



Rep. David R. Leitch

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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 Housing Development Act is amended
5 by changing Section 7.31 as follows:

6 (20 ILCS 3805/7.31)

7 Sec. 7.31. Abandoned Residential Property Municipality
8 Relief Program.

9 (a) The Authority shall establish and administer an
10 Abandoned Residential Property Municipality Relief Program.
11 The Authority shall use moneys in the Abandoned Residential
12 Property Municipality Relief Fund, and any other funds
13 appropriated for this purpose, to make grants to municipalities
14 to assist with removal costs and securing or enclosing costs
15 incurred by the municipality pursuant to Section 11-20-15.1 of
16 the Illinois Municipal Code, as approved by the Authority under

1 the Program. The Authority shall promulgate rules for the
2 administration, operation, and maintenance of the Program and
3 may adopt emergency rules as soon as practicable to begin
4 implementation of the Program.

5 (b) Subject to appropriation, the Authority shall make
6 grants from the Abandoned Residential Property Municipality
7 Relief Fund as follows:

8 (1) 50% ~~75%~~ of the moneys in the Fund shall be
9 distributed to municipalities, other than the City of
10 Chicago, to assist with removal costs and securing or
11 enclosing costs incurred by the municipality pursuant to
12 Section 11-20-15.1 of the Illinois Municipal Code.

13 (2) 50% ~~25%~~ of the moneys in the Fund shall be
14 distributed to the City of Chicago to assist with removal
15 costs and securing or enclosing costs incurred by the
16 municipality pursuant to Section 11-20-15.1 of the
17 Illinois Municipal Code.

18 (Source: P.A. 96-1419, eff. 10-1-10.)

19 Section 10. The Code of Civil Procedure is amended by
20 changing Sections 15-1504, 15-1504.1, 15-1507.1, 15-1508,
21 15-1603, and 15-1701 and by adding Sections 15-1200.5 and
22 15-1505.8 as follows:

23 (735 ILCS 5/15-1200.5 new)

24 Sec. 15-1200.5. Abandoned residential property. "Abandoned

1 residential property" means residential real estate with
2 respect to which the court has found the following:

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

4 (b) at least one of the following applies:

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

10 (A) construction was initiated on the property and
11 was discontinued prior to completion, leaving the
12 building unsuitable for occupancy, and no construction
13 has taken place for at least 6 months;

14 (B) the property has had more than one uncorrected
15 municipal code violation over the past year, or has
16 been unfit for occupancy and ordered to remain vacant
17 and unoccupied by the municipal authorities;

18 (C) gas, electric, or water service to the entire
19 premises has been terminated;

20 (D) windows or entrances to the premises are
21 boarded up or closed off or multiple window panes are
22 broken and unrepaired;

23 (E) doors to the premises are smashed through,
24 broken off, unhinged, or continuously unlocked;

25 (F) the police or sheriff's office received at
26 least 2 reports of trespassers on the premises or of

1 vandalism or other illegal acts being committed on the
2 premises in the past 6 months;

3 (2) two or more attempts to contact the mortgagor have
4 been made and there exist written statements of the
5 mortgagor or the mortgagor's personal representatives or
6 assigns, including documents of conveyance, which indicate
7 a clear intent to abandon the premises; or

8 (3) two or more attempts to contact the mortgagor have
9 been made and the property is a vacant lot.

10 (735 ILCS 5/15-1504) (from Ch. 110, par. 15-1504)

11 Sec. 15-1504. Pleadings and service.

12 (a) Form of Complaint. A foreclosure complaint may be in
13 substantially the following form:

14 (1) Plaintiff files this complaint to foreclose the
15 mortgage (or other conveyance in the nature of a mortgage)
16 (hereinafter called "mortgage") hereinafter described and
17 joins the following person as defendants: (here insert
18 names of all defendants).

19 (2) Attached as Exhibit "A" is a copy of the mortgage
20 and as Exhibit "B" is a copy of the note secured thereby.

21 (3) Information concerning mortgage:

22 (A) Nature of instrument: (here insert whether a
23 mortgage, trust deed or other instrument in the nature
24 of a mortgage, etc.)

25 (B) Date of mortgage:

1 (C) Name of mortgagor:

2 (D) Name of mortgagee:

3 (E) Date and place of recording:

4 (F) Identification of recording: (here insert book
5 and page number or document number)

6 (G) Interest subject to the mortgage: (here insert
7 whether fee simple, estate for years, undivided
8 interest, etc.)

9 (H) Amount of original indebtedness, including
10 subsequent advances made under the mortgage:

11 (I) Both the legal description of the mortgaged
12 real estate and the common address or other information
13 sufficient to identify it with reasonable certainty:

14 (J) Statement as to defaults, including, but not
15 necessarily limited to, date of default, current
16 unpaid principal balance, per diem interest accruing,
17 and any further information concerning the default:

18 (K) Name of present owner of the real estate:

19 (L) Names of other persons who are joined as
20 defendants and whose interest in or lien on the
21 mortgaged real estate is sought to be terminated:

22 (M) Names of defendants claimed to be personally
23 liable for deficiency, if any:

24 (N) Capacity in which plaintiff brings this
25 foreclosure (here indicate whether plaintiff is the
26 legal holder of the indebtedness, a pledgee, an agent,

1 the trustee under a trust deed or otherwise, as
2 appropriate):

3 (O) Facts in support of redemption period shorter
4 than the longer of (i) 7 months from the date the
5 mortgagor or, if more than one, all the mortgagors (I)
6 have been served with summons or by publication or (II)
7 have otherwise submitted to the jurisdiction of the
8 court, or (ii) 3 months from the entry of the judgment
9 of foreclosure, if sought (here indicate whether based
10 upon the real estate not being residential, ~~7~~
11 ~~abandonment,~~ or real estate value less than 90% of
12 amount owed, etc.):

13 (P) Statement that the right of redemption has been
14 waived by all owners of redemption, if applicable:

15 (Q) Facts in support of request for attorneys' fees
16 and of costs and expenses, if applicable:

17 (R) Facts in support of a request for appointment
18 of mortgagee in possession or for appointment of
19 receiver, and identity of such receiver, if sought:

20 (S) Offer to mortgagor in accordance with Section
21 15-1402 to accept title to the real estate in
22 satisfaction of all indebtedness and obligations
23 secured by the mortgage without judicial sale, if
24 sought:

25 (T) Name or names of defendants whose right to
26 possess the mortgaged real estate, after the

1 confirmation of a foreclosure sale, is sought to be
2 terminated and, if not elsewhere stated, the facts in
3 support thereof:

4 REQUEST FOR RELIEF

5 Plaintiff requests:

6 (i) A judgment of foreclosure and sale.

7 (ii) An order granting a shortened redemption period,
8 if sought.

9 (iii) A personal judgment for a deficiency, if sought.

10 (iv) An order granting possession, if sought.

11 (v) An order placing the mortgagee in possession or
12 appointing a receiver, if sought.

13 (vi) A judgment for attorneys' fees, costs and
14 expenses, if sought.

15 (b) Required Information. A foreclosure complaint need
16 contain only such statements and requests called for by the
17 form set forth in subsection (a) of Section 15-1504 as may be
18 appropriate for the relief sought. Such complaint may be filed
19 as a counterclaim, may be joined with other counts or may
20 include in the same count additional matters or a request for
21 any additional relief permitted by Article II of the Code of
22 Civil Procedure.

23 (c) Allegations. The statements contained in a complaint in
24 the form set forth in subsection (a) of Section 15-1504 are
25 deemed and construed to include allegations as follows:

1 (1) on the date indicated the obligor of the
2 indebtedness or other obligations secured by the mortgage
3 was justly indebted in the amount of the indicated original
4 indebtedness to the original mortgagee or payee of the
5 mortgage note;

6 (2) that the exhibits attached are true and correct
7 copies of the mortgage and note and are incorporated and
8 made a part of the complaint by express reference;

9 (3) that the mortgagor was at the date indicated an
10 owner of the interest in the real estate described in the
11 complaint and that as of that date made, executed and
12 delivered the mortgage as security for the note or other
13 obligations;

14 (4) that the mortgage was recorded in the county in
15 which the mortgaged real estate is located, on the date
16 indicated, in the book and page or as the document number
17 indicated;

18 (5) that defaults occurred as indicated;

19 (6) that at the time of the filing of the complaint the
20 persons named as present owners are the owners of the
21 indicated interests in and to the real estate described;

22 (7) that the mortgage constitutes a valid, prior and
23 paramount lien upon the indicated interest in the mortgaged
24 real estate, which lien is prior and superior to the right,
25 title, interest, claim or lien of all parties and nonrecord
26 claimants whose interests in the mortgaged real estate are

1 sought to be terminated;

2 (8) that by reason of the defaults alleged, if the
3 indebtedness has not matured by its terms, the same has
4 become due by the exercise, by the plaintiff or other
5 persons having such power, of a right or power to declare
6 immediately due and payable the whole of all indebtedness
7 secured by the mortgage;

8 (9) that any and all notices of default or election to
9 declare the indebtedness due and payable or other notices
10 required to be given have been duly and properly given;

11 (10) that any and all periods of grace or other period
12 of time allowed for the performance of the covenants or
13 conditions claimed to be breached or for the curing of any
14 breaches have expired;

15 (11) that the amounts indicated in the statement in the
16 complaint are correctly stated and if such statement
17 indicates any advances made or to be made by the plaintiff
18 or owner of the mortgage indebtedness, that such advances
19 were, in fact, made or will be required to be made, and
20 under and by virtue of the mortgage the same constitute
21 additional indebtedness secured by the mortgage; and

22 (12) that, upon confirmation of the sale, the holder of
23 the certificate of sale or deed issued pursuant to that
24 certificate or, if no certificate or deed was issued, the
25 purchaser at the sale will be entitled to full possession
26 of the mortgaged real estate against the parties named in

1 clause (T) of paragraph (3) of subsection (a) of Section
2 15-1504 or elsewhere to the same effect; the omission of
3 any party indicates that plaintiff will not seek a
4 possessory order in the order confirming sale unless the
5 request is subsequently made under subsection (h) of
6 Section 15-1701 or by separate action under Article 9 of
7 this Code.

8 (d) Request for Fees and Costs. A statement in the
9 complaint that plaintiff seeks the inclusion of attorneys' fees
10 and of costs and expenses shall be deemed and construed to
11 include allegations that:

12 (1) plaintiff has been compelled to employ and retain
13 attorneys to prepare and file the complaint and to
14 represent and advise the plaintiff in the foreclosure of
15 the mortgage and the plaintiff will thereby become liable
16 for the usual, reasonable and customary fees of the
17 attorneys in that behalf;

18 (2) that the plaintiff has been compelled to advance or
19 will be compelled to advance, various sums of money in
20 payment of costs, fees, expenses and disbursements
21 incurred in connection with the foreclosure, including,
22 without limiting the generality of the foregoing, filing
23 fees, stenographer's fees, witness fees, costs of
24 publication, costs of procuring and preparing documentary
25 evidence and costs of procuring abstracts of title, Torrens
26 certificates, foreclosure minutes and a title insurance

1 policy;

2 (3) that under the terms of the mortgage, all such
3 advances, costs, attorneys' fees and other fees, expenses
4 and disbursements are made a lien upon the mortgaged real
5 estate and the plaintiff is entitled to recover all such
6 advances, costs, attorneys' fees, expenses and
7 disbursements, together with interest on all advances at
8 the rate provided in the mortgage, or, if no rate is
9 provided therein, at the statutory judgment rate, from the
10 date on which such advances are made;

11 (4) that in order to protect the lien of the mortgage,
12 it may become necessary for plaintiff to pay taxes and
13 assessments which have been or may be levied upon the
14 mortgaged real estate;

15 (5) that in order to protect and preserve the mortgaged
16 real estate, it may also become necessary for the plaintiff
17 to pay liability (protecting mortgagor and mortgagee),
18 fire and other hazard insurance premiums on the mortgaged
19 real estate, make such repairs to the mortgaged real estate
20 as may reasonably be deemed necessary for the proper
21 preservation thereof, advance for costs to inspect the
22 mortgaged real estate or to appraise it, or both, and
23 advance for premiums for pre-existing private or
24 governmental mortgage insurance to the extent required
25 after a foreclosure is commenced in order to keep such
26 insurance in force; and

1 (6) that under the terms of the mortgage, any money so
2 paid or expended will become an additional indebtedness
3 secured by the mortgage and will bear interest from the
4 date such monies are advanced at the rate provided in the
5 mortgage, or, if no rate is provided, at the statutory
6 judgment rate.

7 (e) Request for Foreclosure. The request for foreclosure is
8 deemed and construed to mean that the plaintiff requests that:

9 (1) an accounting may be taken under the direction of
10 the court of the amounts due and owing to the plaintiff;

11 (2) that the defendants be ordered to pay to the
12 plaintiff before expiration of any redemption period (or,
13 if no redemption period, before a short date fixed by the
14 court) whatever sums may appear to be due upon the taking
15 of such account, together with attorneys' fees and costs of
16 the proceedings (to the extent provided in the mortgage or
17 by law);

18 (3) that in default of such payment in accordance with
19 the judgment, the mortgaged real estate be sold as directed
20 by the court, to satisfy the amount due to the plaintiff as
21 set forth in the judgment, together with the interest
22 thereon at the statutory judgment rate from the date of the
23 judgment;

24 (4) that in the event the plaintiff is a purchaser of
25 the mortgaged real estate at such sale, the plaintiff may
26 offset against the purchase price of such real estate the

1 amounts due under the judgment of foreclosure and order
2 confirming the sale;

3 (5) that in the event of such sale and the failure of
4 any person entitled thereto to redeem prior to such sale
5 pursuant to this Article, the defendants made parties to
6 the foreclosure in accordance with this Article, and all
7 nonrecord claimants given notice of the foreclosure in
8 accordance with this Article, and all persons claiming by,
9 through or under them, and each and any and all of them,
10 may be forever barred and foreclosed of any right, title,
11 interest, claim, lien, or right to redeem in and to the
12 mortgaged real estate; and

13 (6) that if no redemption is made prior to such sale, a
14 deed may be issued to the purchaser thereat according to
15 law and such purchaser be let into possession of the
16 mortgaged real estate in accordance with Part 17 of this
17 Article.

18 (f) Request for Deficiency Judgment. A request for a
19 personal judgment for a deficiency in a foreclosure complaint
20 if the sale of the mortgaged real estate fails to produce a
21 sufficient amount to pay the amount found due, the plaintiff
22 may have a personal judgment against any party in the
23 foreclosure indicated as being personally liable therefor and
24 the enforcement thereof be had as provided by law.

25 (g) Request for Possession or Receiver. A request for
26 possession or appointment of a receiver has the meaning as

1 stated in subsection (b) of Section 15-1706.

2 (h) Answers by Parties. Any party may assert its interest
3 by counterclaim and such counterclaim may at the option of that
4 party stand in lieu of answer to the complaint for foreclosure
5 and all counter complaints previously or thereafter filed in
6 the foreclosure. Any such counterclaim shall be deemed to
7 constitute a statement that the counter claimant does not have
8 sufficient knowledge to form a belief as to the truth or
9 falsity of the allegations of the complaint and all other
10 counterclaims, except to the extent that the counterclaim
11 admits or specifically denies such allegations.

12 (Source: P.A. 91-357, eff. 7-29-99.)

13 (735 ILCS 5/15-1504.1)

14 Sec. 15-1504.1. Filing fee for Abandoned Residential
15 Property Municipality Relief Foreclosure Prevention Program
16 Fund.

17 (a) With respect to residential real estate, at the time of
18 the filing of a foreclosure complaint, the plaintiff shall pay
19 to the clerk of the court in which the foreclosure complaint is
20 filed a fee of \$50 for deposit into the Abandoned Residential
21 Property Municipality Relief Foreclosure Prevention Program
22 Fund, a special fund created in the State treasury. The clerk
23 shall remit the fee to the State Treasurer as provided in this
24 Section to be expended for the purposes set forth in Section
25 7.31 ~~7.30~~ of the Illinois Housing Development Act.

1 (a-5) All fees paid by plaintiffs to the clerk of the court
2 as provided in this Section shall be disbursed within 60 days
3 after receipt by the clerk of the court as follows: (i) 98% to
4 the State Treasurer for deposit into the Abandoned Residential
5 Property Municipality Relief Foreclosure Prevention Counseling
6 Program Fund, and (ii) 2% to the clerk of the court for
7 administrative expenses related to implementation of this
8 Section.

9 (b) Not later than March 1 of each year, the clerk of the
10 court shall submit to the Illinois Housing Development
11 Authority a report of the funds collected and remitted pursuant
12 to this Section during the preceding year.

13 (c) Notwithstanding the provisions of subsections (a) and
14 (a-5), all fees paid to the clerk of the court as provided in
15 this Section prior to the effect of this amendatory Act of the
16 97th General Assembly shall be disbursed to the Foreclosure
17 Prevention Counseling Program Fund.

18 (Source: P.A. 96-1419, eff. 10-1-10; revised 9-16-10.)

19 (735 ILCS 5/15-1505.8 new)

20 Sec. 15-1505.8. Expedited judgment and sale procedure for
21 abandoned residential property.

22 (a) Upon motion and notice, the mortgagee may elect to
23 utilize the expedited judgment and sale procedure for abandoned
24 residential property set forth in this Section to obtain a
25 judgment of foreclosure pursuant to Section 15-1506. The motion

1 may be combined with or made part of the motion requesting a
2 judgment of foreclosure. If service upon the mortgagor was
3 obtained by publication, then notice of the motion to the
4 mortgagor shall be posted at the property address.

5 (b) The motion requesting an expedited judgment of
6 foreclosure and sale may be filed by the mortgagee at the time
7 the foreclosure complaint is filed or any time thereafter.

8 (c) Motion for an expedited judgment and sale.

9 (1) If a motion for an expedited judgment and sale is
10 filed at the time the foreclosure complaint is filed, the
11 motion shall be heard by the court no later than:

12 (A) 45 days after the date of service of the
13 summons on the mortgagor or, if more than one, no later
14 than 45 days after the date of service on the last
15 served mortgagor;

16 (B) 45 days after the date of first publication, if
17 service of process is by publication; or

18 (C) 45 days after the mortgagors have otherwise
19 submitted to the jurisdiction of the court.

20 (2) If a motion for an expedited judgment and sale is
21 filed after the foreclosure complaint is filed, the motion
22 shall be heard no later than 15 days after the motion is
23 filed, provided that at least:

24 (A) 30 days have transpired since service of the
25 summons on the mortgagor, or, if there is more than one
26 mortgagor, 30 days have transpired since service on all

1 mortgagors;

2 (B) 30 days have transpired since the date of first
3 publication, if service of process is by publication;
4 or

5 (C) 30 days have transpired since all mortgagors
6 have otherwise submitted to the jurisdiction of the
7 court.

8 (d) The hearing shall be given priority by the court and
9 shall be scheduled to be heard within the applicable time
10 period set forth in subsection (c).

11 (e) The court may find that the mortgaged real estate has
12 been abandoned if evidence is presented supporting the fact
13 that the mortgaged property is abandoned residential property.
14 The court may not find that the mortgaged real estate is
15 abandoned residential property if an appearance has been made
16 and an objection has been filed to the finding that the
17 property is abandoned residential property, or if the owner
18 provides evidence that the owner is working with, or making an
19 attempt to work with, the mortgagee to modify the mortgage.

20 (f) At the hearing on the motion requesting an expedited
21 judgment and sale, and upon a finding by the court that the
22 mortgaged real estate is abandoned residential property, the
23 court shall immediately proceed to enter a judgment of
24 foreclosure as requested in the complaint. The judgment of
25 foreclosure shall include the matters identified in Section
26 15-1506.

1 (g) The reinstatement period and redemption period for the
2 abandoned residential property shall end in accordance with
3 paragraph (4) of subsection (b) of Section 15-1603, and the
4 property shall be sold at the earliest practicable time at a
5 sale as provided in this Article.

6 (h) Mortgagee responsibility.

7 (1) A mortgagee or its agent may enter an abandoned
8 residential property that is the subject of a foreclosure
9 complaint for the purpose of maintaining or securing the
10 property, provided that entry is not barred by an automatic
11 stay issued by a bankruptcy court. A mortgagee and its
12 agents shall not be held liable for any claim of
13 negligence, civil trespass, or criminal trespass based
14 upon entering the abandoned residential property or
15 maintaining or securing the abandoned residential
16 property.

17 (2) The mortgagee shall be responsible for repairs or
18 other maintenance to the abandoned residential property if
19 it purchases the property at the foreclosure sale held
20 pursuant to Section 15-1507 and the sale is confirmed by
21 the court pursuant to Section 15-1508.

22 (i) Upon confirmation of the sale held pursuant to Section
23 15-1507, any personal property remaining in or upon the
24 abandoned residential property shall be deemed to have been
25 abandoned by the owner of such personal property and may be
26 disposed of or donated by the holder of the certificate of sale

1 or, if none, by the purchaser at the sale. In the event of
2 donation of any such personal property, the holder of the
3 certificate of sale or, if none, the purchaser at the sale may
4 transfer such donated property with a bill of sale. No
5 mortgagee or its successors or assigns, holder of a certificate
6 of sale or purchaser at the sale shall be liable for any such
7 disposal or donation of personal property.

8 (j) No mortgagee shall be held liable for seeking a
9 judicial determination of abandonment, if the mortgagee, upon
10 information and belief at the time the motion requesting an
11 expedited judgment of foreclosure and sale is filed with the
12 court, makes a good faith assertion through its affidavit that
13 evidence exists supporting the fact the mortgaged real estate
14 is abandoned residential property.

15 (735 ILCS 5/15-1507.1)

16 (Section scheduled to be repealed on March 2, 2016)

17 Sec. 15-1507.1. Judicial sale fee for Foreclosure
18 Prevention Program ~~Abandoned Residential Property Municipality~~
19 ~~Relief~~ Fund.

20 (a) Upon and at the sale of residential real estate under
21 Section 15-1507, the purchaser, other than a purchaser who is
22 purchasing for the purpose of occupying the residential real
23 estate, shall pay a fee of \$100 to the person conducting the
24 sale pursuant to Section 15-1507 a fee for deposit into the
25 Foreclosure Prevention Program ~~Abandoned Residential Property~~

1 ~~Municipality Relief~~ Fund, a special fund created in the State
2 treasury. ~~The fee shall be calculated at the rate of \$1 for~~
3 ~~each \$1,000 or fraction thereof of the amount paid by the~~
4 ~~purchaser to the person conducting the sale, as reflected in~~
5 ~~the receipt of sale issued to the purchaser, provided that in~~
6 ~~no event shall the fee exceed \$300.~~ No fee shall be paid by the
7 mortgagee acquiring the residential real estate pursuant to its
8 credit bid at the sale or by any mortgagee, judgment creditor,
9 or other lienor acquiring the residential real estate whose
10 rights in and to the residential real estate arose prior to the
11 sale. Upon confirmation of the sale under Section 15-1508, the
12 person conducting the sale shall remit the fee to the clerk of
13 the court in which the foreclosure case is pending. The clerk
14 shall remit the fee to the State Treasurer as provided in this
15 Section, to be expended for the purposes set forth in Section
16 7.30 ~~7.31~~ of the Illinois Housing Development Act.

17 (a-5) In the event that there is no purchaser at the sale
18 conducted pursuant to Section 15-1507 other than the mortgagee
19 acquiring the residential real estate pursuant to its credit
20 bid at the sale or any mortgagee, judgment creditor or other
21 lienor acquiring the residential real estate whose rights in
22 and to the residential real estate arose prior to the sale, the
23 fee required by subsection (a) shall be paid by the next
24 purchaser of the residential real estate, other than a
25 purchaser who is purchasing for the purpose of occupying the
26 residential real estate, at the time the residential real

1 estate is sold by the mortgagee, judgment creditor or lienor
2 after the sale conducted pursuant to Section 15-1507. The
3 person conducting the closing of the sale shall remit the fee
4 to the clerk of the court in which the foreclosure case was
5 pending. The clerk shall remit the fee to the State Treasurer
6 as provided in this Section, to be expended for the purposes
7 set forth in Section 7.30 of the Illinois Housing Development
8 Act.

9 (b) All fees paid by purchasers as provided in this Section
10 shall be disbursed within 60 days after receipt by the clerk of
11 the court as follows: (i) 98% to the State Treasurer for
12 deposit into the Foreclosure Prevention Program ~~Abandoned~~
13 ~~Residential Property Municipality Relief~~ Fund, and (ii) 2% to
14 the clerk of the court for administrative expenses related to
15 implementation of this Section.

16 (b-5) Notwithstanding the provisions of subsections (a),
17 (a-5), and (b), all fees paid to the clerk of the court as
18 provided in this Section prior to the effective date of this
19 amendatory Act of the 97th General Assembly shall be disbursed
20 to the Abandoned Residential Property Municipality Relief
21 Fund.

22 (c) Not later than March 1 of each year, the clerk of the
23 court shall submit to the Illinois Housing Development
24 Authority a report of the funds collected and remitted during
25 the preceding year pursuant to this Section.

26 (d) (Blank.) ~~Subsections (a) and (b) of this Section shall~~

1 ~~become inoperative on January 1, 2016. This Section is repealed~~
2 ~~on March 2, 2016.~~

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

4 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

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

6 (a) Report. The person conducting the sale shall promptly
7 make a report to the court, which report shall include a copy
8 of all receipts and, if any, certificate of sale.

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

23 (1) approve the mortgagee's fees and costs arising
24 between the entry of the judgment of foreclosure and the
25 confirmation hearing, those costs and fees to be allowable

1 to the same extent as provided in the note and mortgage and
2 in Section 15-1504;

3 (2) provide for a personal judgment against any party
4 for a deficiency; and

5 (3) determine the priority of the judgments of parties
6 who deferred proving the priority pursuant to subsection
7 (h) of Section 15-1506, but the court shall not defer
8 confirming the sale pending the determination of such
9 priority.

10 (b-3) Hearing to confirm sale of abandoned residential
11 property. Upon motion and notice, which motion shall be made
12 prior to the sale and heard by the court upon conclusion of the
13 sale, the court shall enter an order confirming the sale of the
14 abandoned residential property, unless the court finds that a
15 reason set forth in items (i) through (iv) of subsection (b) of
16 Section 15-1508 exists for not approving the sale. The
17 confirmation order also may address the matters identified in
18 items (1), (2), or (3) of subsection (b) of Section 15-1508.
19 Notwithstanding anything to the contrary in subsection (g) of
20 15-1508, the order confirming the sale of the abandoned
21 residential property shall award to the purchaser possession of
22 the property as of the date of the entry of the order
23 confirming the sale.

24 (b-5) Notice with respect to residential real estate. With
25 respect to residential real estate, the notice required under
26 subsection (b) of this Section shall be sent to the mortgagor

1 even if the mortgagor has previously been held in default. In
2 the event the mortgagor has filed an appearance, the notice
3 shall be sent to the address indicated on the appearance. In
4 all other cases, the notice shall be sent to the mortgagor at
5 the common address of the foreclosed property. The notice shall
6 be sent by first class mail. Unless the right to possession has
7 been previously terminated by the court, the notice shall
8 include the following language in 12-point boldface
9 capitalized type:

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

14 (b-10) Notice of confirmation order sent to municipality or
15 county. A copy of the confirmation order required under
16 subsection (b) shall be sent to the municipality in which the
17 foreclosed property is located, or to the county within the
18 boundary of which the foreclosed property is located if the
19 foreclosed property is located in an unincorporated territory.
20 A municipality or county must clearly publish on its website a
21 single address to which such notice shall be sent. If a
22 municipality or county does not maintain a website, then the
23 municipality or county must publicly post in its main office a
24 single address to which such notice shall be sent. In the event
25 that a municipality or county has not complied with the
26 publication requirement in this subsection (b-10), then such

1 notice to the municipality or county shall be provided pursuant
2 to Section 2-211 of the Code of Civil Procedure.

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

18 (d) Validity of Sale. Except as provided in subsection (c)
19 of Section 15-1508, no sale under this Article shall be held
20 invalid or be set aside because of any defect in the notice
21 thereof or in the publication of the same, or in the
22 proceedings of the officer conducting the sale, except upon
23 good cause shown in a hearing pursuant to subsection (b) of
24 Section 15-1508. At any time after a sale has occurred, any
25 party entitled to notice under paragraph (3) of subsection (c)
26 of Section 15-1507 may recover from the mortgagee any damages

1 caused by the mortgagee's failure to comply with such paragraph
2 (3). Any party who recovers damages in a judicial proceeding
3 brought under this subsection may also recover from the
4 mortgagee the reasonable expenses of litigation, including
5 reasonable attorney's fees.

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

23 (e) Deficiency Judgment. In any order confirming a sale
24 pursuant to the judgment of foreclosure, the court shall also
25 enter a personal judgment for deficiency against any party (i)
26 if otherwise authorized and (ii) to the extent requested in the

1 complaint and proven upon presentation of the report of sale in
2 accordance with Section 15-1508. Except as otherwise provided
3 in this Article, a judgment may be entered for any balance of
4 money that may be found due to the plaintiff, over and above
5 the proceeds of the sale or sales, and enforcement may be had
6 for the collection of such balance, the same as when the
7 judgment is solely for the payment of money. Such judgment may
8 be entered, or enforcement had, only in cases where personal
9 service has been had upon the persons personally liable for the
10 mortgage indebtedness, unless they have entered their
11 appearance in the foreclosure action.

12 (f) Satisfaction. Upon confirmation of the sale, the
13 judgment stands satisfied to the extent of the sale price less
14 expenses and costs. If the order confirming the sale includes a
15 deficiency judgment, the judgment shall become a lien in the
16 manner of any other judgment for the payment of money.

17 (g) The order confirming the sale shall include,
18 notwithstanding any previous orders awarding possession during
19 the pendency of the foreclosure, an award to the purchaser of
20 possession of the mortgaged real estate, as of the date 30 days
21 after the entry of the order, against the parties to the
22 foreclosure whose interests have been terminated.

23 An order of possession authorizing the removal of a person
24 from possession of the mortgaged real estate shall be entered
25 and enforced only against those persons personally named as
26 individuals in the complaint or the petition under subsection

1 (h) of Section 15-1701 and in the order of possession and shall
2 not be entered and enforced against any person who is only
3 generically described as an unknown owner or nonrecord claimant
4 or by another generic designation in the complaint.

5 Notwithstanding the preceding paragraph, the failure to
6 personally name, include, or seek an award of possession of the
7 mortgaged real estate against a person in the confirmation
8 order shall not abrogate any right that the purchaser may have
9 to possession of the mortgaged real estate and to maintain a
10 proceeding against that person for possession under Article 9
11 of this Code or subsection (h) of Section 15-1701; and
12 possession against a person who (1) has not been personally
13 named as a party to the foreclosure and (2) has not been
14 provided an opportunity to be heard in the foreclosure
15 proceeding may be sought only by maintaining a proceeding under
16 Article 9 of this Code or subsection (h) of Section 15-1701.

17 (Source: P.A. 95-826, eff. 8-14-08; 96-265, eff. 8-11-09;
18 96-856, eff. 3-1-10; 96-1245, eff. 7-23-10; revised 9-16-10.)

19 (735 ILCS 5/15-1603) (from Ch. 110, par. 15-1603)

20 Sec. 15-1603. Redemption.

21 (a) Owner of Redemption. Except as provided in subsection
22 (b) of Section 15-1402, only an owner of redemption may redeem
23 from the foreclosure, and such owner of redemption may redeem
24 only during the redemption period specified in subsection (b)
25 of Section 15-1603 and only if the right of redemption has not

1 been validly waived.

2 (b) Redemption Period.

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

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

19 (3) Notwithstanding paragraphs (1) and (2), the
20 redemption period shall end at the later of the expiration
21 of any reinstatement period provided for in Section 15-1602
22 or the date 60 days after the date the judgment of
23 foreclosure is entered, if the court finds that (i) the
24 value of the mortgaged real estate as of the date of the
25 judgment is less than 90% of the amount specified pursuant
26 to subsection (d) of Section 15-1603 and (ii) the mortgagee

1 waives any and all rights to a personal judgment for a
2 deficiency against the mortgagor and against all other
3 persons liable for the indebtedness or other obligations
4 secured by the mortgage.

5 (4) Notwithstanding paragraphs (1) and (2), the
6 redemption period shall end on ~~the date 30 days after~~ the
7 date the judgment of foreclosure is entered if the court
8 finds that the mortgaged real estate is abandoned
9 residential property ~~has been abandoned~~. In cases where the
10 redemption period is shortened on account of abandonment,
11 the reinstatement period shall not extend beyond the date
12 the judgment is entered ~~redemption period as shortened~~.

13 (c) Extension of Redemption Period.

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

25 (2) If a court has the authority to stay, and does
26 stay, the running of the redemption period, or if the

1 redemption period is extended by any statute of the United
2 States, the redemption period shall be extended until the
3 expiration of the same number of days after the expiration
4 of the stay order as the number of days remaining in the
5 redemption period at the time the stay order became
6 effective, or, if later, until the expiration of 30 days
7 after the stay order terminates. If the stay order
8 terminates more than 30 days prior to the expiration of the
9 redemption period, the redemption period shall not be
10 extended.

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

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

25 (2) The amount of other expenses authorized by the
26 court which the mortgagee reasonably incurs between the

1 date of judgment and the date of redemption, which shall be
2 the amount certified by the mortgagee in accordance with
3 subsection (e) of Section 15-1603.

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

1 (f) Procedure for Redemption.

2 (1) An owner of redemption may redeem the real estate
3 from the foreclosure by paying the amount specified in
4 subsection (d) of Section 15-1603 to the mortgagee or the
5 mortgagee's attorney of record on or before the date
6 designated for redemption pursuant to subsection (e) of
7 Section 15-1603.

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

20 (3) Upon payment to the clerk, whether or not the owner
21 of redemption files an objection at the time of payment,
22 the clerk shall give a receipt of payment to the person
23 redeeming from the foreclosure, and shall file a copy of
24 that receipt in the foreclosure record. Upon receipt of the
25 amounts specified to be paid to the mortgagee pursuant to
26 this Section, the mortgagee shall promptly furnish the

1 mortgagor with a release of the mortgage or satisfaction of
2 the judgment, as appropriate, and the evidence of all
3 indebtedness secured by the mortgage shall be cancelled.

4 (g) Procedure Upon Objection. If an objection is filed by
5 an owner of redemption in accordance with paragraph (2) of
6 subsection (f) of Section 15-1603, the clerk shall hold the
7 amount to which the objection pertains until the court orders
8 distribution of those funds. The court shall hold a hearing
9 promptly to determine the distribution of any funds held by the
10 clerk pursuant to such objection. Each party shall pay its own
11 costs and expenses in connection with any objection, including
12 attorneys' fees, subject to Section 2-611 of the Code of Civil
13 Procedure.

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

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

18 (735 ILCS 5/15-1701) (from Ch. 110, par. 15-1701)

19 Sec. 15-1701. Right to possession.

20 (a) General. The provisions of this Article shall govern
21 the right to possession of the mortgaged real estate during
22 foreclosure. Possession under this Article includes physical
23 possession of the mortgaged real estate to the same extent to
24 which the mortgagor, absent the foreclosure, would have been
25 entitled to physical possession. For the purposes of Part 17,

1 real estate is residential real estate only if it is
2 residential real estate at the time the foreclosure is
3 commenced.

4 (a-5) Abandoned residential property. Notwithstanding
5 anything to the contrary in this Section, the holder of the
6 certificate of sale or deed issued pursuant to that certificate
7 or, if no certificate or deed was issued, the purchaser, of
8 abandoned residential property shall be entitled to possession
9 of the property as of the date the order confirming the sale of
10 the abandoned residential property is entered.

11 (b) Pre-Judgment. Prior to the entry of a judgment of
12 foreclosure:

13 (1) In the case of residential real estate, the
14 mortgagor shall be entitled to possession of the real
15 estate except if (i) the mortgagee shall object and show
16 good cause, (ii) the mortgagee is so authorized by the
17 terms of the mortgage or other written instrument, and
18 (iii) the court is satisfied that there is a reasonable
19 probability that the mortgagee will prevail on a final
20 hearing of the cause, the court shall upon request place
21 the mortgagee in possession. If the residential real estate
22 consists of more than one dwelling unit, then for the
23 purpose of this Part residential real estate shall mean
24 only that dwelling unit or units occupied by persons
25 described in clauses (i), (ii) and (iii) of Section
26 15-1219.

1 (2) In all other cases, if (i) the mortgagee is so
2 authorized by the terms of the mortgage or other written
3 instrument, and (ii) the court is satisfied that there is a
4 reasonable probability that the mortgagee will prevail on a
5 final hearing of the cause, the mortgagee shall upon
6 request be placed in possession of the real estate, except
7 that if the mortgagor shall object and show good cause, the
8 court shall allow the mortgagor to remain in possession.

9 (c) Judgment Through 30 Days After Sale Confirmation. After
10 the entry of a judgment of foreclosure and through the 30th day
11 after a foreclosure sale is confirmed:

12 (1) Subsection (b) of Section 15-1701 shall be
13 applicable, regardless of the provisions of the mortgage or
14 other instrument, except that after a sale pursuant to the
15 judgment the holder of the certificate of sale (or, if
16 none, the purchaser at the sale) shall have the mortgagee's
17 right to be placed in possession, with all rights and
18 duties of a mortgagee in possession under this Article.

19 (2) Notwithstanding paragraph (1) of subsection (b)
20 and paragraph (1) of subsection (c) of Section 15-1701,
21 upon request of the mortgagee, a mortgagor of residential
22 real estate shall not be allowed to remain in possession
23 between the expiration of the redemption period and through
24 the 30th day after sale confirmation unless (i) the
25 mortgagor pays to the mortgagee or such holder or
26 purchaser, whichever is applicable, monthly the lesser of

1 the interest due under the mortgage calculated at the
2 mortgage rate of interest applicable as if no default had
3 occurred or the fair rental value of the real estate, or
4 (ii) the mortgagor otherwise shows good cause. Any amounts
5 paid by the mortgagor pursuant to this subsection shall be
6 credited against the amounts due from the mortgagor.

7 (d) After 30 Days After Sale Confirmation. The holder of
8 the certificate of sale or deed issued pursuant to that
9 certificate or, if no certificate or deed was issued, the
10 purchaser, except to the extent the holder or purchaser may
11 consent otherwise, shall be entitled to possession of the
12 mortgaged real estate, as of the date 30 days after the order
13 confirming the sale is entered, against those parties to the
14 foreclosure whose interests the court has ordered terminated,
15 without further notice to any party, further order of the
16 court, or resort to proceedings under any other statute other
17 than this Article. This right to possession shall be limited by
18 the provisions governing entering and enforcing orders of
19 possession under subsection (g) of Section 15-1508. If the
20 holder or purchaser determines that there are occupants of the
21 mortgaged real estate who have not been made parties to the
22 foreclosure and had their interests terminated therein, the
23 holder or purchaser may bring a proceeding under subsection (h)
24 of this Section or under Article 9 of this Code to terminate
25 the rights of possession of any such occupants. The holder or
26 purchaser shall not be entitled to proceed against any such

1 occupant under Article 9 of this Code until after 30 days after
2 the order confirming the sale is entered.

3 (e) Termination of Leases. A lease of all or any part of
4 the mortgaged real estate shall not be terminated automatically
5 solely by virtue of the entry into possession by (i) a
6 mortgagee or receiver prior to the entry of an order confirming
7 the sale, (ii) the holder of the certificate of sale, (iii) the
8 holder of the deed issued pursuant to that certificate, or (iv)
9 if no certificate or deed was issued, the purchaser at the
10 sale.

11 (f) Other Statutes; Instruments. The provisions of this
12 Article providing for possession of mortgaged real estate shall
13 supersede any other inconsistent statutory provisions. In
14 particular, and without limitation, whenever a receiver is
15 sought to be appointed in any action in which a foreclosure is
16 also pending, a receiver shall be appointed only in accordance
17 with this Article. Except as may be authorized by this Article,
18 no mortgage or other instrument may modify or supersede the
19 provisions of this Article.

20 (g) Certain Leases. Leases of the mortgaged real estate
21 entered into by a mortgagee in possession or a receiver and
22 approved by the court in a foreclosure shall be binding on all
23 parties, including the mortgagor after redemption, the
24 purchaser at a sale pursuant to a judgment of foreclosure and
25 any person acquiring an interest in the mortgaged real estate
26 after entry of a judgment of foreclosure in accordance with

1 Sections 15-1402 and 15-1403.

2 (h) Proceedings Against Certain Occupants.

3 (1) The mortgagee-in-possession of the mortgaged real
4 estate under Section 15-1703, a receiver appointed under
5 Section 15-1704, a holder of the certificate of sale or
6 deed, or the purchaser may, at any time during the pendency
7 of the foreclosure and up to 90 days after the date of the
8 order confirming the sale, file a supplemental petition for
9 possession against a person not personally named as a party
10 to the foreclosure. The supplemental petition for
11 possession shall name each such occupant against whom
12 possession is sought and state the facts upon which the
13 claim for relief is premised.

14 (2) The petitioner shall serve upon each named occupant
15 the petition, a notice of hearing on the petition, and, if
16 any, a copy of the certificate of sale or deed. The
17 proceeding for the termination of such occupant's
18 possessory interest, including service of the notice of the
19 hearing and the petition, shall in all respects comport
20 with the requirements of Article 9 of this Code, except as
21 otherwise specified in this Section. The hearing shall be
22 no less than 21 days from the date of service of the
23 notice.

24 (3) The supplemental petition shall be heard as part of
25 the foreclosure proceeding and without the payment of
26 additional filing fees. An order for possession obtained

1 under this Section shall name each occupant whose interest
2 has been terminated, shall recite that it is only effective
3 as to the occupant so named and those holding under them,
4 and shall be enforceable for no more than 120 days after
5 its entry, except that the 120-day period may be extended
6 to the extent and in the manner provided in Section 9-117
7 of Article 9 and except as provided in item (4) of this
8 subsection (h).

9 (4) In a case of foreclosure where the occupant is
10 current on his or her rent, or where timely written notice
11 of to whom and where the rent is to be paid has not been
12 provided to the occupant, or where the occupant has made
13 good-faith efforts to make rental payments in order to keep
14 current, any order of possession must allow the occupant to
15 retain possession of the property covered in his or her
16 rental agreement (i) for 120 days following the notice of
17 the hearing on the supplemental petition that has been
18 properly served upon the occupant, or (ii) through the
19 duration of his or her lease, whichever is shorter,
20 provided that if the duration of his or her lease is less
21 than 30 days from the date of the order, the order shall
22 allow the occupant to retain possession for 30 days from
23 the date of the order. A mortgagee in possession, receiver,
24 holder of a certificate of sale or deed, or purchaser at
25 the judicial sale, who asserts that the occupant is not
26 current in rent, shall file an affidavit to that effect in

1 the supplemental petition proceeding. If the occupant has
2 been given timely written notice of to whom and where the
3 rent is to be paid, this item (4) shall only apply if the
4 occupant continues to pay his or her rent in full during
5 the 120-day period or has made good-faith efforts to pay
6 the rent in full during that period. No
7 mortgagee-in-possession, receiver or holder of a
8 certificate of sale or deed, or purchaser who fails to file
9 a supplemental petition under this subsection during the
10 pendency of a mortgage foreclosure shall file a forcible
11 entry and detainer action against an occupant of the
12 mortgaged real estate until 90 days after a notice of
13 intent to file such action has been properly served upon
14 the occupant.

15 (5) The court records relating to a supplemental
16 petition for possession filed under this subsection (h)
17 against an occupant who is entitled to notice under item
18 (4) of this subsection (h), or relating to a forcible entry
19 and detainer action brought against an occupant who would
20 have lawful possession of the premises but for the
21 foreclosure of a mortgage on the property, shall be ordered
22 sealed and shall not be disclosed to any person, other than
23 a law enforcement officer or any other representative of a
24 governmental entity, except upon further order of the
25 court.

26 (Source: P.A. 95-262, eff. 1-1-08; 95-933, eff. 8-26-08; 96-60,

1 eff. 7-23-09; 96-111, eff. 10-29-09; 96-1000, eff. 7-2-10.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".