

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

6 (20 ILCS 3805/7.30)

7 (Text of Section after amendment by P.A. 97-1164)

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
17 emergency rules as soon as practicable to begin implementation
18 of the Program.

19 (b) Subject to appropriation and the annual receipt of
20 funds, the Authority shall make grants from the Foreclosure
21 Prevention Program Fund derived from fees paid as specified in
22 subsection (a) of Section 15-1504.1 of the Code of Civil
23 Procedure as follows:

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

8 (2) 25% of the moneys in the Fund shall be distributed
9 to the City of Chicago to make grants to approved
10 counseling agencies located within the City of Chicago for
11 approved housing counseling or to support foreclosure
12 prevention counseling programs administered by the City of
13 Chicago.

14 (3) 25% of the moneys in the Fund shall be used to make
15 grants to approved community-based organizations located
16 outside of the City of Chicago for approved foreclosure
17 prevention outreach programs.

18 (4) 25% of the moneys in the Fund shall be used to make
19 grants to approved community-based organizations located
20 within the City of Chicago for approved foreclosure
21 prevention outreach programs, with priority given to
22 programs that provide door-to-door outreach.

23 (b-1) Subject to appropriation and the annual receipt of
24 funds, the Authority shall make grants from the Foreclosure
25 Prevention Program Graduated Fund derived from fees paid as
26 specified in paragraph (1) of subsection (a-5) of Section

1 15-1504.1 of the Code of Civil Procedure, as follows:

2 (1) 30% shall be used to make grants for approved
3 housing counseling in Cook County outside of the City of
4 Chicago;

5 (2) 25% shall be used to make grants for approved
6 housing counseling in the City of Chicago;

7 (3) 30% shall be used to make grants for approved
8 housing counseling in DuPage, Kane, Lake, McHenry, and Will
9 Counties; and

10 (4) 15% shall be used to make grants for approved
11 housing counseling in Illinois in counties other than Cook,
12 DuPage, Kane, Lake, McHenry, and Will Counties provided
13 that grants to provide approved housing counseling to
14 borrowers residing within these counties shall be based, to
15 the extent practicable, (i) proportionately on the amount
16 of fees paid to the respective clerks of the courts within
17 these counties and (ii) on any other factors that the
18 Authority deems appropriate.

19 The percentages set forth in this subsection (b-1) shall be
20 calculated after deduction of reimbursable administrative
21 expenses incurred by the Authority, but shall not be greater
22 than 4% of the annual appropriated amount.

23 (b-5) As used in this Section:

24 "Approved community-based organization" means a
25 not-for-profit entity that provides educational and financial
26 information to residents of a community through in-person

1 contact. "Approved community-based organization" does not
2 include a not-for-profit corporation or other entity or person
3 that provides legal representation or advice in a civil
4 proceeding or court-sponsored mediation services, or a
5 governmental agency.

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

15 "Approved counseling agency" means a housing counseling
16 agency approved by the U.S. Department of Housing and Urban
17 Development.

18 "Approved housing counseling" means in-person counseling
19 provided by a counselor employed by an approved counseling
20 agency to all borrowers, or documented telephone counseling
21 where a hardship would be imposed on one or more borrowers. A
22 hardship shall exist in instances in which the borrower is
23 confined to his or her home due to a medical condition, as
24 verified in writing by a physician, or the borrower resides 50
25 miles or more from the nearest approved counseling agency. In
26 instances of telephone counseling, the borrower must supply all

1 necessary documents to the counselor at least 72 hours prior to
2 the scheduled telephone counseling session.

3 (c) (Blank).

4 (c-5) Where the jurisdiction of an approved counseling
5 agency is included within more than one of the geographic areas
6 set forth in this Section, the Authority may elect to fully
7 fund the applicant from one of the relevant geographic areas.

8 (Source: P.A. 96-1419, eff. 10-1-10; 97-1164, eff. 6-1-13.)

9 (20 ILCS 3805/7.31)

10 Sec. 7.31. Abandoned Residential Property Municipality
11 Relief Program.

12 (a) The Authority shall establish and administer an
13 Abandoned Residential Property Municipality Relief Program.
14 The Authority shall use moneys in the Abandoned Residential
15 Property Municipality Relief Fund, and any other funds
16 appropriated for this purpose, to make grants to municipalities
17 and to counties to assist with costs incurred by the
18 municipality or county for: cutting of neglected weeds or
19 grass, trimming of trees or bushes, and removal of nuisance
20 bushes or trees; extermination of pests or prevention of the
21 ingress of pests; removal of garbage, debris, and graffiti;
22 boarding up, closing off, or locking windows or entrances or
23 otherwise making the interior of a building inaccessible to the
24 general public; surrounding part or all of an abandoned
25 residential property's underlying parcel with a fence or wall

1 or otherwise making part or all of the abandoned residential
2 property's underlying parcel inaccessible to the general
3 public; demolition of abandoned residential property; and
4 repair or rehabilitation of abandoned residential property, as
5 approved by the Authority under the Program. For purposes of
6 this subsection (a), "pests" has the meaning ascribed to that
7 term in subsection (c) of Section 11-20-8 of the Illinois
8 Municipal Code. The Authority shall promulgate rules for the
9 administration, operation, and maintenance of the Program and
10 may adopt emergency rules as soon as practicable to begin
11 implementation of the Program.

12 (b) Subject to appropriation and the annual receipt of
13 funds, the Authority shall make grants from the Abandoned
14 Residential Property Municipality Relief Fund derived from
15 fees paid as specified in paragraph (1) of subsection (a-5) of
16 Section 15-1504.1 and subsection (a) of Section 15-1507.1 of
17 the Code of Civil Procedure as follows:

18 (1) 30% of the moneys in the Fund shall be used to make
19 grants to municipalities other than the City of Chicago in
20 Cook County and to Cook County;

21 (2) 25% of the moneys in the Fund shall be used to make
22 grants to the City of Chicago;

23 (3) 30% of the moneys in the Fund shall be used to make
24 grants to municipalities in DuPage, Kane, Lake, McHenry and
25 Will Counties, and to those counties; and

26 (4) 15% of the moneys in the Fund shall be used to make

1 grants to municipalities in Illinois in counties other than
2 Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and
3 to counties other than Cook, DuPage, Kane, Lake, McHenry,
4 and Will Counties. Grants distributed to the
5 municipalities and counties shall be based on (i) areas of
6 greatest need within these counties, which shall be
7 determined, to the extent practicable, proportionately on
8 the amount of fees paid to the respective clerks of the
9 courts within these counties, and (ii) on any other factors
10 that the Authority deems appropriate. ~~Grants distributed~~
11 ~~to the municipalities and counties identified in this~~
12 ~~paragraph (4) shall be based (i) proportionately on the~~
13 ~~amount of fees paid to the respective clerks of the courts~~
14 ~~within these counties and (ii) on any other factors that~~
15 ~~the Authority deems appropriate.~~

16 The percentages set forth in this subsection (b) shall be
17 calculated after deduction of reimbursable administrative
18 expenses incurred by the Authority, but shall not be greater
19 than 4% of the annual appropriated amount.

20 (c) Where the jurisdiction of a municipality is included
21 within more than one of the geographic areas set forth in this
22 Section, the Authority may elect to fully fund the municipality
23 from one of the relevant geographic areas.

24 (Source: P.A. 96-1419, eff. 10-1-10; 97-1164, eff. 6-1-13.)

25 Section 10. The State Finance Act is amended by adding

1 Section 5.826 as follows:

2 (30 ILCS 105/5.826 new)

3 Sec. 5.826. The Foreclosure Prevention Program Graduated
4 Fund.

5 Section 15. The Code of Civil Procedure is amended by
6 changing Sections 15-1504.1, 15-1505.8, and 15-1507.1 as
7 follows:

8 (735 ILCS 5/15-1504.1)

9 Sec. 15-1504.1. Filing fee for Foreclosure Prevention
10 Program Fund, Foreclosure Prevention Program Graduated Fund,
11 and Abandoned Residential Property Municipality Relief Fund.

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

1 the court as follows: (i) 98% to the State Treasurer for
2 deposit into the Foreclosure Prevention Program Fund, and (ii)
3 2% to the clerk of the court to be retained by the clerk for
4 deposit into the Circuit Court Clerk Operation and
5 Administrative Fund to defray ~~for~~ administrative expenses
6 related to implementation of this subsection (a).
7 Notwithstanding any other law to the contrary, the Foreclosure
8 Prevention Program Fund is not subject to sweeps,
9 administrative charge-backs, or any other fiscal maneuver that
10 would in any way transfer any amounts from the Foreclosure
11 Prevention Program Fund into any other fund of the State.

12 (a-5) Additional fee paid by plaintiffs with respect to
13 residential real estate.

14 (1) Until January 1, 2018, with respect to residential
15 real estate, at the time of the filing of a foreclosure
16 complaint and in addition to the fee set forth in
17 subsection (a) of this Section, the plaintiff shall pay to
18 the clerk of the court in which the foreclosure complaint
19 is filed a fee for the Foreclosure Prevention Program
20 Graduated Fund and the Abandoned Residential Property
21 Municipality Relief Fund as follows:

22 (A) The fee shall be \$500 if:

23 (i) the plaintiff, together with its
24 affiliates, has filed a sufficient number of
25 foreclosure complaints so as to be included in the
26 first tier foreclosure filing category and is

1 filing the complaint on its own behalf as the
2 holder of the indebtedness; or

3 (ii) the plaintiff, together with its
4 affiliates, has filed a sufficient number of
5 foreclosure complaints so as to be included in the
6 first tier foreclosure filing category and is
7 filing the complaint on behalf of a mortgagee that,
8 together with its affiliates, has filed a
9 sufficient number of foreclosure complaints so as
10 to be included in the first tier foreclosure filing
11 category; or

12 (iii) the plaintiff is not a depository
13 institution and is filing the complaint on behalf
14 of a mortgagee that, together with its affiliates,
15 has filed a sufficient number of foreclosure
16 complaints so as to be included in the first tier
17 foreclosure filing category.

18 (B) The fee shall be \$250 if:

19 (i) the plaintiff, together with its
20 affiliates, has filed a sufficient number of
21 foreclosure complaints so as to be included in the
22 second tier foreclosure filing category and is
23 filing the complaint on its own behalf as the
24 holder of the indebtedness; or

25 (ii) the plaintiff, together with its
26 affiliates, has filed a sufficient number of

1 foreclosure complaints so as to be included in the
2 first or second tier foreclosure filing category
3 and is filing the complaint on behalf of a
4 mortgagee that, together with its affiliates, has
5 filed a sufficient number of foreclosure
6 complaints so as to be included in the second tier
7 foreclosure filing category; or

8 (iii) the plaintiff, together with its
9 affiliates, has filed a sufficient number of
10 foreclosure complaints so as to be included in the
11 second tier foreclosure filing category and is
12 filing the complaint on behalf of a mortgagee that,
13 together with its affiliates, has filed a
14 sufficient number of foreclosure complaints so as
15 to be included in the first tier foreclosure filing
16 category; or

17 (iv) the plaintiff is not a depository
18 institution and is filing the complaint on behalf
19 of a mortgagee that, together with its affiliates,
20 has filed a sufficient number of foreclosure
21 complaints so as to be included in the second tier
22 foreclosure filing category.

23 (C) The fee shall be \$50 if:

24 (i) the plaintiff, together with its
25 affiliates, has filed a sufficient number of
26 foreclosure complaints so as to be included in the

1 third tier foreclosure filing category and is
2 filing the complaint on its own behalf as the
3 holder of the indebtedness; or

4 (ii) the plaintiff, together with its
5 affiliates, has filed a sufficient number of
6 foreclosure complaints so as to be included in the
7 first, second, or third tier foreclosure filing
8 category and is filing the complaint on behalf of a
9 mortgagee that, together with its affiliates, has
10 filed a sufficient number of foreclosure
11 complaints so as to be included in the third tier
12 foreclosure filing category; or

13 (iii) the plaintiff, together with its
14 affiliates, has filed a sufficient number of
15 foreclosure complaints so as to be included in the
16 third tier foreclosure filing category and is
17 filing the complaint on behalf of a mortgagee that,
18 together with its affiliates, has filed a
19 sufficient number of foreclosure complaints so as
20 to be included in the first tier foreclosure filing
21 category; or

22 (iv) the plaintiff, together with its
23 affiliates, has filed a sufficient number of
24 foreclosure complaints so as to be included in the
25 third tier foreclosure filing category and is
26 filing the complaint on behalf of a mortgagee that,

1 together with its affiliates, has filed a
2 sufficient number of foreclosure complaints so as
3 to be included in the second tier foreclosure
4 filing category; or

5 (v) the plaintiff is not a depository
6 institution and is filing the complaint on behalf
7 of a mortgagee that, together with its affiliates,
8 has filed a sufficient number of foreclosure
9 complaints so as to be included in the third tier
10 foreclosure filing category.

11 (2) The clerk shall remit the fee collected pursuant to
12 paragraph (1) of this subsection (a-5) to the State
13 Treasurer to be expended for the purposes set forth in
14 Sections 7.30 and 7.31 of the Illinois Housing Development
15 Act and for administrative expenses. All fees paid by
16 plaintiffs to the clerk of the court as provided in
17 paragraph (1) shall be disbursed within 60 days after
18 receipt by the clerk of the court as follows:

19 (A) 28% to the State Treasurer for deposit into the
20 Foreclosure Prevention Program Graduated Fund;

21 (B) 70% to the State Treasurer for deposit into the
22 Abandoned Residential Property Municipality Relief
23 Fund; and

24 (C) 2% to the clerk of the court to be retained by
25 the clerk for deposit into the Circuit Court Clerk
26 Operation and Administrative Fund to defray for

1 administrative expenses related to implementation of
2 this subsection (a-5).

3 (3) Until January 1, 2018, with respect to residential
4 real estate, at the time of the filing of a foreclosure
5 complaint, the plaintiff or plaintiff's representative
6 shall file a verified statement that states which
7 additional fee is due under paragraph (1) of this
8 subsection (a-5), unless the court has established another
9 process for a plaintiff or plaintiff's representative to
10 certify which additional fee is due under paragraph (1) of
11 this subsection (a-5).

12 ~~(3) To determine whether a plaintiff is subject to the~~
13 ~~fee as set forth in paragraph (1) of this subsection (a-5),~~
14 ~~a person, including the clerk of the court, may rely on:~~

15 ~~(A) a verified statement filed by the plaintiff at~~
16 ~~the time of filing the foreclosure complaint that~~
17 ~~states whether the plaintiff has an obligation to pay~~
18 ~~an additional fee as set forth in subsection (a-5) and~~
19 ~~if so whether the fee is due under subparagraph (A),~~
20 ~~(B), or (C) of paragraph (1) of subsection (a-5); or~~

21 ~~(B) such other processes established by the clerk~~
22 ~~of the court for plaintiffs to certify their~~
23 ~~eligibility for the exemption from the additional fee~~
24 ~~set forth in subsection (a-5).~~

25 (4) If a plaintiff fails to provide the clerk of the
26 court with a true and correct statement of the additional

1 fee due under paragraph (1) of this subsection (a-5), and
2 the mortgagor reimburses the plaintiff for any erroneous
3 additional fee that was paid by the plaintiff to the clerk
4 of the court, the mortgagor may seek a refund of any
5 overpayment of the fee in an amount that shall not exceed
6 the difference between the higher additional fee paid under
7 paragraph (1) of this subsection (a-5) and the actual fee
8 due thereunder. The mortgagor must petition the judge
9 within the foreclosure action for the award of any fee
10 overpayment pursuant to this paragraph (4) of this
11 subsection (a-5), and the award shall be determined by the
12 judge and paid by the clerk of the court out of the fund
13 account into which the clerk of the court deposits fees to
14 be remitted to the State Treasurer under paragraph (2) of
15 this subsection (a-5), the timing of which refund payment
16 shall be determined by the clerk of the court based upon
17 the availability of funds in the subject fund account. This
18 refund shall be the mortgagor's sole remedy and a mortgagor
19 shall have no private right of action against the plaintiff
20 or plaintiff's representatives if the additional fee paid
21 by the plaintiff was erroneous.

22 (5) This subsection (a-5) is inoperative on and after
23 January 1, 2018.

24 (b) 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 pursuant

1 to this Section during the preceding year.

2 (c) As used in this Section:

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

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

8 "Depository institution" means a bank, savings bank,
9 savings and loan association, or credit union chartered,
10 organized, or holding a certificate of authority to do business
11 under the laws of this State, another state, or the United
12 States.

13 "First tier foreclosure filing category" is a
14 classification that only applies to a plaintiff that has filed
15 175 or more foreclosure complaints on residential real estate
16 located in Illinois during the calendar year immediately
17 preceding the date of the filing of the subject foreclosure
18 complaint.

19 "Second tier foreclosure filing category" is a
20 classification that only applies to a plaintiff that has filed
21 at least 50, but no more than 174, foreclosure complaints on
22 residential real estate located in Illinois during the calendar
23 year immediately preceding the date of the filing of the
24 subject foreclosure complaint.

25 "Third tier foreclosure filing category" is a
26 classification that only applies to a plaintiff that has filed

1 no more than 49 foreclosure complaints on residential real
2 estate located in Illinois during the calendar year immediately
3 preceding the date of the filing of the subject foreclosure
4 complaint.

5 (d) In no instance shall the fee set forth in subsection
6 (a-5) be assessed for any foreclosure complaint filed before
7 the effective date of this amendatory Act of the 97th General
8 Assembly.

9 (e) Notwithstanding any other law to the contrary, the
10 Abandoned Residential Property Municipality Relief Fund is not
11 subject to sweeps, administrative charge-backs, or any other
12 fiscal maneuver that would in any way transfer any amounts from
13 the Abandoned Residential Property Municipality Relief Fund
14 into any other fund of the State.

15 (Source: P.A. 96-1419, eff. 10-1-10; 97-333, eff. 8-12-11;
16 97-1164, eff. 6-1-13.)

17 (735 ILCS 5/15-1505.8)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

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

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

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

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

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

21 (d) If a motion for an expedited judgment and sale is filed
22 after the period to answer the foreclosure complaint has
23 expired, the motion shall be heard no later than 21 ~~15~~ days
24 after the motion is filed.

25 (e) The hearing shall be given priority by the court and
26 shall be scheduled to be heard within the applicable time

1 period set forth in subsection (c) or (d) of this Section.

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

9 (g) The court may not grant the motion requesting an
10 expedited judgment and sale if the mortgagor, an unknown owner,
11 or a lawful occupant appears in the action in any manner before
12 or at the hearing and objects to a finding of abandonment.

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

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

25 (j) The mortgagee or its agent may enter, secure, and
26 maintain abandoned residential property subject to subsection

1 (e-5) of Section 21-3 of the Criminal Code of 2012.

2 (k) Personal property.

3 (1) Upon confirmation of the sale held pursuant to
4 Section 15-1507, any personal property remaining in or upon
5 the abandoned residential property shall be deemed to have
6 been abandoned by the owner of such personal property and
7 may be disposed of or donated by the holder of the
8 certificate of sale (or, if none, by the purchaser at the
9 sale). In the event of donation of any such personal
10 property, the holder of the certificate of sale (or, if
11 none, the purchaser at the sale) may transfer such donated
12 property with a bill of sale. No mortgagee or its
13 successors or assigns, holder of a certificate of sale, or
14 purchaser at the sale shall be liable for any such disposal
15 or donation of personal property.

16 (2) Notwithstanding paragraph (1) of this subsection
17 (k), in the event a lawful occupant is in possession of the
18 mortgaged real estate who has not been made a party to the
19 foreclosure and had his or her interests terminated
20 therein, any personal property of the lawful occupant shall
21 not be deemed to have been abandoned, nor shall the rights
22 of the lawful occupant to any personal property be
23 affected.

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

25 (1) The notice set out in this paragraph (l) of this
26 subsection (l) shall be conspicuously posted at the

1 property address at least 14 days before the hearing on the
2 motion requesting an expedited judgment and sale and shall
3 be in boldface, in at least 12 point type, and in
4 substantially the following form:

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

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

10 The judge will be holding a hearing to decide whether this
11 property is ABANDONED.

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

15 If the judge is satisfied that you are a LAWFUL OCCUPANT of
16 this property, the court will find that this property is NOT
17 ABANDONED.

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

1 Court name:

2 Court address:

3 Court room number where hearing will be held:

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

6 Date of hearing:

7 Time of hearing:

8 MORE INFORMATION

9 Name of lawsuit:

10 Number of lawsuit:

11 Address of this property:

12 IMPORTANT

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

16 WARNING

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

1 NO TRESPASSING

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

5 (2) The notice set out in this paragraph (2) of this
6 subsection (1) shall be conspicuously posted at the
7 property address at least 14 days before the hearing to
8 confirm the sale of the abandoned residential property and
9 shall be in boldface, in at least 12 point type, and in
10 substantially the following form:

11 "NOTICE TO ANY TENANT OR OTHER LAWFUL
12 OCCUPANT OF THIS PROPERTY

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

16 HOWEVER, there still must be a hearing for the judge to approve
17 the sale. The judge will NOT APPROVE this sale if the judge
18 finds that any person lawfully occupies any part of this
19 property.

20 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. You also may appear
 3 BEFORE this hearing and explain to the judge how you are a
 4 lawful occupant of this property.

5 If the judge is satisfied that you are a **LAWFUL OCCUPANT** of
 6 this property, the court will find that this property is **NOT**
 7 **ABANDONED**, and there will be no sale of the property at this
 8 time.

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:

20 Number of lawsuit:

21 Address of this property:

1

IMPORTANT

2

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

5

WARNING

6

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

10

NO TRESPASSING

11

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

14

(Source: P.A. 97-1164, eff. 6-1-13.)

15

(735 ILCS 5/15-1507.1)

16

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

17

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

19

(a) Upon and at the sale of residential real estate under

1 Section 15-1507, the purchaser shall pay to the person
2 conducting the sale pursuant to Section 15-1507 a fee for
3 deposit into the Abandoned Residential Property Municipality
4 Relief Fund, a special fund created in the State treasury. The
5 fee shall be calculated at the rate of \$1 for each \$1,000 or
6 fraction thereof of the amount paid by the purchaser to the
7 person conducting the sale, as reflected in the receipt of sale
8 issued to the purchaser, provided that in no event shall the
9 fee exceed \$300. No fee shall be paid by the mortgagee
10 acquiring the residential real estate pursuant to its credit
11 bid at the sale or by any mortgagee, judgment creditor, or
12 other lienor acquiring the residential real estate whose rights
13 in and to the residential real estate arose prior to the sale.
14 Upon confirmation of the sale under Section 15-1508, the person
15 conducting the sale shall remit the fee to the clerk of the
16 court in which the foreclosure case is pending. The clerk shall
17 remit the fee to the State Treasurer as provided in this
18 Section, to be expended for the purposes set forth in Section
19 7.31 of the Illinois Housing Development Act.

20 (b) All fees paid by purchasers as provided in this Section
21 shall be disbursed within 60 days after receipt by the clerk of
22 the court as follows: (i) 98% to the State Treasurer for
23 deposit into the Abandoned Residential Property Municipality
24 Relief Fund, and (ii) 2% to the clerk of the court to be
25 retained by the clerk for deposit into the Circuit Court Clerk
26 Operation and Administrative Fund to defray ~~for~~ administrative

1 expenses related to implementation of this Section.

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

6 (d) Subsections (a) and (b) of this Section shall become
7 inoperative on January 1, 2016. This Section is repealed on
8 March 2, 2016.

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

10 Section 99. Effective date. This Act takes effect June 1,
11 2013.