

1 AN ACT in relation to civil procedure.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-1601 and 12-101 and adding Section 2-1602
6 as follows:

7 (735 ILCS 5/2-1601) (from Ch. 110, par. 2-1601)

8 Sec. 2-1601. Scire facias abolished. Any relief which
9 heretofore might have been obtained by scire facias may be
10 had by employing a petition filed in the case in which the
11 original judgment was entered in accordance with Section
12 2-1602~~7~~-and-notice-shall-be-given-in-accordance-with-rules.
13 (Source: P.A. 82-280.)

14 (735 ILCS 5/2-1602 new)

15 Sec. 2-1602. Revival of judgment.

16 (a) A judgment may be revived in the seventh year after
17 its entry, or in the seventh year after its last revival, or
18 at any other time thereafter within 20 years after its entry.

19 (b) A petition to revive a judgment shall be filed in
20 the original case in which the judgment was entered. The
21 petition shall include a statement as to the original date
22 and amount of the judgment, court costs expended, accrued
23 interest, and credits to the judgment, if any.

24 (c) Service of notice of the petition to revive a
25 judgment shall be made in accordance with Supreme Court Rule
26 106.

27 (d) An order reviving a judgment shall be for the
28 original amount of the judgment. The plaintiff may recover
29 interest and court costs from the date of the original
30 judgment. Credits to the judgment shall be reflected by the

1 plaintiff in supplemental proceedings or execution.

2 (e) If a judgment debtor has filed for protection under
3 the United States Bankruptcy Code and failed to successfully
4 adjudicate and remove a lien filed by a judgment creditor,
5 then the judgment may be revived only as to the property to
6 which a lien attached before the filing of the bankruptcy
7 action.

8 (f) A judgment may be revived as to fewer than all
9 judgment debtors, and such order for revival of judgment
10 shall be final, appealable, and enforceable.

11 (g) This Section does not apply to a child support
12 judgment or to a judgment recovered in an action for damages
13 for an injury described in Section 13-214.1, which need not
14 be revived as provided in this Section and which may be
15 enforced at any time as provided in Section 12-108.

16 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

17 Sec. 12-101. Lien of judgment. With respect to the
18 creation of liens on real estate by judgments, all real
19 estate in the State of Illinois is divided into 2 classes.

20 The first class consists of all real property, the title
21 to which is registered under "An Act concerning land titles",
22 approved May 1, 1897, as amended.

23 The second class consists of all real property not
24 registered under "An Act concerning land titles".

25 As to real estate in class one, a judgment is a lien on
26 the real estate of the person against whom it is entered for
27 the same period as in class two, when Section 85 of "An Act
28 concerning land titles", has been complied with.

29 As to real estate included within class two, a judgment
30 is a lien on the real estate of the person against whom it is
31 entered in any county in this State, including the county in
32 which it is entered, only from the time a transcript,
33 certified copy or memorandum of the judgment is filed in the

1 office of the recorder in the county in which the real estate
 2 is located. The lien may be foreclosed by an action brought
 3 in the name of the judgment creditor or its assignee of
 4 record under Article XV in the same manner as a mortgage of
 5 real property, except that the redemption period shall be 6
 6 months from the date of sale and the real estate homestead
 7 exemption under Section 12-901 shall apply. A judgment
 8 resulting from the entry of an order requiring child support
 9 payments shall be a lien upon the real estate of the person
 10 obligated to make the child support payments, but shall not
 11 be enforceable in any county of this State until a
 12 transcript, certified copy, or memorandum of the lien is
 13 filed in the office of the recorder in the county in which
 14 the real estate is located. Any lien hereunder arising out
 15 of an order for support shall be a lien only as to and from
 16 the time that an installment or payment is due under the
 17 terms of the order. Further, the order for support shall not
 18 be a lien on real estate to the extent of payments made as
 19 evidenced by the records of the Clerk of the Circuit Court or
 20 State agency receiving payments pursuant to the order. In
 21 the event payments made pursuant to that order are not paid
 22 to the Clerk of the Circuit Court or a State agency, then
 23 each lien imposed by this Section may be released in the
 24 following manner:

25 (a) A Notice of Filing and an affidavit stating
 26 that all installments of child support required to be
 27 paid pursuant to the order under which the lien or liens
 28 were imposed have been paid shall be filed with the
 29 office of recorder in each county in which each such lien
 30 appears of record, together with proof of service of such
 31 notice and affidavit upon the recipient of such payments.

32 (b) Service of such affidavit shall be by any means
 33 authorized under Sections 2-203 and 2-208 of the Code of
 34 Civil Procedure or under Supreme Court Rules 11 or

1 105(b).

2 (c) The Notice of Filing shall set forth the name
3 and address of the judgment debtor and the judgment
4 creditor, the court file number of the order giving rise
5 to the judgment and, in capital letters, the following
6 statement:

7 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
8 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER OF
9 COUNTY, ILLINOIS, WHOSE ADDRESS IS, ILLINOIS.
10 IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, YOU FAIL TO
11 FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF THE STATED
12 JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE, SUCH JUDGMENT
13 LIEN WILL BE DEEMED TO BE RELEASED AND NO LONGER SUBJECT TO
14 FORECLOSURE. THIS RELEASE OF LIEN WILL NOT ACT AS A
15 SATISFACTION OF SUCH JUDGMENT.

16 (d) If no affidavit objecting to the release of the
17 lien or liens is filed within 28 days of the Notice
18 described in paragraph (c) of this Section such lien or
19 liens shall be deemed to be released and no longer
20 subject to foreclosure.

21 A judgment is not a lien on real estate for longer than 7
22 years from the time it is entered or revived, unless the
23 judgment is revived within 7 years after its entry or last
24 revival and a memorandum of judgment is filed before the
25 expiration of the prior memorandum of judgment.

26 When a judgment is revived it is a lien on the real
27 estate of the person against whom it was entered in any
28 county in this State from the time a transcript, certified
29 copy or memorandum of the order of revival is filed in the
30 office of the recorder in the county in which the real estate
31 is located.

32 A foreign judgment registered pursuant to Sections 12-601
33 through 12-618 of this Act is a lien upon the real estate of
34 the person against whom it was entered only from the time (1)

1 a certified copy of the verified petition for registration of
 2 the foreign judgment or (2) a transcript, certified copy or
 3 memorandum of the final judgment of the court of this State
 4 entered on that foreign judgment is filed in the office of
 5 the recorder in the county in which the real estate is
 6 located. However, no such judgment shall be a lien on any
 7 real estate registered under "An Act concerning land titles",
 8 as amended, until Section 85 of that Act has been complied
 9 with.

10 The release of any transcript, certified copy or
 11 memorandum of judgment or order of revival which has been
 12 recorded shall be filed by the person receiving the release
 13 in the office of the recorder in which such judgment or order
 14 has been recorded.

15 Such release shall contain in legible letters a statement
 16 as follows:

17 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
 18 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES
 19 IN WHOSE OFFICE THE LIEN WAS FILED.

20 The term "memorandum" as used in this Section means a
 21 memorandum or copy of the judgment signed by a judge or a
 22 copy attested by the clerk of the court entering it and
 23 showing the court in which entered, date, amount, number of
 24 the case in which it was entered, name of the party in whose
 25 favor and name and last known address of the party against
 26 whom entered. If the address of the party against whom the
 27 judgment was entered is not known, the memorandum or copy of
 28 judgment shall so state.

29 The term "memorandum" as used in this Section also means
 30 a memorandum or copy of a child support order signed by a
 31 judge or a copy attested by the clerk of the court entering
 32 it or a copy attested by the administrative body entering it.

33 This Section shall not be construed as showing an
 34 intention of the legislature to create a new classification

1 of real estate, but shall be construed as showing an
2 intention of the legislature to continue a classification
3 already existing.

4 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.