

1 AN ACT in relation to civil procedure.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing 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,
23 certified copy or memorandum of the judgment is filed in the
24 office of the recorder in the county in which the real estate
25 is located. A judgment resulting from the entry of an order
26 requiring child support payments shall be a lien upon the
27 real estate of the person obligated to make the child support
28 payments, but shall not be enforceable in any county of this
29 State until a transcript, certified copy, or memorandum of
30 the lien is filed in the office of the recorder in the county
31 in which the real estate is located. Any lien hereunder

1 arising out of an order for support shall be a lien only as
 2 to and from the time that an installment or payment is due
 3 under the terms of the order. Further, the order for support
 4 shall not be a lien on real estate to the extent of payments
 5 made as evidenced by the records of the Clerk of the Circuit
 6 Court or State agency receiving payments pursuant to the
 7 order. In the event payments made pursuant to that order are
 8 not paid to the Clerk of the Circuit Court or a State agency,
 9 then each lien imposed by this Section may be released in the
 10 following manner:

11 (a) A Notice of Filing and an affidavit stating
 12 that all installments of child support required to be
 13 paid pursuant to the order under which the lien or liens
 14 were imposed have been paid shall be filed with the
 15 office of recorder in each county in which each such lien
 16 appears of record, together with proof of service of such
 17 notice and affidavit upon the recipient of such payments.

18 (b) Service of such affidavit shall be by any means
 19 authorized under Sections 2-203 and 2-208 of the Code of
 20 Civil Procedure or under Supreme Court Rules 11 or
 21 105(b).

22 (c) The Notice of Filing shall set forth the name
 23 and address of the judgment debtor and the judgment
 24 creditor, the court file number of the order giving rise
 25 to the judgment and, in capital letters, the following
 26 statement:

27 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
 28 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER OF
 29 COUNTY, ILLINOIS, WHOSE ADDRESS IS, ILLINOIS.
 30 IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, YOU FAIL TO
 31 FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF THE STATED
 32 JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE, SUCH JUDGMENT
 33 LIEN WILL BE DEEMED TO BE RELEASED AND NO LONGER SUBJECT TO
 34 FORECLOSURE. THIS RELEASE OF LIEN WILL NOT ACT AS A

1 SATISFACTION OF SUCH JUDGMENT.

2 (d) If no affidavit objecting to the release of the
3 lien or liens is filed within 28 days of the Notice
4 described in paragraph (c) of this Section such lien or
5 liens shall be deemed to be released and no longer
6 subject to foreclosure.

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

12 When a judgment is revived it is a lien on the real
13 estate of the person against whom it was entered in any
14 county in this State from the time a transcript, certified
15 copy or memorandum of the order of revival is filed in the
16 office of the recorder in the county in which the real estate
17 is located.

18 A foreign judgment registered pursuant to Sections 12-601
19 through 12-618 of this Act is a lien upon the real estate of
20 the person against whom it was entered only from the time (1)
21 a certified copy of the verified petition for registration of
22 the foreign judgment or (2) a transcript, certified copy or
23 memorandum of the final judgment of the court of this State
24 entered on that foreign judgment is filed in the office of
25 the recorder in the county in which the real estate is
26 located. However, no such judgment shall be a lien on any
27 real estate registered under "An Act concerning land titles",
28 as amended, until Section 85 of that Act has been complied
29 with.

30 The release of any transcript, certified copy or
31 memorandum of judgment or order of revival which has been
32 recorded shall be filed by the person receiving the release
33 in the office of the recorder in which such judgment or order
34 has been recorded.

1 Such release shall contain in legible letters a statement
2 as follows:

3 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
4 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES
5 IN WHOSE OFFICE THE LIEN WAS FILED.

6 The term "memorandum" as used in this Section means a
7 memorandum or copy of the judgment signed by a judge or a
8 copy attested by the clerk of the court entering it and
9 showing the court in which entered, date, amount, number of
10 the case in which it was entered, name of the party in whose
11 favor and name and last known address of the party against
12 whom entered. If the address of the party against whom the
13 judgment was entered is not known, the memorandum or copy of
14 judgment shall so state.

15 The term "memorandum" as used in this Section also means
16 a memorandum or copy of a child support order signed by a
17 judge or a copy attested by the clerk of the court entering
18 it or a copy attested by the administrative body entering it.

19 This Section shall not be construed as showing an
20 intention of the legislature to create a new classification
21 of real estate, but shall be construed as showing an
22 intention of the legislature to continue a classification
23 already existing.

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