



Rep. Chapin Rose

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09700HB3636ham001

LRB097 05212 AJO 52886 a

1 AMENDMENT TO HOUSE BILL 3636

2 AMENDMENT NO. _____. Amend House Bill 3636 on page 1, by
3 replacing line 5 with the following:

4 "Sections 16 and 34 as follows:

5 (770 ILCS 60/16) (from Ch. 82, par. 16)

6 Sec. 16. No incumbrance upon land, created before or after
7 the making of the contract under the provisions of this act,
8 shall operate upon the building erected, or materials furnished
9 until a lien in favor of the persons having done work or
10 furnished material (hereinafter "lien creditor") shall have
11 been satisfied, and upon any questions arising between
12 incumbrancers and lien creditors, all previous incumbrances
13 shall be preferred only to the extent of the value of the land
14 at the time of making of the contract, but shall not be
15 preferred to the value of any subsequent improvements, and each
16 ~~the~~ lien creditor shall be preferred to the value of all the

1 improvements erected on said premises, whether or not provided
2 by the lien creditor, and the court shall ascertain by jury or
3 otherwise, as the case may require, what proportion of the
4 proceeds of any sale shall be paid to the several parties in
5 interest. All incumbrances, whether by mortgage, judgment or
6 otherwise, charged and shown to be fraudulent, in respect to
7 creditors, may be set aside by the court, and the premises
8 freed and discharged from such fraudulent incumbrance.

9 (Source: Laws 1903, p. 230.)"; and

10 on page 1, below line 21, by inserting the following:

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