



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3034

Introduced 1/5/2022, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

735 ILCS 5/15-1503

from Ch. 110, par. 15-1503

Amends the Code of Civil Procedure. In a provision concerning notice of foreclosure, removes language that provides that: with respect to residential real estate, a copy of the notice of foreclosure shall be sent by first class mail to the municipal or county within the boundary of which the mortgaged real estate is located; the municipality or county must clearly publish a single address to which such notice shall be sent; if the real estate is located in a city with a population of more than 2,000,000, the party must send by first class mail a copy of the notice of foreclosure to the alderperson for the ward in which the real estate is located and file an affidavit with the court attesting to the fact that the notice was sent; the failure to complete this notice requirement shall result in a stay of the foreclosure action on a motion of a party or court; and if the foreclosure action has been stayed by an order of the court, the plaintiff shall send the notice by certified mail and tender the return receipt or the proof of delivery to the court, after which the court shall lift the stay of the foreclosure action. Effective immediately.

LRB102 22359 LNS 31496 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 15-1503 as follows:

6 (735 ILCS 5/15-1503) (from Ch. 110, par. 15-1503)

7 Sec. 15-1503. Notice of foreclosure.

8 (a) A notice of foreclosure, whether the foreclosure is
9 initiated by complaint or counterclaim, made in accordance
10 with this Section and recorded in the county in which the
11 mortgaged real estate is located shall be constructive notice
12 of the pendency of the foreclosure to every person claiming an
13 interest in or lien on the mortgaged real estate, whose
14 interest or lien has not been recorded prior to the recording
15 of such notice of foreclosure. Such notice of foreclosure must
16 be executed by any party or any party's attorney and shall
17 include (i) the names of all plaintiffs and the case number,
18 (ii) the court in which the action was brought, (iii) the names
19 of title holders of record, (iv) a legal description of the
20 real estate sufficient to identify it with reasonable
21 certainty, (v) a common address or description of the location
22 of the real estate and (vi) identification of the mortgage
23 sought to be foreclosed. An incorrect common address or

1 description of the location, or an immaterial error in the
2 identification of a plaintiff or title holder of record, shall
3 not invalidate the lis pendens effect of the notice under this
4 Section. A notice which complies with this Section shall be
5 deemed to comply with Section 2-1901 of the Code of Civil
6 Procedure and shall have the same effect as a notice filed
7 pursuant to that Section; however, a notice which complies
8 with Section 2-1901 shall not be constructive notice unless it
9 also complies with the requirements of this Section.

10 (b) (Blank). ~~With respect to residential real estate, a~~
11 ~~copy of the notice of foreclosure described in subsection (a)~~
12 ~~of Section 15-1503 shall be sent by first class mail, postage~~
13 ~~prepaid, to the municipality within the boundary of which the~~
14 ~~mortgaged real estate is located, or to the county within the~~
15 ~~boundary of which the mortgaged real estate is located if the~~
16 ~~mortgaged real estate is located in an unincorporated~~
17 ~~territory. A municipality or county must clearly publish on~~
18 ~~its website a single address to which such notice shall be~~
19 ~~sent. If a municipality or county does not maintain a website,~~
20 ~~then the municipality or county must publicly post in its main~~
21 ~~office a single address to which such notice shall be sent. In~~
22 ~~the event that a municipality or county has not complied with~~
23 ~~the publication requirement in this subsection (b), then the~~
24 ~~copy of the notice to the municipality or county shall be sent~~
25 ~~by first class mail, postage prepaid, to the chairperson of~~
26 ~~the county board or county clerk in the case of a county, to~~

~~the mayor or city clerk in the case of a city, to the president of the board of trustees or village clerk in the case of a village, or to the president or town clerk in the case of a town. Additionally, if the real estate is located in a city with a population of more than 2,000,000, regardless of whether that city has complied with the publication requirement in this subsection (b), the party must, within 10 days after filing the complaint or counterclaim: (i) send by first class mail, postage prepaid, a copy of the notice of foreclosure to the alderperson for the ward in which the real estate is located and (ii) file an affidavit with the court attesting to the fact that the notice was sent to the alderperson for the ward in which the real estate is located. The failure to send a copy of the notice to the alderperson or to file an affidavit as required shall result in a stay of the foreclosure action on a motion of a party or the court. If the foreclosure action has been stayed by an order of the court, the plaintiff or the plaintiff's representative shall send the notice by certified mail, return receipt requested, or by private carrier that provides proof of delivery, and tender the return receipt or the proof of delivery to the court. After proof of delivery is tendered to the court, the court shall lift the stay of the foreclosure action.~~

(Source: P.A. 101-399, eff. 8-16-19; 102-15, eff. 6-17-21.)

Section 99. Effective date. This Act takes effect upon becoming law.