

Rule 105. Additional Relief Against Parties in Default-Notice

(a) Notice-Form and Contents. If new or additional relief, whether by amendment, counterclaim, or otherwise, is sought against a party not entitled to notice under Rule 104, notice shall be given him as herein provided. The notice shall be captioned with the case name and number and shall be directed to the party. It shall state that a pleading seeking new or additional relief against him has been filed and that a judgment by default may be taken against him for the new or additional relief unless he files an answer or otherwise files an appearance in the office of the clerk of the court within 30 days after service, receipt by certified or registered mail, or the first publication of the notice, as the case may be, exclusive of the day of service, receipt or first publication. Except in case of publication, a copy of the new or amended pleading shall be attached to the notice, unless excused by the court for good cause shown on *ex parte* application.

(b) Service. The notice may be served by any of the following methods:

(1) By any method provided by law for service of summons, either within or without this State. Service may be made by an officer or by any person over 18 years of age not a party to the action. Proof of service by an officer may be made by return as in the case of a summons. Otherwise proof of service shall be made by affidavit or by certification, as provided in Section 1-109 of the Code of Civil Procedure, of the server, stating the time, manner, and place of service. The court may consider the affidavit or certification and any other competent proofs in determining whether service has been properly made.

(2) By prepaid certified or registered mail addressed to the party, return receipt requested, showing to whom delivered and the date and address of delivery. The notice shall be sent “restricted delivery” when service is directed to a natural person. Service is not complete until the notice is received by the defendant, and the registry receipt is *prima facie* evidence thereof.

(3) By publication, upon the filing of an affidavit as required for publication of notice of pendency of the action in the manner of but limited to the cases provided for, and with like effect as, publication of notice of pendency of the action.

Amended September 29, 1978, effective November 1, 1978; amended May 28, 1982, effective July 1, 1982; amended November 21, 1988, effective January 1, 1989; [amended Dec. 29, 2017, eff. Jan. 1, 2018.](#)

Committee Comments

(Revised September 29, 1978)

Rule 105, as adopted in 1967, carried forward former Rule 7-1 without change. Subparagraph (b)(2) was amended in 1978 to permit service by “certified or registered mail addressed to the party, restricted delivery, return receipt requested showing to whom, date and address of delivery,” instead of “registered mail addressed to the party, return receipt requested, delivery limited to addressee only,” the latter class of postal service having been discontinued.