



Rep. Lou Lang

Filed: 3/6/2017

10000HB0046ham001

LRB100 03702 HEP 22884 a

1 AMENDMENT TO HOUSE BILL 46

2 AMENDMENT NO. _____. Amend House Bill 46 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 15-1505.8 as follows:

6 (735 ILCS 5/15-1505.8)

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

1 mortgagor, and the notice required by paragraph (1) of
2 subsection (1) of this Section shall be posted at the property
3 address.

4 (b) The motion requesting an expedited judgment of
5 foreclosure and sale may be filed by the mortgagee at the time
6 the foreclosure complaint is filed or any time thereafter, and
7 shall set forth the facts demonstrating that the mortgaged real
8 estate is abandoned residential real estate under Section
9 15-1200.5 and shall be supported by affidavit.

10 (c) If a motion for an expedited judgment and sale is filed
11 at the time the foreclosure complaint is filed or before the
12 period to answer the foreclosure complaint has expired, the
13 motion shall be heard by the court no earlier than before the
14 period to answer the foreclosure complaint has expired and no
15 later than 21 days after the period to answer the foreclosure
16 complaint has expired.

17 (d) If a motion for an expedited judgment and sale is filed
18 after the period to answer the foreclosure complaint has
19 expired, the motion shall be heard no later than 21 days after
20 the motion is filed.

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

24 (f) Subject to subsection (g), at the hearing on the motion
25 requesting an expedited judgment and sale, if the court finds
26 that the mortgaged real estate is abandoned residential

1 property, the court shall grant the motion and immediately
2 proceed to a trial of the foreclosure. A judgment of
3 foreclosure under this Section shall include the matters
4 identified in Section 15-1506.

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

9 (h) The court shall vacate an order issued pursuant to
10 subsection (f) of this Section if the mortgagor or a lawful
11 occupant appears in the action at any time prior to the court
12 issuing an order confirming the sale pursuant to subsection
13 (b-3) of Section 15-1508 and presents evidence establishing to
14 the satisfaction of the court that the mortgagor or lawful
15 occupant has not abandoned the mortgaged real estate.

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

21 (j) The mortgagee or its agent may enter, secure, and
22 maintain abandoned residential property subject to subsection
23 (e-5) of Section 21-3 of the Criminal Code of 2012; however,
24 the mortgagee or its agent may not use plywood to secure
25 abandoned residential property. The changes to this Section by
26 this amendatory Act of the 100th General Assembly apply to the

1 securing of abandoned residential property that takes place
2 after the effective date of this amendatory Act of the 100th
3 General Assembly.

4 (k) Personal property.

5 (1) Upon confirmation of the sale held pursuant to
6 Section 15-1507, any personal property remaining in or upon
7 the abandoned residential property shall be deemed to have
8 been abandoned by the owner of such personal property and
9 may be disposed of or donated by the holder of the
10 certificate of sale (or, if none, by the purchaser at the
11 sale). In the event of donation of any such personal
12 property, the holder of the certificate of sale (or, if
13 none, the purchaser at the sale) may transfer such donated
14 property with a bill of sale. No mortgagee or its
15 successors or assigns, holder of a certificate of sale, or
16 purchaser at the sale shall be liable for any such disposal
17 or donation of personal property.

18 (2) Notwithstanding paragraph (1) of this subsection
19 (k), in the event a lawful occupant is in possession of the
20 mortgaged real estate who has not been made a party to the
21 foreclosure and had his or her interests terminated
22 therein, any personal property of the lawful occupant shall
23 not be deemed to have been abandoned, nor shall the rights
24 of the lawful occupant to any personal property be
25 affected.

26 (l) Notices to be posted at property address.

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

7 "NOTICE TO ANY TENANT OR OTHER LAWFUL
8 OCCUPANT OF THIS PROPERTY

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

12 The judge will be holding a hearing to decide whether this
13 property is ABANDONED.

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

17 If the judge is satisfied that you are a LAWFUL OCCUPANT of
18 this property, the court will find that this property is NOT
19 ABANDONED.

20 This hearing will be held in the courthouse at the following

1 address, date, and time:

2 Court name:

3 Court address:

4 Court room number where hearing will be held:

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

7 Date of hearing:

8 Time of hearing:

9 MORE INFORMATION

10 Name of lawsuit:

11 Number of lawsuit:

12 Address of this property:

13 IMPORTANT

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

17 WARNING

18 INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME
19 STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY

1 UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS
2 LAW. 720 ILCS 5/21-3(a).

3 NO TRESPASSING

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

7 (2) The notice set out in this paragraph (2) of this
8 subsection (1) shall be conspicuously posted at the
9 property address at least 14 days before the hearing to
10 confirm the sale of the abandoned residential property and
11 shall be in boldface, in at least 12 point type, and in
12 substantially the following form:

13 "NOTICE TO ANY TENANT OR OTHER LAWFUL
14 OCCUPANT OF THIS PROPERTY

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

18 HOWEVER, there still must be a hearing for the judge to approve
19 the sale. The judge will NOT APPROVE this sale if the judge
20 finds that any person lawfully occupies any part of this
21 property.

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

6 If the judge is satisfied that you are a LAWFUL OCCUPANT of
 7 this property, the court will find that this property is NOT
 8 ABANDONED, and there will be no sale of the property at this
 9 time.

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

12 Court name:

13 Court address:

14 Court room number where hearing will be held:

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

17 Date of hearing:

18 Time of hearing:

19 MORE INFORMATION

20 Name of lawsuit:

1 Number of lawsuit:

2 Address of this property:

3 IMPORTANT

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

7 WARNING

8 INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME
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13 KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A
14 CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A
15 FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."
16 (Source: P.A. 97-1164, eff. 6-1-13; 98-20, eff. 6-11-13.)".