



Rep. Elaine Nekritz

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09800SB2730ham001

LRB098 17569 HEP 57394 a

1 AMENDMENT TO SENATE BILL 2730

2 AMENDMENT NO. _____. Amend Senate Bill 2730 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding Section 15-1603.5 as follows:

6 (735 ILCS 5/15-1603.5 new)

7 Sec. 15-1603.5. Strict foreclosure of an omitted
8 subordinate interest.

9 (a) As used in this Section, "omitted subordinate interest"
10 means a recorded subordinate interest in real estate where:

11 (1) the real estate is the subject of a foreclosure
12 action under this Article;

13 (2) a motion to confirm judicial sale under subsection
14 (b) of Section 15-1508 is either pending or has been
15 granted;

16 (3) the interest attached to the real estate prior to

1 the filing or recording of any notice in accordance with
2 Sections 2-1901 and 15-1503; and

3 (4) the person who has the interest was not named in
4 the foreclosure complaint.

5 (b) The holder of the certificate of sale or any person who
6 acquired title pursuant to Section 15-1509 or any subsequent
7 successor, assignee, transferee, or grantee who discovers an
8 omitted subordinate interest may file a strict foreclosure
9 complaint naming the person who has the omitted subordinate
10 interest as the defendant. A complaint filed under this Section
11 must include substantially the following:

12 (1) the identity of the plaintiff and how the plaintiff
13 acquired its interest in the property which is the subject
14 of the strict foreclosure;

15 (2) the docket number of the prior foreclosure action
16 and the recording number and date of the mortgage that was
17 previously foreclosed;

18 (3) the legal description, common address, and parcel
19 identification number of the real estate which is the
20 subject of the strict foreclosure;

21 (4) the recording number and a copy of the recorded
22 instrument identifying the person who has the omitted
23 subordinate interest that is named as the defendant;

24 (5) the amount of the successful bid at the foreclosure
25 sale, as stated in the report of sale in the prior
26 foreclosure action, with a copy of the report of sale

1 attached to the complaint;

2 (6) an allegation that, due to inadvertence or mistake
3 or such other reason as may be applicable, the person who
4 has the omitted subordinate interest was not made a party
5 defendant in the prior foreclosure action and the omitted
6 subordinate interest was not terminated by the judgment of
7 foreclosure and when the subject property was sold by
8 judicial sale; and

9 (7) a request for relief setting forth the redemption
10 period as provided in this Section and identifying a
11 contact by name and telephone number who will accept tender
12 of the redemption amount.

13 (c) Subject to the objection of the defendant, the court
14 shall enter a judgment extinguishing the omitted subordinate
15 interest.

16 (d) If the defendant objects to the entry of the judgment,
17 the court, after a hearing, shall enter an order providing
18 either:

19 (1) that the defendant has not agreed to pay the amount
20 required to redeem, in which event the court shall proceed
21 to enter the judgment; or

22 (2) that the defendant has agreed to pay the amount
23 required to redeem.

24 (e) The amount required to redeem shall be the sum bid at
25 the prior foreclosure sale plus any costs and fees incurred
26 subsequent to the sale for the payment of taxes, preservation

1 of the property, or any other actions taken by the holder of
2 the certificate of sale to protect its interest in the
3 property. The amount required to redeem shall not include any
4 costs or fees incurred by the plaintiff in the strict
5 foreclosure case filed under this Section.

6 The order shall state that upon payment of the redemption
7 amount within the redemption period, which shall extend 30 days
8 after the entry of the order, title to the real estate shall
9 vest in the defendant who redeems pursuant to this Section. If
10 the defendant subject to the order has not paid the amount
11 required to redeem within the 30-day redemption period, the
12 interest of the defendant in the property is terminated.

13 (f) A person whose omitted subordinate interest was not
14 terminated by a prior foreclosure action does not have a right
15 to file a strict foreclosure action.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.".