



Sen. John G. Mulroe

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09900SB3166sam001

LRB099 17233 HEP 46351 a

1 AMENDMENT TO SENATE BILL 3166

2 AMENDMENT NO. _____. Amend Senate Bill 3166 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 9-117 as follows:

6 (735 ILCS 5/9-117) (from Ch. 110, par. 9-117)

7 Sec. 9-117. Expiration of Judgment.

8 (a) No judgment for possession obtained in an action
9 brought under this Article may be enforced more than 120 days
10 after judgment is entered, unless upon motion by the plaintiff
11 the court grants an extension of the period of enforcement of
12 the judgment.

13 (b) In all cases other than those brought by a mortgagee,
14 receiver appointed under Section 15-1704 of this Code, holder
15 of the certificate of sale, holder of the deed issued pursuant
16 to that certificate or, if no certificate or deed was issued,

1 the purchaser at a judicial sale under Section 15-1507 of this
2 Code who assumes control of the residential real estate in
3 foreclosure, as defined in Section 15-1225 of this Code, or the
4 owner of property obtained through a foreclosure action, the
5 plaintiff's ~~Plaintiff's~~ notice of motion shall contain the
6 following notice directed to the defendant:

7 "Your landlord, (insert name), obtained an eviction
8 judgment against you on (insert date), but the sheriff did
9 not evict you within the 120 days that the landlord has to
10 evict after a judgment in court. On the date stated in this
11 notice, your landlord will be asking the court to allow the
12 sheriff to evict you based on that judgment. You must
13 attend the court hearing if you want the court to stop the
14 landlord from having you evicted. To prevent the eviction,
15 you must be able to prove that (1) the landlord and you
16 made an agreement after the judgment (for instance, to pay
17 up back rent or to comply with the lease) and you have
18 lived up to the agreement; or (2) the reason the landlord
19 brought the original eviction case has been resolved or
20 forgiven, and the eviction the landlord now wants the court
21 to grant is based on a new or different reason; or (3) that
22 you have another legal or equitable reason why the court
23 should not grant the landlord's request for your eviction."

24 The court shall grant the motion for the extension of the
25 judgment of possession unless the defendant establishes that
26 the tenancy has been reinstated, that the breach upon which the

1 judgment was issued has been cured or waived, that the
2 plaintiff and defendant entered into a post-judgment agreement
3 whose terms the defendant has performed, or that other legal or
4 equitable grounds exist that bar enforcement of the judgment.

5 (c) In cases brought by a mortgagee, receiver appointed
6 under Section 15-1704 of this Code, holder of the certificate
7 of sale, holder of the deed issued pursuant to that certificate
8 or, if no certificate or deed was issued, the purchaser at a
9 judicial sale under Section 15-1507 of this Code who assumes
10 control of the residential real estate in foreclosure, as
11 defined in Section 15-1225 of this Code, or the owner of a
12 property obtained through a foreclosure proceeding, the
13 plaintiff's notice of motion shall contain the following notice
14 directed to the defendant:

15 "The owner of the property, (insert name), obtained an
16 eviction judgment against you on (insert date), but the
17 sheriff did not evict you within the 120 days that the
18 owner has to evict after a judgment in court. On the date
19 stated in this notice, the owner will be asking the court
20 to allow the sheriff to evict you based on that judgment.
21 You must attend the court hearing if you want the court to
22 stop the owner from having you evicted."

23 The court shall grant the motion for extension of the
24 judgment of possession unless the defendant establishes that
25 the plaintiff and defendant have entered into a post-judgment
26 agreement whose terms the defendant has performed, or that

1 other legal or equitable grounds exist that bar enforcement of
2 the judgment.

3 (d) This Section does not apply to any action based upon a
4 breach of a contract entered into on or after July 1, 1962, for
5 the purchase of premises in which the court has entered a stay
6 under Section 9-110; nor shall this Section apply to any action
7 to which the provisions of Section 9-111 apply; nor shall this
8 Section affect the rights of Boards of Managers under Section
9 9-104.2.

10 (Source: P.A. 96-60, eff. 7-23-09.)".