



Rep. Karen A. Yarbrough

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1 AMENDMENT TO SENATE BILL 16

2 AMENDMENT NO. _____. Amend Senate Bill 16 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 (i) 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 (i) 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. In order for a municipality to
23 perfect a lien for costs pursuant to Section 11-20-17 of this
24 Act, the municipality must first investigate and determine
25 that, pursuant to subsections (c) and (h) of this Section, the
26 underlying parcel is vacant and abandoned residential

1 property.

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

26 (d) A lien under this Section shall be enforceable

1 exclusively at the hearing for confirmation of sale of the
2 abandoned residential property that is held pursuant to
3 subsection (b) of Section 15-1508 of the Code of Civil
4 Procedure and shall be limited to a claim of interest in the
5 proceeds of the sale and subject to the requirements of this
6 Section. Any mortgagee who holds a mortgage on the property, or
7 any beneficiary or trustee who holds a deed of trust on the
8 property, may contest the lien or the amount of the lien at any
9 time during the foreclosure proceeding upon motion and notice
10 in accordance with court rules applicable to motions generally.
11 Grounds for forfeiture of the lien or the superior status of
12 the lien granted by subsection (a) of this Section shall
13 include, but not be limited to, a finding by the court that:
14 (i) the municipality has not complied with subsection (b) or
15 (c) of this Section, (ii) the scope of the work was not
16 reasonable under the circumstances, (iii) the work exceeded the
17 authorization for the work to be performed under subsection (a)
18 of Section 11-20-7, subsection (a) of Section 11-20-8,
19 subsection (a) of Section 11-20-12, subsection (a) of Section
20 11-20-13, or subsection (a) of Section 11-31-1.01, as
21 applicable, or (iv) the cost of the services rendered or
22 materials provided was not commercially reasonable. Forfeiture
23 of the superior status of the lien otherwise granted by this
24 Section shall not constitute a forfeiture of the lien as a
25 subordinate lien.

26 (e) Upon payment of the amount of a lien filed under this

1 Section by the mortgagee, servicer, owner, or any other person,
2 the municipality shall release the lien, and the release may be
3 filed of record by the person making such payment at the
4 person's sole expense as in the case of filing notice of lien.

5 (f) Notwithstanding any other provision of this Section, a
6 municipality may not file a lien pursuant to this Section for
7 activities performed pursuant to Section 11-20-7, Section
8 11-20-8, Section 11-20-12, Section 11-20-13, or Section
9 11-31-1.01, if: (i) the mortgagee or servicer of the abandoned
10 residential property has provided notice to the municipality
11 that the mortgagee or servicer has performed or will perform
12 the remedial actions specified in the notice that the
13 municipality otherwise might perform pursuant to subsection
14 (d) of Section 11-20-7, subsection (d) of Section 11-20-8,
15 subsection (d) of Section 11-20-12, subsection (e) of Section
16 11-20-13, or Section 11-31-1.01, provided that the remedial
17 actions specified in the notice have been performed or are
18 performed or initiated in good faith within 30 days of such
19 notice; or (ii) the municipality has provided notice to the
20 mortgagee or servicer of a problem with the property requiring
21 the remedial actions specified in the notice that the
22 municipality otherwise would perform pursuant to subsection
23 (d) of Section 11-20-7, subsection (d) of Section 11-20-8,
24 subsection (d) of Section 11-20-12, subsection (e) of Section
25 11-20-13, or Section 11-31-1.01, and the mortgagee or servicer
26 has performed or performs or initiates in good faith the

1 remedial actions specified in the notice within 30 days of such
2 notice.

3 (g) This Section and subsection (d) of Section 11-20-7,
4 subsection (d) of Section 11-20-8, subsection (d) of Section
5 11-20-12, subsection (e) of Section 11-20-13, or Section
6 11-31-1.01 shall apply only to activities performed, costs
7 incurred, and liens filed after the effective date of this
8 amendatory Act of the 96th General Assembly. Subsection (i) of
9 Section 11-20-17 shall apply only to activities performed,
10 costs incurred, and liens filed after the effective date of
11 this amendatory Act of the 97th General Assembly.

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

16 "Abandoned residential property" means any type of
17 permanent residential dwelling unit, including detached single
18 family structures, and townhouses, condominium units and
19 multifamily rental apartments covering the entire property,
20 and manufactured homes treated under Illinois law as real
21 estate and not as personal property, that has been unoccupied
22 by any lawful occupant or occupants for at least 90 days, and
23 for which after such 90 day period, the municipality has made
24 good faith efforts to contact the legal owner or owners of the
25 property identified on the recorded mortgage, or, if known, any
26 agent of the owner or owners, and no contact has been made. A

1 property for which the municipality has been given notice of
2 the order of confirmation of sale pursuant to subsection (b-10)
3 of Section 15-1508 of the Code of Civil Procedure shall not be
4 deemed to be an abandoned residential property for the purposes
5 of subsection (d) of Section 11-20-7, subsection (d) of Section
6 11-20-8, subsection (d) of Section 11-20-12, subsection (e) of
7 Section 11-20-13, subsection (i) of Section 11-20-17, and
8 Section 11-31-1.01 of this Code.

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

20 (i) Any entity or person who performs a removal, securing,
21 or enclosing activity pursuant to the authority of a
22 municipality under subsection (d) of Section 11-20-7,
23 subsection (d) of Section 11-20-8, subsection (d) of Section
24 11-20-12, subsection (e) of Section 11-20-13, or Section
25 11-31-1.01, may, in its, his, or her own name, file a lien
26 pursuant to subsection (b) of this Section and appear in a

1 foreclosure action on that lien pursuant to subsection (d) of
2 this Section in the place of the municipality, provided that
3 the municipality shall remain subject to subsection (c) of this
4 Section, and such party shall be subject to all of the
5 provisions in this Section as if such party were the
6 municipality.

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

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

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

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

2 (a) For the purposes of minimizing the hazards to persons
3 and property resulting from vacant property, the corporate
4 authorities of each municipality may, by ordinance, prescribe
5 rules or regulations for the maintenance and security of vacant
6 property. The corporate authorities of a municipality may
7 impose registration fees for vacant property and fines for
8 failure to comply with ordinances enacted pursuant to this
9 Section.

10 (b) Pursuant to those ordinances, the corporate
11 authorities of each municipality, upon directing a notice of
12 its determination and finding that the underlying parcel is
13 vacant and abandoned residential property by regular or
14 certified mail, may hold responsible for maintaining and
15 securing a vacant property (i) any owner of the property, (ii)
16 any previous owner of the property who conveyed the property
17 during the time it was vacant and failed to comply with any
18 ordinance regarding the registration of vacant property, (iii)
19 any trust beneficiary or other trustee who holds a deed of
20 trust on the property, (iv) any mortgagee who holds a mortgage
21 on the property, and (v) any assignee of an owner, beneficiary,
22 trustee, or mortgagee.

23 (c) Upon delivery of the notice provided in subsection (b),
24 a beneficiary, trustee, or mortgagee seeking to comply with
25 ordinances regarding the maintenance or security of vacant
26 property may enter that property to remedy any potential

1 violation of an ordinance to maintain or secure vacant property
2 without an order for possession under the Illinois Mortgage
3 Foreclosure Act, provided that entry is not barred by an
4 automatic stay issued by a bankruptcy court.

5 (d) Beneficiaries, trustees, mortgagees, and their agents
6 and assignees shall be held harmless from and against all
7 claims of negligence, civil trespass, and criminal trespass in
8 connection with compliance activity under the ordinances for
9 the maintenance or security of vacant property, provided that
10 the person authorizing or engaging in the compliance activity
11 has (i) made a good faith effort to identify any owner and
12 occupant of the property and (ii) made a good faith effort to
13 contact any owner and occupant in a manner reasonably
14 calculated to give the owner and occupant notice that the
15 compliance activity is imminent, after the notice provided by
16 subsection (b) has been delivered.

17 (e) For the purpose of this Section, "owner" means the
18 legal or beneficial owner of an improved or unimproved parcel
19 of real estate.

20 (f) For the purpose of this Section, "mortgagee" means (i)
21 the holder of an indebtedness, the obligee of a non-monetary
22 obligation secured by a mortgage, any assignee of the mortgage,
23 or any person designated or authorized to act on behalf of such
24 holder, (ii) any person or entity who previously initiated a
25 foreclosure of the vacant property or obtained a foreclosure
26 judgment against the vacant property if the deed to vacant

1 property has not been transferred to the purchaser at the
2 judicial sale, and (iii) any person claiming through a
3 mortgagee as successor.

4 (g) For the purpose of this Section, "vacant property"
5 means any property having complete or incomplete structures
6 that are empty or otherwise uninhabited by persons legally
7 entitled to inhabit the structures.

8 (h) For the purpose of this Section, "removal cost" means
9 the total value of fees and fines imposed pursuant to rules,
10 regulations, or ordinances regarding maintenance, security, or
11 demolition of vacant property.

12 (i) To enforce fees and fines pursuant to this Section, a
13 municipality has the following options: (i) the municipality
14 may elect to obtain a lien upon the underlying property for the
15 removal cost in accordance with Section 11-20-15; (ii) in the
16 case of an abandoned residential property as defined in Section
17 11-20-15.1, the municipality may elect to obtain a lien for the
18 removal cost pursuant to Section 11-20-15.1, in which case the
19 provisions of Section 11-20-15.1 shall be the exclusive remedy
20 for the removal cost; or (iii) the municipality may elect to
21 obtain a lien for the removal cost by exercising any
22 enforcement actions available under its police powers or other
23 statutory grant of authority.

24 (j) Nothing in this Section prohibits a municipality from
25 obtaining and enforcing liens pursuant to any other local,
26 State, or federal law.

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

3 (735 ILCS 5/15-1603) (from Ch. 110, par. 15-1603)

4 Sec. 15-1603. Redemption.

5 (a) Owner of Redemption. Except as provided in subsection
6 (b) of Section 15-1402, only an owner of redemption may redeem
7 from the foreclosure, and such owner of redemption may redeem
8 only during the redemption period specified in subsection (b)
9 of Section 15-1603 and only if the right of redemption has not
10 been validly waived.

11 (b) Redemption Period.

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

21 (2) In all other foreclosures, the redemption period
22 shall end on the later of (i) the date 6 months from the
23 date the mortgagor or, if more than one, all the mortgagors
24 (A) have been served with summons or by publication or (B)

1 have otherwise submitted to the jurisdiction of the court,
2 or (ii) the date 3 months from the date of entry of a
3 judgment of foreclosure.

4 (3) Notwithstanding paragraphs (1) and (2), the
5 redemption period shall end at the later of the expiration
6 of any reinstatement period provided for in Section 15-1602
7 or the date 60 days after the date the judgment of
8 foreclosure is entered, if the court finds that (i) the
9 value of the mortgaged real estate as of the date of the
10 judgment is less than 90% of the amount specified pursuant
11 to subsection (d) of Section 15-1603 and (ii) the mortgagee
12 waives any and all rights to a personal judgment for a
13 deficiency against the mortgagor and against all other
14 persons liable for the indebtedness or other obligations
15 secured by the mortgage.

16 (4) Notwithstanding paragraphs (1) and (2), the
17 redemption period shall end on the date 30 days after the
18 date the judgment of foreclosure is entered if, upon motion
19 and notice in accordance with court rules applicable to
20 motions generally, the court finds that the mortgaged real
21 estate has been abandoned. ~~In cases where the redemption~~
22 ~~period is shortened on account of abandonment, the~~
23 ~~reinstatement period shall not extend beyond the~~
24 ~~redemption period as shortened.~~

25 (A) The court may find that the mortgaged real
26 estate has been abandoned if evidence is presented

1 supporting the fact that the mortgaged property has
2 been abandoned. The court may not find that the
3 mortgaged real estate has been abandoned if an
4 appearance has been made and an objection has been
5 filed to the finding that the property has been
6 abandoned, or if the owner provides evidence that the
7 owner is working with, or making an attempt to work
8 with, the mortgagee to modify the mortgage.

9 (B) To determine that a property has been
10 abandoned, the court must find the following, based on
11 evidence presented by the moving party:

12 (i) the mortgaged property is not actually
13 occupied; and

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

15 (aa) more than 5 attempts to contact the
16 mortgagor have been made, at least one by
17 certified mail and one by telephone, if there
18 is a working telephone number for the
19 mortgagor; and at least 2 of the following
20 supporting facts are true:

21 (I) construction was initiated on the
22 property and was discontinued prior to
23 completion, leaving the building
24 unsuitable for occupancy, and no
25 construction has taken place for at least 6
26 months;

1 (II) the property has had more than
2 one uncorrected municipal code violation
3 over the past year, or has been declared
4 unfit for occupancy and ordered to remain
5 vacant and unoccupied by the municipal
6 authorities;

7 (III) gas, electric, or water service
8 to the entire premises has been
9 terminated;

10 (IV) windows or entrances to the
11 premises are boarded up or closed off, or
12 multiple window panes are broken and
13 unrepaired;

14 (V) doors to the premises are smashed
15 through, broken off, unhinged, or
16 continuously unlocked;

17 (VI) the police or sheriff's office
18 has received at least 2 reports of
19 trespassers on the premises or of
20 vandalism or other illegal acts being
21 committed on the premises in the past 6
22 months;

23 (bb) 2 or more attempts to contact the
24 mortgagor have been made and there exist
25 written statements of the mortgagor, the
26 mortgagor's personal representatives or

1 assigns, including documents of conveyance,
2 which indicate a clear intent to abandon the
3 premises; or

4 (cc) 2 or more attempts to contact the
5 mortgagor have been made and the property is a
6 vacant lot.

7 (c) Extension of Redemption Period.

8 (1) Once expired, the right of redemption provided for
9 in Sections 15-1603 or 15-1604 shall not be revived. The
10 period within which the right of redemption provided for in
11 Sections 15-1603 or 15-1604 may be exercised runs
12 independently of any action by any person to enforce the
13 judgment of foreclosure or effect a sale pursuant thereto.
14 Neither the initiation of any legal proceeding nor the
15 order of any court staying the enforcement of a judgment of
16 foreclosure or the sale pursuant to a judgment or the
17 confirmation of the sale, shall have the effect of tolling
18 the running of the redemption period.

19 (2) If a court has the authority to stay, and does
20 stay, the running of the redemption period, or if the
21 redemption period is extended by any statute of the United
22 States, the redemption period shall be extended until the
23 expiration of the same number of days after the expiration
24 of the stay order as the number of days remaining in the
25 redemption period at the time the stay order became
26 effective, or, if later, until the expiration of 30 days

1 after the stay order terminates. If the stay order
2 terminates more than 30 days prior to the expiration of the
3 redemption period, the redemption period shall not be
4 extended.

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

7 (1) The amount specified in the judgment of
8 foreclosure, which shall consist of (i) all principal and
9 accrued interest secured by the mortgage and due as of the
10 date of the judgment, (ii) all costs allowed by law, (iii)
11 costs and expenses approved by the court, (iv) to the
12 extent provided for in the mortgage and approved by the
13 court, additional costs, expenses and reasonable
14 attorneys' fees incurred by the mortgagee, (v) all amounts
15 paid pursuant to Section 15-1505 and (vi) per diem interest
16 from the date of judgment to the date of redemption
17 calculated at the mortgage rate of interest applicable as
18 if no default had occurred; and

19 (2) The amount of other expenses authorized by the
20 court which the mortgagee reasonably incurs between the
21 date of judgment and the date of redemption, which shall be
22 the amount certified by the mortgagee in accordance with
23 subsection (e) of Section 15-1603.

24 (e) Notice of Intent to Redeem. An owner of redemption who
25 intends to redeem shall give written notice of such intent to
26 redeem to the mortgagee's attorney of record specifying the

1 date designated for redemption and the current address of the
2 owner of redemption for purposes of receiving notice. Such
3 owner of redemption shall file with the clerk of the court a
4 certification of the giving of such notice. The notice of
5 intent to redeem must be received by the mortgagee's attorney
6 at least 15 days (other than Saturday, Sunday or court holiday)
7 prior to the date designated for redemption. The mortgagee
8 shall thereupon file with the clerk of the court and shall give
9 written notice to the owner of redemption at least three days
10 (other than Saturday, Sunday or court holiday) before the date
11 designated for redemption a certification, accompanied by
12 copies of paid receipts or appropriate affidavits, of any
13 expenses authorized in paragraph (2) of subsection (d) of
14 Section 15-1603. If the mortgagee fails to serve such
15 certification within the time specified herein, then the owner
16 of redemption intending to redeem may redeem on the date
17 designated for redemption in the notice of intent to redeem,
18 and the mortgagee shall not be entitled to payment of any
19 expenses authorized in paragraph (2) of subsection (d) of
20 Section 15-1603.

21 (f) Procedure for Redemption.

22 (1) An owner of redemption may redeem the real estate
23 from the foreclosure by paying the amount specified in
24 subsection (d) of Section 15-1603 to the mortgagee or the
25 mortgagee's attorney of record on or before the date
26 designated for redemption pursuant to subsection (e) of

1 Section 15-1603.

2 (2) If the mortgagee refuses to accept payment or if
3 the owner of redemption redeeming from the foreclosure
4 objects to the reasonableness of the additional expenses
5 authorized in paragraph (2) of subsection (d) of Section
6 15-1603 and certified in accordance with subsection (e) of
7 Section 15-1603, the owner of redemption shall pay the
8 certified amount to the clerk of the court on or before the
9 date designated for redemption, together with a written
10 statement specifying the expenses to which objection is
11 made. In such case the clerk shall pay to the mortgagee the
12 amount tendered minus the amount to which the objection
13 pertains.

14 (3) Upon payment to the clerk, whether or not the owner
15 of redemption files an objection at the time of payment,
16 the clerk shall give a receipt of payment to the person
17 redeeming from the foreclosure, and shall file a copy of
18 that receipt in the foreclosure record. Upon receipt of the
19 amounts specified to be paid to the mortgagee pursuant to
20 this Section, the mortgagee shall promptly furnish the
21 mortgagor with a release of the mortgage or satisfaction of
22 the judgment, as appropriate, and the evidence of all
23 indebtedness secured by the mortgage shall be cancelled.

24 (g) Procedure Upon Objection. If an objection is filed by
25 an owner of redemption in accordance with paragraph (2) of
26 subsection (f) of Section 15-1603, the clerk shall hold the

1 amount to which the objection pertains until the court orders
2 distribution of those funds. The court shall hold a hearing
3 promptly to determine the distribution of any funds held by the
4 clerk pursuant to such objection. Each party shall pay its own
5 costs and expenses in connection with any objection, including
6 attorneys' fees, subject to Section 2-611 of the Code of Civil
7 Procedure.

8 (h) Failure to Redeem. Unless the real estate being
9 foreclosed is redeemed from the foreclosure, it shall be sold
10 as provided in this Article.

11 (i) Mortgagees electing to release, discharge, or abandon
12 their mortgage interest in any property shall execute a binding
13 written release declaring their discharge of the related lien
14 and shall, within 30 days, record the release as provided in
15 Section 28 of the Conveyances Act. The failure to record a
16 written release creates a presumption that the mortgagee of
17 record, or any of its, his, or her successors in interest, has
18 knowingly interfered, delayed, and prevented the enforcement
19 of any municipal ordinance concerning property.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."