



Sen. John G. Mulroe

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09700SB2534sam002

LRB097 14747 AJ0 67978 a

1 AMENDMENT TO SENATE BILL 2534

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2534, by replacing  
3 lines 11 through 23 of page 1, all of page 2, and lines 1  
4 through 12 of page 3 with the following:

5 "as a principal residence, or an incomplete structure if the  
6 real estate is zoned for residential development, where the  
7 structure is empty or otherwise uninhabited and the structure  
8 or lot is in need of maintenance, repair, or securing, and with  
9 respect to which one or more of the following conditions are  
10 shown to exist:

11 (1) all lawful business or construction operations  
12 have ceased for 6 months;

13 (2) it has been declared unfit for occupancy and  
14 ordered to remain vacant and unoccupied under an order  
15 issued by a municipal or county authority or a court of  
16 competent jurisdiction;

17 (3) no construction or legal repairs have commenced for

1       6 months;

2           (4) the doors or windows are smashed through, broken,  
3       unhinged, removed, or continuously unlocked;

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

7           (6) gas, electrical, or water services to the entire  
8       premises have been terminated; or

9           (7) there exists other evidence indicating a clear  
10       intent to abandon the property.

11       A property shall not be considered abandoned residential  
12       property if: (i) there is an unoccupied building which is  
13       undergoing construction, renovation, or rehabilitation that is  
14       proceeding diligently to completion, and the building is in  
15       compliance with all applicable ordinances, codes, regulations,  
16       and laws; (ii) there is a building occupied on a seasonal  
17       basis, but otherwise secure; (iii) there is a secure building  
18       on which there are bona fide rental or sale signs; (iv) there  
19       is a building that is secure, but is the subject of a probate  
20       action, action to quiet title, or other ownership dispute; or  
21       (v) there is a building that is otherwise secure and in  
22       substantial compliance with all applicable ordinances, codes,  
23       regulations and laws."; and

24       by replacing lines 8 through 26 of page 15 and lines 1 through  
25       4 of page 16 with the following:

1       "(f) The affidavit shall be signed by the mortgagee and  
2 shall state that, upon information and belief of the mortgagee  
3 after inspection by the mortgagee, the property is not occupied  
4 by any mortgagor or bona fide tenant as a principal residence,  
5 or the structure is empty or otherwise uninhabited and the  
6 structure or lot is in need of maintenance, repair, or  
7 securing, and there exists at least one of the conditions or  
8 circumstances listed in Section 15-1200.5, which shall be set  
9 forth in the affidavit. Photographic or other documentary  
10 evidence in support of the conditions or circumstances set  
11 forth in the affidavit shall be attached to the affidavit.

12       (g) Subject to subsection (h), at the hearing on the motion  
13 requesting an expedited judgment and sale, the court shall find  
14 that the property which is the subject of the foreclosure  
15 complaint is abandoned residential property if: (i) the  
16 property is not occupied by any mortgagor or bona fide tenant  
17 as a principal residence, or the structure is empty or  
18 otherwise uninhabited and the structure or lot is in need of  
19 maintenance, repair, or securing; and (ii) one or more of the  
20 conditions or circumstances described in Section 15-1200.5  
21 apply.

22       (h) The court may not find at the hearing requesting an  
23 expedited judgment and sale that the property which is the  
24 subject of the foreclosure complaint is abandoned residential  
25 property if: (i) the mortgagor appears in the action before or  
26 at the hearing and objects to a finding of abandonment; (ii) a

1 person other than the mortgagor appears at the hearing and  
2 presents evidence establishing to the satisfaction of the court  
3 that the mortgagor is working with, or making an attempt to  
4 work with, the mortgagee to modify the mortgage; or (iii) a  
5 person other than the mortgagor appears at the hearing and  
6 presents evidence establishing to the satisfaction of the court  
7 that the mortgagor has not abandoned the property.

8 (i) The court shall vacate an order issued pursuant to  
9 subsection (j) of this Section if the mortgagor appears in the  
10 action at any time prior to the court issuing an order  
11 confirming the sale pursuant to subsection (b-3) of Section  
12 15-1508 and presents evidence establishing to the satisfaction  
13 of the court that the mortgagor has not abandoned the property.

14 (j) At the hearing on the motion requesting an expedited";  
15 and

16 on page 16, by replacing line 11 with the following:

17 "(k) The reinstatement period and redemption period for  
18 the"; and

19 On page 16, by replacing lines 16 through 18 with the  
20 following:

21 "(l) A mortgagee or its agent may enter an abandoned  
22 residential property at any time for the purpose of maintaining  
23 or securing the"; and

1 on page 16, by replacing line 25 with the following:

2 "(m) The mortgagee shall be responsible for repairs or  
3 other"; and

4 on page 17, by replacing line 4 with the following:

5 "(n) Upon confirmation of the sale held pursuant to  
6 Section"; and

7 on page 17, by replacing line 16 with the following:

8 "(o) No mortgagee shall be held liable for seeking a".