

1                                    AMENDMENT TO SENATE BILL 729

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 729 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 12-101 as follows:

6            (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

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

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

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

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

19           As to real estate included within class two, a judgment  
20 is a lien on the real estate of the person against whom it is  
21 entered in any county in this State, including the county in  
22 which it is entered, only from the time a transcript,

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

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

33 (b) Service of such affidavit shall be by any means  
34 authorized under Sections 2-203 and 2-208 of the Code of

1 Civil Procedure or under Supreme Court Rules 11 or  
2 105(b).

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

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

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

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

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

33 A foreign judgment registered pursuant to Sections 12-601  
34 through 12-618 of this Act is a lien upon the real estate of

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

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

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

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

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

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

34 This Section shall not be construed as showing an

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

5 (Source: P.A. 91-357, eff. 7-29-99; 92-817, eff. 8-21-02.)

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