



Rep. Joseph M. Lyons

Filed: 11/29/2012

09700SB0016ham008

LRB097 06631 AJ0 72534 a

1 AMENDMENT TO SENATE BILL 16

2 AMENDMENT NO. _____. Amend Senate Bill 16, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Housing Development Act is amended
6 by changing Sections 7.30 and 7.31 as follows:

7 (20 ILCS 3805/7.30)

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, the Authority shall make
4 grants from the Foreclosure Prevention Program Fund derived
5 from fees paid as specified in subsection (a) of Section
6 15-1504.1 of the Code of Civil Procedure as follows:

7 (1) 25% of the moneys in the Fund shall be used to make
8 grants to approved counseling agencies that provide
9 services in Illinois outside of the City of Chicago. Grants
10 shall be based upon the number of foreclosures filed in an
11 approved counseling agency's service area, the capacity of
12 the agency to provide foreclosure counseling services, and
13 any other factors that the Authority deems appropriate.

14 (2) 25% of the moneys in the Fund shall be distributed
15 to the City of Chicago to make grants to approved
16 counseling agencies located within the City of Chicago for
17 approved housing counseling or to support foreclosure
18 prevention counseling programs administered by the City of
19 Chicago.

20 (3) 25% of the moneys in the Fund shall be used to make
21 grants to approved community-based organizations located
22 outside of the City of Chicago for approved foreclosure
23 prevention outreach programs.

24 (4) 25% of the moneys in the Fund shall be used to make
25 grants to approved community-based organizations located
26 within the City of Chicago for approved foreclosure

1 prevention outreach programs, with priority given to
2 programs that provide door-to-door outreach.

3 (b-1) Subject to appropriation, the Authority shall make
4 grants from the Foreclosure Prevention Program Fund derived
5 from fees paid as specified in paragraph (1) of subsection
6 (a-5) of Section 15-1504.1 of the Code of Civil Procedure, as
7 follows:

8 (1) 30% shall be used to make grants for approved
9 housing counseling in Cook County outside of the City of
10 Chicago;

11 (2) 25% shall be used to make grants for approved
12 housing counseling in the City of Chicago;

13 (3) 30% shall be used to make grants for approved
14 housing counseling in DuPage, Kane, Lake, McHenry, and Will
15 Counties; and

16 (4) 15% shall be used to make grants for approved
17 housing counseling in Illinois in counties other than Cook,
18 DuPage, Kane, Lake, McHenry, and Will Counties provided
19 that grants to provide approved housing counseling to
20 borrowers residing within these counties shall be based (i)
21 proportionately on the amount of fees paid to the
22 respective clerks of the courts within these counties and
23 (ii) on any other factors that the Authority deems
24 appropriate.

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

26 "Approved community-based organization" means a

1 not-for-profit entity that provides educational and financial
2 information to residents of a community through in-person
3 contact. "Approved community-based organization" does not
4 include a not-for-profit corporation or other entity or person
5 that provides legal representation or advice in a civil
6 proceeding or court-sponsored mediation services, or a
7 governmental agency.

8 "Approved foreclosure prevention outreach program" means a
9 program developed by an approved community-based organization
10 that includes in-person contact with residents to provide (i)
11 pre-purchase and post-purchase home ownership counseling, (ii)
12 education about the foreclosure process and the options of a
13 mortgagor in a foreclosure proceeding, and (iii) programs
14 developed by an approved community-based organization in
15 conjunction with a State or federally chartered financial
16 institution.

17 "Approved counseling agency" means a housing counseling
18 agency approved by the U.S. Department of Housing and Urban
19 Development.

20 "Approved housing counseling" means in-person counseling
21 provided by a counselor employed by an approved counseling
22 agency to all borrowers, or documented telephone counseling
23 where a hardship would be imposed on one or more borrowers. A
24 hardship shall exist in instances in which the borrower is
25 confined to his or her home due to a medical condition, as
26 verified in writing by a physician, or the borrower resides 50

1 miles or more from the nearest approved counseling agency. In
2 instances of telephone counseling, the borrower must supply all
3 necessary documents to the counselor at least 72 hours prior to
4 the scheduled telephone counseling session.

5 (c) (Blank). ~~As used in this Section, "approved counseling~~
6 ~~agencies" and "approved housing counseling" have the meanings~~
7 ~~ascribed to those terms in Section 15-1502.5 of the Code of~~
8 ~~Civil Procedure.~~

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

10 (20 ILCS 3805/7.31)

11 Sec. 7.31. Abandoned Residential Property Municipality
12 Relief Program.

13 (a) The Authority shall establish and administer an
14 Abandoned Residential Property Municipality Relief Program.
15 The Authority shall use moneys in the Abandoned Residential
16 Property Municipality Relief Fund, and any other funds
17 appropriated for this purpose, to make grants to municipalities
18 and to counties to assist with ~~removal costs and securing or~~
19 ~~enclosing~~ costs incurred by the municipality or county for:
20 cutting of neglected weeds or grass, trimming of trees or
21 bushes, and removal of nuisance bushes or trees; extermination
22 of pests or prevention of the ingress of pests; removal of
23 garbage, debris, and graffiti; boarding up, closing off, or
24 locking windows or entrances or otherwise making the interior
25 of a building inaccessible to the general public; surrounding

1 part or all of an abandoned residential property's underlying
2 parcel with a fence or wall or otherwise making part or all of
3 the abandoned residential property's underlying parcel
4 inaccessible to the general public; demolition of abandoned
5 residential property; and repair or rehabilitation of
6 abandoned residential property pursuant to Section 11-20-15.1
7 of the Illinois Municipal Code, as approved by the Authority
8 under the Program. For purposes of this subsection (a), "pests"
9 has the meaning ascribed to that term in subsection (c) of
10 Section 11-20-8 of the Illinois Municipal Code. The Authority
11 shall promulgate rules for the administration, operation, and
12 maintenance of the Program and may adopt emergency rules as
13 soon as practicable to begin implementation of the Program.

14 (b) Subject to appropriation, the Authority shall make
15 grants from the Abandoned Residential Property Municipality
16 Relief Fund derived from fees paid as specified in paragraph
17 (1) of subsection (a-5) of Section 15-1504.1 of the Code of
18 Civil Procedure as follows:

19 (1) 30% of the moneys in the Fund shall be used to make
20 grants to municipalities other than the City of Chicago in
21 Cook County and to Cook County; 75% of the moneys in the
22 Fund shall be distributed to municipalities, other than the
23 City of Chicago, to assist with removal costs and securing
24 or enclosing costs incurred by the municipality pursuant to
25 Section 11-20-15.1 of the Illinois Municipal Code.

26 (2) 25% of the moneys in the Fund shall be used to make

1 ~~grants to the City of Chicago; 25% of the moneys in the~~
2 ~~Fund shall be distributed to the City of Chicago to assist~~
3 ~~with removal costs and securing or enclosing costs incurred~~
4 ~~by the municipality pursuant to Section 11-20-15.1 of the~~
5 ~~Illinois Municipal Code.~~

6 (3) 30% of the moneys in the Fund shall be used to make
7 grants to municipalities in DuPage, Kane, Lake, McHenry and
8 Will Counties, and to those counties; and

9 (4) 15% of the moneys in the Fund shall be used to make
10 grants to municipalities in Illinois in counties other than
11 Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and
12 to counties other than Cook, DuPage, Kane, Lake, McHenry,
13 and Will Counties. Grants distributed to the
14 municipalities and counties identified in this paragraph
15 (4) shall be based (i) proportionately on the amount of
16 fees paid to the respective clerks of the courts within
17 these counties and (ii) on any other factors that the
18 Authority deems appropriate.

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

20 Section 10. The Criminal Code of 2012 is amended by
21 changing Section 21-3 as follows:

22 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

23 Sec. 21-3. Criminal trespass to real property.

24 (a) A person commits criminal trespass to real property

1 when he or she:

2 (1) knowingly and without lawful authority enters or
3 remains within or on a building;

4 (2) enters upon the land of another, after receiving,
5 prior to the entry, notice from the owner or occupant that
6 the entry is forbidden;

7 (3) remains upon the land of another, after receiving
8 notice from the owner or occupant to depart;

9 (3.5) presents false documents or falsely represents
10 his or her identity orally to the owner or occupant of a
11 building or land in order to obtain permission from the
12 owner or occupant to enter or remain in the building or on
13 the land; ~~or~~

14 (3.7) intentionally removes a notice posted on
15 residential real estate as required by subsection (1) of
16 Section 15-1505.8 of Article XV of the Code of Civil
17 Procedure before the date and time set forth in the notice;
18 or

19 (4) enters a field used or capable of being used for
20 growing crops, an enclosed area containing livestock, an
21 agricultural building containing livestock, or an orchard
22 in or on a motor vehicle (including an off-road vehicle,
23 motorcycle, moped, or any other powered two-wheel vehicle)
24 after receiving, prior to the entry, notice from the owner
25 or occupant that the entry is forbidden or remains upon or
26 in the area after receiving notice from the owner or

1 occupant to depart.

2 For purposes of item (1) of this subsection, this Section
3 shall not apply to being in a building which is open to the
4 public while the building is open to the public during its
5 normal hours of operation; nor shall this Section apply to a
6 person who enters a public building under the reasonable belief
7 that the building is still open to the public.

8 (b) A person has received notice from the owner or occupant
9 within the meaning of Subsection (a) if he or she has been
10 notified personally, either orally or in writing including a
11 valid court order as defined by subsection (7) of Section
12 112A-3 of the Code of Criminal Procedure of 1963 granting
13 remedy (2) of subsection (b) of Section 112A-14 of that Code,
14 or if a printed or written notice forbidding such entry has
15 been conspicuously posted or exhibited at the main entrance to
16 the land or the forbidden part thereof.

17 (b-5) Subject to the provisions of subsection (b-10), as an
18 alternative to the posting of real property as set forth in
19 subsection (b), the owner or lessee of any real property may
20 post the property by placing identifying purple marks on trees
21 or posts around the area to be posted. Each purple mark shall
22 be:

23 (1) A vertical line of at least 8 inches in length and
24 the bottom of the mark shall be no less than 3 feet nor
25 more than 5 feet high. Such marks shall be placed no more
26 than 100 feet apart and shall be readily visible to any

1 person approaching the property; or

2 (2) A post capped or otherwise marked on at least its
3 top 2 inches. The bottom of the cap or mark shall be not
4 less than 3 feet but not more than 5 feet 6 inches high.
5 Posts so marked shall be placed not more than 36 feet apart
6 and shall be readily visible to any person approaching the
7 property. Prior to applying a cap or mark which is visible
8 from both sides of a fence shared by different property
9 owners or lessees, all such owners or lessees shall concur
10 in the decision to post their own property.

11 Nothing in this subsection (b-5) shall be construed to
12 authorize the owner or lessee of any real property to place any
13 purple marks on any tree or post or to install any post or
14 fence if doing so would violate any applicable law, rule,
15 ordinance, order, covenant, bylaw, declaration, regulation,
16 restriction, contract, or instrument.

17 (b-10) Any owner or lessee who marks his or her real
18 property using the method described in subsection (b-5) must
19 also provide notice as described in subsection (b) of this
20 Section. The public of this State shall be informed of the
21 provisions of subsection (b-5) of this Section by the Illinois
22 Department of Agriculture and the Illinois Department of
23 Natural Resources. These Departments shall conduct an
24 information campaign for the general public concerning the
25 interpretation and implementation of subsection (b-5). The
26 information shall inform the public about the marking

1 requirements and the applicability of subsection (b-5)
2 including information regarding the size requirements of the
3 markings as well as the manner in which the markings shall be
4 displayed. The Departments shall also include information
5 regarding the requirement that, until the date this subsection
6 becomes inoperative, any owner or lessee who chooses to mark
7 his or her property using paint, must also comply with one of
8 the notice requirements listed in subsection (b). The
9 Departments may prepare a brochure or may disseminate the
10 information through agency websites. Non-governmental
11 organizations including, but not limited to, the Illinois
12 Forestry Association, Illinois Tree Farm and the Walnut Council
13 may help to disseminate the information regarding the
14 requirements and applicability of subsection (b-5) based on
15 materials provided by the Departments. This subsection (b-10)
16 is inoperative on and after January 1, 2013.

17 (b-15) Subsections (b-5) and (b-10) do not apply to real
18 property located in a municipality of over 2,000,000
19 inhabitants.

20 (c) This Section does not apply to any person, whether a
21 migrant worker or otherwise, living on the land with permission
22 of the owner or of his or her agent having apparent authority
23 to hire workers on this land and assign them living quarters or
24 a place of accommodations for living thereon, nor to anyone
25 living on the land at the request of, or by occupancy, leasing
26 or other agreement or arrangement with the owner or his or her

1 agent, nor to anyone invited by the migrant worker or other
2 person so living on the land to visit him or her at the place he
3 is so living upon the land.

4 (d) A person shall be exempt from prosecution under this
5 Section if he or she beautifies unoccupied and abandoned
6 residential and industrial properties located within any
7 municipality. For the purpose of this subsection, "unoccupied
8 and abandoned residential and industrial property" means any
9 real estate (1) in which the taxes have not been paid for a
10 period of at least 2 years; and (2) which has been left
11 unoccupied and abandoned for a period of at least one year; and
12 "beautifies" means to landscape, clean up litter, or to repair
13 dilapidated conditions on or to board up windows and doors.

14 (e) No person shall be liable in any civil action for money
15 damages to the owner of unoccupied and abandoned residential
16 and industrial property which that person beautifies pursuant
17 to subsection (d) of this Section.

18 (e-5) Mortgage or agent of the mortgagee exceptions.

19 (1) A mortgagee or agent of the mortgagee shall be
20 exempt from prosecution for criminal trespass for
21 entering, securing, or maintaining an abandoned
22 residential property.

23 (2) No mortgagee or agent of the mortgagee shall be
24 liable to the mortgagor or other owner of an abandoned
25 residential property in any civil action for negligence or
26 civil trespass in connection with entering, securing, or

1 maintaining the abandoned residential property.

2 (3) For the purpose of this subsection (e-5) only,
3 "abandoned residential property" means mortgaged real
4 estate that the mortgagee or agent of the mortgagee
5 determines in good faith meets the definition of abandoned
6 residential property set forth in Section 15-1200.5 of
7 Article XV of the Code of Civil Procedure.

8 (f) This Section does not prohibit a person from entering a
9 building or upon the land of another for emergency purposes.
10 For purposes of this subsection (f), "emergency" means a
11 condition or circumstance in which an individual is or is
12 reasonably believed by the person to be in imminent danger of
13 serious bodily harm or in which property is or is reasonably
14 believed to be in imminent danger of damage or destruction.

15 (g) Paragraph (3.5) of subsection (a) does not apply to a
16 peace officer or other official of a unit of government who
17 enters a building or land in the performance of his or her
18 official duties.

19 (h) Sentence. A violation of subdivision (a)(1), (a)(2),
20 (a)(3), or (a)(3.5) is a Class B misdemeanor. A violation of
21 subdivision (a)(4) is a Class A misdemeanor.

22 (i) Civil liability. A person may be liable in any civil
23 action for money damages to the owner of the land he or she
24 entered upon with a motor vehicle as prohibited under paragraph
25 (4) of subsection (a) of this Section. A person may also be
26 liable to the owner for court costs and reasonable attorney's

1 fees. The measure of damages shall be: (i) the actual damages,
2 but not less than \$250, if the vehicle is operated in a nature
3 preserve or registered area as defined in Sections 3.11 and
4 3.14 of the Illinois Natural Areas Preservation Act; (ii) twice
5 the actual damages if the owner has previously notified the
6 person to cease trespassing; or (iii) in any other case, the
7 actual damages, but not less than \$50. If the person operating
8 the vehicle is under the age of 16, the owner of the vehicle
9 and the parent or legal guardian of the minor are jointly and
10 severally liable. For the purposes of this subsection (i):

11 "Land" includes, but is not limited to, land used for
12 crop land, fallow land, orchard, pasture, feed lot, timber
13 land, prairie land, mine spoil nature preserves and
14 registered areas. "Land" does not include driveways or
15 private roadways upon which the owner allows the public to
16 drive.

17 "Owner" means the person who has the right to
18 possession of the land, including the owner, operator or
19 tenant.

20 "Vehicle" has the same meaning as provided under
21 Section 1-217 of the Illinois Vehicle Code.

22 (j) This Section does not apply to the following persons
23 while serving process:

24 (1) a person authorized to serve process under Section
25 2-202 of the Code of Civil Procedure; or

26 (2) a special process server appointed by the circuit

1 court.

2 (Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11;
3 97-813, eff. 7-13-12; 97-1108, eff. 1-1-13.)

4 Section 15. The Code of Civil Procedure is amended by
5 changing Sections 15-1219, 15-1503, 15-1504, 15-1504.1, and
6 15-1508 and by adding Sections 15-1108, 15-1200.5, 15-1200.7,
7 and 15-1505.8 as follows:

8 (735 ILCS 5/15-1108 new)

9 Sec. 15-1108. Declaration of policy relating to abandoned
10 residential property. The following findings directly relate
11 to the changes made by this amendatory Act of the 97th General
12 Assembly. The General Assembly finds that residential mortgage
13 foreclosures and the abandoned properties that sometimes
14 follow create enormous challenges for Illinois residents,
15 local governments, and the courts, reducing neighboring
16 property values, reducing the tax base, increasing crime,
17 placing neighbors at greater risk of foreclosure, imposing
18 additional costs on local governments, and increasing the
19 burden on the courts of this State; conversely, maintaining and
20 securing abandoned properties stabilizes property values and
21 the tax base, decreases crime, reduces the risk of foreclosure
22 for nearby properties, thus reducing costs for local
23 governments and making a substantial contribution to the
24 operation and maintenance of the courts of this State by

1 reducing the volume of matters which burden the court system in
2 this State. The General Assembly further finds that the average
3 foreclosure case for residential property takes close to 2
4 years in Illinois; when a property is abandoned, the lengthy
5 foreclosure process harms lien-holders, neighbors, and local
6 governments, and imposes significant and unnecessary burdens
7 on the courts of this State; and an expedited foreclosure
8 process for abandoned residential property can also help the
9 courts of this State by decreasing the volume of foreclosure
10 cases and allowing these cases to proceed more efficiently
11 through the court system. The General Assembly further finds
12 that housing counseling has proven to be an effective way to
13 help many homeowners find alternatives to foreclosure; and that
14 housing counseling therefore also reduces the volume of matters
15 which burden the court system in this State and allows the
16 courts to more efficiently handle the burden of foreclosure
17 cases.

18 (735 ILCS 5/15-1200.5 new)

19 Sec. 15-1200.5. Abandoned residential property. "Abandoned
20 residential property" means residential real estate that:

21 (a) either:

22 (1) is not occupied by any mortgagor or lawful occupant
23 as a principal residence; or

24 (2) contains an incomplete structure if the real estate
25 is zoned for residential development, where the structure

1 is empty or otherwise uninhabited and is in need of
2 maintenance, repair, or securing; and

3 (b) with respect to which either:

4 (1) two or more of the following conditions are shown
5 to exist:

6 (A) construction was initiated on the property and
7 was discontinued prior to completion, leaving a
8 building unsuitable for occupancy, and no construction
9 has taken place for at least 6 months;

10 (B) multiple windows on the property are boarded up
11 or closed off or are smashed through, broken off, or
12 unhinged, or multiple window panes are broken and
13 unrepaired;

14 (C) doors on the property are smashed through,
15 broken off, unhinged, or continuously unlocked;

16 (D) the property has been stripped of copper or
17 other materials, or interior fixtures to the property
18 have been removed;

19 (E) gas, electrical, or water services to the
20 entire property have been terminated;

21 (F) there exist one or more written statements of
22 the mortgagor or the mortgagor's personal
23 representative or assigns, including documents of
24 conveyance, which indicate a clear intent to abandon
25 the property;

26 (G) law enforcement officials have received at

1 least one report of trespassing or vandalism or other
2 illegal acts being committed at the property in the
3 last 6 months;

4 (H) the property has been declared unfit for
5 occupancy and ordered to remain vacant and unoccupied
6 under an order issued by a municipal or county
7 authority or a court of competent jurisdiction;

8 (I) the local police, fire, or code enforcement
9 authority has requested the owner or other interested
10 or authorized party to secure or winterize the property
11 due to the local authority declaring the property to be
12 an imminent danger to the health, safety, and welfare
13 of the public;

14 (J) the property is open and unprotected and in
15 reasonable danger of significant damage due to
16 exposure to the elements, vandalism, or freezing; or

17 (K) there exists other evidence indicating a clear
18 intent to abandon the property; or

19 (2) the real estate is zoned for residential
20 development and is a vacant lot that is in need of
21 maintenance, repair, or securing.

22 (735 ILCS 5/15-1200.7 new)

23 Sec. 15-1200.7. Abandoned residential property;
24 exceptions. A property shall not be considered abandoned
25 residential property if: (i) there is an unoccupied building

1 which is undergoing construction, renovation, or
2 rehabilitation that is proceeding diligently to completion,
3 and the building is in substantial compliance with all
4 applicable ordinances, codes, regulations, and laws; (ii)
5 there is a building occupied on a seasonal basis, but otherwise
6 secure; (iii) there is a secure building on which there are
7 bona fide rental or sale signs; (iv) there is a building that
8 is secure, but is the subject of a probate action, action to
9 quiet title, or other ownership dispute; or (v) there is a
10 building that is otherwise secure and in substantial compliance
11 with all applicable ordinances, codes, regulations, and laws.

12 (735 ILCS 5/15-1219) (from Ch. 110, par. 15-1219)

13 Sec. 15-1219. Residential Real Estate. "Residential real
14 estate" means any real estate, except a single tract of
15 agricultural real estate consisting of more than 40 acres,
16 which is improved with a single family residence or residential
17 condominium units or a multiple dwelling structure containing
18 single family dwelling units for six or fewer families living
19 independently of each other, which residence, or at least one
20 of which condominium or dwelling units, is occupied as a
21 principal residence either (i) if a mortgagor is an individual,
22 by that mortgagor, that mortgagor's spouse or that mortgagor's
23 descendants, or (ii) if a mortgagor is a trustee of a trust or
24 an executor or administrator of an estate, by a beneficiary of
25 that trust or estate or by such beneficiary's spouse or

1 descendants or (iii) if a mortgagor is a corporation, by
2 persons owning collectively at least 50 percent of the shares
3 of voting stock of such corporation or by a spouse or
4 descendants of such persons. The use of a portion of
5 residential real estate for non-residential purposes shall not
6 affect the characterization of such real estate as residential
7 real estate. For purposes of the definition of the term
8 "abandoned residential property" in Section 15-1200.5 of this
9 Article, "abandoned residential property" shall not include
10 the requirement that the real estate be occupied, or if zoned
11 for residential development, improved with a dwelling
12 structure.

13 (Source: P.A. 85-907.)

14 (735 ILCS 5/15-1503) (from Ch. 110, par. 15-1503)

15 Sec. 15-1503. Notice of Foreclosure.

16 (a) A notice of foreclosure, whether the foreclosure is
17 initiated by complaint or counterclaim, made in accordance with
18 this Section and recorded in the county in which the mortgaged
19 real estate is located shall be constructive notice of the
20 pendency of the foreclosure to every person claiming an
21 interest in or lien on the mortgaged real estate, whose
22 interest or lien has not been recorded prior to the recording
23 of such notice of foreclosure. Such notice of foreclosure must
24 be executed by any party or any party's attorney and shall
25 include (i) the names of all plaintiffs and the case number,

1 (ii) the court in which the action was brought, (iii) the names
2 of title holders of record, (iv) a legal description of the
3 real estate sufficient to identify it with reasonable
4 certainty, (v) a common address or description of the location
5 of the real estate and (vi) identification of the mortgage
6 sought to be foreclosed. An incorrect common address or
7 description of the location, or an immaterial error in the
8 identification of a plaintiff or title holder of record, shall
9 not invalidate the lis pendens effect of the notice under this
10 Section. A notice which complies with this Section shall be
11 deemed to comply with Section 2-1901 of the Code of Civil
12 Procedure and shall have the same effect as a notice filed
13 pursuant to that Section; however, a notice which complies with
14 Section 2-1901 shall not be constructive notice unless it also
15 complies with the requirements of this Section.

16 (b) With respect to residential real estate, a copy of the
17 notice of foreclosure described in subsection (a) of Section
18 15-1503 shall be sent by first class mail, postage prepaid, to
19 the municipality within the boundary of which the mortgaged
20 real estate is located, or to the county within the boundary of
21 which the mortgaged real estate is located if the mortgaged
22 real estate is located in an unincorporated territory. A
23 municipality or county must clearly publish on its website a
24 single address to which such notice shall be sent. If a
25 municipality or county does not maintain a website, then the
26 municipality or county must publicly post in its main office a

1 single address to which such notice shall be sent. In the event
2 that a municipality or county has not complied with the
3 publication requirement in this subsection (b), then the copy
4 of the ~~such~~ notice to the municipality or county shall be sent
5 by first class mail, postage prepaid, to the chairperson of the
6 county board or county clerk in the case of a county, to the
7 mayor or city clerk in the case of a city, to the president of
8 the board of trustees or village clerk in the case of a
9 village, or to the president or town clerk in the case of a
10 town provided pursuant to Section 2-211 of the Code of Civil
11 Procedure. Additionally, if the real estate is located in a
12 city with a population of more than 2,000,000, regardless of
13 whether that city has complied with the publication requirement
14 in this subsection (b), the party must, within 10 days after
15 filing the complaint or counterclaim: (i) send by first class
16 mail, postage prepaid, a copy of the notice of foreclosure to
17 the alderman for the ward in which the real estate is located
18 and (ii) file an affidavit with the court attesting to the fact
19 that the notice was sent to the alderman for the ward in which
20 the real estate is located. The failure to send a copy of the
21 notice to the alderman or to file an affidavit as required
22 results in the dismissal without prejudice of the complaint or
23 counterclaim on a motion of a party or the court. If, after the
24 complaint or counterclaim has been dismissed without
25 prejudice, the party refiles the complaint or counterclaim,
26 then the party must again comply with the requirements that the

1 party send by first class mail, postage prepaid, the notice to
2 the alderman for the ward in which the real estate is located
3 and file an affidavit attesting to the fact that the notice was
4 sent.

5 (Source: P.A. 96-856, eff. 3-1-10.)

6 (735 ILCS 5/15-1504) (from Ch. 110, par. 15-1504)

7 Sec. 15-1504. Pleadings and service.

8 (a) Form of Complaint. A foreclosure complaint may be in
9 substantially the following form:

10 (1) Plaintiff files this complaint to foreclose the
11 mortgage (or other conveyance in the nature of a mortgage)
12 (hereinafter called "mortgage") hereinafter described and
13 joins the following person as defendants: (here insert
14 names of all defendants).

15 (2) Attached as Exhibit "A" is a copy of the mortgage
16 and as Exhibit "B" is a copy of the note secured thereby.

17 (3) Information concerning mortgage:

18 (A) Nature of instrument: (here insert whether a
19 mortgage, trust deed or other instrument in the nature
20 of a mortgage, etc.)

21 (B) Date of mortgage:

22 (C) Name of mortgagor:

23 (D) Name of mortgagee:

24 (E) Date and place of recording:

25 (F) Identification of recording: (here insert book

1 and page number or document number)

2 (G) Interest subject to the mortgage: (here insert
3 whether fee simple, estate for years, undivided
4 interest, etc.)

5 (H) Amount of original indebtedness, including
6 subsequent advances made under the mortgage:

7 (I) Both the legal description of the mortgaged
8 real estate and the common address or other information
9 sufficient to identify it with reasonable certainty:

10 (J) Statement as to defaults, including, but not
11 necessarily limited to, date of default, current
12 unpaid principal balance, per diem interest accruing,
13 and any further information concerning the default:

14 (K) Name of present owner of the real estate:

15 (L) Names of other persons who are joined as
16 defendants and whose interest in or lien on the
17 mortgaged real estate is sought to be terminated:

18 (M) Names of defendants claimed to be personally
19 liable for deficiency, if any:

20 (N) Capacity in which plaintiff brings this
21 foreclosure (here indicate whether plaintiff is the
22 legal holder of the indebtedness, a pledgee, an agent,
23 the trustee under a trust deed or otherwise, as
24 appropriate):

25 (O) Facts in support of redemption period shorter
26 than the longer of (i) 7 months from the date the

1 mortgagor or, if more than one, all the mortgagors (I)
2 have been served with summons or by publication or (II)
3 have otherwise submitted to the jurisdiction of the
4 court, or (ii) 3 months from the entry of the judgment
5 of foreclosure, if sought (here indicate whether based
6 upon the real estate not being residential, ~~7~~
7 ~~abandonment,~~ or real estate value less than 90% of
8 amount owed, etc.):

9 (P) Statement that the right of redemption has been
10 waived by all owners of redemption, if applicable:

11 (Q) Facts in support of request for attorneys' fees
12 and of costs and expenses, if applicable:

13 (R) Facts in support of a request for appointment
14 of mortgagee in possession or for appointment of
15 receiver, and identity of such receiver, if sought:

16 (S) Offer to mortgagor in accordance with Section
17 15-1402 to accept title to the real estate in
18 satisfaction of all indebtedness and obligations
19 secured by the mortgage without judicial sale, if
20 sought:

21 (T) Name or names of defendants whose right to
22 possess the mortgaged real estate, after the
23 confirmation of a foreclosure sale, is sought to be
24 terminated and, if not elsewhere stated, the facts in
25 support thereof:

1 REQUEST FOR RELIEF

2 Plaintiff requests:

3 (i) A judgment of foreclosure and sale.

4 (ii) An order granting a shortened redemption period,
5 if sought.

6 (iii) A personal judgment for a deficiency, if sought.

7 (iv) An order granting possession, if sought.

8 (v) An order placing the mortgagee in possession or
9 appointing a receiver, if sought.10 (vi) A judgment for attorneys' fees, costs and
11 expenses, if sought.12 (b) Required Information. A foreclosure complaint need
13 contain only such statements and requests called for by the
14 form set forth in subsection (a) of Section 15-1504 as may be
15 appropriate for the relief sought. Such complaint may be filed
16 as a counterclaim, may be joined with other counts or may
17 include in the same count additional matters or a request for
18 any additional relief permitted by Article II of the Code of
19 Civil Procedure.20 (c) Allegations. The statements contained in a complaint in
21 the form set forth in subsection (a) of Section 15-1504 are
22 deemed and construed to include allegations as follows:23 (1) that, on the date indicated, the obligor of the
24 indebtedness or other obligations secured by the mortgage
25 was justly indebted in the amount of the indicated original
26 indebtedness to the original mortgagee or payee of the

1 mortgage note;

2 (2) that the exhibits attached are true and correct
3 copies of the mortgage and note and are incorporated and
4 made a part of the complaint by express reference;

5 (3) that the mortgagor was at the date indicated an
6 owner of the interest in the real estate described in the
7 complaint and that as of that date made, executed and
8 delivered the mortgage as security for the note or other
9 obligations;

10 (4) that the mortgage was recorded in the county in
11 which the mortgaged real estate is located, on the date
12 indicated, in the book and page or as the document number
13 indicated;

14 (5) that defaults occurred as indicated;

15 (6) that at the time of the filing of the complaint the
16 persons named as present owners are the owners of the
17 indicated interests in and to the real estate described;

18 (7) that the mortgage constitutes a valid, prior and
19 paramount lien upon the indicated interest in the mortgaged
20 real estate, which lien is prior and superior to the right,
21 title, interest, claim or lien of all parties and nonrecord
22 claimants whose interests in the mortgaged real estate are
23 sought to be terminated;

24 (8) that by reason of the defaults alleged, if the
25 indebtedness has not matured by its terms, the same has
26 become due by the exercise, by the plaintiff or other

1 persons having such power, of a right or power to declare
2 immediately due and payable the whole of all indebtedness
3 secured by the mortgage;

4 (9) that any and all notices of default or election to
5 declare the indebtedness due and payable or other notices
6 required to be given have been duly and properly given;

7 (10) that any and all periods of grace or other period
8 of time allowed for the performance of the covenants or
9 conditions claimed to be breached or for the curing of any
10 breaches have expired;

11 (11) that the amounts indicated in the statement in the
12 complaint are correctly stated and if such statement
13 indicates any advances made or to be made by the plaintiff
14 or owner of the mortgage indebtedness, that such advances
15 were, in fact, made or will be required to be made, and
16 under and by virtue of the mortgage the same constitute
17 additional indebtedness secured by the mortgage; and

18 (12) that, upon confirmation of the sale, the holder of
19 the certificate of sale or deed issued pursuant to that
20 certificate or, if no certificate or deed was issued, the
21 purchaser at the sale will be entitled to full possession
22 of the mortgaged real estate against the parties named in
23 clause (T) of paragraph (3) of subsection (a) of Section
24 15-1504 or elsewhere to the same effect; the omission of
25 any party indicates that plaintiff will not seek a
26 possessory order in the order confirming sale unless the

1 request is subsequently made under subsection (h) of
2 Section 15-1701 or by separate action under Article 9 of
3 this Code.

4 (d) Request for Fees and Costs. A statement in the
5 complaint that plaintiff seeks the inclusion of attorneys' fees
6 and of costs and expenses shall be deemed and construed to
7 include allegations that:

8 (1) plaintiff has been compelled to employ and retain
9 attorneys to prepare and file the complaint and to
10 represent and advise the plaintiff in the foreclosure of
11 the mortgage and the plaintiff will thereby become liable
12 for the usual, reasonable and customary fees of the
13 attorneys in that behalf;

14 (2) ~~that~~ the plaintiff has been compelled to advance or
15 will be compelled to advance, various sums of money in
16 payment of costs, fees, expenses and disbursements
17 incurred in connection with the foreclosure, including,
18 without limiting the generality of the foregoing, filing
19 fees, stenographer's fees, witness fees, costs of
20 publication, costs of procuring and preparing documentary
21 evidence and costs of procuring abstracts of title, Torrens
22 certificates, foreclosure minutes and a title insurance
23 policy;

24 (3) ~~that~~ under the terms of the mortgage, all such
25 advances, costs, attorneys' fees and other fees, expenses
26 and disbursements are made a lien upon the mortgaged real

1 estate and the plaintiff is entitled to recover all such
2 advances, costs, attorneys' fees, expenses and
3 disbursements, together with interest on all advances at
4 the rate provided in the mortgage, or, if no rate is
5 provided therein, at the statutory judgment rate, from the
6 date on which such advances are made;

7 (4) ~~that~~ in order to protect the lien of the mortgage,
8 it may become necessary for plaintiff to pay taxes and
9 assessments which have been or may be levied upon the
10 mortgaged real estate;

11 (5) ~~that~~ in order to protect and preserve the mortgaged
12 real estate, it may also become necessary for the plaintiff
13 to pay liability (protecting mortgagor and mortgagee),
14 fire and other hazard insurance premiums on the mortgaged
15 real estate, make such repairs to the mortgaged real estate
16 as may reasonably be deemed necessary for the proper
17 preservation thereof, advance for costs to inspect the
18 mortgaged real estate or to appraise it, or both, and
19 advance for premiums for pre-existing private or
20 governmental mortgage insurance to the extent required
21 after a foreclosure is commenced in order to keep such
22 insurance in force; and

23 (6) ~~that~~ under the terms of the mortgage, any money so
24 paid or expended will become an additional indebtedness
25 secured by the mortgage and will bear interest from the
26 date such monies are advanced at the rate provided in the

1 mortgage, or, if no rate is provided, at the statutory
2 judgment rate.

3 (e) Request for Foreclosure. The request for foreclosure is
4 deemed and construed to mean that the plaintiff requests that:

5 (1) an accounting may be taken under the direction of
6 the court of the amounts due and owing to the plaintiff;

7 (2) ~~that~~ the defendants be ordered to pay to the
8 plaintiff before expiration of any redemption period (or,
9 if no redemption period, before a short date fixed by the
10 court) whatever sums may appear to be due upon the taking
11 of such account, together with attorneys' fees and costs of
12 the proceedings (to the extent provided in the mortgage or
13 by law);

14 (3) ~~that~~ in default of such payment in accordance with
15 the judgment, the mortgaged real estate be sold as directed
16 by the court, to satisfy the amount due to the plaintiff as
17 set forth in the judgment, together with the interest
18 thereon at the statutory judgment rate from the date of the
19 judgment;

20 (4) ~~that~~ in the event the plaintiff is a purchaser of
21 the mortgaged real estate at such sale, the plaintiff may
22 offset against the purchase price of such real estate the
23 amounts due under the judgment of foreclosure and order
24 confirming the sale;

25 (5) ~~that~~ in the event of such sale and the failure of
26 any person entitled thereto to redeem prior to such sale

1 pursuant to this Article, the defendants made parties to
2 the foreclosure in accordance with this Article, and all
3 nonrecord claimants given notice of the foreclosure in
4 accordance with this Article, and all persons claiming by,
5 through or under them, and each and any and all of them,
6 may be forever barred and foreclosed of any right, title,
7 interest, claim, lien, or right to redeem in and to the
8 mortgaged real estate; and

9 (6) ~~that~~ if no redemption is made prior to such sale, a
10 deed may be issued to the purchaser thereat according to
11 law and such purchaser be let into possession of the
12 mortgaged real estate in accordance with Part 17 of this
13 Article.

14 (f) Request for Deficiency Judgment. A request for a
15 personal judgment for a deficiency in a foreclosure complaint
16 if the sale of the mortgaged real estate fails to produce a
17 sufficient amount to pay the amount found due, the plaintiff
18 may have a personal judgment against any party in the
19 foreclosure indicated as being personally liable therefor and
20 the enforcement thereof be had as provided by law.

21 (g) Request for Possession or Receiver. A request for
22 possession or appointment of a receiver has the meaning as
23 stated in subsection (b) of Section 15-1706.

24 (h) Answers by Parties. Any party may assert its interest
25 by counterclaim and such counterclaim may at the option of that
26 party stand in lieu of answer to the complaint for foreclosure

1 and all counter complaints previously or thereafter filed in
2 the foreclosure. Any such counterclaim shall be deemed to
3 constitute a statement that the counter claimant does not have
4 sufficient knowledge to form a belief as to the truth or
5 falsity of the allegations of the complaint and all other
6 counterclaims, except to the extent that the counterclaim
7 admits or specifically denies such allegations.

8 (Source: P.A. 91-357, eff. 7-29-99; revised 8-3-12.)

9 (735 ILCS 5/15-1504.1)

10 Sec. 15-1504.1. Filing fee for Foreclosure Prevention
11 Program Fund and Abandoned Residential Property Municipality
12 Relief Fund.

13 (a) Fee paid by all plaintiffs with respect to residential
14 real estate. With respect to residential real estate, at the
15 time of the filing of a foreclosure complaint, the plaintiff
16 shall pay to the clerk of the court in which the foreclosure
17 complaint is filed a fee of \$50 for deposit into the
18 Foreclosure Prevention Program Fund, a special fund created in
19 the State treasury. The clerk shall remit the fee collected
20 pursuant to this subsection (a) to the State Treasurer ~~as~~
21 ~~provided in this Section~~ to be expended for the purposes set
22 forth in Section 7.30 of the Illinois Housing Development Act.
23 All fees paid by plaintiffs to the clerk of the court as
24 provided in this subsection (a) ~~Section~~ shall be disbursed
25 within 60 days after receipt by the clerk of the court as

1 follows: (i) 98% to the State Treasurer for deposit into the
2 Foreclosure Prevention Program Fund, and (ii) 2% to the clerk
3 of the court for administrative expenses related to
4 implementation of this subsection (a) Section. Notwithstanding
5 any other law to the contrary, the Foreclosure Prevention
6 Program Fund is not subject to sweeps, administrative
7 charge-backs, or any other fiscal maneuver that would in any
8 way transfer any amounts from the Foreclosure Prevention
9 Program Fund into any other fund of the State.

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

12 (1) Until January 1, 2018, with respect to residential
13 real estate, at the time of the filing of a foreclosure
14 complaint and in addition to the fee set forth in
15 subsection (a) of this Section, the plaintiff shall pay to
16 the clerk of the court in which the foreclosure complaint
17 is filed a fee for the Foreclosure Prevention Program Fund
18 and the Abandoned Residential Property Municipality Relief
19 Fund as follows:

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

21 (i) the plaintiff, together with its
22 affiliates, has filed a sufficient number of
23 foreclosure complaints so as to be included in the
24 first tier foreclosure filing category and is
25 filing the complaint on its own behalf as the
26 holder of the indebtedness; or

1 (ii) the plaintiff, together with its
2 affiliates, has filed a sufficient number of
3 foreclosure complaints so as to be included in the
4 first tier foreclosure filing category and is
5 filing the complaint on behalf of a mortgagee that,
6 together with its affiliates, has filed a
7 sufficient number of foreclosure complaints so as
8 to be included in the first tier foreclosure filing
9 category; or

10 (iii) the plaintiff is not a depository
11 institution and is filing the complaint on behalf
12 of a mortgagee that, together with its affiliates,
13 has filed a sufficient number of foreclosure
14 complaints so as to be included in the first tier
15 foreclosure filing category.

16 (B) The fee shall be \$250 if:

17 (i) the plaintiff, together with its
18 affiliates, has filed a sufficient number of
19 foreclosure complaints so as to be included in the
20 second tier foreclosure filing category and is
21 filing the complaint on its own behalf as the
22 holder of the indebtedness; or

23 (ii) the plaintiff, together with its
24 affiliates, has filed a sufficient number of
25 foreclosure complaints so as to be included in the
26 first or second tier foreclosure filing category

1 and is filing the complaint on behalf of a
2 mortgagee that, together with its affiliates, has
3 filed a sufficient number of foreclosure
4 complaints so as to be included in the second tier
5 foreclosure filing category; or

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

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

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

22 (i) the plaintiff, together with its
23 affiliates, has filed a sufficient number of
24 foreclosure complaints so as to be included in the
25 third tier foreclosure filing category and is
26 filing the complaint on its own behalf as the

1 holder of the indebtedness; or

2 (ii) the plaintiff, together with its
3 affiliates, has filed a sufficient number of
4 foreclosure complaints so as to be included in the
5 first, second, or third tier foreclosure filing
6 category and is filing the complaint on behalf of a
7 mortgagee that, together with its affiliates, has
8 filed a sufficient number of foreclosure
9 complaints so as to be included in the third tier
10 foreclosure filing category; or

11 (iii) the plaintiff, together with its
12 affiliates, has filed a sufficient number of
13 foreclosure complaints so as to be included in the
14 third tier foreclosure filing category and is
15 filing the complaint on behalf of a mortgagee that,
16 together with its affiliates, has filed a
17 sufficient number of foreclosure complaints so as
18 to be included in the first tier foreclosure filing
19 category; or

20 (iv) the plaintiff, together with its
21 affiliates, has filed a sufficient number of
22 foreclosure complaints so as to be included in the
23 third tier foreclosure filing category and is
24 filing the complaint on behalf of a mortgagee that,
25 together with its affiliates, has filed a
26 sufficient number of foreclosure complaints so as

1 to be included in the second tier foreclosure
2 filing category; or

3 (v) the plaintiff is not a depository
4 institution and is filing the complaint on behalf
5 of a mortgagee that, together with its affiliates,
6 has filed a sufficient number of foreclosure
7 complaints so as to be included in the third tier
8 foreclosure filing category.

9 (2) The clerk shall remit the fee collected pursuant to
10 paragraph (1) of this subsection (a-5) to the State
11 Treasurer to be expended for the purposes set forth in
12 Sections 7.30 and 7.31 of the Illinois Housing Development
13 Act and for administrative expenses. All fees paid by
14 plaintiffs to the clerk of the court as provided in
15 paragraph (1) shall be disbursed within 60 days after
16 receipt by the clerk of the court as follows:

17 (A) 28% to the State Treasurer for deposit into the
18 Foreclosure Prevention Program Fund;

19 (B) 70% to the State Treasurer for deposit into the
20 Abandoned Residential Property Municipality Relief
21 Fund; and

22 (C) 2% to the clerk of the court for administrative
23 expenses related to implementation of this subsection
24 (a-5).

25 (3) To determine whether a plaintiff is subject to the
26 fee as set forth in paragraph (1) of this subsection (a-5),

1 a person, including the clerk of the court, may rely on:

2 (A) a verified statement filed by the plaintiff at
3 the time of filing the foreclosure complaint that
4 states whether the plaintiff has an obligation to pay
5 an additional fee as set forth in subsection (a-5) and
6 if so whether the fee is due under subparagraph (A),
7 (B), or (C) of paragraph (1) of subsection (a-5); or

8 (B) such other processes established by the clerk
9 of the court for plaintiffs to certify their
10 eligibility for the exemption from the additional fee
11 set forth in subsection (a-5).

12 (4) This subsection (a-5) is inoperative on and after
13 January 1, 2018.

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

18 (c) As used in this Section:

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

21 "Approved counseling agency" and "approved housing
22 counseling" have the meanings ascribed to those terms in
23 Section 7.30 of the Illinois Housing Development Act.

24 "Depository institution" means a bank, savings bank,
25 savings and loan association, or credit union chartered,
26 organized, or holding a certificate of authority to do business

1 under the laws of this State, another state, or the United
2 States.

3 "First tier foreclosure filing category" is a
4 classification that only applies to a plaintiff that has filed
5 175 or more foreclosure complaints on residential real estate
6 located in Illinois during the calendar year immediately
7 preceding the date of the filing of the subject foreclosure
8 complaint.

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

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

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

25 (e) Notwithstanding any other law to the contrary, the
26 Abandoned Residential Property Municipality Relief Fund is not

1 subject to sweeps, administrative charge-backs, or any other
2 fiscal maneuver that would in any way transfer any amounts from
3 the Abandoned Residential Property Municipality Relief Fund
4 into any other fund of the State.

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

6 (735 ILCS 5/15-1505.8 new)

7 Sec. 15-1505.8. Expedited judgment and sale procedure for
8 abandoned residential property.

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

20 (b) The motion requesting an expedited judgment of
21 foreclosure and sale may be filed by the mortgagee at the time
22 the foreclosure complaint is filed or any time thereafter, and
23 shall set forth the facts demonstrating that the mortgaged real
24 estate is abandoned residential real estate under Section
25 15-1200.5 and shall be supported by affidavit.

1 (c) If a motion for an expedited judgment and sale is filed
2 at the time the foreclosure complaint is filed or before the
3 period to answer the foreclosure complaint has expired, the
4 motion shall be heard by the court no earlier than before the
5 period to answer the foreclosure complaint has expired and no
6 later than 15 days after the period to answer the foreclosure
7 complaint has expired.

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

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

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

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

26 (h) The court shall vacate an order issued pursuant to

1 subsection (f) of this Section if the mortgagor or a lawful
2 occupant appears in the action at any time prior to the court
3 issuing an order confirming the sale pursuant to subsection
4 (b-3) of Section 15-1508 and presents evidence establishing to
5 the satisfaction of the court that the mortgagor or lawful
6 occupant has not abandoned the mortgaged real estate.

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

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

15 (k) Personal property.

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

1 purchaser at the sale shall be liable for any such disposal
2 or donation of personal property.

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

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

12 (1) The notice set out in this paragraph (1) of this
13 subsection (1) shall be conspicuously posted at the
14 property address at least 14 days before the hearing on the
15 motion requesting an expedited judgment and sale and shall
16 be in boldface, in at least 12 point type, and in
17 substantially the following form:

18 "NOTICE TO ANY TENANT OR OTHER LAWFUL

19 OCCUPANT OF THIS PROPERTY

20 A lawsuit has been filed to foreclose on this property, and the
21 party asking to foreclose on this property has asked a judge to
22 find that THIS PROPERTY IS ABANDONED.

23 The judge will be holding a hearing to decide whether this

1 property is ABANDONED.

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

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

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

10 Court name:

11 Court address:

12 Court room number where hearing will be held:

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

15 Date of hearing:

16 Time of hearing:

17 MORE INFORMATION

18 Name of lawsuit:

19 Number of lawsuit:

20 Address of this property:

1

IMPORTANT

2

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

3

contact a lawyer or your local legal aid or housing counseling

4

agency to discuss any rights that you may have.

5

WARNING

6

INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME

7

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

8

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

9

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

10

NO TRESPASSING

11

KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A

12

CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A

13

FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a).".

14

(2) The notice set out in this paragraph (2) of this

15

subsection (1) shall be conspicuously posted at the

16

property address at least 14 days before the hearing to

17

confirm the sale of the abandoned residential property and

18

shall be in boldface, in at least 12 point type, and in

19

substantially the following form:

1 "NOTICE TO ANY TENANT OR OTHER LAWFUL
2 OCCUPANT OF THIS PROPERTY

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

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

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

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

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

1 Court name:

2 Court address:

3 Court room number where hearing will be held:

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

6 Date of hearing:

7 Time of hearing:

8 MORE INFORMATION

9 Name of lawsuit:

10 Number of lawsuit:

11 Address of this property:

12 IMPORTANT

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

16 WARNING

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

1 NO TRESPASSING

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

5 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

6 Sec. 15-1508. Report of Sale and Confirmation of Sale.

7 (a) Report. The person conducting the sale shall promptly
8 make a report to the court, which report shall include a copy
9 of all receipts and, if any, certificate of sale.

10 (b) Hearing. Upon motion and notice in accordance with
11 court rules applicable to motions generally, which motion shall
12 not be made prior to sale, the court shall conduct a hearing to
13 confirm the sale. Unless the court finds that (i) a notice
14 required in accordance with subsection (c) of Section 15-1507
15 was not given, (ii) the terms of sale were unconscionable,
16 (iii) the sale was conducted fraudulently, or (iv) justice was
17 otherwise not done, the court shall then enter an order
18 confirming the sale. The confirmation order shall include a
19 name, address, and telephone number of the holder of the
20 certificate of sale or deed issued pursuant to that certificate
21 or, if no certificate or deed was issued, the purchaser, whom a
22 municipality or county may contact with concerns about the real
23 estate. The confirmation order may also:

1 (1) approve the mortgagee's fees and costs arising
2 between the entry of the judgment of foreclosure and the
3 confirmation hearing, those costs and fees to be allowable
4 to the same extent as provided in the note and mortgage and
5 in Section 15-1504;

6 (2) provide for a personal judgment against any party
7 for a deficiency; and

8 (3) determine the priority of the judgments of parties
9 who deferred proving the priority pursuant to subsection
10 (h) of Section 15-1506, but the court shall not defer
11 confirming the sale pending the determination of such
12 priority.

13 (b-3) Hearing to confirm sale of abandoned residential
14 property. Upon motion and notice by first-class mail to the
15 last known address of the mortgagor, which motion shall be made
16 prior to the sale and heard by the court at the earliest
17 practicable time after conclusion of the sale, and upon the
18 posting at the property address of the notice required by
19 paragraph (2) of subsection (1) of Section 15-1505.8, the court
20 shall enter an order confirming the sale of the abandoned
21 residential property, unless the court finds that a reason set
22 forth in items (i) through (iv) of subsection (b) of this
23 Section exists for not approving the sale, or an order is
24 entered pursuant to subsection (h) of Section 15-1505.8. The
25 confirmation order also may address the matters identified in
26 items (1) through (3) of subsection (b) of this Section. The

1 notice required under subsection (b-5) of this Section shall
2 not be required.

3 (b-5) Notice with respect to residential real estate. With
4 respect to residential real estate, the notice required under
5 subsection (b) of this Section shall be sent to the mortgagor
6 even if the mortgagor has previously been held in default. In
7 the event the mortgagor has filed an appearance, the notice
8 shall be sent to the address indicated on the appearance. In
9 all other cases, the notice shall be sent to the mortgagor at
10 the common address of the foreclosed property. The notice shall
11 be sent by first class mail. Unless the right to possession has
12 been previously terminated by the court, the notice shall
13 include the following language in 12-point boldface
14 capitalized type:

15 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO
16 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
17 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
18 ILLINOIS MORTGAGE FORECLOSURE LAW.

19 (b-10) Notice of confirmation order sent to municipality or
20 county. A copy of the confirmation order required under
21 subsection (b) shall be sent to the municipality in which the
22 foreclosed property is located, or to the county within the
23 boundary of which the foreclosed property is located if the
24 foreclosed property is located in an unincorporated territory.
25 A municipality or county must clearly publish on its website a
26 single address to which a copy of the order ~~such notice~~ shall

1 be sent. If a municipality or county does not maintain a
2 website, then the municipality or county must publicly post in
3 its main office a single address to which a copy of the order
4 ~~such notice~~ shall be sent. In the event that a municipality or
5 county has not complied with the publication requirement in
6 this subsection (b-10), then a copy of the order ~~such notice to~~
7 ~~the municipality or county~~ shall be sent by first class mail,
8 postage prepaid, to the chairperson of the county board or
9 county clerk in the case of a county, to the mayor or city
10 clerk in the case of a city, to the president of the board of
11 trustees or village clerk in the case of a village, or to the
12 president or town clerk in the case of a town ~~provided pursuant~~
13 ~~to Section 2-211 of the Code of Civil Procedure.~~

14 (b-15) Notice of confirmation order sent to known insurers.
15 With respect to residential real estate, the party filing the
16 complaint shall send a copy of the confirmation order required
17 under subsection (b) by first class mail, postage prepaid, to
18 the last known property insurer of the foreclosed property.
19 Failure to send or receive a copy of the order shall not impair
20 or abrogate in any way the rights of the mortgagee or purchaser
21 or affect the status of the foreclosure proceedings.

22 (c) Failure to Give Notice. If any sale is held without
23 compliance with subsection (c) of Section 15-1507 of this
24 Article, any party entitled to the notice provided for in
25 paragraph (3) of that subsection (c) who was not so notified
26 may, by motion supported by affidavit made prior to

1 confirmation of such sale, ask the court which entered the
2 judgment to set aside the sale. Any such party shall guarantee
3 or secure by bond a bid equal to the successful bid at the
4 prior sale, unless the party seeking to set aside the sale is
5 the mortgagor, the real estate sold at the sale is residential
6 real estate, and the mortgagor occupies the residential real
7 estate at the time the motion is filed. In that event, no
8 guarantee or bond shall be required of the mortgagor. Any
9 subsequent sale is subject to the same notice requirement as
10 the original sale.

11 (d) Validity of Sale. Except as provided in subsection (c)
12 of Section 15-1508, no sale under this Article shall be held
13 invalid or be set aside because of any defect in the notice
14 thereof or in the publication of the same, or in the
15 proceedings of the officer conducting the sale, except upon
16 good cause shown in a hearing pursuant to subsection (b) of
17 Section 15-1508. At any time after a sale has occurred, any
18 party entitled to notice under paragraph (3) of subsection (c)
19 of Section 15-1507 may recover from the mortgagee any damages
20 caused by the mortgagee's failure to comply with such paragraph
21 (3). Any party who recovers damages in a judicial proceeding
22 brought under this subsection may also recover from the
23 mortgagee the reasonable expenses of litigation, including
24 reasonable attorney's fees.

25 (d-5) Making Home Affordable Program. The court that
26 entered the judgment shall set aside a sale held pursuant to

1 Section 15-1507, upon motion of the mortgagor at any time prior
2 to the confirmation of the sale, if the mortgagor proves by a
3 preponderance of the evidence that (i) the mortgagor has
4 applied for assistance under the Making Home Affordable Program
5 established by the United States Department of the Treasury
6 pursuant to the Emergency Economic Stabilization Act of 2008,
7 as amended by the American Recovery and Reinvestment Act of
8 2009, and (ii) the mortgaged real estate was sold in material
9 violation of the program's requirements for proceeding to a
10 judicial sale. The provisions of this subsection (d-5), except
11 for this sentence, shall become inoperative on January 1, 2013
12 for all actions filed under this Article after December 31,
13 2012, in which the mortgagor did not apply for assistance under
14 the Making Home Affordable Program on or before December 31,
15 2012.

16 (e) Deficiency Judgment. In any order confirming a sale
17 pursuant to the judgment of foreclosure, the court shall also
18 enter a personal judgment for deficiency against any party (i)
19 if otherwise authorized and (ii) to the extent requested in the
20 complaint and proven upon presentation of the report of sale in
21 accordance with Section 15-1508. Except as otherwise provided
22 in this Article, a judgment may be entered for any balance of
23 money that may be found due to the plaintiff, over and above
24 the proceeds of the sale or sales, and enforcement may be had
25 for the collection of such balance, the same as when the
26 judgment is solely for the payment of money. Such judgment may

1 be entered, or enforcement had, only in cases where personal
2 service has been had upon the persons personally liable for the
3 mortgage indebtedness, unless they have entered their
4 appearance in the foreclosure action.

5 (f) Satisfaction. Upon confirmation of the sale, the
6 judgment stands satisfied to the extent of the sale price less
7 expenses and costs. If the order confirming the sale includes a
8 deficiency judgment, the judgment shall become a lien in the
9 manner of any other judgment for the payment of money.

10 (g) The order confirming the sale shall include,
11 notwithstanding any previous orders awarding possession during
12 the pendency of the foreclosure, an award to the purchaser of
13 possession of the mortgaged real estate, as of the date 30 days
14 after the entry of the order, against the parties to the
15 foreclosure whose interests have been terminated.

16 An order of possession authorizing the removal of a person
17 from possession of the mortgaged real estate shall be entered
18 and enforced only against those persons personally named as
19 individuals in the complaint or the petition under subsection
20 (h) of Section 15-1701 and in the order of possession and shall
21 not be entered and enforced against any person who is only
22 generically described as an unknown owner or nonrecord claimant
23 or by another generic designation in the complaint.

24 Notwithstanding the preceding paragraph, the failure to
25 personally name, include, or seek an award of possession of the
26 mortgaged real estate against a person in the confirmation

1 order shall not abrogate any right that the purchaser may have
2 to possession of the mortgaged real estate and to maintain a
3 proceeding against that person for possession under Article 9
4 of this Code or subsection (h) of Section 15-1701; and
5 possession against a person who (1) has not been personally
6 named as a party to the foreclosure and (2) has not been
7 provided an opportunity to be heard in the foreclosure
8 proceeding may be sought only by maintaining a proceeding under
9 Article 9 of this Code or subsection (h) of Section 15-1701.

10 (h) With respect to mortgaged real estate containing 5 or
11 more dwelling units, the order confirming the sale shall also
12 provide that (i) the mortgagor shall transfer to the purchaser
13 the security deposits, if any, that the mortgagor received to
14 secure payment of rent or to compensate for damage to the
15 mortgaged real estate from any current occupant of a dwelling
16 unit of the mortgaged real estate, as well as any statutory
17 interest that has not been paid to the occupant, and (ii) the
18 mortgagor shall provide an accounting of the security deposits
19 that are transferred, including the name and address of each
20 occupant for whom the mortgagor holds the deposit and the
21 amount of the deposit and any statutory interest.

22 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;
23 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.
24 8-26-11.)

25 Section 20. The Conveyances Act is amended by changing

1 Section 11 as follows:

2 (765 ILCS 5/11) (from Ch. 30, par. 10)

3 Sec. 11. (a) Mortgages of lands may be substantially in the
4 following form:

5 The Mortgagor (here insert name or names), mortgages and
6 warrants to (here insert name or names of mortgagee or
7 mortgagees), to secure the payment of (here recite the nature
8 and amount of indebtedness, showing when due and the rate of
9 interest, and whether secured by note or otherwise), the
10 following described real estate (here insert description
11 thereof), situated in the County of, in the State of
12 Illinois.

13 Dated (insert date).

14 (signature of mortgagor or mortgagors)

15 The names of the parties shall be typed or printed below
16 the signatures. Such form shall have a blank space of 3 1/2
17 inches by 3 1/2 inches for use by the recorder. However, the
18 failure to comply with the requirement that the names of the
19 parties be typed or printed below the signatures and that the
20 form have a blank space of 3 1/2 inches by 3 1/2 inches for use
21 by the recorder shall not affect the validity and effect of
22 such form.

23 Such mortgage, when otherwise properly executed, shall be
24 deemed and held a good and sufficient mortgage in fee to secure

1 the payment of the moneys therein specified; and if the same
2 contains the words "and warrants," the same shall be construed
3 the same as if full covenants of ownership, good right to
4 convey against incumbrances of quiet enjoyment and general
5 warranty, as expressed in Section 9 of this Act were fully
6 written therein; but if the words "and warrants" are omitted,
7 no such covenants shall be implied. When the grantor or
8 grantors in such deed or mortgage for the conveyance of any
9 real estate desires to release or waive his, her or their
10 homestead rights therein, they or either of them may release or
11 waive the same by inserting in the form of deed or mortgage (as
12 the case may be), provided in Sections 9, 10 and 11, after the
13 words "State of Illinois," in substance the following words,
14 "hereby releasing and waiving all rights under and by virtue of
15 the homestead exemption laws of this State."

16 Mortgages securing "reverse mortgage" loans shall be
17 subject to this Section except where requirements concerning
18 the definiteness of the term and amount of indebtedness
19 provisions of a mortgage would be inconsistent with the Acts
20 authorizing "reverse mortgage" loans, or rules and regulations
21 promulgated under those Acts.

22 Mortgages securing "revolving credit" loans shall be
23 subject to this Section.

24 (b) The provisions of subsection (a) regarding the form of
25 a mortgage are, and have always been, permissive and not
26 mandatory. Accordingly, the failure of an otherwise lawfully

1 executed and recorded mortgage to be in the form described in
2 subsection (a) in one or more respects, including the failure
3 to state the interest rate or the maturity date, or both, shall
4 not affect the validity or priority of the mortgage, nor shall
5 its recordation be ineffective for notice purposes regardless
6 of when the mortgage was recorded.

7 (Source: P.A. 91-357, eff. 7-29-99.)

8 Section 99. Effective date. This Act takes effect June 1,
9 2013."