

SB2853



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2853

Introduced 1/20/2006, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-110

from Ch. 110, par. 9-110

Amends the Code of Civil Procedure. Makes a technical change in provisions concerning forcible entry and detainer.

LRB094 16705 AJO 51975 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 changing Section 9-110 as follows:

6 (735 ILCS 5/9-110) (from Ch. 110, par. 9-110)

7 Sec. 9-110. Judgment for whole premises - Stay of
8 enforcement. If it appears on the ~~the~~ trial that the plaintiff
9 is entitled to the possession of the whole of the premises
10 claimed, judgment for the possession thereof and for costs
11 shall be entered in favor of the plaintiff. However, if the
12 action is brought under Article IX of this Code and is based
13 upon a breach of a contract entered into on or after July 1,
14 1962 for the purchase of such premises, the court, by order,
15 may stay the enforcement of the judgment for a period not to
16 exceed 60 days from the date of the judgment, or if the court
17 finds that the amount unpaid on the contract is less than 75%
18 of the original purchase price, then the court shall stay the
19 enforcement of the judgment for a period of 180 days from the
20 date of the judgment. The court may order a stay of less than
21 180 days (but in no event less than 60 days) if it is shown that
22 the plaintiff, prior to the filing of the action under Article
23 IX of this Act, granted the defendant previous extensions of
24 time to pay the amounts due under the contract, or for other
25 good cause shown. If during such period of stay the defendant
26 pays the entire amount then due and payable under the terms of
27 the contract other than such portion of the principal balance
28 due under the contract as would not be due had no default
29 occurred and costs and, if the contract provides therefor,
30 reasonable attorney's fees as fixed by the court, and cures all
31 other defaults then existing, the contract shall remain in
32 force the same as if no default had occurred. The relief

1 granted to a defendant by this Section shall not be exhausted
2 by a single use thereof but shall not be again available with
3 respect to the same contract for a period of 5 years from the
4 date of such judgment. Whenever defendant cures the default
5 under the contract pursuant to this Section, the defendant may
6 within the period of stay file a motion to vacate the judgment
7 in the court in which the judgment was entered, and, if the
8 court, upon the hearing of such motion, is satisfied that such
9 default has been cured, such judgment shall be vacated. Unless
10 defendant files such motion to vacate in the court or the
11 judgment is otherwise stayed, enforcement of the judgment may
12 proceed immediately upon the expiration of such period of stay
13 and all rights of the defendant in and to the premises and in
14 and to the real estate described in the contract are
15 terminated.

16 Nothing herein contained shall be construed as affecting
17 the right of a seller of such premises to any lawful remedy or
18 relief other than that provided by Part 1 of Article IX of this
19 Act.

20 (Source: P.A. 85-907.)