

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 shall result in a stay of the foreclosure action on a motion of  
16 a party or the court. If the foreclosure action has been stayed  
17 by an order of the court, the plaintiff or the plaintiff's  
18 representative shall send the notice by certified mail, return  
19 receipt requested, or by private carrier that provides proof of  
20 delivery, and tender the return receipt or the proof of  
21 delivery to the court. After proof of delivery is tendered to  
22 the court, the court shall lift the stay of the foreclosure  
23 action. ~~results in the dismissal without prejudice of the~~  
24 ~~complaint or counterclaim on a motion of a party or the court.~~  
25 ~~If, after the complaint or counterclaim has been dismissed~~  
26 ~~without prejudice, the party refiles the complaint or~~

1 ~~counterclaim, then the party must again comply with the~~  
2 ~~requirements that the party send by first class mail, postage~~  
3 ~~prepaid, the notice to the alderman for the ward in which the~~  
4 ~~real estate is located and file an affidavit attesting to the~~  
5 ~~fact that the notice was sent.~~

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

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