



Rep. Karen A. Yarbrough

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09700SB1853ham002

LRB097 07978 AJ0 70211 a

1 AMENDMENT TO SENATE BILL 1853

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1853, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Housing Development Act is amended  
6 by changing Sections 7.30 and 7.31 as follows:

7 (20 ILCS 3805/7.30)

8 Sec. 7.30. Foreclosure Prevention Program.

9 (a) The Authority shall establish and administer a  
10 Foreclosure Prevention Program. The Authority shall use moneys  
11 in the Foreclosure Prevention Program Fund, and any other funds  
12 appropriated for this purpose, to make grants to (i) approved  
13 counseling agencies for approved housing counseling and (ii)  
14 approved community-based organizations for approved  
15 foreclosure prevention outreach programs. The Authority shall  
16 promulgate rules to implement this Program and may adopt

1 emergency rules as soon as practicable to begin implementation  
2 of the Program.

3 (b) Subject to appropriation, and except as specified in  
4 Section 15-1504.1 of the Code of Civil Procedure, the Authority  
5 shall make grants from the Foreclosure Prevention Program Fund  
6 as follows:

7 (1) 25% of the moneys in the Fund shall be used to make  
8 grants to approved counseling agencies that provide  
9 services in Illinois outside of the City of Chicago. Grants  
10 shall be based upon the number of foreclosures filed in an  
11 approved counseling agency's service area, the capacity of  
12 the agency to provide foreclosure counseling services, and  
13 any other factors that the Authority deems appropriate.

14 (2) 25% of the moneys in the Fund shall be distributed  
15 to the City of Chicago to make grants to approved  
16 counseling agencies located within the City of Chicago for  
17 approved housing counseling or to support foreclosure  
18 prevention counseling programs administered by the City of  
19 Chicago.

20 (3) 25% of the moneys in the Fund shall be used to make  
21 grants to approved community-based organizations located  
22 outside of the City of Chicago for approved foreclosure  
23 prevention outreach programs.

24 (4) 25% of the moneys in the Fund shall be used to make  
25 grants to approved community-based organizations located  
26 within the City of Chicago for approved foreclosure

1 prevention outreach programs, with priority given to  
2 programs that provide door-to-door outreach.

3 As used in this Section:

4 "Approved community-based organization" means a  
5 not-for-profit entity that provides educational and financial  
6 information to residents of a community through in-person  
7 contact. "Approved community-based organization" does not  
8 include a not-for-profit corporation or other entity or person  
9 that provides legal representation or advice in a civil  
10 proceeding or court-sponsored mediation services, or a  
11 governmental agency.

12 "Approved foreclosure prevention outreach program" means a  
13 program developed by an approved community-based organization  
14 that includes in-person contact with residents to provide (i)  
15 pre-purchase and post-purchase home ownership counseling, (ii)  
16 education about the foreclosure process and the options of a  
17 mortgagor in a foreclosure proceeding, and (iii) programs  
18 developed by an approved community-based organization in  
19 conjunction with a State or federally chartered financial  
20 institution.

21 "Approved counseling agency" means a housing counseling  
22 agency approved by the U.S. Department of Housing and Urban  
23 Development.

24 "Approved housing counseling" means in-person counseling  
25 provided by a counselor employed by an approved counseling  
26 agency to all borrowers, or documented telephone counseling

1 where a hardship would be imposed on one or more borrowers. A  
2 hardship shall exist in instances in which the borrower is  
3 confined to his or her home due to a medical condition, as  
4 verified in writing by a physician, or the borrower resides 50  
5 miles or more from the nearest approved counseling agency. In  
6 instances of telephone counseling, the borrower must supply all  
7 necessary documents to the counselor at least 72 hours prior to  
8 the scheduled telephone counseling session.

9 (c) (Blank). ~~As used in this Section, "approved counseling~~  
10 ~~agencies" and "approved housing counseling" have the meanings~~  
11 ~~ascribed to those terms in Section 15-1502.5 of the Code of~~  
12 ~~Civil Procedure.~~

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

14 (20 ILCS 3805/7.31)

15 Sec. 7.31. Abandoned Residential Property Municipality  
16 Relief Program.

17 (a) The Authority shall establish and administer an  
18 Abandoned Residential Property Municipality Relief Program.  
19 The Authority shall use moneys in the Abandoned Residential  
20 Property Municipality Relief Fund, and any other funds  
21 appropriated for this purpose, to make grants to municipalities  
22 and to counties to assist with ~~removal costs and securing or~~  
23 ~~enclosing~~ costs incurred by the municipality or county for:  
24 cutting of neglected weeds or grass, trimming of trees or  
25 bushes, and removal of nuisance bushes or trees; extermination

1 of pests or prevention of the ingress of pests; removal of  
2 garbage, debris, and graffiti; boarding up, closing off, or  
3 locking windows or entrances or otherwise making the interior  
4 of a building inaccessible to the general public; surrounding  
5 part or all of a vacant property with a fence or wall or  
6 otherwise making part or all of the property's underlying  
7 parcel inaccessible to the general public; demolition of vacant  
8 property; and repair or rehabilitation of vacant property  
9 ~~pursuant to Section 11-20-15.1 of the Illinois Municipal Code,~~  
10 as approved by the Authority under the Program. For purposes of  
11 this subsection (a), "pests" has the meaning ascribed to that  
12 term in subsection (c) of Section 11-20-8 of the Illinois  
13 Municipal Code. The Authority shall promulgate rules for the  
14 administration, operation, and maintenance of the Program and  
15 may adopt emergency rules as soon as practicable to begin  
16 implementation of the Program.

17 (b) Subject to appropriation, the Authority shall make  
18 grants from the Abandoned Residential Property Municipality  
19 Relief Fund as follows:

20 (1) 75% of the moneys in the Fund shall be used to make  
21 grants to ~~distributed to~~ municipalities, other than the  
22 City of Chicago, and to counties ~~to assist with removal~~  
23 ~~costs and securing or enclosing costs incurred by the~~  
24 ~~municipality pursuant to Section 11-20-15.1 of the~~  
25 ~~Illinois Municipal Code.~~

26 (2) 25% of the moneys in the Fund shall be used

1 ~~distributed to make grants to the City of Chicago ~~to assist~~~~  
2 ~~with removal costs and securing or enclosing costs incurred~~  
3 ~~by the municipality pursuant to Section 11-20-15.1 of the~~  
4 ~~Illinois Municipal Code.~~

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

6 Section 10. The Criminal Code of 1961 is amended by  
7 changing Section 21-3 as follows:

8 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

9 Sec. 21-3. Criminal trespass to real property.

10 (a) Except as provided in subsection (a-5), whoever:

11 (1) knowingly and without lawful authority enters or  
12 remains within or on a building; or

13 (2) enters upon the land of another, after receiving,  
14 prior to such entry, notice from the owner or occupant that  
15 such entry is forbidden; or

16 (3) remains upon the land of another, after receiving  
17 notice from the owner or occupant to depart; or

18 (3.5) presents false documents or falsely represents  
19 his or her identity orally to the owner or occupant of a  
20 building or land in order to obtain permission from the  
21 owner or occupant to enter or remain in the building or on  
22 the land; or

23 (4) intentionally removes a notice posted on  
24 residential real estate as required by subsection (1) of

1           Section 15-1505.8 of Article XV of the Code of Civil  
2           Procedure before the date and time set forth in the notice;  
3 commits a Class B misdemeanor.

4           For purposes of item (1) of this subsection, this Section  
5 shall not apply to being in a building which is open to the  
6 public while the building is open to the public during its  
7 normal hours of operation; nor shall this Section apply to a  
8 person who enters a public building under the reasonable belief  
9 that the building is still open to the public.

10           (a-5) Except as otherwise provided in this subsection,  
11 whoever enters upon any of the following areas in or on a motor  
12 vehicle (including an off-road vehicle, motorcycle, moped, or  
13 any other powered two-wheel vehicle) after receiving, prior to  
14 that entry, notice from the owner or occupant that the entry is  
15 forbidden or remains upon or in the area after receiving notice  
16 from the owner or occupant to depart commits a Class A  
17 misdemeanor:

18           (1) A field that is used for growing crops or that is  
19 capable of being used for growing crops.

20           (2) An enclosed area containing livestock.

21           (3) An orchard.

22           (4) A barn or other agricultural building containing  
23 livestock.

24           (b) A person has received notice from the owner or occupant  
25 within the meaning of Subsection (a) if he has been notified  
26 personally, either orally or in writing including a valid court

1 order as defined by subsection (7) of Section 112A-3 of the  
2 Code of Criminal Procedure of 1963 granting remedy (2) of  
3 subsection (b) of Section 112A-14 of that Code, or if a printed  
4 or written notice forbidding such entry has been conspicuously  
5 posted or exhibited at the main entrance to such land or the  
6 forbidden part thereof.

7 (b-5) Subject to the provisions of subsection (b-10), as an  
8 alternative to the posting of real property as set forth in  
9 subsection (b), the owner or lessee of any real property may  
10 post the property by placing identifying purple marks on trees  
11 or posts around the area to be posted. Each purple mark shall  
12 be:

13 (1) A vertical line of at least 8 inches in length and  
14 the bottom of the mark shall be no less than 3 feet nor  
15 more than 5 feet high. Such marks shall be placed no more  
16 than 100 feet apart and shall be readily visible to any  
17 person approaching the property; or

18 (2) A post capped or otherwise marked on at least its  
19 top 2 inches. The bottom of the cap or mark shall be not  
20 less than 3 feet but not more than 5 feet 6 inches high.  
21 Posts so marked shall be placed not more than 36 feet apart  
22 and shall be readily visible to any person approaching the  
23 property. Prior to applying a cap or mark which is visible  
24 from both sides of a fence shared by different property  
25 owners or lessees, all such owners or lessees shall concur  
26 in the decision to post their own property.



1           Nothing in this subsection (b-5) shall be construed to  
2 authorize the owner or lessee of any real property to place any  
3 purple marks on any tree or post or to install any post or  
4 fence if doing so would violate any applicable law, rule,  
5 ordinance, order, covenant, bylaw, declaration, regulation,  
6 restriction, contract, or instrument.

7           (b-10) Any owner or lessee who marks his or her real  
8 property using the method described in subsection (b-5) must  
9 also provide notice as described in subsection (b) of this  
10 Section. The public of this State shall be informed of the  
11 provisions of subsection (b-5) of this Section by the Illinois  
12 Department of Agriculture and the Illinois Department of  
13 Natural Resources. These Departments shall conduct an  
14 information campaign for the general public concerning the  
15 interpretation and implementation of subsection (b-5). The  
16 information shall inform the public about the marking  
17 requirements and the applicability of subsection (b-5)  
18 including information regarding the size requirements of the  
19 markings as well as the manner in which the markings shall be  
20 displayed. The Departments shall also include information  
21 regarding the requirement that, until the date this subsection  
22 becomes inoperative, any owner or lessee who chooses to mark  
23 his or her property using paint, must also comply with one of  
24 the notice requirements listed in subsection (b). The  
25 Departments may prepare a brochure or may disseminate the  
26 information through agency websites. Non-governmental

1 organizations including, but not limited to, the Illinois  
2 Forestry Association, Illinois Tree Farm and the Walnut Council  
3 may help to disseminate the information regarding the  
4 requirements and applicability of subsection (b-5) based on  
5 materials provided by the Departments. This subsection (b-10)  
6 is inoperative on and after January 1, 2013.

7 (b-15) Subsections (b-5) and (b-10) do not apply to real  
8 property located in a municipality of over 2,000,000  
9 inhabitants.

10 (c) This Section does not apply to any person, whether a  
11 migrant worker or otherwise, living on the land with permission  
12 of the owner or of his agent having apparent authority to hire  
13 workers on such land and assign them living quarters or a place  
14 of accommodations for living thereon, nor to anyone living on  
15 such land at the request of, or by occupancy, leasing or other  
16 agreement or arrangement with the owner or his agent, nor to  
17 anyone invited by such migrant worker or other person so living  
18 on such land to visit him at the place he is so living upon the  
19 land.

20 (d) A person shall be exempt from prosecution under this  
21 Section if he beautifies unoccupied and abandoned residential  
22 and industrial properties located within any municipality. For  
23 the purpose of this subsection, "unoccupied and abandoned  
24 residential and industrial property" means any real estate (1)  
25 in which the taxes have not been paid for a period of at least 2  
26 years; and (2) which has been left unoccupied and abandoned for

1 a period of at least one year; and "beautifies" means to  
2 landscape, clean up litter, or to repair dilapidated conditions  
3 on or to board up windows and doors.

4 (e) No person shall be liable in any civil action for money  
5 damages to the owner of unoccupied and abandoned residential  
6 and industrial property which that person beautifies pursuant  
7 to subsection (d) of this Section.

8 (e-5) (i) A mortgagee or agent of the mortgagee shall be  
9 exempt from prosecution for criminal trespass for entering,  
10 securing, or maintaining an abandoned residential property.

11 (ii) No mortgagee or agent of the mortgagee shall be liable  
12 to the mortgagor or other owner of an abandoned residential  
13 property in any civil action for negligence or civil trespass  
14 in connection with entering, securing, or maintaining the  
15 abandoned residential property.

16 (iii) For the purpose of this subsection (e-5) only,  
17 "abandoned residential property" means mortgaged real estate  
18 that the mortgagee or agent of the mortgagee determines in good  
19 faith meets the definition of abandoned residential property  
20 set forth in Section 15-1200.5 of Article XV of the Code of  
21 Civil Procedure.

22 (f) This Section does not prohibit a person from entering a  
23 building or upon the land of another for emergency purposes.  
24 For purposes of this subsection (f), "emergency" means a  
25 condition or circumstance in which an individual is or is  
26 reasonably believed by the person to be in imminent danger of

1 serious bodily harm or in which property is or is reasonably  
2 believed to be in imminent danger of damage or destruction.

3 (g) Paragraph (3.5) of subsection (a) does not apply to a  
4 peace officer or other official of a unit of government who  
5 enters a building or land in the performance of his or her  
6 official duties.

7 (h) A person may be liable in any civil action for money  
8 damages to the owner of the land he or she entered upon with a  
9 motor vehicle as prohibited under subsection (a-5) of this  
10 Section. A person may also be liable to the owner for court  
11 costs and reasonable attorney's fees. The measure of damages  
12 shall be: (i) the actual damages, but not less than \$250, if  
13 the vehicle is operated in a nature preserve or registered area  
14 as defined in Sections 3.11 and 3.14 of the Illinois Natural  
15 Areas Preservation Act; (ii) twice the actual damages if the  
16 owner has previously notified the person to cease trespassing;  
17 or (iii) in any other case, the actual damages, but not less  
18 than \$50. If the person operating the vehicle is under the age  
19 of 16, the owner of the vehicle and the parent or legal  
20 guardian of the minor are jointly and severally liable. For the  
21 purposes of this subsection (h):

22 "Land" includes, but is not limited to, land used for  
23 crop land, fallow land, orchard, pasture, feed lot, timber  
24 land, prairie land, mine spoil nature preserves and  
25 registered areas. "Land" does not include driveways or  
26 private roadways upon which the owner allows the public to

1 drive.

2 "Owner" means the person who has the right to  
3 possession of the land, including the owner, operator or  
4 tenant.

5 "Vehicle" has the same meaning as provided under  
6 Section 1-217 of the Illinois Vehicle Code.

7 (i) This Section does not apply to the following persons  
8 while serving process:

9 (1) a person authorized to serve process under Section  
10 2-202 of the Code of Civil Procedure; or

11 (2) a special process server appointed by the circuit  
12 court.

13 (Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11;  
14 revised 9-14-11.)

15 Section 15. The Code of Civil Procedure is amended by  
16 changing Sections 15-1219, 15-1503, 15-1504, 15-1504.1,  
17 15-1507.1, and 15-1508 and by adding Sections 15-1200.5,  
18 15-1200.7, and 15-1505.8 as follows:

19 (735 ILCS 5/15-1200.5 new)

20 Sec. 15-1200.5. Abandoned residential property. "Abandoned  
21 residential property" means residential real estate that:

22 (a) either:

23 (1) is not occupied by any mortgagor or lawful occupant  
24 as a principal residence; or

1           (2) contains an incomplete structure if the real estate  
2           is zoned for residential development, where the structure  
3           is empty or otherwise uninhabited and is in need of  
4           maintenance, repair, or securing; and

5           (b) with respect to which either:

6           (1) two or more of the following conditions are shown  
7           to exist:

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

12           (B) multiple windows on the property are boarded up  
13           or closed off or are smashed through, broken off, or  
14           unhinged, or multiple window panes are broken and  
15           unrepaired;

16           (C) doors on the property are smashed through,  
17           broken off, unhinged, or continuously unlocked;

18           (D) the property has been stripped of copper or  
19           other materials, or interior fixtures to the property  
20           have been removed;

21           (E) gas, electrical, or water services to the  
22           entire property have been terminated;

23           (F) there exist one or more written statements of  
24           the mortgagor or the mortgagor's personal  
25           representative or assigns, including documents of  
26           conveyance, which indicate a clear intent to abandon

1           the property;

2           (G) law enforcement officials have received at  
3           least one report of trespassing or vandalism or other  
4           illegal acts being committed at the property in the  
5           last 6 months;

6           (H) the property has been declared unfit for  
7           occupancy and ordered to remain vacant and unoccupied  
8           under an order issued by a municipal or county  
9           authority or a court of competent jurisdiction;

10           (I) the local police, fire, or code enforcement  
11           authority has requested the owner or other interested  
12           or authorized party to secure or winterize the property  
13           due to the local authority declaring the property to be  
14           an imminent danger to the health, safety, and welfare  
15           of the public;

16           (J) the property is open and unprotected and in  
17           reasonable danger of significant damage due to  
18           exposure to the elements, vandalism, or freezing; or

19           (K) there exists other evidence indicating a clear  
20           intent to abandon the property; or

21           (2) the real estate is zoned for residential  
22           development and is a vacant lot that is in need of  
23           maintenance, repair, or securing.

24           (735 ILCS 5/15-1200.7 new)

25           Sec. 15-1200.7. Abandoned residential property;

1 exceptions. A property shall not be considered abandoned  
2 residential property if: (i) there is an unoccupied building  
3 which is undergoing construction, renovation, or  
4 rehabilitation that is proceeding diligently to completion,  
5 and the building is in substantial compliance with all  
6 applicable ordinances, codes, regulations, and laws; (ii)  
7 there is a building occupied on a seasonal basis, but otherwise  
8 secure; (iii) there is a secure building on which there are  
9 bona fide rental or sale signs; (iv) there is a building that  
10 is secure, but is the subject of a probate action, action to  
11 quiet title, or other ownership dispute; or (v) there is a  
12 building that is otherwise secure and in substantial compliance  
13 with all applicable ordinances, codes, regulations, and laws.

14 (735 ILCS 5/15-1219) (from Ch. 110, par. 15-1219)

15 Sec. 15-1219. Residential Real Estate. "Residential real  
16 estate" means any real estate, except a single tract of  
17 agricultural real estate consisting of more than 40 acres,  
18 which is improved with a single family residence or residential  
19 condominium units or a multiple dwelling structure containing  
20 single family dwelling units for six or fewer families living  
21 independently of each other, which residence, or at least one  
22 of which condominium or dwelling units, is occupied as a  
23 principal residence either (i) if a mortgagor is an individual,  
24 by that mortgagor, that mortgagor's spouse or that mortgagor's  
25 descendants, or (ii) if a mortgagor is a trustee of a trust or



1 an executor or administrator of an estate, by a beneficiary of  
2 that trust or estate or by such beneficiary's spouse or  
3 descendants or (iii) if a mortgagor is a corporation, by  
4 persons owning collectively at least 50 percent of the shares  
5 of voting stock of such corporation or by a spouse or  
6 descendants of such persons. The use of a portion of  
7 residential real estate for non-residential purposes shall not  
8 affect the characterization of such real estate as residential  
9 real estate. For purposes of the definition of the term  
10 "abandoned residential property" in Section 15-1200.5 of this  
11 Article, "abandoned residential property" shall not include  
12 the requirement that the real estate be occupied, or if zoned  
13 for residential development, improved with a dwelling  
14 structure.

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

16 (735 ILCS 5/15-1503) (from Ch. 110, par. 15-1503)

17 Sec. 15-1503. Notice of Foreclosure.

18 (a) A notice of foreclosure, whether the foreclosure is  
19 initiated by complaint or counterclaim, made in accordance with  
20 this Section and recorded in the county in which the mortgaged  
21 real estate is located shall be constructive notice of the  
22 pendency of the foreclosure to every person claiming an  
23 interest in or lien on the mortgaged real estate, whose  
24 interest or lien has not been recorded prior to the recording  
25 of such notice of foreclosure. Such notice of foreclosure must

1 be executed by any party or any party's attorney and shall  
2 include (i) the names of all plaintiffs and the case number,  
3 (ii) the court in which the action was brought, (iii) the names  
4 of title holders of record, (iv) a legal description of the  
5 real estate sufficient to identify it with reasonable  
6 certainty, (v) a common address or description of the location  
7 of the real estate and (vi) identification of the mortgage  
8 sought to be foreclosed. An incorrect common address or  
9 description of the location, or an immaterial error in the  
10 identification of a plaintiff or title holder of record, shall  
11 not invalidate the lis pendens effect of the notice under this  
12 Section. A notice which complies with this Section shall be  
13 deemed to comply with Section 2-1901 of the Code of Civil  
14 Procedure and shall have the same effect as a notice filed  
15 pursuant to that Section; however, a notice which complies with  
16 Section 2-1901 shall not be constructive notice unless it also  
17 complies with the requirements of this Section.

18 (b) With respect to residential real estate, a copy of the  
19 notice of foreclosure described in subsection (a) of Section  
20 15-1503 shall be sent by first class mail, postage prepaid, to  
21 the municipality within the boundary of which the mortgaged  
22 real estate is located, or to the county within the boundary of  
23 which the mortgaged real estate is located if the mortgaged  
24 real estate is located in an unincorporated territory. A  
25 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), then the copy  
6 of the ~~such~~ notice to the municipality or county shall be sent  
7 by first class mail, postage prepaid, to the chairperson of the  
8 county board or county clerk in the case of a county, to the  
9 mayor or city clerk in the case of a city, to the president of  
10 the board of trustees or village clerk in the case of a  
11 village, or to the president or town clerk in the case of a  
12 town ~~provided pursuant to Section 2-211 of the Code of Civil~~  
13 Procedure. Additionally, if the real estate is located in a  
14 city with a population of more than 2,000,000, regardless of  
15 whether that city has complied with the publication requirement  
16 in this subsection (b), the party must, within 10 days after  
17 filing the complaint or counterclaim: (i) send by first class  
18 mail, postage prepaid, a copy of the notice of foreclosure to  
19 the alderman for the ward in which the real estate is located  
20 and (ii) file an affidavit with the court attesting to the fact  
21 that the notice was sent to the alderman for the ward in which  
22 the real estate is located. The failure to send a copy of the  
23 notice to the alderman or to file an affidavit as required  
24 results in the dismissal without prejudice of the complaint or  
25 counterclaim on a motion of a party or the court. If, after the  
26 complaint or counterclaim has been dismissed without

1 prejudice, the party refiles the complaint or counterclaim,  
2 then the party must again comply with the requirements that the  
3 party send by first class mail, postage prepaid, the notice to  
4 the alderman for the ward in which the real estate is located  
5 and file an affidavit attesting to the fact that the notice was  
6 sent.

7 (Source: P.A. 96-856, eff. 3-1-10.)

8 (735 ILCS 5/15-1504) (from Ch. 110, par. 15-1504)

9 Sec. 15-1504. Pleadings and service.

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

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

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

19 (3) Information concerning mortgage:

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

23 (B) Date of mortgage:

24 (C) Name of mortgagor:

25 (D) Name of mortgagee:

1 (E) Date and place of recording:

2 (F) Identification of recording: (here insert book  
3 and page number or document number)

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

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

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

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

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

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

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

22 (N) Capacity in which plaintiff brings this  
23 foreclosure (here indicate whether plaintiff is the  
24 legal holder of the indebtedness, a pledgee, an agent,  
25 the trustee under a trust deed or otherwise, as  
26 appropriate):

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

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

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

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

18 (S) Offer to mortgagor in accordance with Section  
19 15-1402 to accept title to the real estate in  
20 satisfaction of all indebtedness and obligations  
21 secured by the mortgage without judicial sale, if  
22 sought:

23 (T) Name or names of defendants whose right to  
24 possess the mortgaged real estate, after the  
25 confirmation of a foreclosure sale, is sought to be  
26 terminated and, if not elsewhere stated, the facts in

1 support thereof:

2 REQUEST FOR RELIEF

3 Plaintiff requests:

4 (i) A judgment of foreclosure and sale.

5 (ii) An order granting a shortened redemption period,  
6 if sought.

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

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

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

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

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

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

24 (1) on the date indicated the obligor of the  
25 indebtedness or other obligations secured by the mortgage

1 was justly indebted in the amount of the indicated original  
2 indebtedness to the original mortgagee or payee of the  
3 mortgage note;

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

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

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

16 (5) that defaults occurred as indicated;

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

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

26 (8) that by reason of the defaults alleged, if the



1       indebtedness has not matured by its terms, the same has  
2       become due by the exercise, by the plaintiff or other  
3       persons having such power, of a right or power to declare  
4       immediately due and payable the whole of all indebtedness  
5       secured by the mortgage;

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

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

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

20           (12) that, upon confirmation of the sale, the holder of  
21       the certificate of sale or deed issued pursuant to that  
22       certificate or, if no certificate or deed was issued, the  
23       purchaser at the sale will be entitled to full possession  
24       of the mortgaged real estate against the parties named in  
25       clause (T) of paragraph (3) of subsection (a) of Section  
26       15-1504 or elsewhere to the same effect; the omission of

1 any party indicates that plaintiff will not seek a  
2 possessory order in the order confirming sale unless the  
3 request is subsequently made under subsection (h) of  
4 Section 15-1701 or by separate action under Article 9 of  
5 this Code.

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

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

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

26 (3) that under the terms of the mortgage, all such

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

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

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

25 (6) that under the terms of the mortgage, any money so  
26 paid or expended will become an additional indebtedness

1       secured by the mortgage and will bear interest from the  
2       date such monies are advanced at the rate provided in the  
3       mortgage, or, if no rate is provided, at the statutory  
4       judgment rate.

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

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

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

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

22            (4) that in the event the plaintiff is a purchaser of  
23            the mortgaged real estate at such sale, the plaintiff may  
24            offset against the purchase price of such real estate the  
25            amounts due under the judgment of foreclosure and order  
26            confirming the sale;

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

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

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

23           (g) Request for Possession or Receiver. A request for  
24 possession or appointment of a receiver has the meaning as  
25 stated in subsection (b) of Section 15-1706.

26           (h) Answers by Parties. Any party may assert its interest

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

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

11 (735 ILCS 5/15-1504.1)

12 Sec. 15-1504.1. Filing fee for Foreclosure Prevention  
13 Program Fund.

14 (a) With respect to residential real estate, at the time of  
15 the filing of a foreclosure complaint, the plaintiff shall pay  
16 to the clerk of the court in which the foreclosure complaint is  
17 filed a fee of \$50 for deposit into the Foreclosure Prevention  
18 Program Fund, a special fund created in the State treasury. The  
19 clerk shall remit the fee to the State Treasurer as provided in  
20 this Section to be expended for the purposes set forth in  
21 Section 7.30 of the Illinois Housing Development Act. All fees  
22 paid by plaintiffs to the clerk of the court as provided in  
23 this Section shall be disbursed within 60 days after receipt by  
24 the clerk of the court as follows: (i) 98% to the State  
25 Treasurer for deposit into the Foreclosure Prevention Program

1 Fund, and (ii) 2% to the clerk of the court for administrative  
2 expenses related to implementation of this Section.

3 (a-5) With respect to residential real estate, at the time  
4 of the filing of a foreclosure complaint, a plaintiff that,  
5 together with its affiliates, has total assets greater than  
6 \$10,000,000,000, or is filing on behalf of an entity that,  
7 together with its affiliates, has total assets greater than  
8 \$10,000,000,000 shall pay to the clerk of the court in which  
9 the foreclosure complaint is filed an additional fee of \$500.  
10 The clerk shall remit the fee as provided in this Section to be  
11 expended for the purposes set forth below. All fees paid by  
12 plaintiffs to the clerk of the court as provided in this  
13 Section shall be disbursed within 60 days after receipt by the  
14 clerk of the court as follows:

15 (1) 49% to the Foreclosure Prevention Program Fund to  
16 make grants to approved counseling agencies for approved  
17 housing counseling. The Illinois Housing Development  
18 Authority shall distribute the portion of this fee that is  
19 designated for the Foreclosure Prevention Program Fund as  
20 follows:

21 (A) 30% shall be used to make grants for approved  
22 housing counseling in Cook County outside of the City  
23 of Chicago;

24 (B) 25% shall be used to make grants for approved  
25 housing counseling in the City of Chicago;

26 (C) 30% shall be used to make grants for approved

1           housing counseling in DuPage, Kane, Lake, McHenry, and  
2           Will Counties; and

3           (D) 15% shall be used to make grants for approved  
4           housing counseling outside Cook, DuPage, Kane, Lake,  
5           McHenry, and Will Counties;

6           (2) 49% to the Abandoned Residential Property  
7           Municipality Relief Fund; and

8           (3) 2% to the clerk of the court for administrative  
9           expenses related to implementation of this Section.

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

14           (c) As used in this Section:

15           "Affiliate" means any company that controls, is controlled  
16           by, or is under common control with another company.

17           "Approved counseling agency" and "approved housing  
18           counseling" have the meanings ascribed to those terms in  
19           Section 7.30 of the Illinois Housing Development Act.

20           (Source: P.A. 96-1419, eff. 10-1-10; 97-333, eff. 8-12-11.)

21           (735 ILCS 5/15-1505.8 new)

22           Sec. 15-1505.8. Expedited judgment and sale procedure for  
23           abandoned residential property.

24           (a) Upon motion and notice, the mortgagee may elect to  
25           utilize the expedited judgment and sale procedure for abandoned



1 residential property stated in this Section to obtain a  
2 judgment of foreclosure pursuant to Section 15-1506. The motion  
3 to expedite the judgment and sale may be combined with or made  
4 part of the motion requesting a judgment of foreclosure. The  
5 notice of the motion to expedite the judgment and sale shall be  
6 sent by first-class mail to the last known address of the  
7 mortgagor, and the notice required by paragraph (1) of  
8 subsection (1) of this Section shall be posted at the property  
9 address.

10 (b) The motion requesting an expedited judgment of  
11 foreclosure and sale may be filed by the mortgagee at the time  
12 the foreclosure complaint is filed or any time thereafter, and  
13 shall set forth the facts demonstrating that the mortgaged real  
14 estate is abandoned residential real estate under Section  
15 15-1200.5 and shall be supported by affidavit.

16 (c) If a motion for an expedited judgment and sale is filed  
17 at the time the foreclosure complaint is filed or before the  
18 period to answer the foreclosure complaint has expired, the  
19 motion shall be heard by the court no earlier than before the  
20 period to answer the foreclosure complaint has expired and no  
21 later than 15 days after the period to answer the foreclosure  
22 complaint has expired.

23 (d) If a motion for an expedited judgment and sale is filed  
24 after the period to answer the foreclosure complaint has  
25 expired, the motion shall be heard no later than 15 days after  
26 the motion is filed.

1       (e) The hearing shall be given priority by the court and  
2 shall be scheduled to be heard within the applicable time  
3 period set forth in subsection (c) or (d) of this Section.

4       (f) Subject to subsection (g), at the hearing on the motion  
5 requesting an expedited judgment and sale, if the court finds  
6 that the mortgaged real estate is abandoned residential  
7 property, the court shall grant the motion and immediately  
8 proceed to a trial of the foreclosure. A judgment of  
9 foreclosure under this Section shall include the matters  
10 identified in Section 15-1506.

11       (g) The court may not grant the motion requesting an  
12 expedited judgment and sale if: (i) the mortgagor appears in  
13 the action in any manner before or at the hearing and objects  
14 to a finding of abandonment; (ii) a person other than the  
15 mortgagor appears at the hearing and presents evidence  
16 establishing to the satisfaction of the court that the  
17 mortgagor is working with, or making an attempt to work with,  
18 the mortgagee to modify the mortgage; or (iii) a person other  
19 than the mortgagor appears at the hearing and presents evidence  
20 establishing to the satisfaction of the court that the  
21 mortgagor or a lawful occupant has not abandoned the mortgaged  
22 real estate.

23       (h) The court shall vacate an order issued pursuant to  
24 subsection (f) of this Section if the mortgagor or a lawful  
25 occupant appears in the action at any time prior to the court  
26 issuing an order confirming the sale pursuant to subsection

1 (b-3) of Section 15-1508 and presents evidence establishing to  
2 the satisfaction of the court that the mortgagor or lawful  
3 occupant has not abandoned the mortgaged real estate.

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

9 (j) The mortgagee or its agent may enter, secure, and  
10 maintain abandoned residential property subject to subsection  
11 (e-5) of Section 21-3 of the Criminal Code of 1961.

12 (k) Personal property.

13 (1) Upon confirmation of the sale held pursuant to  
14 Section 15-1507, any personal property remaining in or upon  
15 the abandoned residential property shall be deemed to have  
16 been abandoned by the owner of such personal property and  
17 may be disposed of or donated by the holder of the  
18 certificate of sale (or, if none, by the purchaser at the  
19 sale). In the event of donation of any such personal  
20 property, the holder of the certificate of sale (or, if  
21 none, the purchaser at the sale) may transfer such donated  
22 property with a bill of sale. No mortgagee or its  
23 successors or assigns, holder of a certificate of sale, or  
24 purchaser at the sale shall be liable for any such disposal  
25 or donation of personal property.

26 (2) Notwithstanding paragraph (1) of this subsection

1       (k), in the event a lawful occupant is in possession of the  
2       mortgaged real estate who has not been made a party to the  
3       foreclosure and had his or her interests terminated  
4       therein, any personal property of the lawful occupant shall  
5       not be deemed to have been abandoned, nor shall the rights  
6       of the lawful occupant to any personal property be  
7       affected.

8       (l) Notices to be posted at property address.

9           (1) The notice set out in this paragraph (1) of this  
10       subsection (1) shall be conspicuously posted at the  
11       property address at least 14 days before the hearing on the  
12       motion requesting an expedited judgment and sale and shall  
13       be in boldface, in at least 12 font type, and in  
14       substantially the following form:

15                   "NOTICE TO ANY TENANT OR OTHER LAWFUL  
16                   OCCUPANT OF THIS PROPERTY

17       A lawsuit has been filed to foreclose on this property, and the  
18       party asking to foreclose on this property has asked a judge to  
19       find that THIS PROPERTY IS ABANDONED.

20       The judge will be holding a hearing to decide whether this  
21       property is ABANDONED.

22       IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY

1 CHOOSE TO GO TO THIS HEARING and explain to the judge how you  
2 are a lawful occupant of this property.

3 You also can ask any other person to go to this hearing for  
4 you, and this person does not have to be attorney. If you do  
5 have another person who is not an attorney go to this hearing  
6 for you, that person will not be authorized to represent you  
7 but could help explain to the judge how you are a lawful  
8 occupant of this property.

9 If the judge is satisfied that you are a LAWFUL OCCUPANT of  
10 this property, the court will find that this property is NOT  
11 ABANDONED.

12 This hearing will be held in the courthouse at the following  
13 address, date, and time:

14 Court name: .....

15 Court address: .....

16 Court room number where hearing will be held: .....

17 (There should be a person in this room called a CLERK who can  
18 help you. Make sure you know THIS PROPERTY'S ADDRESS.)

19 Date of hearing: .....

20 Time of hearing: .....

21 MORE INFORMATION

1 Name of lawsuit: .....

2 Number of lawsuit: .....

3 Address of this property: .....

4 IMPORTANT

5 This is NOT a notice to vacate the premises. You may wish to  
6 contact a lawyer or your local legal aid or housing counseling  
7 agency to discuss any rights that you may have.

8 WARNING

9 INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME  
10 STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY  
11 UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS  
12 LAW. 720 ILCS 5/21-3(a).

13 NO TRESPASSING

14 KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A  
15 CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A  
16 FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."

17 (2) The notice set out in this paragraph (2) of this  
18 subsection (1) shall be conspicuously posted at the  
19 property address at least 14 days before the hearing to

1 confirm the sale of the abandoned residential property and  
2 shall be in boldface, in at least 12 font type, and in  
3 substantially the following form:

4 "NOTICE TO ANY TENANT OR OTHER LAWFUL  
5 OCCUPANT OF THIS PROPERTY

6 A lawsuit has been filed to foreclose on this property, and the  
7 judge has found that THIS PROPERTY IS ABANDONED. As a result,  
8 THIS PROPERTY HAS BEEN OR WILL BE SOLD.

9 HOWEVER, there still must be a hearing for the judge to approve  
10 the sale. The judge will NOT APPROVE this sale if the judge  
11 finds that any person lawfully occupies any part of this  
12 property.

13 IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY  
14 CHOOSE TO GO TO THIS HEARING and explain to the judge how you  
15 are a lawful occupant of this property. You also may appear  
16 BEFORE this hearing and explain to the judge how you are a  
17 lawful occupant of this property.

18 If the judge is satisfied that you are a LAWFUL OCCUPANT of  
19 this property, the court will find that this property is NOT  
20 ABANDONED, and there will be no sale of the property at this  
21 time.

1 This hearing will be held in the courthouse at the following  
2 address, date, and time:

3 Court name: .....

4 Court address: .....

5 Court room number where hearing will be held: .....

6 (There should be a person in this room called a CLERK who can  
7 help you. Make sure you know THIS PROPERTY'S ADDRESS.)

8 Date of hearing: .....

9 Time of hearing: .....

10 MORE INFORMATION

11 Name of lawsuit: .....

12 Number of lawsuit: .....

13 Address of this property: .....

14 IMPORTANT

15 This is NOT a notice to vacate the premises. You may wish to  
16 contact a lawyer or your local legal aid or housing counseling  
17 agency to discuss any rights that you may have.

18 WARNING



1 INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME  
2 STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY  
3 UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS  
4 LAW. 720 ILCS 5/21-3(a).

5 NO TRESPASSING

6 KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A  
7 CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A  
8 FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."

9 (m) Reports. Beginning on February 1, 2013 and then every 6  
10 months thereafter, any mortgagee that has filed a motion to  
11 expedite the judgment and sale shall complete and submit to the  
12 Illinois Department of Financial and Professional Regulation a  
13 report that indicates: (i) the number of motions to expedite  
14 the judgment and sale that were filed by the mortgagee during  
15 the reporting period and the number of properties that were the  
16 subject of such motions filed by the mortgagee, aggregated by  
17 zip code; (ii) the number of motions to expedite the judgment  
18 and sale that were granted to the mortgagee during the  
19 reporting period and the number of properties for which the  
20 mortgagee was granted an expedited motion and sale, aggregated  
21 by zip code; and (iii) the number of judicial sales to the  
22 mortgagee for properties that were the subject of expedited  
23 judgment and sale procedures during the reporting period and  
24 the number of properties acquired by the mortgagee during the

1 reporting period, aggregated by zip code. Reports covering the  
2 period of January 1 through June 30 shall be completed and  
3 submitted no later than August 1 of the year that is the  
4 subject of the report. Reports covering the period of July 1  
5 through December 31 shall be completed and submitted no later  
6 than February 1 of the year following the year that is the  
7 subject of the report.

8 (735 ILCS 5/15-1507.1)

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

10 Sec. 15-1507.1. Judicial sale fee for Abandoned  
11 Residential Property Municipality Relief Fund.

12 (a) Upon and at the sale of residential real estate under  
13 Section 15-1507, the purchaser shall pay to the person  
14 conducting the sale pursuant to Section 15-1507 a fee of \$750  
15 for deposit into the Abandoned Residential Property  
16 Municipality Relief Fund, a special fund created in the State  
17 treasury, if the purchaser is a . ~~The fee shall be calculated~~  
18 ~~at the rate of \$1 for each \$1,000 or fraction thereof of the~~  
19 ~~amount paid by the purchaser to the person conducting the sale,~~  
20 ~~as reflected in the receipt of sale issued to the purchaser,~~  
21 ~~provided that in no event shall the fee exceed \$300. No fee~~  
22 ~~shall be paid by the~~ mortgagee acquiring the residential real  
23 estate pursuant to its credit bid at the sale or ~~by~~ any  
24 mortgagee, judgment creditor, or other lienor acquiring the  
25 residential real estate whose rights in and to the residential

1 real estate arose prior to the sale, and if the mortgagee,  
2 judgment creditor, or other lienor, together with its  
3 affiliates, has total assets greater than \$10,000,000,000, or  
4 if the mortgagee, judgment creditor, or other lienor is acting  
5 at the sale on behalf of an entity that, together with its  
6 affiliates, has total assets greater than \$10,000,000,000. In  
7 no instance shall this fee be assessed to any bank as defined  
8 in paragraph (8) of subsection (a) of Section 9-102 of the  
9 Uniform Commercial Code that, together with its affiliates, has  
10 total assets of \$10,000,000,000 or less. Upon confirmation of  
11 the sale under Section 15-1508, the person conducting the sale  
12 shall remit the fee to the clerk of the court in which the  
13 foreclosure case is pending. The clerk shall remit the fee to  
14 the State Treasurer as provided in this Section, to be expended  
15 for the purposes set forth in Section 7.31 of the Illinois  
16 Housing Development Act.

17 (b) All fees paid by purchasers as provided in this Section  
18 shall be disbursed within 60 days after receipt by the clerk of  
19 the court as follows: (i) 98% to the State Treasurer for  
20 deposit into the Abandoned Residential Property Municipality  
21 Relief Fund, and (ii) 2% to the clerk of the court for  
22 administrative expenses related to implementation of this  
23 Section.

24 (c) Not later than March 1 of each year, the clerk of the  
25 court shall submit to the Illinois Housing Development  
26 Authority a report of the funds collected and remitted during

1 the preceding year pursuant to this Section.

2 (d) (Blank.) ~~Subsections (a) and (b) of this Section shall~~  
3 ~~become inoperative on January 1, 2016. This Section is repealed~~  
4 ~~on March 2, 2016.~~

5 (e) As used in this Section, "affiliate" means any company  
6 that controls, is controlled by, or is under common control  
7 with another company.

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

9 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

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

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

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

1 municipality or county may contact with concerns about the real  
2 estate. The confirmation order may also:

3 (1) approve the mortgagee's fees and costs arising  
4 between the entry of the judgment of foreclosure and the  
5 confirmation hearing, those costs and fees to be allowable  
6 to the same extent as provided in the note and mortgage and  
7 in Section 15-1504;

8 (2) provide for a personal judgment against any party  
9 for a deficiency; and

10 (3) determine the priority of the judgments of parties  
11 who deferred proving the priority pursuant to subsection  
12 (h) of Section 15-1506, but the court shall not defer  
13 confirming the sale pending the determination of such  
14 priority.

15 (b-3) Hearing to confirm sale of abandoned residential  
16 property. Upon motion and notice by first-class mail to the  
17 last known address of the mortgagor, which motion shall be made  
18 prior to the sale and heard by the court at the earliest  
19 practicable time after conclusion of the sale, and upon the  
20 posting at the property address of the notice required by  
21 paragraph (2) of subsection (1) of Section 15-1505.8, the court  
22 shall enter an order confirming the sale of the abandoned  
23 residential property, unless the court finds that a reason set  
24 forth in items (i) through (iv) of subsection (b) of this  
25 Section exists for not approving the sale, or an order is  
26 entered pursuant to subsection (h) of Section 15-1505.8. The

1 confirmation order also may address the matters identified in  
2 items (1) through (3) of subsection (b) of this Section. The  
3 notice required under subsection (b-5) of this Section shall  
4 not be required.

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

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

21 (b-10) Notice of confirmation order sent to municipality or  
22 county. A copy of the confirmation order required under  
23 subsection (b) shall be sent to the municipality in which the  
24 foreclosed property is located, or to the county within the  
25 boundary of which the foreclosed property is located if the  
26 foreclosed property is located in an unincorporated territory.

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

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

25 (d) Validity of Sale. Except as provided in subsection (c)  
26 of Section 15-1508, no sale under this Article shall be held

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

13         (d-5) Making Home Affordable Program. The court that  
14    entered the judgment shall set aside a sale held pursuant to  
15    Section 15-1507, upon motion of the mortgagor at any time prior  
16    to the confirmation of the sale, if the mortgagor proves by a  
17    preponderance of the evidence that (i) the mortgagor has  
18    applied for assistance under the Making Home Affordable Program  
19    established by the United States Department of the Treasury  
20    pursuant to the Emergency Economic Stabilization Act of 2008,  
21    as amended by the American Recovery and Reinvestment Act of  
22    2009, and (ii) the mortgaged real estate was sold in material  
23    violation of the program's requirements for proceeding to a  
24    judicial sale. The provisions of this subsection (d-5), except  
25    for this sentence, shall become inoperative on January 1, 2013  
26    for all actions filed under this Article after December 31,



1 2012, in which the mortgagor did not apply for assistance under  
2 the Making Home Affordable Program on or before December 31,  
3 2012.

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

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

24 (g) The order confirming the sale shall include,  
25 notwithstanding any previous orders awarding possession during  
26 the pendency of the foreclosure, an award to the purchaser of

1 possession of the mortgaged real estate, as of the date 30 days  
2 after the entry of the order, against the parties to the  
3 foreclosure whose interests have been terminated.

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

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

24 (h) With respect to mortgaged real estate containing 5 or  
25 more dwelling units, the order confirming the sale shall also  
26 provide that (i) the mortgagor shall transfer to the purchaser

1 the security deposits, if any, that the mortgagor received to  
2 secure payment of rent or to compensate for damage to the  
3 mortgaged real estate from any current occupant of a dwelling  
4 unit of the mortgaged real estate, as well as any statutory  
5 interest that has not been paid to the occupant, and (ii) the  
6 mortgagor shall provide an accounting of the security deposits  
7 that are transferred, including the name and address of each  
8 occupant for whom the mortgagor holds the deposit and the  
9 amount of the deposit and any statutory interest.

10 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;  
11 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.  
12 8-26-11.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."