



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5176

by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/22-20  
735 ILCS 5/15-1507

from Ch. 110, par. 15-1507

Amends the Property Tax Code and the Code of Civil Procedure. Provides that a purchaser of a property shall publish a notice in a newspaper published in that municipality or, if the property is not in a municipality or no newspaper is published in the municipality, then the purchaser shall publish a notice in a newspaper in the county (regardless of the property being located in a municipality in a county with less than 3,000,000 inhabitants). Makes conforming changes. Effective immediately.

LRB100 19318 HLH 34584 b

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by changing  
5 Section 22-20 as follows:

6 (35 ILCS 200/22-20)

7 Sec. 22-20. Proof of service of notice; publication of  
8 notice. The sheriff or coroner serving notice under Section  
9 22-15 shall endorse his or her return thereon and file it with  
10 the Clerk of the Circuit Court and it shall be a part of the  
11 court record. A private detective or a special process server  
12 appointed under Section 22-15 shall make his or her return by  
13 affidavit and shall file it with the Clerk of the Circuit  
14 Court, where it shall be a part of the court record. If a  
15 sheriff, private detective, special process server, or coroner  
16 to whom any notice is delivered for service, neglects or  
17 refuses to make the return, the purchaser or his or her  
18 assignee may petition the court to enter a rule requiring the  
19 sheriff, private detective, special process server, or coroner  
20 to make return of the notice on a day to be fixed by the court,  
21 or to show cause on that day why he or she should not be  
22 attached for contempt of the court. The purchaser or assignee  
23 shall cause a written notice of the rule to be served upon the

1 sheriff, private detective, special process server, or  
2 coroner. If good and sufficient cause to excuse the sheriff,  
3 private detective, special process server, or coroner is not  
4 shown, the court shall adjudge him or her guilty of a contempt,  
5 and shall proceed to punish him as in other cases of contempt.

6 If the property is located in a municipality ~~in a county~~  
7 ~~with less than 3,000,000 inhabitants~~, the purchaser or his or  
8 her assignee shall also publish a notice as to the owner or  
9 party interested, in some newspaper published in the  
10 municipality. If the property is not in a municipality ~~in a~~  
11 ~~county with less than 3,000,000 inhabitants~~, or if no newspaper  
12 is published therein, ~~or if the property is in a county with~~  
13 ~~3,000,000 or more inhabitants~~, the notice shall be published in  
14 some newspaper in the county. If no newspaper is published in  
15 the county, then the notice shall be published in the newspaper  
16 that is published nearest the county seat of the county in  
17 which the property is located. If the owners and parties  
18 interested in the property upon diligent inquiry are unknown to  
19 the purchaser or his or her assignee, the publication as to  
20 such owner or party interested, may be made to unknown owners  
21 or parties interested. Any notice by publication given under  
22 this Section shall be given 3 times at any time after filing a  
23 petition for tax deed, but not less than 3 months nor more than  
24 6 months prior to the expiration of the period of redemption.  
25 The publication shall contain (a) notice of the filing of the  
26 petition for tax deed, (b) the date on which the petitioner

1 intends to make application for an order on the petition that a  
2 tax deed issue, (c) a description of the property, (d) the date  
3 upon which the property was sold, (e) the taxes or special  
4 assessments for which it was sold and (f) the date on which the  
5 period of redemption will expire. The publication shall not  
6 include more than one property listed and sold in one  
7 description, except as provided in Section 21-90, and except  
8 that when more than one property is owned by one person, all of  
9 the parcels owned by that person may be included in one notice.

10 The changes to this Section made by Public Act 95-477 apply  
11 only to matters in which a petition for tax deed is filed on or  
12 after June 1, 2008 (the effective date of Public Act 95-477).

13 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; 95-876,  
14 eff. 8-21-08.)

15 Section 10. The Code of Civil Procedure is amended by  
16 changing Section 15-1507 as follows:

17 (735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

18 Sec. 15-1507. Judicial Sale.

19 (a) In General. Except as provided in Sections 15-1402 and  
20 15-1403, upon entry of a judgment of foreclosure, the real  
21 estate which is the subject of the judgment shall be sold at a  
22 judicial sale in accordance with this Section 15-1507.

23 (b) Sale Procedures. Upon expiration of the reinstatement  
24 period and the redemption period in accordance with subsection

1 (b) or (c) of Section 15-1603 or upon the entry of a judgment  
2 of foreclosure after the waiver of all rights of redemption,  
3 except as provided in subsection (g) of Section 15-1506, the  
4 real estate shall be sold at a sale as provided in this  
5 Article, on such terms and conditions as shall be specified by  
6 the court in the judgment of foreclosure. A sale may be  
7 conducted by any judge or sheriff.

8 (c) Notice of Sale. The mortgagee, or such other party  
9 designated by the court, in a foreclosure under this Article  
10 shall give public notice of the sale as follows:

11 (1) The notice of sale shall include at least the  
12 following information, but an immaterial error in the  
13 information shall not invalidate the legal effect of the  
14 notice:

15 (A) the name, address and telephone number of the  
16 person to contact for information regarding the real  
17 estate;

18 (B) the common address and other common  
19 description (other than legal description), if any, of  
20 the real estate;

21 (C) a legal description of the real estate  
22 sufficient to identify it with reasonable certainty;

23 (D) a description of the improvements on the real  
24 estate;

25 (E) the times specified in the judgment, if any,  
26 when the real estate may be inspected prior to sale;

1 (F) the time and place of the sale;

2 (G) the terms of the sale;

3 (H) the case title, case number and the court in  
4 which the foreclosure was filed;

5 (H-1) in the case of a condominium unit to which  
6 subsection (g) of Section 9 of the Condominium Property  
7 Act applies, the statement required by subdivision  
8 (g) (5) of Section 9 of the Condominium Property Act;

9 (H-2) in the case of a unit of a common interest  
10 community to which subsection (g-1) of Section 18.5 of  
11 the Condominium Property Act applies, the statement  
12 required by subdivision (g-1) of Section 18.5 of the  
13 Condominium Property Act; and

14 (I) such other information ordered by the Court.

15 (2) The notice of sale shall be published at least 3  
16 consecutive calendar weeks (Sunday through Saturday), once  
17 in each week, the first such notice to be published not  
18 more than 45 days prior to the sale, the last such notice  
19 to be published not less than 7 days prior to the sale, by:

20 (i) (A) advertisements in a newspaper circulated to the  
21 general public in the municipality ~~in the county~~ in which  
22 the real estate is located or, if the real estate is not in  
23 the municipality or if no newspaper is published therein,  
24 in a newspaper circulated to the general public in the  
25 county, in the section of that newspaper where legal  
26 notices are commonly placed and (B) separate

1 advertisements in the section of such a newspaper, which  
2 (except in counties with a population in excess of  
3 3,000,000) may be the same newspaper, in which real estate  
4 other than real estate being sold as part of legal  
5 proceedings is commonly advertised to the general public;  
6 provided, that the separate advertisements in the real  
7 estate section need not include a legal description and  
8 that where both advertisements could be published in the  
9 same newspaper and that newspaper does not have separate  
10 legal notices and real estate advertisement sections, a  
11 single advertisement with the legal description shall be  
12 sufficient; and (ii) such other publications as may be  
13 further ordered by the court.

14 (3) The party who gives notice of public sale in  
15 accordance with subsection (c) of Section 15-1507 shall  
16 also give notice to all parties in the action who have  
17 appeared and have not theretofore been found by the court  
18 to be in default for failure to plead. Such notice shall be  
19 given in the manner provided in the applicable rules of  
20 court for service of papers other than process and  
21 complaint, not more than 45 days nor less than 7 days prior  
22 to the day of sale. After notice is given as required in  
23 this Section a copy thereof shall be filed in the office of  
24 the clerk of the court entering the judgment, together with  
25 a certificate of counsel or other proof that notice has  
26 been served in compliance with this Section.

1           (4) The party who gives notice of public sale in  
2 accordance with subsection (c) of Section 15-1507 shall  
3 again give notice in accordance with that Section of any  
4 adjourned sale; provided, however, that if the adjourned  
5 sale is to occur less than 60 days after the last scheduled  
6 sale, notice of any adjourned sale need not be given  
7 pursuant to this Section. In the event of adjournment, the  
8 person conducting the sale shall, upon adjournment,  
9 announce the date, time and place upon which the adjourned  
10 sale shall be held. Notwithstanding any language to the  
11 contrary, for any adjourned sale that is to be conducted  
12 more than 60 days after the date on which it was to first  
13 be held, the party giving notice of such sale shall again  
14 give notice in accordance with this Section.

15           (5) Notice of the sale may be given prior to the  
16 expiration of any reinstatement period or redemption  
17 period.

18           (6) No other notice by publication or posting shall be  
19 necessary unless required by order or rule of the court.

20           (7) The person named in the notice of sale to be  
21 contacted for information about the real estate may, but  
22 shall not be required, to provide additional information  
23 other than that set forth in the notice of sale.

24           (d) Election of Property. If the real estate which is the  
25 subject of a judgment of foreclosure is susceptible of  
26 division, the court may order it to be sold as necessary to



1 satisfy the judgment. The court shall determine which real  
2 estate shall be sold, and the court may determine the order in  
3 which separate tracts may be sold.

4 (e) Receipt upon Sale. Upon and at the sale of mortgaged  
5 real estate, the person conducting the sale shall give to the  
6 purchaser a receipt of sale. The receipt shall describe the  
7 real estate purchased and shall show the amount bid, the amount  
8 paid, the total amount paid to date and the amount still to be  
9 paid therefor. An additional receipt shall be given at the time  
10 of each subsequent payment.

11 (f) Certificate of Sale. Upon payment in full of the amount  
12 bid, the person conducting the sale shall issue, in duplicate,  
13 and give to the purchaser a Certificate of Sale. The  
14 Certificate of Sale shall be in a recordable form, describe the  
15 real estate purchased, indicate the date and place of sale and  
16 show the amount paid therefor. The Certificate of Sale shall  
17 further indicate that it is subject to confirmation by the  
18 court. The duplicate certificate may be recorded in accordance  
19 with Section 12-121. The Certificate of Sale shall be freely  
20 assignable by endorsement thereon.

21 (g) Interest after Sale. Any bid at sale shall be deemed to  
22 include, without the necessity of a court order, interest at  
23 the statutory judgment rate on any unpaid portion of the sale  
24 price from the date of sale to the date of payment.

25 (Source: P.A. 96-1045, eff. 7-14-10.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.