



Sen. Robert F. Martwick

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10400SB2221sam001

LRB104 11096 JRC 23090 a

1 AMENDMENT TO SENATE BILL 2221

2 AMENDMENT NO. _____. Amend Senate Bill 2221 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Probate Act of 1975 is amended by changing
5 Section 20-6 as follows:

6 (755 ILCS 5/20-6) (from Ch. 110 1/2, par. 20-6)

7 Sec. 20-6. Power of court.) In any proceeding to sell or
8 mortgage real estate the court may:

9 (a) investigate and determine all questions of conflicting
10 and controverted titles arising between any of the parties,
11 remove clouds from any title or interest involved therein, and
12 invest the mortgagee or purchaser with a good and indefeasible
13 title to the property sold or mortgaged;

14 (b) direct the sale or mortgage of the property free of all
15 mortgage, judgment or other liens that are due, provide for
16 the satisfaction of all those liens out of the proceeds of the

1 sale or mortgage and settle and adjust all equities and all
2 questions of priority among all interested persons; however,
3 if secured creditors cannot be satisfied in full, then the
4 court shall not direct the sale without the secured creditors'
5 approval to accept partial satisfaction; and if the secured
6 creditors cannot be satisfied in full, a sale of the property
7 is not considered necessary for the proper administration of
8 the estate;

9 (c) with the assent of the owner of a mortgage lien that is
10 not due, direct that the property be sold or mortgaged free of
11 the lien and provide for the satisfaction of the lien out of
12 the proceeds of the sale or mortgage;

13 (d) set off the homestead and order the sale of the balance
14 of the premises, or if the value of the premises exceeds the
15 exemption and the premises cannot be divided, the court may
16 order the sale of the whole free of homestead with or without
17 the consent of the person entitled thereto and shall ascertain
18 the value of the homestead and shall order that a sum of money
19 equal to the gross value of the homestead be paid from the
20 proceeds of the sale to the person entitled thereto;

21 (e) upon the filing in court of the written consent of the
22 person entitled to an estate for life or for years, order the
23 sale or mortgage free of the estate, but the court shall
24 ascertain the value of the estate and order that a sum of money
25 equal to the gross value of the estate be paid from the
26 proceeds of the sale or mortgage to the person entitled

1 thereto or that a proper proportion of the proceeds of the sale
2 or mortgage as ascertained by the court be invested and the
3 income paid to the person entitled thereto during the
4 continuance of the estate;

5 (f) direct the sale of the property free of any lien or
6 claim for lien of this State (except the lien for general
7 taxes), provide for the satisfaction of the lien or claim for
8 lien out of the proceeds of sale according to its relative
9 priority in respect to other liens to the extent the proceeds
10 are available, and adjudicate the priority of the State's lien
11 or claim for lien with respect to all other liens against the
12 property. The petition must describe the lien of the State.
13 Not less than 20 days before the hearing on the petition, the
14 petitioner must notify the Attorney General of the filing of
15 the petition by delivering or mailing 2 copies of the petition
16 to the Attorney General's office in Springfield, Illinois. The
17 petitioner must file proof of the delivery or mailing in the
18 proceeding in which the estate is being administered. The
19 Attorney General may intervene and take such action as he
20 deems expedient to protect the interest of the State.

21 (Source: P.A. 79-328.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."