



Rep. André M. Thapedi

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09800SB1674ham001

LRB098 08582 KTG 45335 a

1 AMENDMENT TO SENATE BILL 1674

2 AMENDMENT NO. _____. Amend Senate Bill 1674 by replacing
3 everything after the enacting clause with the following:

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

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

3 (b) Subject to appropriation and to the annual receipt of
4 funds, and ending on June 1, 2013 (the effective date of Public
5 Act 97-1164), the Authority shall make grants from the
6 Foreclosure Prevention Program Fund derived from fees paid as
7 specified in subsection (a) of Section 15-1504.1 of the Code of
8 Civil Procedure as follows:

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

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

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

26 (4) 25% of the moneys in the Fund shall be used to make

1 grants to approved community-based organizations located
2 within the City of Chicago for approved foreclosure
3 prevention outreach programs, with priority given to
4 programs that provide door-to-door outreach.

5 (b-1) Subject to appropriation and to the annual receipt of
6 funds, beginning June 1, 2013 (the effective date of Public Act
7 97-1164), the Authority shall make grants from the Foreclosure
8 Prevention Program Fund derived from fees paid as specified in
9 subsection (a) of Section 15-1504 and paragraph (1) of
10 subsection (a-5) of Section 15-1504.1 of the Code of Civil
11 Procedure, as follows:

12 (1) 30% shall be used to make grants for approved
13 housing counseling and approved foreclosure prevention
14 outreach programs in Cook County outside of the City of
15 Chicago;

16 (2) 25% shall be used to make grants for approved
17 housing counseling and approved foreclosure prevention
18 outreach programs in the City of Chicago;

19 (3) 30% shall be used to make grants for approved
20 housing counseling and approved foreclosure prevention
21 outreach programs in DuPage, Kane, Lake, McHenry, and Will
22 Counties; and

23 (4) 15% shall be used to make grants for approved
24 housing counseling and approved foreclosure prevention
25 outreach programs in Illinois in counties other than Cook,
26 DuPage, Kane, Lake, McHenry, and Will Counties provided

1 that grants to provide approved housing counseling to
2 borrowers residing within these counties shall be based, to
3 the extent practicable, (i) proportionately on the amount
4 of fees paid to the respective clerks of the courts within
5 these counties and (ii) on any other factors that the
6 Authority deems appropriate.

7 (b-2) The percentages set forth in subsection (b-1) of this
8 Section shall be calculated after deduction of reimbursable
9 administrative expenses incurred by the Authority.

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

11 "Approved community-based organization" means a
12 not-for-profit entity that provides educational and financial
13 information to residents of a community through in-person
14 contact. "Approved community-based organization" does not
15 include a not-for-profit corporation or other entity or person
16 that provides legal representation or advice in a civil
17 proceeding or court-sponsored mediation services, or a
18 governmental agency.

19 "Approved foreclosure prevention outreach program" means a
20 program developed by an approved community-based organization
21 that includes in-person contact with residents to provide (i)
22 pre-purchase and post-purchase home ownership counseling, (ii)
23 education about the foreclosure process and the options of a
24 mortgagor in a foreclosure proceeding, and (iii) programs
25 developed by an approved community-based organization in
26 conjunction with a State or federally chartered financial

1 institution.

2 "Approved counseling agency" means a housing counseling
3 agency approved by the U.S. Department of Housing and Urban
4 Development.

5 "Approved housing counseling" means in-person counseling
6 provided by a counselor employed by an approved counseling
7 agency or an approved community-based organization to all
8 borrowers, or documented telephone counseling where a hardship
9 would be imposed on one or more borrowers. A hardship shall
10 exist in instances in which the borrower is confined to his or
11 her home due to a medical condition, as verified in writing by
12 a physician, or the borrower resides 50 miles or more from the
13 nearest approved counseling agency. In instances of telephone
14 counseling, the borrower must supply all necessary documents to
15 the counselor at least 72 hours prior to the scheduled
16 telephone counseling session.

17 (c) (Blank).

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

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

23 (20 ILCS 3805/7.31)

24 Sec. 7.31. Abandoned Residential Property Municipality
25 Relief Program.

1 (a) The Authority shall establish and administer an
2 Abandoned Residential Property Municipality Relief Program.
3 The Authority shall use moneys in the Abandoned Residential
4 Property Municipality Relief Fund, and any other funds
5 appropriated for this purpose, to make grants to municipalities
6 and to counties to assist with costs incurred by the
7 municipality or county for: cutting of neglected weeds or
8 grass, trimming of trees or bushes, and removal of nuisance
9 bushes or trees; extermination of pests or prevention of the
10 ingress of pests; removal of garbage, debris, and graffiti;
11 boarding up, closing off, or locking windows or entrances or
12 otherwise making the interior of a building inaccessible to the
13 general public; surrounding part or all of an abandoned
14 residential property's underlying parcel with a fence or wall
15 or otherwise making part or all of the abandoned residential
16 property's underlying parcel inaccessible to the general
17 public; demolition of abandoned residential property; and
18 repair or rehabilitation of abandoned residential property, as
19 approved by the Authority under the Program. For purposes of
20 this subsection (a), "pests" has the meaning ascribed to that
21 term in subsection (c) of Section 11-20-8 of the Illinois
22 Municipal Code. The Authority shall promulgate rules for the
23 administration, operation, and maintenance of the Program and
24 may adopt emergency rules as soon as practicable to begin
25 implementation of the Program.

26 (b) Subject to appropriation and to the annual receipt of

1 funds, the Authority shall make grants from the Abandoned
2 Residential Property Municipality Relief Fund derived from
3 fees paid as specified in paragraph (1) of subsection (a-5) of
4 Section 15-1504.1 and subsection (a) of Section 15-1507.1 of
5 the Code of Civil Procedure as follows:

6 (1) 30% of the moneys in the Fund shall be used to make
7 grants to municipalities other than the City of Chicago in
8 Cook County and to Cook County;

9 (2) 25% of the moneys in the Fund shall be used to make
10 grants to the City of Chicago;

11 (3) 30% of the moneys in the Fund shall be used to make
12 grants to municipalities in DuPage, Kane, Lake, McHenry and
13 Will Counties, and to those counties; and

14 (4) 15% of the moneys in the Fund shall be used to make
15 grants to municipalities in Illinois in counties other than
16 Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and
17 to counties other than Cook, DuPage, Kane, Lake, McHenry,
18 and Will Counties. Grants distributed to the
19 municipalities and counties shall be based on (i) areas of
20 greatest need within these counties, which shall be
21 determined, to the extent practicable, proportionately on
22 the amount of fees paid to the respective clerks of the
23 courts within these counties, and (ii) on any other factors
24 that the Authority deems appropriate. ~~Grants distributed~~
25 ~~to the municipalities and counties identified in this~~
26 ~~paragraph (4) shall be based (i) proportionately on the~~

1 ~~amount of fees paid to the respective clerks of the courts~~
2 ~~within these counties and (ii) on any other factors that~~
3 ~~the Authority deems appropriate.~~

4 (b-5) The percentages set forth in subsection (b) of this
5 Section shall be calculated after deduction of reimbursable
6 administrative expenses incurred by the Authority.

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

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

12 Section 10. The Code of Civil Procedure is amended by
13 changing Sections 15-1504.1, 15-1505.8, and 15-1507.1 as
14 follows:

15 (735 ILCS 5/15-1504.1)

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

19 (a) Fee paid by all plaintiffs with respect to residential
20 real estate. With respect to residential real estate, at the
21 time of the filing of a foreclosure complaint, the plaintiff
22 shall pay to the clerk of the court in which the foreclosure
23 complaint is filed a fee of \$50 for deposit into the
24 Foreclosure Prevention Program Fund, a special fund created in

1 the State treasury. The clerk shall remit the fee collected
2 pursuant to this subsection (a) to the State Treasurer to be
3 expended for the purposes set forth in Section 7.30 of the
4 Illinois Housing Development Act. All fees paid by plaintiffs
5 to the clerk of the court as provided in this subsection (a)
6 shall be disbursed within 60 days after receipt by the clerk of
7 the court as follows: (i) 98% to the State Treasurer for
8 deposit into the Foreclosure Prevention Program Fund, and (ii)
9 2% to the clerk of the court to be retained by the clerk for
10 deposit into the Circuit Court Clerk Operation and
11 Administrative Fund to defray ~~for~~ administrative expenses
12 related to implementation of this subsection (a).
13 Notwithstanding any other law to the contrary, the Foreclosure
14 Prevention Program Fund is not subject to sweeps,
15 administrative charge-backs, or any other fiscal maneuver that
16 would in any way transfer any amounts from the Foreclosure
17 Prevention Program Fund into any other fund of the State.

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

20 (1) Until January 1, 2018, with respect to residential
21 real estate, at the time of the filing of a foreclosure
22 complaint and in addition to the fee set forth in
23 subsection (a) of this Section, the plaintiff shall pay to
24 the clerk of the court in which the foreclosure complaint
25 is filed a fee for the Foreclosure Prevention Program Fund
26 and the Abandoned Residential Property Municipality Relief

1 Fund as follows:

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

3 (i) 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 its own behalf as the
8 holder of the indebtedness; or

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

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

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

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

1 foreclosure complaints so as to be included in the
2 second tier foreclosure filing category and is
3 filing the complaint on its own behalf as the
4 holder of the indebtedness; or

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

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

23 (iv) the plaintiff is not a depository
24 institution and is filing the complaint on behalf
25 of a mortgagee that, together with its affiliates,
26 has filed a sufficient number of foreclosure

1 complaints so as to be included in the second tier
2 foreclosure filing category.

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

4 (i) the plaintiff, together with its
5 affiliates, has filed a sufficient number of
6 foreclosure complaints so as to be included in the
7 third tier foreclosure filing category and is
8 filing the complaint on its own behalf as the
9 holder of the indebtedness; or

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

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

1 category; or

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

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

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

25 (A) 28% to the State Treasurer for deposit into the
26 Foreclosure Prevention Program Fund;

1 (B) 70% to the State Treasurer for deposit into the
2 Abandoned Residential Property Municipality Relief
3 Fund; and

4 (C) 2% to the clerk of the court to be retained by
5 the clerk for deposit into the Circuit Court Clerk
6 Operation and Administrative Fund to defray for
7 administrative expenses related to implementation of
8 this subsection (a-5).

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

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

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

1 ~~(B) such other processes established by the clerk~~
2 ~~of the court for plaintiffs to certify their~~
3 ~~eligibility for the exemption from the additional fee~~
4 ~~set forth in subsection (a-5).~~

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

1 by the plaintiff was erroneous.

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

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

8 (c) As used in this Section:

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

11 "Approved counseling agency" and "approved housing
12 counseling" have the meanings ascribed to those terms in
13 Section 7.30 of the Illinois Housing Development Act.

14 "Depository institution" means a bank, savings bank,
15 savings and loan association, or credit union chartered,
16 organized, or holding a certificate of authority to do business
17 under the laws of this State, another state, or the United
18 States.

19 "First tier foreclosure filing category" is a
20 classification that only applies to a plaintiff that has filed
21 175 or more foreclosure complaints on residential real estate
22 located in Illinois during the calendar year immediately
23 preceding the date of the filing of the subject foreclosure
24 complaint.

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

1 at least 50, but no more than 174, foreclosure complaints on
2 residential real estate located in Illinois during the calendar
3 year immediately preceding the date of the filing of the
4 subject foreclosure complaint.

5 "Third tier foreclosure filing category" is a
6 classification that only applies to a plaintiff that has filed
7 no more than 49 foreclosure complaints on residential real
8 estate located in Illinois during the calendar year immediately
9 preceding the date of the filing of the subject foreclosure
10 complaint.

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

15 (e) Notwithstanding any other law to the contrary, the
16 Abandoned Residential Property Municipality Relief Fund is not
17 subject to sweeps, administrative charge-backs, or any other
18 fiscal maneuver that would in any way transfer any amounts from
19 the Abandoned Residential Property Municipality Relief Fund
20 into any other fund of the State.

21 (Source: P.A. 96-1419, eff. 10-1-10; 97-333, eff. 8-12-11;
22 97-1164, eff. 6-1-13.)

23 (735 ILCS 5/15-1505.8)

24 (This Section may contain text from a Public Act with a
25 delayed effective date)

1 Sec. 15-1505.8. Expedited judgment and sale procedure for
2 abandoned residential property.

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

14 (b) The motion requesting an expedited judgment of
15 foreclosure and sale may be filed by the mortgagee at the time
16 the foreclosure complaint is filed or any time thereafter, and
17 shall set forth the facts demonstrating that the mortgaged real
18 estate is abandoned residential real estate under Section
19 15-1200.5 and shall be supported by affidavit.

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

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

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

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

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

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

26 (i) The reinstatement period and redemption period for the

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

5 (j) The mortgagee or its agent may enter, secure, and
6 maintain abandoned residential property subject to subsection
7 (e-5) of Section 21-3 of the Criminal Code of 2012.

8 (k) Personal property.

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

22 (2) Notwithstanding paragraph (1) of this subsection
23 (k), in the event a lawful occupant is in possession of the
24 mortgaged real estate who has not been made a party to the
25 foreclosure and had his or her interests terminated
26 therein, any personal property of the lawful occupant shall

1 not be deemed to have been abandoned, nor shall the rights
2 of the lawful occupant to any personal property be
3 affected.

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

5 (1) The notice set out in this paragraph (1) of this
6 subsection (1) shall be conspicuously posted at the
7 property address at least 14 days before the hearing on the
8 motion requesting an expedited judgment and sale and shall
9 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 party asking to foreclose on this property has asked a judge to
15 find that THIS PROPERTY IS ABANDONED.

16 The judge will be holding a hearing to decide whether this
17 property is ABANDONED.

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

21 If the judge is satisfied that you are a LAWFUL OCCUPANT of

1 this property, the court will find that this property is NOT
2 ABANDONED.

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

5 Court name:

6 Court address:

7 Court room number where hearing will be held:

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

10 Date of hearing:

11 Time of hearing:

12 MORE INFORMATION

13 Name of lawsuit:

14 Number of lawsuit:

15 Address of this property:

16 IMPORTANT

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

1 WARNING

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

6 NO TRESPASSING

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

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

16 "NOTICE TO ANY TENANT OR OTHER LAWFUL

17 OCCUPANT OF THIS PROPERTY

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

1 HOWEVER, there still must be a hearing for the judge to approve
 2 the sale. The judge will NOT APPROVE this sale if the judge
 3 finds that any person lawfully occupies any part of this
 4 property.

5 IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY
 6 CHOOSE TO GO TO THIS HEARING and explain to the judge how you
 7 are a lawful occupant of this property. You also may appear
 8 BEFORE this hearing and explain to the judge how you are a
 9 lawful occupant of this property.

10 If the judge is satisfied that you are a LAWFUL OCCUPANT of
 11 this property, the court will find that this property is NOT
 12 ABANDONED, and there will be no sale of the property at this
 13 time.

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

16 Court name:

17 Court address:

18 Court room number where hearing will be held:

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

21 Date of hearing:

22 Time of hearing:

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MORE INFORMATION

Name of lawsuit:
Number of lawsuit:
Address of this property:

IMPORTANT

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

WARNING

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

NO TRESPASSING

KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."
(Source: P.A. 97-1164, eff. 6-1-13.)

1 (735 ILCS 5/15-1507.1)

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

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

5 (a) Upon and at the sale of residential real estate under
6 Section 15-1507, the purchaser shall pay to the person
7 conducting the sale pursuant to Section 15-1507 a fee for
8 deposit into the Abandoned Residential Property Municipality
9 Relief Fund, a special fund created in the State treasury. The
10 fee shall be calculated at the rate of \$1 for each \$1,000 or
11 fraction thereof of the amount paid by the purchaser to the
12 person conducting the sale, as reflected in the receipt of sale
13 issued to the purchaser, provided that in no event shall the
14 fee exceed \$300. No fee shall be paid by the mortgagee
15 acquiring the residential real estate pursuant to its credit
16 bid at the sale or by any mortgagee, judgment creditor, or
17 other lienor acquiring the residential real estate whose rights
18 in and to the residential real estate arose prior to the sale.
19 Upon confirmation of the sale under Section 15-1508, the person
20 conducting the sale shall remit the fee to the clerk of the
21 court in which the foreclosure case is pending. The clerk shall
22 remit the fee to the State Treasurer as provided in this
23 Section, to be expended for the purposes set forth in Section
24 7.31 of the Illinois Housing Development Act.

25 (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 to be
5 retained by the clerk for deposit into the Circuit Court Clerk
6 Operation and Administrative Fund to defray ~~for~~ administrative
7 expenses related to implementation of this Section.

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

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

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

16 Section 99. Effective date. This Act takes effect June 1,
17 2013."