

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, COUNTY DIVISION

In re the Petition of the People  
of the State of Illinois, ex rel. etc.

v.

No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

ANSWER IN CIVIL ASSET FORFEITURE PROCEEDING (3100)

Under penalties of perjury as provided by Section 1-109 of the Code of Civil Procedure, I state the following in response to the Petition by the State's Attorney of Cook County, Illinois:

1. My name is: \_\_\_\_\_

2. I will accept mail at this address: *(Street Address or P. O. Box, City/State/Zip Code)*  
\_\_\_\_\_

3. The nature and extent of my interest in the property sought to be forfeited is: *(Describe)*  
\_\_\_\_\_  
\_\_\_\_\_

4. I acquired my interest in the property as follows: *(State the date you acquired the property and the circumstances under which you acquired it.)*  
\_\_\_\_\_  
\_\_\_\_\_

5. I am aware of the following persons who have an interest in the property: *(check one)*  No one

Their names and addresses are: \_\_\_\_\_  
\_\_\_\_\_

6. The property is not subject to forfeiture for the following reasons: *(Please review the exemptions on the reverse side of this document and state in detail why you believe one or more of them apply.)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach extra pages if necessary)

Wherefore, I request this Court grant my relief consistent with the matters set out in this answer.

Atty. No.: \_\_\_\_\_

Name: \_\_\_\_\_

Atty. for: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Respectfully submitted

\_\_\_\_\_  
Claimant

## **EXEMPTIONS FROM FORFEITURE**

Sec. 8. Exemptions from forfeiture. A property interest is exempt from forfeiture under this Section if its owner or interest holder establishes by a preponderance of evidence that the owner or interest holder:

- (A) (i) In the case of personal property, is not legally accountable for the conduct giving rise to the forfeiture, or did not acquiesce in it, and did not know and could not reasonably have known of the conduct or that the conduct was likely to occur, or
- (ii) In the case of real property, is not legally accountable for the conduct giving rise to the forfeiture, or did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture and,
- (B) Had not acquired and did not stand to acquire substantial proceeds from the conduct giving rise to the forfeiture other than as an interest holder in an arm's length commercial transaction; and
- (C) With respect to conveyances, did not hold the property jointly or in common with a person whose conduct gave rise to the forfeiture; and
- (D) does not hold the property for the benefit of or as nominee for any person whose conduct gave rise to the forfeiture, and if the owner or interest holder acquired the interest through any such person, the owner or interest holder acquired it as a bona fide purchaser for value without knowingly taking part in the conduct giving rise to the forfeiture; and
- (E) that the owner or interest holder acquired the interest:
  - (i) before the commencement of the conduct giving rise to its forfeiture and the person whose conduct gave rise to its forfeiture did not have the authority to convey the interest to a bona fide purchaser for value at the time of the conduct; or
  - (ii) after the commencement of the conduct giving rise to its forfeiture, and the owner or interest holder acquired the interest as a mortgage, secured creditor, lien holder, or bona fide purchaser for value without knowledge of the conduct which gave rise to the forfeiture; and
    - (a) in the case of personal property, without knowledge of the seizure of the property for forfeiture; or
    - (b) in the case of real estate, before the filing in the office of the Recorder of Deeds of the county in which the real estate is located of a notice of seizure for forfeiture or a lis pendens notice.

Sec. 12. Nothing in this Act shall apply to property which constitutes reasonable bona find attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto where such property was paid before its seizure, before the issuance of any seizure warrant or court order prohibiting transfer of the property and where the attorney, at the time he or she received the property, did not know that it was property subject to forfeiture under this Act.

***The laws are subject to change. Please consult with a legal service provider.***