



Rep. Karen A. Yarbrough

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1 AMENDMENT TO HOUSE BILL 1109

2 AMENDMENT NO. _____. Amend House Bill 1109 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 11-20-15 and 11-20-15.1 and by adding Section
6 11-20-17 as follows:

7 (65 ILCS 5/11-20-15)

8 Sec. 11-20-15. Lien for removal costs.

9 (a) If the municipality incurs a removal cost under Section
10 11-20-7, 11-20-8, 11-20-12, ~~or~~ 11-20-13, or 11-20-17 with
11 respect to any underlying parcel, then that cost is a lien upon
12 that underlying parcel. This lien is superior to all other
13 liens and encumbrances, except tax liens and as otherwise
14 provided in subsection (c) of this Section.

15 (b) To perfect a lien under this Section, the municipality
16 must, within one year after the removal cost is incurred, file

1 notice of lien in the office of the recorder in the county in
2 which the underlying parcel is located or, if the underlying
3 parcel is registered under the Torrens system, in the office of
4 the Registrar of Titles of that county. The notice must consist
5 of a sworn statement setting out:

6 (1) a description of the underlying parcel that
7 sufficiently identifies the parcel;

8 (2) the amount of the removal cost; and

9 (3) the date or dates when the removal cost was
10 incurred by the municipality.

11 If, for any one parcel, the municipality engaged in any
12 removal activity on more than one occasion during the course of
13 one year, then the municipality may combine any or all of the
14 costs of each of those activities into a single notice of lien.

15 (c) A lien under this Section is not valid as to: (i) any
16 purchaser whose rights in and to the underlying parcel arose
17 after the removal activity but before the filing of the notice
18 of lien; or (ii) any mortgagee, judgment creditor, or other
19 lienor whose rights in and to the underlying parcel arose
20 before the filing of the notice of lien.

21 (d) The removal cost is not a lien on the underlying parcel
22 unless a notice is personally served on, or sent by certified
23 mail to, the person to whom was sent the tax bill for the
24 general taxes on the property for the taxable year immediately
25 preceding the removal activities. The notice must be delivered
26 or sent after the removal activities have been performed, and

1 it must: (i) state the substance of this Section and the
2 substance of any ordinance of the municipality implementing
3 this Section; (ii) identify the underlying parcel, by common
4 description; and (iii) describe the removal activity.

5 (e) A lien under this Section may be enforced by
6 proceedings to foreclose as in the case of mortgages or
7 mechanics' liens. An action to foreclose a lien under this
8 Section must be commenced within 2 years after the date of
9 filing notice of lien.

10 (f) Any person who performs a removal activity by the
11 authority of the municipality may, in his or her own name, file
12 a lien and foreclose on that lien in the same manner as a
13 municipality under this Section.

14 (g) A failure to file a foreclosure action does not, in any
15 way, affect the validity of the lien against the underlying
16 parcel.

17 (h) Upon payment of the lien cost by the owner of the
18 underlying parcel after notice of lien has been filed, the
19 municipality (or its agent under subsection (f)) shall release
20 the lien, and the release may be filed of record by the owner
21 at his or her sole expense as in the case of filing notice of
22 lien.

23 (i) For the purposes of this Section:

24 "Lien cost" means the removal cost and the filing costs for
25 any notice of lien under subsection (b).

26 "Removal activity" means any activity for which a removal

1 cost was incurred.

2 "Removal cost" means a removal cost as defined under
3 Section 11-20-7, 11-20-8, 11-20-12, ~~or~~ 11-20-13, or 11-20-17.

4 "Underlying parcel" means a parcel of private property upon
5 which a removal activity was performed.

6 "Year" means a 365-day period.

7 (j) This Section applies only to liens filed after August
8 14, 2009 (the effective date of Public Act 96-462).

9 (k) This Section shall not apply to a lien filed pursuant
10 to Section 11-20-15.1.

11 (Source: P.A. 96-462, eff. 8-14-09; 96-856, eff. 3-1-10;
12 96-1000, eff. 7-2-10.)

13 (65 ILCS 5/11-20-15.1)

14 Sec. 11-20-15.1. Lien for costs of removal, securing, and
15 enclosing on abandoned residential property.

16 (a) If the municipality elects to incur a removal cost
17 pursuant to subsection (d) of Section 11-20-7, subsection (d)
18 of Section 11-20-8, subsection (d) of Section 11-20-12, ~~or~~
19 subsection (e) of Section 11-20-13, or subsection (j) of
20 Section 11-20-17, or a securing or enclosing cost pursuant to
21 Section 11-31-1.01 with respect to an abandoned residential
22 property, then that cost is a lien upon the underlying parcel
23 of that abandoned residential property. This lien is superior
24 to all other liens and encumbrances, except tax liens and as
25 otherwise provided in this Section.

1 (b) To perfect a lien under this Section, the municipality
2 must, within one year after the cost is incurred for the
3 activity, file notice of the lien in the office of the recorder
4 in the county in which the abandoned residential property is
5 located or, if the abandoned residential property is registered
6 under the Torrens system, in the office of the Registrar of
7 Titles of that county, a sworn statement setting out:

8 (1) a description of the abandoned residential
9 property that sufficiently identifies the parcel;

10 (2) the amount of the cost of the activity;

11 (3) the date or dates when the cost for the activity
12 was incurred by the municipality; and

13 (4) a statement that the lien has been filed pursuant
14 to subsection (d) of Section 11-20-7, subsection (d) of
15 Section 11-20-8, subsection (d) of Section 11-20-12,
16 subsection (e) of Section 11-20-13, subsection (j) of
17 Section 11-20-17, or Section 11-31-1.01, as applicable.

18 If, for any abandoned residential property, the
19 municipality engaged in any activity on more than one occasion
20 during the course of one year, then the municipality may
21 combine any or all of the costs of each of those activities
22 into a single notice of lien.

23 (c) To enforce a lien pursuant to this Section, the
24 municipality must maintain contemporaneous records that
25 include, at a minimum: (i) a dated statement of finding by the
26 municipality that the property for which the work is to be

1 performed has become abandoned residential property, which
2 shall include (1) the date when the property was first known or
3 observed to be unoccupied by any lawful occupant or occupants,
4 (2) a description of the actions taken by the municipality to
5 contact the legal owner or owners of the property identified on
6 the recorded mortgage, or, if known, any agent of the owner or
7 owners, including the dates such actions were taken, and (3) a
8 statement that no contacts were made with the legal owner or
9 owners or their agents as a result of such actions, (ii) a
10 dated certification by an authorized official of the
11 municipality of the necessity and specific nature of the work
12 to be performed, (iii) a copy of the agreement with the person
13 or entity performing the work that includes the legal name of
14 the person or entity, the rate or rates to be charged for
15 performing the work, and an estimate of the total cost of the
16 work to be performed, (iv) detailed invoices and payment
17 vouchers for all payments made by the municipality for such
18 work, and (v) a statement as to whether the work was engaged
19 through a competitive bidding process, and if so, a copy of all
20 proposals submitted by the bidders for such work.

21 (d) A lien under this Section shall be enforceable
22 exclusively at the hearing for confirmation of sale of the
23 abandoned residential property that is held pursuant to
24 subsection (b) of Section 15-1508 of the Code of Civil
25 Procedure and shall be limited to a claim of interest in the
26 proceeds of the sale and subject to the requirements of this

1 Section. Any mortgagee who holds a mortgage on the property, or
2 any beneficiary or trustee who holds a deed of trust on the
3 property, may contest the lien or the amount of the lien at any
4 time during the foreclosure proceeding upon motion and notice
5 in accordance with court rules applicable to motions generally.
6 Grounds for forfeiture of the lien or the superior status of
7 the lien granted by subsection (a) of this Section shall
8 include, but not be limited to, a finding by the court that:
9 (i) the municipality has not complied with subsection (b) or
10 (c) of this Section, (ii) the scope of the work was not
11 reasonable under the circumstances, (iii) the work exceeded the
12 authorization for the work to be performed under subsection (a)
13 of Section 11-20-7, subsection (a) of Section 11-20-8,
14 subsection (a) of Section 11-20-12, subsection (a) of Section
15 11-20-13, or subsection (a) of Section 11-31-1.01, as
16 applicable, or (iv) the cost of the services rendered or
17 materials provided was not commercially reasonable. Forfeiture
18 of the superior status of the lien otherwise granted by this
19 Section shall not constitute a forfeiture of the lien as a
20 subordinate lien.

21 (e) Upon payment of the amount of a lien filed under this
22 Section by the mortgagee, servicer, owner, or any other person,
23 the municipality shall release the lien, and the release may be
24 filed of record by the person making such payment at the
25 person's sole expense as in the case of filing notice of lien.

26 (f) Notwithstanding any other provision of this Section, a

1 municipality may not file a lien pursuant to this Section for
2 activities performed pursuant to Section 11-20-7, Section
3 11-20-8, Section 11-20-12, Section 11-20-13, or Section
4 11-31-1.01, if: (i) the mortgagee or servicer of the abandoned
5 residential property has provided notice to the municipality
6 that the mortgagee or servicer has performed or will perform
7 the remedial actions specified in the notice that the
8 municipality otherwise might perform pursuant to subsection
9 (d) of Section 11-20-7, subsection (d) of Section 11-20-8,
10 subsection (d) of Section 11-20-12, subsection (e) of Section
11 11-20-13, or Section 11-31-1.01, provided that the remedial
12 actions specified in the notice have been performed or are
13 performed or initiated in good faith within 30 days of such
14 notice; or (ii) the municipality has provided notice to the
15 mortgagee or servicer of a problem with the property requiring
16 the remedial actions specified in the notice that the
17 municipality otherwise would perform pursuant to subsection
18 (d) of Section 11-20-7, subsection (d) of Section 11-20-8,
19 subsection (d) of Section 11-20-12, subsection (e) of Section
20 11-20-13, or Section 11-31-1.01, and the mortgagee or servicer
21 has performed or performs or initiates in good faith the
22 remedial actions specified in the notice within 30 days of such
23 notice.

24 (g) This Section and subsection (d) of Section 11-20-7,
25 subsection (d) of Section 11-20-8, subsection (d) of Section
26 11-20-12, subsection (e) of Section 11-20-13, or Section

1 11-31-1.01 shall apply only to activities performed, costs
2 incurred, and liens filed after the effective date of this
3 amendatory Act of the 96th General Assembly. Subsection (j) of
4 Section 11-20-17 shall apply only to activities performed,
5 costs incurred, and liens filed after the effective date of
6 this amendatory Act of the 97th General Assembly.

7 (h) For the purposes of this Section and subsection (d) of
8 Section 11-20-7, subsection (d) of Section 11-20-8, subsection
9 (d) of Section 11-20-12, subsection (e) of Section 11-20-13,
10 subsection (j) of Section 11-20-17, or Section 11-31-1.01:

11 "Abandoned residential property" means any type of
12 permanent residential dwelling unit, including detached single
13 family structures, and townhouses, condominium units and
14 multifamily rental apartments covering the entire property,
15 and manufactured homes treated under Illinois law as real
16 estate and not as personal property, that has been unoccupied
17 by any lawful occupant or occupants for at least 90 days, and
18 for which after such 90 day period, the municipality has made
19 good faith efforts to contact the legal owner or owners of the
20 property identified on the recorded mortgage, or, if known, any
21 agent of the owner or owners, and no contact has been made. A
22 property for which the municipality has been given notice of
23 the order of confirmation of sale pursuant to subsection (b-10)
24 of Section 15-1508 of the Code of Civil Procedure shall not be
25 deemed to be an abandoned residential property for the purposes
26 of subsection (d) of Section 11-20-7, subsection (d) of Section

1 11-20-8, subsection (d) of Section 11-20-12, subsection (e) of
2 Section 11-20-13, subsection (j) of Section 11-20-17, and
3 Section 11-31-1.01 of this Code.

4 "MERS program" means the nationwide Mortgage Electronic
5 Registration System approved by Fannie Mae, Freddie Mac, and
6 Ginnie Mae that has been created by the mortgage banking
7 industry with the mission of registering every mortgage loan in
8 the United States to lawfully make information concerning each
9 residential mortgage loan and the property securing it
10 available by Internet access to mortgage originators,
11 servicers, warehouse lenders, wholesale lenders, retail
12 lenders, document custodians, settlement agents, title
13 companies, insurers, investors, county recorders, units of
14 local government, and consumers.

15 (i) Any entity or person who performs a removal, securing,
16 or enclosing activity pursuant to the authority of a
17 municipality under subsection (d) of Section 11-20-7,
18 subsection (d) of Section 11-20-8, subsection (d) of Section
19 11-20-12, subsection (e) of Section 11-20-13, or Section
20 11-31-1.01, may, in its, his, or her own name, file a lien
21 pursuant to subsection (b) of this Section and appear in a
22 foreclosure action on that lien pursuant to subsection (d) of
23 this Section in the place of the municipality, provided that
24 the municipality shall remain subject to subsection (c) of this
25 Section, and such party shall be subject to all of the
26 provisions in this Section as if such party were the

1 municipality.

2 (i-5) All amounts received by the municipality for costs
3 incurred pursuant to this Section for which the municipality
4 has been reimbursed under Section 7.31 of the Illinois Housing
5 Development Act shall be remitted to the State Treasurer for
6 deposit into the Abandoned Residential Property Municipality
7 Relief Fund.

8 (j) If prior to subsection (d) of Section 11-20-7,
9 subsection (d) of Section 11-20-8, subsection (d) of Section
10 11-20-12, and subsection (e) of Section 11-20-13 becoming
11 inoperative a lien is filed pursuant to any of those
12 subsections, then the lien shall remain in full force and
13 effect after the subsections have become inoperative, subject
14 to all of the provisions of this Section. If prior to the
15 repeal of Section 11-31-1.01 a lien is filed pursuant to
16 Section 11-31-1.01, then the lien shall remain in full force
17 and effect after the repeal of Section 11-31-1.01, subject to
18 all of the provisions of this Section.

19 (Source: P.A. 96-856, eff. 3-1-10; 96-1419, eff. 10-1-10.)

20 (65 ILCS 5/11-20-17 new)

21 Sec. 11-20-17. Vacant property.

22 (a) For the purposes of this Section, "municipality" means
23 a municipality that is a home rule unit.

24 (b) For the purposes of minimizing the hazards to persons
25 and property resulting from vacant property, the corporate

1 authorities of each municipality may, by ordinance, prescribe
2 rules or regulations for the maintenance and security of vacant
3 property. The corporate authorities of a municipality may
4 impose registration fees for vacant property and fines for
5 failure to comply with ordinances enacted pursuant to this
6 Section.

7 (c) Pursuant to those ordinances, the corporate
8 authorities of each municipality may hold responsible for
9 maintaining and securing a vacant property (i) any owner of the
10 property, (ii) any previous owner of the property who conveyed
11 the property during the time it was vacant and failed to comply
12 with any ordinance regarding the registration of vacant
13 property, (iii) any trust beneficiary or other trustee who
14 holds a deed of trust on the property, (iv) any mortgagee who
15 holds a mortgage on the property, and (v) any assignee of an
16 owner, beneficiary, trustee, or mortgagee.

17 (d) A beneficiary, trustee, or mortgagee seeking to comply
18 with ordinances regarding the maintenance or security of vacant
19 property may enter that property to remedy any potential
20 violation of an ordinance to maintain or secure vacant
21 property, provided that entry is not barred by an automatic
22 stay issued by a bankruptcy court.

23 (e) Beneficiaries, trustees, mortgagees, and their agents
24 and assignees shall be held harmless from and against all
25 claims of negligence, civil trespass, and criminal trespass in
26 connection with compliance activity under the ordinances for

1 the maintenance or security of vacant property, provided that
2 the person authorizing or engaging in the compliance activity
3 has (i) made a good faith effort to identify any owner and
4 occupant of the property and (ii) made a good faith effort to
5 contact any owner and occupant in a manner reasonably
6 calculated to give the owner and occupant notice that the
7 compliance activity is imminent.

8 (f) For the purpose of this Section, "owner" means the
9 legal or beneficial owner of an improved or unimproved parcel
10 of real estate.

11 (g) For the purpose of this Section, "mortgagee" means (i)
12 the holder of an indebtedness, the obligee of a non-monetary
13 obligation secured by a mortgage, any assignee of the mortgage,
14 or any person designated or authorized to act on behalf of such
15 holder, (ii) any person or entity who previously initiated a
16 foreclosure of the vacant property or obtained a foreclosure
17 judgment against the vacant property if the deed to vacant
18 property has not been transferred to the purchaser at the
19 judicial sale, and (iii) any person claiming through a
20 mortgagee as successor.

21 (h) For the purpose of this Section, "vacant property"
22 means any property having complete or incomplete structures
23 that are empty or otherwise uninhabited by persons legally
24 entitled to inhabit the structures.

25 (i) For the purpose of this Section, "removal cost" means
26 the total value of fees and fines imposed pursuant to rules,

1 regulations, or ordinances regarding maintenance, security, or
2 demolition of vacant property.

3 (j) To enforce fees and fines pursuant to this Section, a
4 municipality has the following options: (i) the municipality
5 may elect to obtain a lien upon the underlying property for the
6 removal cost in accordance with Section 11-20-15; (ii) in the
7 case of an abandoned residential property as defined in Section
8 11-20-15.1, the municipality may elect to obtain a lien for the
9 removal cost pursuant to Section 11-20-15.1, in which case the
10 provisions of Section 11-20-15.1 shall be the exclusive remedy
11 for the removal cost; or (iii) the municipality may elect to
12 obtain a lien for the removal cost by exercising any
13 enforcement actions available under its police powers or other
14 statutory grant of authority.

15 (k) Nothing in this Section prohibits a municipality from
16 obtaining and enforcing liens pursuant to any other local,
17 State, or federal law.

18 Section 10. The Code of Civil Procedure is amended by
19 changing Section 15-1603 as follows:

20 (735 ILCS 5/15-1603) (from Ch. 110, par. 15-1603)

21 Sec. 15-1603. Redemption.

22 (a) Owner of Redemption. Except as provided in subsection

23 (b) of Section 15-1402, only an owner of redemption may redeem
24 from the foreclosure, and such owner of redemption may redeem

1 only during the redemption period specified in subsection (b)
2 of Section 15-1603 and only if the right of redemption has not
3 been validly waived.

4 (b) Redemption Period.

5 (1) In the foreclosure of a mortgage of real estate
6 which is residential real estate at the time the
7 foreclosure is commenced, the redemption period shall end
8 on the later of (i) the date 7 months from the date the
9 mortgagor or, if more than one, all the mortgagors (A) have
10 been served with summons or by publication or (B) have
11 otherwise submitted to the jurisdiction of the court, or
12 (ii) the date 3 months from the date of entry of a judgment
13 of foreclosure.

14 (2) In all other foreclosures, the redemption period
15 shall end on the later of (i) the date 6 months from the
16 date the mortgagor or, if more than one, all the mortgagors
17 (A) have been served with summons or by publication or (B)
18 have otherwise submitted to the jurisdiction of the court,
19 or (ii) the date 3 months from the date of entry of a
20 judgment of foreclosure.

21 (3) Notwithstanding paragraphs (1) and (2), the
22 redemption period shall end at the later of the expiration
23 of any reinstatement period provided for in Section 15-1602
24 or the date 60 days after the date the judgment of
25 foreclosure is entered, if the court finds that (i) the
26 value of the mortgaged real estate as of the date of the

1 judgment is less than 90% of the amount specified pursuant
2 to subsection (d) of Section 15-1603 and (ii) the mortgagee
3 waives any and all rights to a personal judgment for a
4 deficiency against the mortgagor and against all other
5 persons liable for the indebtedness or other obligations
6 secured by the mortgage.

7 (4) Notwithstanding paragraphs (1) and (2), the
8 redemption period shall end on the date 30 days after the
9 date the judgment of foreclosure is entered if, upon motion
10 and notice in accordance with court rules applicable to
11 motions generally, the court finds that the mortgaged real
12 estate has been abandoned. ~~In cases where the redemption~~
13 ~~period is shortened on account of abandonment, the~~
14 ~~reinstatement period shall not extend beyond the~~
15 ~~redemption period as shortened.~~

16 (A) The court may find that the mortgaged real
17 estate has been abandoned if evidence is presented
18 supporting the fact that the mortgaged property has
19 been abandoned. The court may not find that the
20 mortgaged real estate has been abandoned if an
21 appearance has been made and an objection has been
22 filed to the finding that the property has been
23 abandoned, or if the owner provides evidence that the
24 owner is working with, or making an attempt to work
25 with, the mortgagee to modify the mortgage.

26 (B) To determine that a property has been

1 abandoned, the court must find the following, based on
2 evidence presented by the moving party:

3 (i) the mortgaged property is not actually
4 occupied; and

5 (ii) at least one of the following applies:

6 (aa) more than 5 attempts to contact the
7 mortgagor have been made, at least one by
8 certified mail and one by telephone, if there
9 is a working telephone number for the
10 mortgagor; and at least 2 of the following
11 supporting facts are true:

12 (I) construction was initiated on the
13 property and was discontinued prior to
14 completion, leaving the building
15 unsuitable for occupancy, and no
16 construction has taken place for at least 6
17 months;

18 (II) the property has had more than
19 one uncorrected municipal code violation
20 over the past year, or has been declared
21 unfit for occupancy and ordered to remain
22 vacant and unoccupied by the municipal
23 authorities;

24 (III) gas, electric, or water service
25 to the entire premises has been
26 terminated;

1 (IV) windows or entrances to the
2 premises are boarded up or closed off, or
3 multiple window panes are broken and
4 unrepaired;

5 (V) doors to the premises are smashed
6 through, broken off, unhinged, or
7 continuously unlocked;

8 (VI) the police or sheriff's office
9 has received at least 2 reports of
10 trespassers on the premises or of
11 vandalism or other illegal acts being
12 committed on the premises in the past 6
13 months;

14 (bb) 2 or more attempts to contact the
15 mortgagor have been made and there exist
16 written statements of the mortgagor, the
17 mortgagor's personal representatives or
18 assigns, including documents of conveyance,
19 which indicate a clear intent to abandon the
20 premises; or

21 (cc) 2 or more attempts to contact the
22 mortgagor have been made and the property is a
23 vacant lot.

24 (c) Extension of Redemption Period.

25 (1) Once expired, the right of redemption provided for
26 in Sections 15-1603 or 15-1604 shall not be revived. The

1 period within which the right of redemption provided for in
2 Sections 15-1603 or 15-1604 may be exercised runs
3 independently of any action by any person to enforce the
4 judgment of foreclosure or effect a sale pursuant thereto.
5 Neither the initiation of any legal proceeding nor the
6 order of any court staying the enforcement of a judgment of
7 foreclosure or the sale pursuant to a judgment or the
8 confirmation of the sale, shall have the effect of tolling
9 the running of the redemption period.

10 (2) If a court has the authority to stay, and does
11 stay, the running of the redemption period, or if the
12 redemption period is extended by any statute of the United
13 States, the redemption period shall be extended until the
14 expiration of the same number of days after the expiration
15 of the stay order as the number of days remaining in the
16 redemption period at the time the stay order became
17 effective, or, if later, until the expiration of 30 days
18 after the stay order terminates. If the stay order
19 terminates more than 30 days prior to the expiration of the
20 redemption period, the redemption period shall not be
21 extended.

22 (d) Amount Required to Redeem. The amount required to
23 redeem shall be the sum of:

24 (1) The amount specified in the judgment of
25 foreclosure, which shall consist of (i) all principal and
26 accrued interest secured by the mortgage and due as of the

1 date of the judgment, (ii) all costs allowed by law, (iii)
2 costs and expenses approved by the court, (iv) to the
3 extent provided for in the mortgage and approved by the
4 court, additional costs, expenses and reasonable
5 attorneys' fees incurred by the mortgagee, (v) all amounts
6 paid pursuant to Section 15-1505 and (vi) per diem interest
7 from the date of judgment to the date of redemption
8 calculated at the mortgage rate of interest applicable as
9 if no default had occurred; and

10 (2) The amount of other expenses authorized by the
11 court which the mortgagee reasonably incurs between the
12 date of judgment and the date of redemption, which shall be
13 the amount certified by the mortgagee in accordance with
14 subsection (e) of Section 15-1603.

15 (e) Notice of Intent to Redeem. An owner of redemption who
16 intends to redeem shall give written notice of such intent to
17 redeem to the mortgagee's attorney of record specifying the
18 date designated for redemption and the current address of the
19 owner of redemption for purposes of receiving notice. Such
20 owner of redemption shall file with the clerk of the court a
21 certification of the giving of such notice. The notice of
22 intent to redeem must be received by the mortgagee's attorney
23 at least 15 days (other than Saturday, Sunday or court holiday)
24 prior to the date designated for redemption. The mortgagee
25 shall thereupon file with the clerk of the court and shall give
26 written notice to the owner of redemption at least three days

1 (other than Saturday, Sunday or court holiday) before the date
2 designated for redemption a certification, accompanied by
3 copies of paid receipts or appropriate affidavits, of any
4 expenses authorized in paragraph (2) of subsection (d) of
5 Section 15-1603. If the mortgagee fails to serve such
6 certification within the time specified herein, then the owner
7 of redemption intending to redeem may redeem on the date
8 designated for redemption in the notice of intent to redeem,
9 and the mortgagee shall not be entitled to payment of any
10 expenses authorized in paragraph (2) of subsection (d) of
11 Section 15-1603.

12 (f) Procedure for Redemption.

13 (1) An owner of redemption may redeem the real estate
14 from the foreclosure by paying the amount specified in
15 subsection (d) of Section 15-1603 to the mortgagee or the
16 mortgagee's attorney of record on or before the date
17 designated for redemption pursuant to subsection (e) of
18 Section 15-1603.

19 (2) If the mortgagee refuses to accept payment or if
20 the owner of redemption redeeming from the foreclosure
21 objects to the reasonableness of the additional expenses
22 authorized in paragraph (2) of subsection (d) of Section
23 15-1603 and certified in accordance with subsection (e) of
24 Section 15-1603, the owner of redemption shall pay the
25 certified amount to the clerk of the court on or before the
26 date designated for redemption, together with a written

1 statement specifying the expenses to which objection is
2 made. In such case the clerk shall pay to the mortgagee the
3 amount tendered minus the amount to which the objection
4 pertains.

5 (3) Upon payment to the clerk, whether or not the owner
6 of redemption files an objection at the time of payment,
7 the clerk shall give a receipt of payment to the person
8 redeeming from the foreclosure, and shall file a copy of
9 that receipt in the foreclosure record. Upon receipt of the
10 amounts specified to be paid to the mortgagee pursuant to
11 this Section, the mortgagee shall promptly furnish the
12 mortgagor with a release of the mortgage or satisfaction of
13 the judgment, as appropriate, and the evidence of all
14 indebtedness secured by the mortgage shall be cancelled.

15 (g) Procedure Upon Objection. If an objection is filed by
16 an owner of redemption in accordance with paragraph (2) of
17 subsection (f) of Section 15-1603, the clerk shall hold the
18 amount to which the objection pertains until the court orders
19 distribution of those funds. The court shall hold a hearing
20 promptly to determine the distribution of any funds held by the
21 clerk pursuant to such objection. Each party shall pay its own
22 costs and expenses in connection with any objection, including
23 attorneys' fees, subject to Section 2-611 of the Code of Civil
24 Procedure.

25 (h) Failure to Redeem. Unless the real estate being
26 foreclosed is redeemed from the foreclosure, it shall be sold

1 as provided in this Article.

2 (i) Mortgagees electing to release, discharge, or abandon
3 their mortgage interest in any property shall execute a binding
4 written release declaring their discharge of the related lien
5 and shall, within 30 days, record the release as provided in
6 Section 28 of the Conveyances Act. The failure to record a
7 written release creates a presumption that the mortgagee of
8 record, or any of its, his, or her successors in interest, has
9 knowingly interfered, delayed, and prevented the enforcement
10 of any municipal ordinance concerning property.

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

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