

SB3035



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3035

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

SYNOPSIS AS INTRODUCED:

735 ILCS 5/15-1406 new

Amends the Mortgage Foreclosure Article of the Code of Civil Procedure. Provides that a default for failing to make a scheduled payment each month as required under any applicable note and mortgage shall constitute a basis for a new, separate and distinct cause of action. Provides that any voluntary dismissal of a foreclosure shall act as a deacceleration of the note and mortgage.

LRB102 22375 LNS 31514 b

A BILL FOR

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 adding Section 15-1406 as follows:

6 (735 ILCS 5/15-1406 new)

7 Sec. 15-1406. Refiling of Foreclosure Proceedings. A
8 default for failing to make a scheduled payment each month as
9 required under any applicable note and mortgage shall
10 constitute a basis for a new, separate and distinct cause of
11 action. The new, separate and distinct cause of action shall
12 exist notwithstanding (i) any prior acceleration of the same
13 debt due to one or more previous defaults that resulted in a
14 foreclosure proceeding that was voluntarily dismissed, or (ii)
15 anything to the contrary in Section 13-217. Any voluntary
16 dismissal of a foreclosure shall act as a deacceleration of
17 the note and mortgage.