



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0967

Introduced 2/10/2009, by Rep. LaShawn K. Ford

SYNOPSIS AS INTRODUCED:

735 ILCS 5/15-1503

from Ch. 110, par. 15-1503

Amends the Code of Civil Procedure. Provides that in a foreclosure action while the municipality within which the property is located shall not be joined as a party unless joined under other provisions of the Code, the municipality shall be added to the service list in the foreclosure action and all parties shall provide the clerk of the municipality with a copy of any document or notice filed in the foreclosure action. Effective immediately.

LRB096 10686 AJO 20860 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. A notice of
8 foreclosure, whether the foreclosure is initiated by complaint
9 or counterclaim, made in accordance with this Section and
10 recorded in the county in which the mortgaged real estate is
11 located shall be constructive notice of the pendency of the
12 foreclosure to every person claiming an interest in or lien on
13 the mortgaged real estate, whose interest or lien has not been
14 recorded prior to the recording of such notice of foreclosure.
15 While the municipality within which the property is located
16 shall not be joined as a party unless joined under other
17 provisions of this Article, the municipality shall be added to
18 the service list in the foreclosure action and all parties
19 shall provide the clerk of the municipality with a copy of any
20 document or notice filed in the foreclosure action. Such notice
21 of foreclosure must be executed by any party or any party's
22 attorney and shall include (i) the names of all plaintiffs and
23 the case number, (ii) the court in which the action was

1 brought, (iii) the names of title holders of record, (iv) a
2 legal description of the real estate sufficient to identify it
3 with reasonable certainty, (v) a common address or description
4 of the location of the real estate and (vi) identification of
5 the mortgage sought to be foreclosed. An incorrect common
6 address or description of the location, or an immaterial error
7 in the identification of a plaintiff or title holder of record,
8 shall not invalidate the lis pendens effect of the notice under
9 this Section. A notice which complies with this Section shall
10 be deemed to comply with Section 2-1901 of the Code of Civil
11 Procedure and shall have the same effect as a notice filed
12 pursuant to that Section; however, a notice which complies with
13 Section 2-1901 shall not be constructive notice unless it also
14 complies with the requirements of this Section.

15 (Source: P.A. 86-974.)

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