21 days prior to the hearing.
- (ii) If the name or present post office address of the person is not known to the representative or his/her attorney, notice shall be given by one publication in a newspaper of general circulation in the county of hearing not less than 21 days before the date of hearing , unless waived by the court.
- (iii) The notice shall contain the time, date, place and nature of the hearing in substantially the following sentence: "If the account is approved by the judge upon hearing, in the absence of fraud, accident or mistake, the account as approved is binding upon all persons to whom this notice is given."

**(6) Sureties.**

**(a) Service of Order Approving Representative’s Oath and Bond and Sureties.** Within 90 days after the entry of a court order approving the oath, bond and sureties of a representative, the representative shall mail or deliver to each surety on the representative, the representative shall mail or deliver to each surety on the representative’s bond, by certified mail, a copy of such order.

**(b) Service of Inventory.** Within 90 days after the issuance of letters of office to a representative, the representative shall mail or deliver to each surety on the representative’s bond, a copy of the inventory of the real and personal estate which has come to his knowledge. This same procedure shall apply to property coming to his knowledge after the original inventory is completed.

**(c) Interested Persons.** Each surety on the bond of a representative is an “interested person”, “interested party”, person (or party) interested” and a “person (or party in interest” under the Probate Act of 1975, and sureties shall be provided mailings, copies, and notices, whenever the Probate Act of 1975 requires mailing, copies or notices to be provided to interested persons.

ENTERED: \_\_\_\_\_, 2010

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Presiding Judge

{Explanation: Sureties must be acceptable to the Court (Probate Act ~12-3). The Above rules are designed to keep sureties informed and involved throughout the probate proceedings.

Paragraph (6)(a) above expands on Probate Act ~6-10 by requiring notice to sureties in addition to heirs and legatees.

Paragraph (6)(b) above expands on Probate Act ~28-6(b) by requiring that the inventory to be provided to the sureties in all cases, not just cases of independent administration.

Paragraph (6)(c) above clarifies that sureties are “Interested Persons” as that term is used in Probate Act ~1-2.11.}