



Sen. Don Harmon

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10100SB1134sam001

LRB101 06929 LNS 56922 a

1 AMENDMENT TO SENATE BILL 1134

2 AMENDMENT NO. _____. Amend Senate Bill 1134 by replacing
3 everything after the enacting clause with the following:

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

1 include (i) the names of all plaintiffs and the case number,
2 (ii) the court in which the action was brought, (iii) the names
3 of title holders of record, (iv) a legal description of the
4 real estate sufficient to identify it with reasonable
5 certainty, (v) a common address or description of the location
6 of the real estate and (vi) identification of the mortgage
7 sought to be foreclosed. An incorrect common address or
8 description of the location, or an immaterial error in the
9 identification of a plaintiff or title holder of record, shall
10 not invalidate the lis pendens effect of the notice under this
11 Section. A notice which complies with this Section shall be
12 deemed to comply with Section 2-1901 of the Code of Civil
13 Procedure and shall have the same effect as a notice filed
14 pursuant to that Section; however, a notice which complies with
15 Section 2-1901 shall not be constructive notice unless it also
16 complies with the requirements of this Section.

17 (b) With respect to residential real estate, a copy of the
18 notice of foreclosure described in subsection (a) of Section
19 15-1503 shall be sent by first class mail, postage prepaid, to
20 the municipality within the boundary of which the mortgaged
21 real estate is located, or to the county within the boundary of
22 which the mortgaged real estate is located if the mortgaged
23 real estate is located in an unincorporated territory. A
24 municipality or county must clearly publish on its website a
25 single address to which such notice shall be sent. If a
26 municipality or county does not maintain a website, then the

1 municipality or county must publicly post in its main office a
2 single address to which such notice shall be sent. In the event
3 that a municipality or county has not complied with the
4 publication requirement in this subsection (b), then the copy
5 of the notice to the municipality or county shall be sent by
6 first class mail, postage prepaid, to the chairperson of the
7 county board or county clerk in the case of a county, to the
8 mayor or city clerk in the case of a city, to the president of
9 the board of trustees or village clerk in the case of a
10 village, or to the president or town clerk in the case of a
11 town. Additionally, if the real estate is located in a city
12 with a population of more than 2,000,000, regardless of whether
13 that city has complied with the publication requirement in this
14 subsection (b), the party must, within 10 days after filing the
15 complaint or counterclaim: (i) send by first class mail,
16 postage prepaid, a copy of the notice of foreclosure to the
17 alderman for the ward in which the real estate is located and
18 (ii) file an affidavit with the court attesting to the fact
19 that the notice was sent to the alderman for the ward in which
20 the real estate is located. The failure to send a copy of the
21 notice to the alderman or to file an affidavit as required
22 results in the dismissal without prejudice of the complaint or
23 counterclaim on a motion of a party or the court. If, after the
24 complaint or counterclaim has been dismissed without
25 prejudice, the party refiles the complaint or counterclaim,
26 then the party must again comply with the requirements that the

1 party send by first class mail, postage prepaid, the notice to
2 the alderman for the ward in which the real estate is located
3 and file an affidavit attesting to the fact that the notice was
4 sent.

5 (c) If any defendant cannot be personally served with a
6 summons and complaint but is served in accordance with
7 subsection (a) of Section 2-206, it is the duty of the
8 plaintiff or his or her representative, and not the duty of the
9 clerk of court or any nonparty to the case, to mail to each
10 defendant listed on the filed Affidavit for Service by
11 Publication a copy of the published notice by first-class mail,
12 addressed to each defendant whose place of residence is stated
13 on the affidavit. An affidavit of the plaintiff or his or her
14 representative stating that he or she has mailed the copy of
15 the notice is evidence that he or she has done so.

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