



Sen. John G. Mulroe

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09800SB3023sam001

LRB098 17607 HEP 57723 a

1 AMENDMENT TO SENATE BILL 3023

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3023 on page 3, by  
3 replacing lines 13 through 21 with the following:

4 "(d) An agreement to waive any right to enforce or claim  
5 any lien under this Act including, but not limited to, an  
6 agreement to subordinate the lien, where the agreement is in  
7 anticipation of and in consideration for the awarding of a  
8 contract or subcontract, either express or implied, to perform  
9 work or supply materials for an improvement upon real property  
10 is against public policy and unenforceable. This Section does  
11 not prohibit release of lien under subsection (b) of Section 35  
12 of this Act, nor does it prohibit an agreement to subordinate a  
13 mechanics lien to a mortgage lien that secures a construction  
14 loan if that agreement is made after more than 50% of the loan  
15 has been disbursed to fund improvements to the property and if  
16 the borrower is in default thereunder ~~or prohibit subordination~~  
17 ~~of the lien, except as provided in Section 21."~~