

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 Mechanics Lien Act is amended by changing  
5 Sections 16 and 34 as follows:

6 (770 ILCS 60/16) (from Ch. 82, par. 16)

7 Sec. 16. No incumbrance upon land, created before or after  
8 the making of the contract for improvements under the  
9 provisions of this act, shall operate upon the building  
10 erected, or materials furnished until a lien in favor of the  
11 persons having done work or furnished material (hereinafter  
12 "lien creditor") shall have been satisfied, and upon any  
13 questions arising between incumbrancers and lien creditors,  
14 all previous incumbrances shall be preferred only to the extent  
15 of the value of the land at the time of making of the contract  
16 for improvements, but shall not be preferred to the value of  
17 any subsequent improvements, and each ~~the~~ lien creditor shall  
18 be preferred to the value of all the subsequent improvements  
19 erected on said premises, whether or not provided by the lien  
20 creditor, and the court shall ascertain by jury or otherwise,  
21 as the case may require, what proportion of the proceeds of any  
22 sale shall be paid to the several parties in interest. All  
23 incumbrances, whether by mortgage, judgment or otherwise,

1 charged and shown to be fraudulent, in respect to creditors,  
2 may be set aside by the court, and the premises freed and  
3 discharged from such fraudulent incumbrance. When the proceeds  
4 of a sale are insufficient to satisfy the claims of both  
5 previous incumbrancers and lien creditors, the proceeds of the  
6 sale shall be distributed as follows: (i) any previous  
7 incumbrancers shall have a paramount lien in the portion of the  
8 proceeds attributable to the value of the land at the time of  
9 making of the contract for improvements; and (ii) any lien  
10 creditors shall have a paramount lien in the portion of the  
11 proceeds attributable to the value of all subsequent  
12 improvements made to the property.

13 (Source: Laws 1903, p. 230.)

14 (770 ILCS 60/34) (from Ch. 82, par. 34)

15 Sec. 34. Notice to commence suit.

16 (a) Upon written demand of the owner, lienor, or any person  
17 interested in the real estate, or their agent or attorney,  
18 served on the person claiming the lien, or his agent or  
19 attorney, requiring suit to be commenced to enforce the lien or  
20 answer to be filed in a pending suit, suit shall be commenced  
21 or answer filed within 30 days thereafter, or the lien shall be  
22 forfeited. Such service may be by registered or certified mail,  
23 return receipt requested, or by personal service.

24 (b) A written demand under this Section must contain the  
25 following language in at least 10 point bold face type:

1 "Failure to respond to this notice within 30 days after  
2 receipt, as required by Section 34 of the Mechanics Lien Act,  
3 shall result in the forfeiture of the referenced lien."

4 (Source: P.A. 82-618.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.