



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. The corporate authority of a municipality that enacts
10 an ordinance pursuant to this Section shall transmit a copy of
11 that ordinance to the Illinois Housing Development Authority
12 within 30 days of the ordinance's enactment. The Illinois
13 Housing Development Authority shall post a copy of the
14 ordinance on its website within 30 days of receipt.

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

1 trustee, or mortgagee.

2 (c) Upon delivery of the notice provided in subsection (b),
3 a beneficiary, trustee, or mortgagee seeking to comply with
4 ordinances regarding the maintenance or security of vacant
5 property may enter that property to remedy any potential
6 violation of an ordinance to maintain or secure vacant property
7 without an order for possession under the Illinois Mortgage
8 Foreclosure Act, provided that entry is not barred by an
9 automatic stay issued by a bankruptcy court.

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

22 (e) For the purpose of this Section, "owner" means the
23 legal or beneficial owner of an improved or unimproved parcel
24 of real estate.

25 (f) For the purpose of this Section, "mortgagee" means (i)
26 the holder of an indebtedness, the obligee of a non-monetary

1 obligation secured by a mortgage, any assignee of the mortgage,
2 or any person designated or authorized to act on behalf of such
3 holder, (ii) any person or entity who previously initiated a
4 foreclosure of the vacant property or obtained a foreclosure
5 judgment against the vacant property if the deed to vacant
6 property has not been transferred to the purchaser at the
7 judicial sale, and (iii) any person claiming through a
8 mortgagee as successor.

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

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

17 (i) To enforce fees and fines pursuant to this Section, a
18 municipality has the following options: (i) the municipality
19 may elect to obtain a lien upon the underlying property for the
20 removal cost in accordance with Section 11-20-15; (ii) in the
21 case of an abandoned residential property as defined in Section
22 11-20-15.1, the municipality may elect to obtain a lien for the
23 removal cost pursuant to Section 11-20-15.1, in which case the
24 provisions of Section 11-20-15.1 shall be the exclusive remedy
25 for the removal cost; or (iii) the municipality may elect to
26 obtain a lien for the removal cost by exercising any

1 enforcement actions available under its police powers or other
2 statutory grant of authority.

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

6 (k) No municipality may enact or enforce an ordinance
7 adopted under this Section on or after January 1, 2019. Nothing
8 in this subsection (k) affects the power of a municipality to
9 enact or continue to enforce, pursuant to the municipality's
10 home rule powers or pursuant to any other law other than this
11 Section, any ordinance that regulates the maintenance and
12 security of vacant property.

13 Section 10. The Code of Civil Procedure is amended by
14 changing Sections 15-1506, 15-1508, and 15-1603 as follows:

15 (735 ILCS 5/15-1506) (from Ch. 110, par. 15-1506)

16 Sec. 15-1506. Judgment. (a) Evidence. In the trial of a
17 foreclosure, the evidence to support the allegations of the
18 complaint shall be taken in open court, except:

19 (1) where an allegation of fact in the complaint is not
20 denied by a party's verified answer or verified counterclaim,
21 or where a party pursuant to subsection (b) of Section 2-610 of
22 the Code of Civil Procedure states, or is deemed to have
23 stated, in its pleading that it has no knowledge of such
24 allegation sufficient to form a belief and attaches the

1 required affidavit, a sworn verification of the complaint or a
2 separate affidavit setting forth such fact is sufficient
3 evidence thereof against such party and no further evidence of
4 such fact shall be required; and

5 (2) where all the allegations of fact in the complaint have
6 been proved by verification of the complaint or affidavit, the
7 court upon motion supported by an affidavit stating the amount
8 which is due the mortgagee, shall enter a judgment of
9 foreclosure as requested in the complaint.

10 (b) Instruments. In all cases the evidence of the
11 indebtedness and the mortgage foreclosed shall be exhibited to
12 the court and appropriately marked, and copies thereof shall be
13 filed with the court.

14 (c) Summary and Default Judgments. Nothing in this Section
15 15-1506 shall prevent a party from obtaining a summary or
16 default judgment authorized by Article II of the Code of Civil
17 Procedure. If the mortgagee files a motion to shorten the
18 redemption period pursuant to Section 2-1603(b)(4) of this
19 Article on or before the date of filing a motion for entry of a
20 default judgment, the motions shall be set before the court
21 within 30 days of the filing of the motion for default, unless
22 the motion brought under Section 2-1603(b)(4) has already been
23 heard and denied by the court.

24 (d) Notice of Entry of Default. When any judgment in a
25 foreclosure is entered by default, notice of such judgment
26 shall be given in accordance with Section 2-1302 of the Code of

1 Civil Procedure.

2 (e) Matters Required in Judgment. A judgment of foreclosure
3 shall include the last date for redemption and all rulings of
4 the court entered with respect to each request for relief set
5 forth in the complaint. The omission of the date for redemption
6 shall not extend the time for redemption or impair the validity
7 of the judgment.

8 (f) Special Matters in Judgment. Without limiting the
9 general authority and powers of the court, special matters may
10 be included in the judgment of foreclosure if sought by a party
11 in the complaint or by separate motion. Such matters may
12 include, without limitation:

13 (1) a manner of sale other than public auction;

14 (2) a sale by sealed bid;

15 (3) an official or other person who shall be the officer to
16 conduct the sale other than the one customarily designated by
17 the court;

18 (4) provisions for non-exclusive broker listings or
19 designating a duly licensed real estate broker nominated by one
20 of the parties to exclusively list the real estate for sale;

21 (5) the fees or commissions to be paid out of the sale
22 proceeds to the listing or other duly licensed broker, if any,
23 who shall have procured the accepted bid;

24 (6) the fees to be paid out of the sale proceeds to an
25 auctioneer, if any, who shall have been authorized to conduct a
26 public auction sale;

1 (7) whether and in what manner and with what content signs
2 shall be posted on the real estate;

3 (8) a particular time and place at which such bids shall be
4 received;

5 (9) a particular newspaper or newspapers in which notice of
6 sale shall be published;

7 (10) the format for the advertising of such sale, including
8 the size, content and format of such advertising, and
9 additional advertising of such sale;

10 (11) matters or exceptions to which title in the real
11 estate may be subject at the sale;

12 (12) a requirement that title insurance in a specified form
13 be provided to a purchaser at the sale, and who shall pay for
14 such insurance;

15 (13) whether and to what extent bids with mortgage or other
16 contingencies will be allowed;

17 (14) such other matters as approved by the court to ensure
18 sale of the real estate for the most commercially favorable
19 price for the type of real estate involved.

20 (g) Agreement of the Parties. If all of the parties agree
21 in writing on the minimum price and that the real estate may be
22 sold to the first person who offers in writing to purchase the
23 real estate for such price, and on such other commercially
24 reasonable terms and conditions as the parties may agree, then
25 the court shall order the real estate to be sold on such terms,
26 subject to confirmation of the sale in accordance with Section

1 15-1508.

2 (h) Postponement of Proving Priority. With the approval of
3 the court prior to the entry of the judgment of foreclosure, a
4 party claiming an interest in the proceeds of the sale of the
5 mortgaged real estate may defer proving the priority of such
6 interest until the hearing to confirm the sale.

7 (i) Effect of Judgment and Lien. (1) Upon the entry of the
8 judgment of foreclosure, all rights of a party in the
9 foreclosure against the mortgagor provided for in the judgment
10 of foreclosure or this Article shall be secured by a lien on
11 the mortgaged real estate, which lien shall have the same
12 priority as the claim to which the judgment relates and shall
13 be terminated upon confirmation of a judicial sale in
14 accordance with this Article.

15 (2) Upon the entry of the judgment of foreclosure, the
16 rights in the real estate subject to the judgment of
17 foreclosure of (i) all persons made a party in the foreclosure
18 and (ii) all nonrecord claimants given notice in accordance
19 with paragraph (2) of subsection (c) of Section 15-1502, shall
20 be solely as provided for in the judgment of foreclosure and in
21 this Article.

22 (Source: P.A. 85-907.)

23 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

24 Sec. 15-1508. Report of Sale and Confirmation of Sale.

25 (a) Report. The person conducting the sale shall promptly

1 make a report to the court, which report shall include a copy
2 of all receipts and, if any, certificate of sale.

3 (b) Hearing. Upon motion and notice in accordance with
4 court rules applicable to motions generally, which motion shall
5 not be made prior to sale, the court shall conduct a hearing to
6 confirm the sale. Unless the court finds that (i) a notice
7 required in accordance with subsection (c) of Section 15-1507
8 was not given, (ii) the terms of sale were unconscionable,
9 (iii) the sale was conducted fraudulently, or (iv) ~~that~~ justice
10 was otherwise not done, the court shall then enter an order
11 confirming the sale. The confirmation order shall include a
12 name, address, and telephone number of the holder of the
13 certificate of sale or deed issued pursuant to that certificate
14 or, if no certificate or deed was issued, the purchaser, whom a
15 municipality or county may contact with concerns about the real
16 estate. The confirmation order may also:

17 (1) approve the mortgagee's fees and costs arising
18 between the entry of the judgment of foreclosure and the
19 confirmation hearing, those costs and fees to be allowable
20 to the same extent as provided in the note and mortgage and
21 in Section 15-1504;

22 (2) provide for a personal judgment against any party
23 for a deficiency; and

24 (3) determine the priority of the judgments of parties
25 who deferred proving the priority pursuant to subsection
26 (h) of Section 15-1506, but the court shall not defer

1 confirming the sale pending the determination of such
2 priority.

3 (b-5) Notice with respect to residential real estate. With
4 respect to residential real estate, the notice required under
5 subsection (b) of this Section shall be sent to the mortgagor
6 even if the mortgagor has previously been held in default. In
7 the event the mortgagor has filed an appearance, the notice
8 shall be sent to the address indicated on the appearance. In
9 all other cases, the notice shall be sent to the mortgagor at
10 the common address of the foreclosed property. The notice shall
11 be sent by first class mail. Unless the right to possession has
12 been previously terminated by the court, the notice shall
13 include the following language in 12-point boldface
14 capitalized type:

15 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO
16 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
17 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
18 ILLINOIS MORTGAGE FORECLOSURE LAW.

19 (b-10) Notice of confirmation order sent to municipality or
20 county. A copy of the confirmation order required under
21 subsection (b) shall be sent to the municipality in which the
22 foreclosed property is located, or to the county within the
23 boundary of which the foreclosed property is located if the
24 foreclosed property is located in an unincorporated territory.
25 A municipality or county must clearly publish on its website a
26 single address to which such notice shall be sent. If a

1 municipality or county does not maintain a website, then the
2 municipality or county must publicly post in its main office a
3 single address to which such notice shall be sent. In the event
4 that a municipality or county has not complied with the
5 publication requirement in this subsection (b-10), then such
6 notice to the municipality or county shall be provided pursuant
7 to Section 2-211 of the Code of Civil Procedure.

8 (c) Failure to Give Notice. If any sale is held without
9 compliance with subsection (c) of Section 15-1507 of this
10 Article, any party entitled to the notice provided for in
11 paragraph (3) of that subsection (c) who was not so notified
12 may, by motion supported by affidavit made prior to
13 confirmation of such sale, ask the court which entered the
14 judgment to set aside the sale. Any such party shall guarantee
15 or secure by bond a bid equal to the successful bid at the
16 prior sale, unless the party seeking to set aside the sale is
17 the mortgagor, the real estate sold at the sale is residential
18 real estate, and the mortgagor occupies the residential real
19 estate at the time the motion is filed. In that event, no
20 guarantee or bond shall be required of the mortgagor. Any
21 subsequent sale is subject to the same notice requirement as
22 the original sale.

23 (d) Validity of Sale. Except as provided in subsection (c)
24 of Section 15-1508, no sale under this Article shall be held
25 invalid or be set aside because of any defect in the notice
26 thereof or in the publication of the same, or in the

1 proceedings of the officer conducting the sale, except upon
2 good cause shown in a hearing pursuant to subsection (b) of
3 Section 15-1508. At any time after a sale has occurred, any
4 party entitled to notice under paragraph (3) of subsection (c)
5 of Section 15-1507 may recover from the mortgagee any damages
6 caused by the mortgagee's failure to comply with such paragraph
7 (3). Any party who recovers damages in a judicial proceeding
8 brought under this subsection may also recover from the
9 mortgagee the reasonable expenses of litigation, including
10 reasonable attorney's fees.

11 (d-5) Making Home Affordable Program. The court that
12 entered the judgment shall set aside a sale held pursuant to
13 Section 15-1507, upon motion of the mortgagor at any time prior
14 to the confirmation of the sale, if the mortgagor proves by a
15 preponderance of the evidence that (i) the mortgagor has
16 applied for assistance under the Making Home Affordable Program
17 established by the United States Department of the Treasury
18 pursuant to the Emergency Economic Stabilization Act of 2008,
19 as amended by the American Recovery and Reinvestment Act of
20 2009, and (ii) the mortgaged real estate was sold in material
21 violation of the program's requirements for proceeding to a
22 judicial sale. The provisions of this subsection (d-5), except
23 for this sentence, shall become inoperative on January 1, 2013
24 for all actions filed under this Article after December 31,
25 2012, in which the mortgagor did not apply for assistance under
26 the Making Home Affordable Program on or before December 31,

1 2012.

2 (e) Deficiency Judgment. In any order confirming a sale
3 pursuant to the judgment of foreclosure, the court shall also
4 enter a personal judgment for deficiency against any party (i)
5 if otherwise authorized and (ii) to the extent requested in the
6 complaint and proven upon presentation of the report of sale in
7 accordance with Section 15-1508. Except as otherwise provided
8 in this Article, a judgment may be entered for any balance of
9 money that may be found due to the plaintiff, over and above
10 the proceeds of the sale or sales, and enforcement may be had
11 for the collection of such balance, the same as when the
12 judgment is solely for the payment of money. Such judgment may
13 be entered, or enforcement had, only in cases where personal
14 service has been had upon the persons personally liable for the
15 mortgage indebtedness, unless they have entered their
16 appearance in the foreclosure action.

17 (f) Satisfaction. Upon confirmation of the sale, the
18 judgment stands satisfied to the extent of the sale price less
19 expenses and costs. If the order confirming the sale includes a
20 deficiency judgment, the judgment shall become a lien in the
21 manner of any other judgment for the payment of money.

22 (g) The order confirming the sale shall include,
23 notwithstanding any previous orders awarding possession during
24 the pendency of the foreclosure, an award to the purchaser of
25 possession of the mortgaged real estate, as of the date 30 days
26 after the entry of the order, against the parties to the

1 foreclosure whose interests have been terminated. If the court
2 has determined that the property is abandoned pursuant to item
3 (4) of subsection (b) of Section 2-1603 and the parties whose
4 interests have been terminated have not appeared at the hearing
5 to confirm the sale, the purchaser shall be awarded possession
6 of the mortgaged real estate immediately.

7 An order of possession authorizing the removal of a person
8 from possession of the mortgaged real estate shall be entered
9 and enforced only against those persons personally named as
10 individuals in the complaint or the petition under subsection
11 (h) of Section 15-1701 and in the order of possession and shall
12 not be entered and enforced against any person who is only
13 generically described as an unknown owner or nonrecord claimant
14 or by another generic designation in the complaint.

15 Notwithstanding the preceding paragraph, the failure to
16 personally name, include, or seek an award of possession of the
17 mortgaged real estate against a person in the confirmation
18 order shall not abrogate any right that the purchaser may have
19 to possession of the mortgaged real estate and to maintain a
20 proceeding against that person for possession under Article 9
21 of this Code or subsection (h) of Section 15-1701; and
22 possession against a person who (1) has not been personally
23 named as a party to the foreclosure and (2) has not been
24 provided an opportunity to be heard in the foreclosure
25 proceeding may be sought only by maintaining a proceeding under
26 Article 9 of this Code or subsection (h) of Section 15-1701.

1 (Source: P.A. 95-826, eff. 8-14-08; 96-265, eff. 8-11-09;
2 96-856, eff. 3-1-10; 96-1245, eff. 7-23-10; revised 9-16-10.)

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)
25 have otherwise submitted to the jurisdiction of the court,

1 or (ii) the date 3 months from the date of entry of a
2 judgment of foreclosure.

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

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

24 (A) The court may find that the mortgaged real
25 estate is abandoned if the mortgagee proves, by a
26 preponderance of the evidence, that the mortgaged real

1 estate has been abandoned. To determine that the
2 property has been abandoned, the court must find the
3 following:

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

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

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

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

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

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

1 or is threatened with termination;

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

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

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

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

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

25 (B) Notwithstanding the provisions of this
26 subsection, if an appearance by the mortgagor or other

1 occupant is made at or before the hearing on a motion
2 brought pursuant to this subsection, the mortgaged
3 real estate shall not be deemed abandoned and the court
4 shall deny the motion to shorten the redemption period.

5 (c) Extension of Redemption Period.

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

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

1 redemption period, the redemption period shall not be
2 extended.

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

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

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

22 (e) Notice of Intent to Redeem. An owner of redemption who
23 intends to redeem shall give written notice of such intent to
24 redeem to the mortgagee's attorney of record specifying the
25 date designated for redemption and the current address of the
26 owner of redemption for purposes of receiving notice. Such

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

19 (f) Procedure for Redemption.

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

26 (2) If the mortgagee refuses to accept payment or if

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

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

22 (g) Procedure Upon Objection. If an objection is filed by
23 an owner of redemption in accordance with paragraph (2) of
24 subsection (f) of Section 15-1603, the clerk shall hold the
25 amount to which the objection pertains until the court orders
26 distribution of those funds. The court shall hold a hearing

1 promptly to determine the distribution of any funds held by the
2 clerk pursuant to such objection. Each party shall pay its own
3 costs and expenses in connection with any objection, including
4 attorneys' fees, subject to Section 2-611 of the Code of Civil
5 Procedure.

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

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."