



Sen. Terry Link

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LRB096 03053 AJ0 26150 a

1 AMENDMENT TO HOUSE BILL 236

2 AMENDMENT NO. _____. Amend House Bill 236 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mechanics Lien Act is amended by changing
5 Section 7 as follows:

6 (770 ILCS 60/7) (from Ch. 82, par. 7)

7 Sec. 7. Claim for lien; third parties; errors or
8 overcharges; multiple buildings or lots.

9 (a) No contractor shall be allowed to enforce such lien
10 against or to the prejudice of any other creditor or
11 incumbrancer or purchaser, unless within 4 months after
12 completion, or if extra or additional work is done or labor,
13 services, material, fixtures, apparatus or machinery, forms or
14 form work is delivered therefor within 4 months after the
15 completion of such extra or additional work or the final
16 delivery of such extra or additional labor, services, material,

1 fixtures, apparatus or machinery, forms or form work, he or she
2 shall either bring an action to enforce his or her lien
3 therefor or shall file in the office of the recorder of the
4 county in which the building, erection or other improvement to
5 be charged with the lien is situated, a claim for lien,
6 verified by the affidavit of himself or herself, or his or her
7 agent or employee, which shall consist of a brief statement of
8 the claimant's contract, the balance due after allowing all
9 credits, and a sufficiently correct description of the lot,
10 lots or tracts of land to identify the same. Such claim for
11 lien may be filed at any time after the claimant's contract is
12 made, and as to the owner may be filed at any time after the
13 contract is made and within 2 years after the completion of the
14 contract, or the completion of any extra work or the furnishing
15 of any extra labor, services, material, fixtures, apparatus or
16 machinery, forms or form work thereunder, and as to such owner
17 may be amended at any time before the final judgment. No such
18 lien shall be defeated to the proper amount thereof because of
19 an error or overcharging on the part of any person claiming a
20 lien therefor under this Act, unless it shall be shown that
21 such error or overcharge is made with intent to defraud; nor
22 shall any such lien for material be defeated because of lack of
23 proof that the material after the delivery thereof, actually
24 entered into the construction of such building or improvement,
25 although it be shown that such material was not actually used
26 in the construction of such building or improvement; provided,

1 that it is shown that such material was delivered either to the
2 owner or his or her agent for that building or improvement, to
3 be used in that building or improvement, or at the place where
4 said building or improvement was being constructed, for the
5 purpose of being used in construction or for the purpose of
6 being employed in the process of construction as a means for
7 assisting in the erection of the building or improvement in
8 what is commonly termed forms or form work where concrete,
9 cement or like material is used, in whole or in part.

10 (b) In case of the construction of a number of buildings
11 under contract between the same parties, it shall be sufficient
12 in order to establish such lien for material, if it be shown
13 that such material was in good faith delivered at one of these
14 buildings for the purpose of being used in the construction of
15 any one or all of such buildings, or delivered to the owner or
16 his or her agent for such buildings, to be used therein; and
17 such lien for such material shall attach to all of said
18 buildings, together with the land upon which the same are being
19 constructed, the same as in a single building or improvement.
20 In the event the contract relates to 2 or more buildings on 2
21 or more lots or tracts of land, then all of these buildings and
22 lots or tracts of land may be included in one statement of
23 claims for a lien.

24 (c) A statement that a party is a subcontractor shall not
25 constitute an admission by the lien claimant that its status is
26 that of subcontractor if it is later determined that the party

1 with whom the lien claimant contracted was the owner or an
2 agent of the owner.

3 (d) A contractor for improvements of an owner-occupied
4 single-family residence must give the owner written notice
5 within 10 days after recording a lien against any property of
6 the owner. The notice is served when it is sent or personally
7 delivered. If timely notice is not given and, as a result, the
8 owner has suffered damages before notice is given, the lien is
9 extinguished to the extent of the damages. The mere recording
10 of the lien claim is not considered damages. This subsection
11 does not apply to subcontractors, and it applies only to
12 contracts entered into after the effective date of this
13 amendatory Act of the 96th General Assembly.

14 (Source: P.A. 94-627, eff. 1-1-06.)"