



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB2700

Introduced 2/26/2007, by Rep. Michael J. Madigan - Barbara Flynn Currie - John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-316

from Ch. 110, par. 9-316

Amends the Code of Civil Procedure. Makes a technical change in a Section concerning a lien on crops.

LRB095 00827 AJO 20829 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by  
5 changing Section 9-316 as follows:

6 (735 ILCS 5/9-316) (from Ch. 110, par. 9-316)

7 Sec. 9-316. Lien upon crops. Every landlord shall have a  
8 lien upon the ~~the~~ crops grown or growing upon the demised  
9 premises for the rent thereof, whether the same is payable  
10 wholly or in part in money or specific articles of property or  
11 products of the premises, or labor, and also for the faithful  
12 performance of the terms of the lease. Such lien shall continue  
13 for the period of 6 months after the expiration of the term for  
14 which the premises are demised, and may be enforced by  
15 distraint as provided in Part 3 of Article IX of this Act.

16 A good faith purchaser shall, however, take such crops free  
17 of any landlord's lien unless, within 6 months prior to the  
18 purchase, the landlord provides written notice of his lien to  
19 the purchaser by registered or certified mail. Such notice  
20 shall contain the names and addresses of the landlord and  
21 tenant, and clearly identify the leased property.

22 A landlord may require that, prior to his tenant's selling  
23 any crops grown on the demised premises, the tenant disclose

1 the name of the person to whom the tenant intends to sell those  
2 crops. Where such a requirement has been imposed, the tenant  
3 shall not sell the crops to any person other than a person who  
4 has been disclosed to the landlord as a potential buyer of the  
5 crops.

6 A lien arising under this Section shall have priority over  
7 any agricultural lien as defined in, and over any security  
8 interest arising under, provisions of Article 9 of the Uniform  
9 Commercial Code.

10 (Source: P.A. 91-893, eff. 7-1-01; 92-819, eff. 8-21-02.)