

SB0169



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0169

Introduced 1/30/2019, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

735 ILCS 5/15-1503

from Ch. 110, par. 15-1503

Amends the Code of Civil Procedure. Provides that the failure to send a copy of the notice of foreclosure to the alderman or to file an affidavit as required results in a fine of \$500 payable to the ward in which the property is located (instead of resulting in the dismissal without prejudice of the complaint or counterclaim on a motion of a party or the court). Deletes language regarding the requirements a party must comply with if the party refiles the complaint or counterclaim. Effective immediately.

LRB101 04859 LNS 49868 b

A BILL FOR

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 15-1503 as follows:

6 (735 ILCS 5/15-1503) (from Ch. 110, par. 15-1503)

7 Sec. 15-1503. Notice of Foreclosure.

8 (a) A notice of foreclosure, whether the foreclosure is
9 initiated by complaint or counterclaim, made in accordance with
10 this Section and recorded in the county in which the mortgaged
11 real estate is located shall be constructive notice of the
12 pendency of the foreclosure to every person claiming an
13 interest in or lien on the mortgaged real estate, whose
14 interest or lien has not been recorded prior to the recording
15 of such notice of foreclosure. Such notice of foreclosure must
16 be executed by any party or any party's attorney and shall
17 include (i) the names of all plaintiffs and the case number,
18 (ii) the court in which the action was brought, (iii) the names
19 of title holders of record, (iv) a legal description of the
20 real estate sufficient to identify it with reasonable
21 certainty, (v) a common address or description of the location
22 of the real estate and (vi) identification of the mortgage
23 sought to be foreclosed. An incorrect common address or

1 description of the location, or an immaterial error in the
2 identification of a plaintiff or title holder of record, shall
3 not invalidate the lis pendens effect of the notice under this
4 Section. A notice which complies with this Section shall be
5 deemed to comply with Section 2-1901 of the Code of Civil
6 Procedure and shall have the same effect as a notice filed
7 pursuant to that Section; however, a notice which complies with
8 Section 2-1901 shall not be constructive notice unless it also
9 complies with the requirements of this Section.

10 (b) With respect to residential real estate, a copy of the
11 notice of foreclosure described in subsection (a) of Section
12 15-1503 shall be sent by first class mail, postage prepaid, to
13 the municipality within the boundary of which the mortgaged
14 real estate is located, or to the county within the boundary of
15 which the mortgaged real estate is located if the mortgaged
16 real estate is located in an unincorporated territory. A
17 municipality or county must clearly publish on its website a
18 single address to which such notice shall be sent. If a
19 municipality or county does not maintain a website, then the
20 municipality or county must publicly post in its main office a
21 single address to which such notice shall be sent. In the event
22 that a municipality or county has not complied with the
23 publication requirement in this subsection (b), then the copy
24 of the notice to the municipality or county shall be sent by
25 first class mail, postage prepaid, to the chairperson of the
26 county board or county clerk in the case of a county, to the

1 mayor or city clerk in the case of a city, to the president of
2 the board of trustees or village clerk in the case of a
3 village, or to the president or town clerk in the case of a
4 town. Additionally, if the real estate is located in a city
5 with a population of more than 2,000,000, regardless of whether
6 that city has complied with the publication requirement in this
7 subsection (b), the party must, within 10 days after filing the
8 complaint or counterclaim: (i) send by first class mail,
9 postage prepaid, a copy of the notice of foreclosure to the
10 alderman for the ward in which the real estate is located and
11 (ii) file an affidavit with the court attesting to the fact
12 that the notice was sent to the alderman for the ward in which
13 the real estate is located. The failure to send a copy of the
14 notice to the alderman or to file an affidavit as required
15 results in a fine of \$500 payable to the ward in which the
16 property is located ~~the dismissal without prejudice of the~~
17 ~~complaint or counterclaim on a motion of a party or the court.~~
18 ~~If, after the complaint or counterclaim has been dismissed~~
19 ~~without prejudice, the party refiles the complaint or~~
20 ~~counterclaim, then the party must again comply with the~~
21 ~~requirements that the party send by first class mail, postage~~
22 ~~prepaid, the notice to the alderman for the ward in which the~~
23 ~~real estate is located and file an affidavit attesting to the~~
24 ~~fact that the notice was sent.~~

25 (Source: P.A. 96-856, eff. 3-1-10; 97-1164, eff. 6-1-13.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.