



Rep. Karen A. Yarbrough

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09700SB1853ham003

LRB097 07978 AJ0 70373 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 Notwithstanding any other law to the contrary, the Foreclosure
4 Prevention Program Fund is not subject to sweeps,
5 administrative charge-backs, or any other fiscal maneuver that
6 would in any way transfer any amounts from the Foreclosure
7 Prevention Program Fund into any other fund of the State.

8 (a-5) With respect to residential real estate, at the time
9 of the filing of a foreclosure complaint, a plaintiff that,
10 together with its affiliates, has total assets greater than
11 \$10,000,000,000, or is filing on behalf of an entity that,
12 together with its affiliates, has total assets greater than
13 \$10,000,000,000 shall pay to the clerk of the court in which
14 the foreclosure complaint is filed an additional fee of \$500.
15 In no instance shall this fee be assessed to any "bank" as
16 defined in paragraph (8) of subsection (a) of Section 9-102 of
17 the Uniform Commercial Code that, together with its affiliates,
18 has total assets of \$10,000,000,000 or less. In no instance
19 shall this fee be assessed for any foreclosure complaint filed
20 before the effective date of this amendatory Act of the 97th
21 General Assembly. The clerk shall remit the fee to the State
22 Treasurer as provided in this Section to be expended for the
23 purposes set forth below. All fees paid by plaintiffs to the
24 clerk of the court as provided in this Section shall be
25 disbursed within 60 days after receipt by the clerk of the
26 court as follows:

1 (1) 49% to the State Treasurer for deposit into the
2 Foreclosure Prevention Program Fund to make grants to
3 approved counseling agencies for approved housing
4 counseling. The Illinois Housing Development Authority
5 shall distribute the portion of this fee that is designated
6 for the Foreclosure Prevention Program Fund as follows:

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

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

12 (C) 30% shall be used to make grants for approved
13 housing counseling in DuPage, Kane, Lake, McHenry, and
14 Will Counties; and

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

18 (2) 49% to the State Treasurer for deposit into the
19 Abandoned Residential Property Municipality Relief Fund;
20 and

21 (3) 2% to the clerk of the court for administrative
22 expenses related to implementation of this Section.

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

1 (c) As used in this Section:

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

4 "Approved counseling agency" and "approved housing
5 counseling" have the meanings ascribed to those terms in
6 Section 7.30 of the Illinois Housing Development Act.

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

8 (735 ILCS 5/15-1505.8 new)

9 Sec. 15-1505.8. Expedited judgment and sale procedure for
10 abandoned residential property.

11 (a) Upon motion and notice, the mortgagee may elect to
12 utilize the expedited judgment and sale procedure for abandoned
13 residential property stated in this Section to obtain a
14 judgment of foreclosure pursuant to Section 15-1506. The motion
15 to expedite the judgment and sale may be combined with or made
16 part of the motion requesting a judgment of foreclosure. The
17 notice of the motion to expedite the judgment and sale shall be
18 sent by first-class mail to the last known address of the
19 mortgagor, and the notice required by paragraph (1) of
20 subsection (1) of this Section shall be posted at the property
21 address.

22 (b) The motion requesting an expedited judgment of
23 foreclosure and sale may be filed by the mortgagee at the time
24 the foreclosure complaint is filed or any time thereafter, and
25 shall set forth the facts demonstrating that the mortgaged real

1 estate is abandoned residential real estate under Section
2 15-1200.5 and shall be supported by affidavit.

3 (c) If a motion for an expedited judgment and sale is filed
4 at the time the foreclosure complaint is filed or before the
5 period to answer the foreclosure complaint has expired, the
6 motion shall be heard by the court no earlier than before the
7 period to answer the foreclosure complaint has expired and no
8 later than 15 days after the period to answer the foreclosure
9 complaint has expired.

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

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

17 (f) Subject to subsection (g), at the hearing on the motion
18 requesting an expedited judgment and sale, if the court finds
19 that the mortgaged real estate is abandoned residential
20 property, the court shall grant the motion and immediately
21 proceed to a trial of the foreclosure. A judgment of
22 foreclosure under this Section shall include the matters
23 identified in Section 15-1506.

24 (g) The court may not grant the motion requesting an
25 expedited judgment and sale if the mortgagor, an unknown owner,
26 or a lawful occupant appears in the action in any manner before

1 or at the hearing and objects to a finding of abandonment.

2 (h) The court shall vacate an order issued pursuant to
3 subsection (f) of this Section if the mortgagor or a lawful
4 occupant appears in the action at any time prior to the court
5 issuing an order confirming the sale pursuant to subsection
6 (b-3) of Section 15-1508 and presents evidence establishing to
7 the satisfaction of the court that the mortgagor or lawful
8 occupant has not abandoned the mortgaged real estate.

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

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

17 (k) Personal property.

18 (1) Upon confirmation of the sale held pursuant to
19 Section 15-1507, any personal property remaining in or upon
20 the abandoned residential property shall be deemed to have
21 been abandoned by the owner of such personal property and
22 may be disposed of or donated by the holder of the
23 certificate of sale (or, if none, by the purchaser at the
24 sale). In the event of donation of any such personal
25 property, the holder of the certificate of sale (or, if
26 none, the purchaser at the sale) may transfer such donated

1 property with a bill of sale. No mortgagee or its
2 successors or assigns, holder of a certificate of sale, or
3 purchaser at the sale shall be liable for any such disposal
4 or donation of personal property.

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

13 (1) Notices to be posted at property address.

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

20 "NOTICE TO ANY TENANT OR OTHER LAWFUL

21 OCCUPANT OF THIS PROPERTY

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

1 The judge will be holding a hearing to decide whether this
2 property is ABANDONED.

3 IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY
4 CHOOSE TO GO TO THIS HEARING and explain to the judge how you
5 are a lawful occupant of this property.

6 If the judge is satisfied that you are a LAWFUL OCCUPANT of
7 this property, the court will find that this property is NOT
8 ABANDONED.

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

11 Court name:

12 Court address:

13 Court room number where hearing will be held:

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

16 Date of hearing:

17 Time of hearing:

18 MORE INFORMATION

19 Name of lawsuit:

1 Number of lawsuit:

2 Address of this property:

3 IMPORTANT

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

7 WARNING

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

12 NO TRESPASSING

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

16 (2) The notice set out in this paragraph (2) of this
17 subsection (1) shall be conspicuously posted at the
18 property address at least 14 days before the hearing to
19 confirm the sale of the abandoned residential property and
20 shall be in boldface, in at least 12 font type, and in

1 substantially the following form:

2 "NOTICE TO ANY TENANT OR OTHER LAWFUL
3 OCCUPANT OF THIS PROPERTY

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

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

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

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

20 This hearing will be held in the courthouse at the following

1 address, date, and time:

2 Court name:

3 Court address:

4 Court room number where hearing will be held:

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

7 Date of hearing:

8 Time of hearing:

9 MORE INFORMATION

10 Name of lawsuit:

11 Number of lawsuit:

12 Address of this property:

13 IMPORTANT

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

17 WARNING

18 INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME
19 STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY

1 UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS
2 LAW. 720 ILCS 5/21-3(a).

3 NO TRESPASSING

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

7 (m) Reports. Beginning on February 1, 2013 and then every 6
8 months thereafter, any mortgagee that has filed a motion to
9 expedite the judgment and sale shall complete and submit to the
10 Illinois Department of Financial and Professional Regulation a
11 report that indicates: (i) the number of motions to expedite
12 the judgment and sale that were filed by the mortgagee during
13 the reporting period and the number of properties that were the
14 subject of such motions filed by the mortgagee, aggregated by
15 zip code; (ii) the number of motions to expedite the judgment
16 and sale that were granted to the mortgagee during the
17 reporting period and the number of properties for which the
18 mortgagee was granted an expedited motion and sale, aggregated
19 by zip code; and (iii) the number of judicial sales to the
20 mortgagee for properties that were the subject of expedited
21 judgment and sale procedures during the reporting period and
22 the number of properties acquired by the mortgagee during the
23 reporting period, aggregated by zip code. Reports covering the
24 period of January 1 through June 30 shall be completed and

1 submitted no later than August 1 of the year that is the
2 subject of the report. Reports covering the period of July 1
3 through December 31 shall be completed and submitted no later
4 than February 1 of the year following the year that is the
5 subject of the report. Within 30 days after receiving such a
6 report, the Illinois Department of Financial and Professional
7 Regulation shall forward a copy of the report to the City of
8 Chicago Department of Housing and Economic Development.

9 (735 ILCS 5/15-1507.1)

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

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

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

1 residential real estate whose rights in and to the residential
2 real estate arose prior to the sale, and if the mortgagee,
3 judgment creditor, or other lienor, together with its
4 affiliates, has total assets greater than \$10,000,000,000, or
5 if the mortgagee, judgment creditor, or other lienor is acting
6 at the sale on behalf of an entity that, together with its
7 affiliates, has total assets greater than \$10,000,000,000. In
8 no instance shall this fee be assessed to any "bank" as defined
9 in paragraph (8) of subsection (a) of Section 9-102 of the
10 Uniform Commercial Code that, together with its affiliates, has
11 total assets of \$10,000,000,000 or less. In no instance shall
12 this fee be assessed for any judicial sale completed before the
13 effective date of this amendatory Act of the 97th General
14 Assembly. Notwithstanding any other law to the contrary, the
15 Abandoned Residential Property Municipality Fund is not
16 subject to sweeps, administrative charge-backs, or any other
17 fiscal maneuver that would in any way transfer any amounts from
18 the Abandoned Residential Property Municipality Fund into any
19 other fund of the State. Upon confirmation of the sale under
20 Section 15-1508, the person conducting the sale shall remit the
21 fee to the clerk of the court in which the foreclosure case is
22 pending. The clerk shall remit the fee to the State Treasurer
23 as provided in this Section, to be expended for the purposes
24 set forth in Section 7.31 of the Illinois Housing Development
25 Act.

26 (b) All fees paid by purchasers as provided in this Section

1 shall be disbursed within 60 days after receipt by the clerk of
2 the court as follows: (i) 98% to the State Treasurer for
3 deposit into the Abandoned Residential Property Municipality
4 Relief Fund, and (ii) 2% to the clerk of the court for
5 administrative expenses related to implementation of this
6 Section.

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

11 (d) Subsections (a) and (b) of this Section shall become
12 inoperative on January 1, 2018 ~~2016~~. This Section is repealed
13 on March 2, 2018 ~~2016~~.

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

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

18 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

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

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

23 (b) Hearing. Upon motion and notice in accordance with
24 court rules applicable to motions generally, which motion shall
25 not be made prior to sale, the court shall conduct a hearing to

1 confirm the sale. Unless the court finds that (i) a notice
2 required in accordance with subsection (c) of Section 15-1507
3 was not given, (ii) the terms of sale were unconscionable,
4 (iii) the sale was conducted fraudulently, or (iv) justice was
5 otherwise not done, the court shall then enter an order
6 confirming the sale. The confirmation order shall include a
7 name, address, and telephone number of the holder of the
8 certificate of sale or deed issued pursuant to that certificate
9 or, if no certificate or deed was issued, the purchaser, whom a
10 municipality or county may contact with concerns about the real
11 estate. The confirmation order may also:

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

17 (2) provide for a personal judgment against any party
18 for a deficiency; and

19 (3) determine the priority of the judgments of parties
20 who deferred proving the priority pursuant to subsection
21 (h) of Section 15-1506, but the court shall not defer
22 confirming the sale pending the determination of such
23 priority.

24 (b-3) Hearing to confirm sale of abandoned residential
25 property. Upon motion and notice by first-class mail to the
26 last known address of the mortgagor, which motion shall be made

1 prior to the sale and heard by the court at the earliest
2 practicable time after conclusion of the sale, and upon the
3 posting at the property address of the notice required by
4 paragraph (2) of subsection (1) of Section 15-1505.8, the court
5 shall enter an order confirming the sale of the abandoned
6 residential property, unless the court finds that a reason set
7 forth in items (i) through (iv) of subsection (b) of this
8 Section exists for not approving the sale, or an order is
9 entered pursuant to subsection (h) of Section 15-1505.8. The
10 confirmation order also may address the matters identified in
11 items (1) through (3) of subsection (b) of this Section. The
12 notice required under subsection (b-5) of this Section shall
13 not be required.

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

26 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO

1 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
2 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
3 ILLINOIS MORTGAGE FORECLOSURE LAW.

4 (b-10) Notice of confirmation order sent to municipality or
5 county. A copy of the confirmation order required under
6 subsection (b) shall be sent to the municipality in which the
7 foreclosed property is located, or to the county within the
8 boundary of which the foreclosed property is located if the
9 foreclosed property is located in an unincorporated territory.
10 A municipality or county must clearly publish on its website a
11 single address to which a copy of the order ~~such notice~~ shall
12 be sent. If a municipality or county does not maintain a
13 website, then the municipality or county must publicly post in
14 its main office a single address to which a copy of the order
15 ~~such notice~~ shall be sent. In the event that a municipality or
16 county has not complied with the publication requirement in
17 this subsection (b-10), then a copy of the order ~~such notice to~~
18 ~~the municipality or county~~ shall be sent by first class mail,
19 postage prepaid, to the chairperson of the county board or
20 county clerk in the case of a county, to the mayor or city
21 clerk in the case of a city, to the president of the board of
22 trustees or village clerk in the case of a village, or to the
23 president or town clerk in the case of a town ~~provided pursuant~~
24 ~~to Section 2-211 of the Code of Civil Procedure.~~

25 (b-15) Notice of confirmation order sent to known insurers.
26 With respect to residential real estate, the party filing the

1 complaint shall send a copy of the confirmation order required
2 under subsection (b) by first class mail, postage prepaid, to
3 the last-known property insurer of the foreclosed property.
4 Failure to send or receive a copy of the order shall not impair
5 or abrogate in any way the rights of the mortgagee or purchaser
6 or affect the status of the foreclosure proceedings.

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

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

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

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

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

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

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

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

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

21 (h) With respect to mortgaged real estate containing 5 or
22 more dwelling units, the order confirming the sale shall also
23 provide that (i) the mortgagor shall transfer to the purchaser
24 the security deposits, if any, that the mortgagor received to
25 secure payment of rent or to compensate for damage to the
26 mortgaged real estate from any current occupant of a dwelling

1 unit of the mortgaged real estate, as well as any statutory
2 interest that has not been paid to the occupant, and (ii) the
3 mortgagor shall provide an accounting of the security deposits
4 that are transferred, including the name and address of each
5 occupant for whom the mortgagor holds the deposit and the
6 amount of the deposit and any statutory interest.

7 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;
8 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.
9 8-26-11.)

10 Section 20. The Conveyances Act is amended by changing
11 Section 11 as follows:

12 (765 ILCS 5/11) (from Ch. 30, par. 10)

13 Sec. 11. (a) Mortgages of lands may be substantially in the
14 following form:

15 The Mortgagor (here insert name or names), mortgages and
16 warrants to (here insert name or names of mortgagee or
17 mortgagees), to secure the payment of (here recite the nature
18 and amount of indebtedness, showing when due and the rate of
19 interest, and whether secured by note or otherwise), the
20 following described real estate (here insert description
21 thereof), situated in the County of, in the State of
22 Illinois.

23 Dated (insert date).

24 (signature of mortgagor or mortgagors)

1 The names of the parties shall be typed or printed below
2 the signatures. Such form shall have a blank space of 3 1/2
3 inches by 3 1/2 inches for use by the recorder. However, the
4 failure to comply with the requirement that the names of the
5 parties be typed or printed below the signatures and that the
6 form have a blank space of 3 1/2 inches by 3 1/2 inches for use
7 by the recorder shall not affect the validity and effect of
8 such form.

9 Such mortgage, when otherwise properly executed, shall be
10 deemed and held a good and sufficient mortgage in fee to secure
11 the payment of the moneys therein specified; and if the same
12 contains the words "and warrants," the same shall be construed
13 the same as if full covenants of ownership, good right to
14 convey against incumbrances of quiet enjoyment and general
15 warranty, as expressed in Section 9 of this Act were fully
16 written therein; but if the words "and warrants" are omitted,
17 no such covenants shall be implied. When the grantor or
18 grantors in such deed or mortgage for the conveyance of any
19 real estate desires to release or waive his, her or their
20 homestead rights therein, they or either of them may release or
21 waive the same by inserting in the form of deed or mortgage (as
22 the case may be), provided in Sections 9, 10 and 11, after the
23 words "State of Illinois," in substance the following words,
24 "hereby releasing and waiving all rights under and by virtue of
25 the homestead exemption laws of this State."

1 Mortgages securing "reverse mortgage" loans shall be
2 subject to this Section except where requirements concerning
3 the definiteness of the term and amount of indebtedness
4 provisions of a mortgage would be inconsistent with the Acts
5 authorizing "reverse mortgage" loans, or rules and regulations
6 promulgated under those Acts.

7 Mortgages securing "revolving credit" loans shall be
8 subject to this Section.

9 (b) The provisions of subsection (a) regarding the form of
10 a mortgage are, and have always been, permissive and not
11 mandatory. Accordingly, the failure of an otherwise lawfully
12 executed and recorded mortgage to be in the form described in
13 subsection (a) in one or more respects, including the failure
14 to state the interest rate or the maturity date, or both, shall
15 not affect the validity or priority of the mortgage, nor shall
16 its recordation be ineffective for notice purposes regardless
17 of when the mortgage was recorded.

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

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