



Rep. André M. Thapedi

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09800SB1674ham004

LRB098 08582 KTG 46493 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 the annual receipt of
4 funds, the Authority shall make grants from the Foreclosure
5 Prevention Program Fund derived from fees paid as specified in
6 subsection (a) of Section 15-1504.1 of the Code of Civil
7 Procedure as follows:

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

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

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

25 (4) 25% of the moneys in the Fund shall be used to make
26 grants to approved community-based organizations located

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

4 (b-1) Subject to appropriation and the annual receipt of
5 funds, the Authority shall make grants from the Foreclosure
6 Prevention Program Graduated Fund derived from fees paid as
7 specified in paragraph (1) of subsection (a-5) of Section
8 15-1504.1 of the Code of Civil Procedure, as follows:

9 (1) 30% shall be used to make grants for approved
10 housing counseling in Cook County outside of the City of
11 Chicago;

12 (2) 25% shall be used to make grants for approved
13 housing counseling in the City of Chicago;

14 (3) 30% shall be used to make grants for approved
15 housing counseling in DuPage, Kane, Lake, McHenry, and Will
16 Counties; and

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

26 The percentages set forth in this subsection (b-1) shall be

1 calculated after deduction of reimbursable administrative
2 expenses incurred by the Authority, but shall not be greater
3 than 4% of the annual appropriated amount.

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

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

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

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

25 "Approved housing counseling" means in-person counseling
26 provided by a counselor employed by an approved counseling

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

10 (c) (Blank).

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

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

16 (20 ILCS 3805/7.31)

17 Sec. 7.31. Abandoned Residential Property Municipality
18 Relief Program.

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

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

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

25 (1) 30% of the moneys in the Fund shall be used to make
26 grants to municipalities other than the City of Chicago in

1 Cook County and to Cook County;

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

4 (3) 30% of the moneys in the Fund shall be used to make
5 grants to municipalities in DuPage, Kane, Lake, McHenry and
6 Will Counties, and to those counties; and

7 (4) 15% of the moneys in the Fund shall be used to make
8 grants to municipalities in Illinois in counties other than
9 Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and
10 to counties other than Cook, DuPage, Kane, Lake, McHenry,
11 and Will Counties. Grants distributed to the

12 municipalities and counties shall be based on (i) areas of
13 greatest need within these counties, which shall be
14 determined, to the extent practicable, proportionately on
15 the amount of fees paid to the respective clerks of the
16 courts within these counties, and (ii) on any other factors
17 that the Authority deems appropriate. ~~Grants distributed~~
18 ~~to the municipalities and counties identified in this~~
19 ~~paragraph (4) shall be based (i) proportionately on the~~
20 ~~amount of fees paid to the respective clerks of the courts~~
21 ~~within these counties and (ii) on any other factors that~~
22 ~~the Authority deems appropriate.~~

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

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

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

6 Section 10. The State Finance Act is amended by adding
7 Section 5.826 as follows:

8 (30 ILCS 105/5.826 new)

9 Sec. 5.826. The Foreclosure Prevention Program Graduated
10 Fund.

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

14 (735 ILCS 5/15-1504.1)

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

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

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

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

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

1 Graduated Fund and the Abandoned Residential Property
2 Municipality Relief Fund as follows:

3 (A) The fee shall be \$500 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 first 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 tier foreclosure filing category and is
14 filing the complaint on behalf of a mortgagee that,
15 together with its affiliates, has filed a
16 sufficient number of foreclosure complaints so as
17 to be included in the first tier foreclosure filing
18 category; or

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

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

26 (i) the plaintiff, together with its

1 affiliates, has filed a sufficient number of
2 foreclosure complaints so as to be included in the
3 second tier foreclosure filing category and is
4 filing the complaint on its own behalf as the
5 holder of the indebtedness; or

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

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

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

1 has filed a sufficient number of foreclosure
2 complaints so as to be included in the second tier
3 foreclosure filing category.

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

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

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

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

1 to be included in the first tier foreclosure filing
2 category; or

3 (iv) the plaintiff, together with its
4 affiliates, has filed a sufficient number of
5 foreclosure complaints so as to be included in the
6 third 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 second tier foreclosure
11 filing category; or

12 (v) 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 third tier
17 foreclosure filing category.

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

26 (A) 28% to the State Treasurer for deposit into the

1 Foreclosure Prevention Program Graduated Fund;

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

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

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

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

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

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

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

1 or plaintiff's representatives if the additional fee paid
2 by the plaintiff was erroneous.

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

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

9 (c) As used in this Section:

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

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

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

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

26 "Second tier foreclosure filing category" is a

1 classification that only applies to a plaintiff that has filed
2 at least 50, but no more than 174, foreclosure complaints on
3 residential real estate located in Illinois during the calendar
4 year immediately preceding the date of the filing of the
5 subject foreclosure complaint.

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

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

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

22 (Source: P.A. 96-1419, eff. 10-1-10; 97-333, eff. 8-12-11;
23 97-1164, eff. 6-1-13.)

24 (735 ILCS 5/15-1505.8)

25 (This Section may contain text from a Public Act with a

1 delayed effective date)

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

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

15 (b) The motion requesting an expedited judgment of
16 foreclosure and sale may be filed by the mortgagee at the time
17 the foreclosure complaint is filed or any time thereafter, and
18 shall set forth the facts demonstrating that the mortgaged real
19 estate is abandoned residential real estate under Section
20 15-1200.5 and shall be supported by affidavit.

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

1 foreclosure complaint has expired.

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

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

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

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

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

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

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

9 (k) Personal property.

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

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

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

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

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

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

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

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

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

1 If the judge is satisfied that you are a LAWFUL OCCUPANT of
2 this property, the court will find that this property is NOT
3 ABANDONED.

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

6 Court name:

7 Court address:

8 Court room number where hearing will be held:

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

11 Date of hearing:

12 Time of hearing:

13 MORE INFORMATION

14 Name of lawsuit:

15 Number of lawsuit:

16 Address of this property:

17 IMPORTANT

18 This is NOT a notice to vacate the premises. You may wish to
19 contact a lawyer or your local legal aid or housing counseling
20 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:

1 Time of hearing:

2 MORE INFORMATION

3 Name of lawsuit:

4 Number of lawsuit:

5 Address of this property:

6 IMPORTANT

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

10 WARNING

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

15 NO TRESPASSING

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

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

2 (735 ILCS 5/15-1507.1)

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

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

6 (a) Upon and at the sale of residential real estate under
7 Section 15-1507, the purchaser shall pay to the person
8 conducting the sale pursuant to Section 15-1507 a fee for
9 deposit into the Abandoned Residential Property Municipality
10 Relief Fund, a special fund created in the State treasury. The
11 fee shall be calculated at the rate of \$1 for each \$1,000 or
12 fraction thereof of the amount paid by the purchaser to the
13 person conducting the sale, as reflected in the receipt of sale
14 issued to the purchaser, provided that in no event shall the
15 fee exceed \$300. No fee shall be paid by the mortgagee
16 acquiring the residential real estate pursuant to its credit
17 bid at the sale or by any mortgagee, judgment creditor, or
18 other lienor acquiring the residential real estate whose rights
19 in and to the residential real estate arose prior to the sale.
20 Upon confirmation of the sale under Section 15-1508, the person
21 conducting the sale shall remit the fee to the clerk of the
22 court in which the foreclosure case is pending. The clerk shall
23 remit the fee to the State Treasurer as provided in this
24 Section, to be expended for the purposes set forth in Section
25 7.31 of the Illinois Housing Development Act.

1 (b) All fees paid by purchasers as provided in this Section
2 shall be disbursed within 60 days after receipt by the clerk of
3 the court as follows: (i) 98% to the State Treasurer for
4 deposit into the Abandoned Residential Property Municipality
5 Relief Fund, and (ii) 2% to the clerk of the court to be
6 retained by the clerk for deposit into the Circuit Court Clerk
7 Operation and Administrative Fund to defray ~~for~~ administrative
8 expenses related to implementation of this Section.

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

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

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

17 Section 99. Effective date. This Act takes effect June 1,
18 2013."