



Rep. André M. Thapedi

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09800SB1674ham005

LRB098 08582 KTG 46489 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 The percentages set forth in this subsection (b) shall be
5 calculated after deduction of an amount not to exceed 1% of the
6 moneys in the Fund for reimbursable administrative expenses
7 incurred by the Authority.

8 (b-1) Subject to appropriation and the annual receipt of
9 funds, the Authority shall make grants from the Foreclosure
10 Prevention Program Graduated Fund derived from fees paid as
11 specified in paragraph (1) of subsection (a-5) of Section
12 15-1504.1 of the Code of Civil Procedure, as follows:

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

16 (2) 25% shall be used to make grants for approved
17 housing counseling in the City of Chicago;

18 (3) 30% shall be used to make grants for approved
19 housing counseling in DuPage, Kane, Lake, McHenry, and Will
20 Counties; and

21 (4) 15% shall be used to make grants for approved
22 housing counseling in Illinois in counties other than Cook,
23 DuPage, Kane, Lake, McHenry, and Will Counties provided
24 that grants to provide approved housing counseling to
25 borrowers residing within these counties shall be based, to
26 the extent practicable, (i) proportionately on the amount

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

4 The percentages set forth in this subsection (b-1) shall be
5 calculated after deduction of an amount not to exceed 1% of the
6 moneys in the Fund for reimbursable administrative expenses
7 incurred by the Authority.

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

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

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

26 "Approved counseling agency" means a housing counseling

1 agency approved by the U.S. Department of Housing and Urban
2 Development.

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

14 (c) (Blank).

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

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

20 (20 ILCS 3805/7.31)

21 Sec. 7.31. Abandoned Residential Property Municipality
22 Relief Program.

23 (a) The Authority shall establish and administer an
24 Abandoned Residential Property Municipality Relief Program.
25 The Authority shall use moneys in the Abandoned Residential

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

23 (b) Subject to appropriation and the annual receipt of
24 funds, the Authority shall make grants from the Abandoned
25 Residential Property Municipality Relief Fund derived from
26 fees paid as specified in paragraph (1) of subsection (a-5) of

1 Section 15-1504.1 and subsection (a) of Section 15-1507.1 of
2 the Code of Civil Procedure as follows:

3 (1) 30% of the moneys in the Fund shall be used to make
4 grants to municipalities other than the City of Chicago in
5 Cook County and to Cook County;

6 (2) 25% of the moneys in the Fund shall be used to make
7 grants to the City of Chicago;

8 (3) 30% of the moneys in the Fund shall be used to make
9 grants to municipalities in DuPage, Kane, Lake, McHenry and
10 Will Counties, and to those counties; and

11 (4) 15% of the moneys in the Fund shall be used to make
12 grants to municipalities in Illinois in counties other than
13 Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and
14 to counties other than Cook, DuPage, Kane, Lake, McHenry,
15 and Will Counties. Grants distributed to the
16 municipalities and counties shall be based on (i) areas of
17 greatest need within these counties, which shall be
18 determined, to the extent practicable, proportionately on
19 the amount of fees paid to the respective clerks of the
20 courts within these counties, and (ii) on any other factors
21 that the Authority deems appropriate. Grants distributed
22 to the municipalities and counties identified in this
23 paragraph (4) shall be based (i) proportionately on the
24 amount of fees paid to the respective clerks of the courts
25 within these counties and (ii) on any other factors that
26 the Authority deems appropriate.

1 The percentages set forth in this subsection (b) shall be
2 calculated after deduction of an amount not to exceed 1% of the
3 moneys in the Fund for reimbursable administrative expenses
4 incurred by the Authority.

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

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

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

12 (30 ILCS 105/5.826 new)

13 Sec. 5.826. The Foreclosure Prevention Program Graduated
14 Fund.

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

18 (735 ILCS 5/15-1504.1)

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

22 (a) Fee paid by all plaintiffs with respect to residential

1 real estate. With respect to residential real estate, at the
2 time of the filing of a foreclosure complaint, the plaintiff
3 shall pay to the clerk of the court in which the foreclosure
4 complaint is filed a fee of \$50 for deposit into the
5 Foreclosure Prevention Program Fund, a special fund created in
6 the State treasury. The clerk shall remit the fee collected
7 pursuant to this subsection (a) to the State Treasurer to be
8 expended for the purposes set forth in Section 7.30 of the
9 Illinois Housing Development Act. All fees paid by plaintiffs
10 to the clerk of the court as provided in this subsection (a)
11 shall be disbursed within 60 days after receipt by the clerk of
12 the court as follows: (i) 98% to the State Treasurer for
13 deposit into the Foreclosure Prevention Program Fund, and (ii)
14 2% to the clerk of the court to be retained by the clerk for
15 deposit into the Circuit Court Clerk Operation and
16 Administrative Fund to defray ~~for~~ administrative expenses
17 related to implementation of this subsection (a).
18 Notwithstanding any other law to the contrary, the Foreclosure
19 Prevention Program Fund is not subject to sweeps,
20 administrative charge-backs, or any other fiscal maneuver that
21 would in any way transfer any amounts from the Foreclosure
22 Prevention Program Fund into any other fund of the State.

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

25 (1) Until January 1, 2018, with respect to residential
26 real estate, at the time of the filing of a foreclosure

1 complaint and in addition to the fee set forth in
2 subsection (a) of this Section, the plaintiff shall pay to
3 the clerk of the court in which the foreclosure complaint
4 is filed a fee for the Foreclosure Prevention Program
5 Graduated Fund and the Abandoned Residential Property
6 Municipality Relief Fund as follows:

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

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

14 (ii) the plaintiff, together with its
15 affiliates, has filed a sufficient number of
16 foreclosure complaints so as to be included in the
17 first 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 (iii) 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 first tier
2 foreclosure filing category.

3 (B) The fee shall be \$250 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 second 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 or second tier foreclosure filing category
14 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 second 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 second 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 is not a depository
3 institution and is filing the complaint on behalf
4 of a mortgagee that, together with its affiliates,
5 has filed a sufficient number of foreclosure
6 complaints so as to be included in the second tier
7 foreclosure filing category.

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

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

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

24 (iii) 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 behalf of a mortgagee that,
3 together with its affiliates, has filed a
4 sufficient number of foreclosure complaints so as
5 to be included in the first tier foreclosure filing
6 category; or

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

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

22 (2) The clerk shall remit the fee collected pursuant to
23 paragraph (1) of this subsection (a-5) to the State
24 Treasurer to be expended for the purposes set forth in
25 Sections 7.30 and 7.31 of the Illinois Housing Development
26 Act and for administrative expenses. All fees paid by

1 plaintiffs to the clerk of the court as provided in
2 paragraph (1) shall be disbursed within 60 days after
3 receipt by the clerk of the court as follows:

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

6 (B) 70% to the State Treasurer for deposit into the
7 Abandoned Residential Property Municipality Relief
8 Fund; and

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

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

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

26 ~~(A) a verified statement filed by the plaintiff at~~

1 ~~the time of filing the foreclosure complaint that~~
2 ~~states whether the plaintiff has an obligation to pay~~
3 ~~an additional fee as set forth in subsection (a-5) and~~
4 ~~if so whether the fee is due under subparagraph (A),~~
5 ~~(B), or (C) of paragraph (1) of subsection (a-5); or~~
6 ~~(B) such other processes established by the clerk~~
7 ~~of the court for plaintiffs to certify their~~
8 ~~eligibility for the exemption from the additional fee~~
9 ~~set forth in subsection (a-5).~~

10 (4) If a plaintiff fails to provide the clerk of the
11 court with a true and correct statement of the additional
12 fee due under paragraph (1) of this subsection (a-5), and
13 the mortgagor reimburses the plaintiff for any erroneous
14 additional fee that was paid by the plaintiff to the clerk
15 of the court, the mortgagor may seek a refund of any
16 overpayment of the fee in an amount that shall not exceed
17 the difference between the higher additional fee paid under
18 paragraph (1) of this subsection (a-5) and the actual fee
19 due thereunder. The mortgagor must petition the judge
20 within the foreclosure action for the award of any fee
21 overpayment pursuant to this paragraph (4) of this
22 subsection (a-5), and the award shall be determined by the
23 judge and paid by the clerk of the court out of the fund
24 account into which the clerk of the court deposits fees to
25 be remitted to the State Treasurer under paragraph (2) of
26 this subsection (a-5), the timing of which refund payment

1 shall be determined by the clerk of the court based upon
2 the availability of funds in the subject fund account. This
3 refund shall be the mortgagor's sole remedy and a mortgagor
4 shall have no private right of action against the plaintiff
5 or plaintiff's representatives if the additional fee paid
6 by the plaintiff was erroneous.

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

9 (b) 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 pursuant
12 to this Section during the preceding year.

13 (c) As used in this Section:

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

16 "Approved counseling agency" and "approved housing
17 counseling" have the meanings ascribed to those terms in
18 Section 7.30 of the Illinois Housing Development Act.

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

24 "First tier foreclosure filing category" is a
25 classification that only applies to a plaintiff that has filed
26 175 or more foreclosure complaints on residential real estate

1 located in Illinois during the calendar year immediately
2 preceding the date of the filing of the subject foreclosure
3 complaint.

4 "Second tier foreclosure filing category" is a
5 classification that only applies to a plaintiff that has filed
6 at least 50, but no more than 174, foreclosure complaints on
7 residential real estate located in Illinois during the calendar
8 year immediately preceding the date of the filing of the
9 subject foreclosure complaint.

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

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

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

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

1 97-1164, eff. 6-1-13.)

2 (735 ILCS 5/15-1505.8)

3 (This Section may contain text from a Public Act with a
4 delayed effective date)

5 Sec. 15-1505.8. Expedited judgment and sale procedure for
6 abandoned residential property.

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

18 (b) The motion requesting an expedited judgment of
19 foreclosure and sale may be filed by the mortgagee at the time
20 the foreclosure complaint is filed or any time thereafter, and
21 shall set forth the facts demonstrating that the mortgaged real
22 estate is abandoned residential real estate under Section
23 15-1200.5 and shall be supported by affidavit.

24 (c) If a motion for an expedited judgment and sale is filed
25 at the time the foreclosure complaint is filed or before the

1 period to answer the foreclosure complaint has expired, the
2 motion shall be heard by the court no earlier than before the
3 period to answer the foreclosure complaint has expired and no
4 later than 21 ~~15~~ days after the period to answer the
5 foreclosure complaint has expired.

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

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

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

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

24 (h) The court shall vacate an order issued pursuant to
25 subsection (f) of this Section if the mortgagor or a lawful
26 occupant appears in the action at any time prior to the court

1 issuing an order confirming the sale pursuant to subsection
2 (b-3) of Section 15-1508 and presents evidence establishing to
3 the satisfaction of the court that the mortgagor or lawful
4 occupant has not abandoned the mortgaged real estate.

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

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

13 (k) Personal property.

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

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

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

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

21 The judge will be holding a hearing to decide whether this
22 property is ABANDONED.

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

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

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

9 Court name:

10 Court address:

11 Court room number where hearing will be held:

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

14 Date of hearing:

15 Time of hearing:

16 MORE INFORMATION

17 Name of lawsuit:

18 Number of lawsuit:

19 Address of this property:

20 IMPORTANT

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

4 WARNING

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

9 NO TRESPASSING

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

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

19 "NOTICE TO ANY TENANT OR OTHER LAWFUL
20 OCCUPANT OF THIS PROPERTY

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

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

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

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

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

19 Court name:

20 Court address:

1 Court room number where hearing will be held:

2 (There should be a person in this room called a CLERK who can

3 help you. Make sure you know THIS PROPERTY'S ADDRESS.)

4 Date of hearing:

5 Time of hearing:

6 MORE INFORMATION

7 Name of lawsuit:

8 Number of lawsuit:

9 Address of this property:

10 IMPORTANT

11 This is NOT a notice to vacate the premises. You may wish to

12 contact a lawyer or your local legal aid or housing counseling

13 agency to discuss any rights that you may have.

14 WARNING

15 INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME

16 STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY

17 UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS

18 LAW. 720 ILCS 5/21-3(a).

19 NO TRESPASSING

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

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

5 (735 ILCS 5/15-1507.1)

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

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

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

1 court in which the foreclosure case is pending. The clerk shall
2 remit the fee to the State Treasurer as provided in this
3 Section, to be expended for the purposes set forth in Section
4 7.31 of the Illinois Housing Development Act.

5 (b) All fees paid by purchasers as provided in this Section
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 Abandoned Residential Property Municipality
9 Relief Fund, and (ii) 2% to the clerk of the court to be
10 retained by the clerk for deposit into the Circuit Court Clerk
11 Operation and Administrative Fund to defray ~~for~~ administrative
12 expenses related to implementation of this Section.

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

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

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

21 Section 99. Effective date. This Act takes effect June 1,
22 2013."