

1 AN ACT concerning property.

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

4 Section 5. The Property Tax Code is amended by changing
5 Sections 21-90 and 21-215 as follows:

6 (35 ILCS 200/21-90)

7 Sec. 21-90. Purchase and sale by county; distribution of
8 proceeds. When any property is delinquent, or is forfeited
9 for each of 2 or more years, and is offered for sale under any
10 of the provisions of this Code, the County Board of the County
11 in which the property is located, in its discretion, may bid,
12 or, in the case of forfeited property, may apply to purchase
13 it, in the name of the County as trustee for all taxing
14 districts having an interest in the property's taxes or
15 special assessments for the nonpayment of which the property
16 is sold. The presiding officer of the county board, with the
17 advice and consent of the Board, may appoint on its behalf some
18 officer or person to attend such sales and bid or, in the case
19 of forfeited property, to apply to the county clerk to
20 purchase. The County shall apply on the bid or purchase the
21 unpaid taxes and special assessments due upon the property. No
22 cash need be paid. The County may shall take ~~all~~ steps
23 necessary to acquire title to the property and may manage and

1 operate the property, including, but not limited to, mowing of
2 grass, removal of nuisance greenery, removal of garbage,
3 waste, debris or other materials, or the demolition, repair,
4 or remediation of unsafe structures. When a county, or other
5 taxing district within the county, is a petitioner for a tax
6 deed, no filing fee shall be required. When a county or other
7 taxing district within the county is the petitioner for a tax
8 deed, one petition may be filed including all parcels that are
9 tax delinquent within the county or taxing district, and any
10 publication made under Section 22-20 of this Code may combine
11 all such parcels within a single notice. The notice shall list
12 the street or common address, if known, of the parcels for
13 informational purposes. The county, as tax creditor and as
14 trustee for other tax creditors, or other taxing district
15 within the county, shall not be required to allege and prove
16 that all taxes and special assessments which become due and
17 payable after the sale to the county have been paid nor shall
18 the county be required to pay the subsequently accruing taxes
19 or special assessments at any time. The county board or its
20 designee may prohibit the county collector from including the
21 property in the tax sale of one or more subsequent years. The
22 lien of taxes and special assessments which become due and
23 payable after a sale to a county shall merge in the fee title
24 of the county, or other taxing district within the county, on
25 the issuance of a deed.

26 The County may sell or assign the property so acquired, or

1 the certificate of purchase to it, to any party, including
2 taxing districts. The proceeds of that sale or assignment,
3 less all costs of the county incurred in the acquisition,
4 operation, maintenance, and sale or assignment of the
5 property, including all costs associated with county staff and
6 overhead used to perform the duties of the trustee set forth in
7 this Section, shall be distributed to the taxing districts in
8 proportion to their respective interests therein.

9 Under Sections 21-110, 21-115, 21-120 and 21-405, a County
10 may bid or purchase only in the absence of other bidders.

11 (Source: P.A. 88-455; 88-535; 89-412, eff. 11-17-95.)

12 (35 ILCS 200/21-215)

13 Sec. 21-215. Penalty bids. The person at the sale offering
14 to pay the amount due on each property for the least penalty
15 percentage shall be the purchaser of that property. No bid
16 shall be accepted for a penalty exceeding 9% ~~18%~~ of the amount
17 of the tax or special assessment on property.

18 (Source: P.A. 86-1431; 86-1480; 88-455.)

19 Section 10. The Counties Code is amended by changing
20 Section 5-1121 as follows:

21 (55 ILCS 5/5-1121)

22 Sec. 5-1121. Demolition, repair, or enclosure.

23 (a) The county board of each county may demolish, repair,

1 or enclose or cause the demolition, repair, or enclosure of
2 dangerous and unsafe buildings or uncompleted and abandoned
3 buildings within the territory of the county, but outside the
4 territory of any municipality, and may remove or cause the
5 removal of garbage, debris, and other hazardous, noxious, or
6 unhealthy substances or materials from those buildings. If a
7 township within the county makes a formal request to the
8 county board as provided in Section 85-50 of the Township Code
9 that the county board commence specified proceedings under
10 this Section with respect to property located within the
11 township but outside the territory of any municipality, then,
12 at the next regular county board meeting occurring at least 10
13 days after the formal request is made to the county board, the
14 county board shall either commence the requested proceedings
15 or decline to do so (either formally or by failing to commence
16 the proceedings within 60 days after the request) and shall
17 notify the township board making the request of the county
18 board's decision. In any county having adopted, by referendum
19 or otherwise, a county health department as provided by
20 Division 5-25 of the Counties Code or its predecessor, the
21 county board of any such county may upon a formal request by
22 the city, village, or incorporated town demolish, repair or
23 cause the demolition or repair of dangerous and unsafe
24 buildings or uncompleted and abandoned buildings within the
25 territory of any city, village, or incorporated town having a
26 population of less than 50,000.

1 The county board shall apply to the circuit court of the
2 county in which the building is located (i) for an order
3 authorizing action to be taken with respect to a building if
4 the owner or owners of the building, including the lien
5 holders of record, after at least 15 days' written notice by
6 mail to do so, have failed to commence proceedings to put the
7 building in a safe condition or to demolish it or (ii) for an
8 order requiring the owner or owners of record to demolish,
9 repair, or enclose the building or to remove garbage, debris,
10 and other hazardous, noxious, or unhealthy substances or
11 materials from the building. It is not a defense to the cause
12 of action that the building is boarded up or otherwise
13 enclosed, although the court may order the defendant to have
14 the building boarded up or otherwise enclosed. Where, upon
15 diligent search, the identity or whereabouts of the owner or
16 owners of the building, including the lien holders of record,
17 is not ascertainable, notice mailed to the person or persons
18 in whose name the real estate was last assessed and the posting
19 of such notice upon the premises sought to be demolished or
20 repaired is sufficient notice under this Section.

21 The hearing upon the application to the circuit court
22 shall be expedited by the court and shall be given precedence
23 over all other suits.

24 The cost of the demolition, repair, enclosure, or removal
25 incurred by the county, by an intervenor, or by a lien holder
26 of record, including court costs, attorney's fees, and other

1 costs related to the enforcement of this Section, is
2 recoverable from the owner or owners of the real estate or the
3 previous owner or both if the property was transferred during
4 the 15 day notice period and is a lien on the real estate; the
5 lien is superior to all prior existing liens and encumbrances,
6 except taxes, if, within 180 days after the repair,
7 demolition, enclosure, or removal, the county, the lien holder
8 of record, or the intervenor who incurred the cost and expense
9 shall file a notice of lien for the cost and expense incurred
10 in the office of the recorder in the county in which the real
11 estate is located or in the office of the registrar of titles
12 of the county if the real estate affected is registered under
13 the Registered Titles (Torrens) Act.

14 The notice must consist of a sworn statement setting out
15 (1) a description of the real estate sufficient for its
16 identification, (2) the amount of money representing the cost
17 and expense incurred, and (3) the date or dates when the cost
18 and expense was incurred by the county, the lien holder of
19 record, or the intervenor. Upon payment of the cost and
20 expense by the owner of or persons interested in the property
21 after the notice of lien has been filed, the lien shall be
22 released by the county, the person in whose name the lien has
23 been filed, or the assignee of the lien, and the release may be
24 filed of record as in the case of filing notice of lien. Unless
25 the lien is enforced under subsection (b), the lien may be
26 enforced by foreclosure proceedings as in the case of mortgage

1 foreclosures under Article XV of the Code of Civil Procedure
2 or mechanics' lien foreclosures. An action to foreclose this
3 lien may be commenced at any time after the date of filing of
4 the notice of lien. The costs of foreclosure incurred by the
5 county, including court costs, reasonable attorney's fees,
6 advances to preserve the property, and other costs related to
7 the enforcement of this subsection, plus statutory interest,
8 are a lien on the real estate and are recoverable by the county
9 from the owner or owners of the real estate.

10 All liens arising under this subsection (a) shall be
11 assignable. The assignee of the lien shall have the same power
12 to enforce the lien as the assigning party, except that the
13 lien may not be enforced under subsection (b).

14 If the appropriate official of any county determines that
15 any dangerous and unsafe building or uncompleted and abandoned
16 building within its territory fulfills the requirements for an
17 action by the county under the Abandoned Housing
18 Rehabilitation Act, the county may petition under that Act in
19 a proceeding brought under this subsection.

20 (b) In any case where a county has obtained a lien under
21 subsection (a), the county may enforce the lien under this
22 subsection (b) in the same proceeding in which the lien is
23 authorized.

24 A county desiring to enforce a lien under this subsection
25 (b) shall petition the court to retain jurisdiction for
26 foreclosure proceedings under this subsection. Notice of the

1 petition shall be served, by certified or registered mail, on
2 all persons who were served notice under subsection (a). The
3 court shall conduct a hearing on the petition not less than 15
4 days after the notice is served. If the court determines that
5 the requirements of this subsection (b) have been satisfied,
6 it shall grant the petition and retain jurisdiction over the
7 matter until the foreclosure proceeding is completed. The
8 costs of foreclosure incurred by the county, including court
9 costs, reasonable attorneys' fees, advances to preserve the
10 property, and other costs related to the enforcement of this
11 subsection, plus statutory interest, are a lien on the real
12 estate and are recoverable by the county from the owner or
13 owners of the real estate. If the court denies the petition,
14 the county may enforce the lien in a separate action as
15 provided in subsection (a).

16 All persons designated in Section 15-1501 of the Code of
17 Civil Procedure as necessary parties in a mortgage foreclosure
18 action shall be joined as parties before issuance of an order
19 of foreclosure. Persons designated in Section 15-1501 of the
20 Code of Civil Procedure as permissible parties may also be
21 joined as parties in the action.

22 The provisions of Article XV of the Code of Civil
23 Procedure applicable to mortgage foreclosures shall apply to
24 the foreclosure of a lien under this subsection (b), except to
25 the extent that those provisions are inconsistent with this
26 subsection. For purposes of foreclosures of liens under this

1 subsection, however, the redemption period described in
2 subsection (b) of Section 15-1603 of the Code of Civil
3 Procedure shall end 60 days after the date of entry of the
4 order of foreclosure.

5 (c) In addition to any other remedy provided by law, the
6 county board of any county may petition the circuit court to
7 have property declared abandoned under this subsection (c) if:

8 (1) the property has been tax delinquent for 2 or more
9 years or bills for water service for the property have
10 been outstanding for 2 or more years;

11 (2) the property is unoccupied by persons legally in
12 possession; and

13 (3) the property's condition impairs public health,
14 safety, or welfare for reasons specified in the petition
15 ~~property contains a dangerous or unsafe building.~~

16 All persons having an interest of record in the property,
17 including tax purchasers and beneficial owners of any Illinois
18 land trust having title to the property, shall be named as
19 defendants in the petition and shall be served with process.

20 In addition, service shall be had under Section 2-206 of the
21 Code of Civil Procedure as in other cases affecting property,
22 including publication in a newspaper that is in circulation in
23 the county in which the action is pending. At least 30 days
24 prior to any declaration of abandonment, the county or its
25 agent shall post a notice not less than 1 foot by 1 foot in
26 size on the front of the subject building or property. The

1 notice shall be dated as of the date of the posting and state
2 that the county is seeking a declaration of abandonment for
3 the property. The notice shall also include the case number
4 for the underlying circuit court petition filed pursuant to
5 this subsection and a notification that the owner should file
6 an appearance in the matter if the property is not abandoned.

7 The county, however, may proceed under this subsection in
8 a proceeding brought under subsection (a). Notice of the
9 petition shall be served by certified or registered mail on
10 all persons who were served notice under subsection (a).

11 If the county proves that the conditions described in this
12 subsection exist and the owner of record of the property does
13 not enter an appearance in the action, or, if title to the
14 property is held by an Illinois land trust, if neither the
15 owner of record nor the owner of the beneficial interest of the
16 trust enters an appearance, the court shall declare the
17 property abandoned.

18 If that determination is made, notice shall be sent by
19 certified or registered mail to all persons having an interest
20 of record in the property, including tax purchasers and
21 beneficial owners of any Illinois land trust having title to
22 the property, stating that title to the property will be
23 transferred to the county unless, within 30 days of the
24 notice, the owner of record enters an appearance in the
25 action, or unless any other person having an interest in the
26 property files with the court a request to demolish any or all

1 ~~the~~ dangerous or unsafe buildings ~~building~~ or to put the
2 property ~~building~~ in safe condition.

3 If the owner of record enters an appearance in the action
4 within the 30 day period, the court shall vacate its order
5 declaring the property abandoned. In that case, the county may
6 amend its complaint in order to initiate proceedings under
7 subsection (a).

8 If a request to demolish any or all dangerous or unsafe
9 buildings or to otherwise put the property in safe condition
10 ~~or repair the building~~ is filed within the 30 day period, the
11 court shall grant permission to the requesting party to
12 demolish the building within 30 days or to restore the
13 property ~~building~~ to safe condition within 60 days after the
14 request is granted. An extension of that period for up to 60
15 additional days may be given for good cause. If more than one
16 person with an interest in the property files a timely
17 request, preference shall be given to the person with the lien
18 or other interest of the highest priority.

19 If the requesting party proves to the court that the
20 building has been demolished or put in a safe condition within
21 the period of time granted by the court, the court shall issue
22 a quitclaim judicial deed for the property to the requesting
23 party, conveying only the interest of the owner of record,
24 upon proof of payment to the county of all costs incurred by
25 the county in connection with the action, including but not
26 limited to court costs, attorney's fees, administrative costs,

1 the costs, if any, associated with property maintenance
2 ~~building enclosure or removal~~, and receiver's certificates.
3 The interest in the property so conveyed shall be subject to
4 all liens and encumbrances on the property. In addition, if
5 the interest is conveyed to a person holding a certificate of
6 purchase for the property under the Property Tax Code, the
7 conveyance shall be subject to the rights of redemption of all
8 persons entitled to redeem under that Act, including the
9 original owner of record.

10 If no person with an interest in the property files a
11 timely request or if the requesting party fails to demolish
12 the building or put the property building in safe condition
13 within the time specified by the court, the county may
14 petition the court to issue a judicial deed for the property to
15 the county or another governmental body designated by the
16 county in the petition. A conveyance by judicial deed shall
17 operate to extinguish all existing ownership interests in,
18 liens on, and other interest in the property, including tax
19 liens.

20 (d) Each county may use the provisions of this subsection
21 to expedite the removal of certain buildings that are a
22 continuing hazard to the community in which they are located.

23 If the official designated to be in charge of enforcing
24 the county's building code determines that a building is open
25 and vacant and an immediate and continuing hazard to the
26 community in which the building is located, then the official

1 shall be authorized to post a notice not less than 2 feet by 2
2 feet in size on the front of the building. The notice shall be
3 dated as of the date of the posting and shall state that unless
4 the building is demolished, repaired, or enclosed, and unless
5 any garbage, debris, and other hazardous, noxious, or
6 unhealthy substances or materials are removed so that an
7 immediate and continuing hazard to the community no longer
8 exists, then the building may be demolished, repaired, or
9 enclosed, or any garbage, debris, and other hazardous,
10 noxious, or unhealthy substances or materials may be removed,
11 by the county.

12 Not later than 30 days following the posting of the
13 notice, the county shall do both of the following:

14 (1) Cause to be sent, by certified mail, return
15 receipt requested, a notice to all owners of record of the
16 property, the beneficial owners of any Illinois land trust
17 having title to the property, and all lienholders of
18 record in the property, stating the intent of the county
19 to demolish, repair, or enclose the building or remove any
20 garbage, debris, or other hazardous, noxious, or unhealthy
21 substances or materials if that action is not taken by the
22 owner or owners.

23 (2) Cause to be published, in a newspaper published or
24 circulated in the county where the building is located, a
25 notice setting forth (i) the permanent tax index number
26 and the address of the building, (ii) a statement that the

1 property is open and vacant and constitutes an immediate
2 and continuing hazard to the community, and (iii) a
3 statement that the county intends to demolish, repair, or
4 enclose the building or remove any garbage, debris, or
5 other hazardous, noxious, or unhealthy substances or
6 materials if the owner or owners or lienholders of record
7 fail to do so. This notice shall be published for 3
8 consecutive days.

9 A person objecting to the proposed actions of the county
10 board may file his or her objection in an appropriate form in a
11 court of competent jurisdiction.

12 If the building is not demolished, repaired, or enclosed,
13 or the garbage, debris, or other hazardous, noxious, or
14 unhealthy substances or materials are not removed, within 30
15 days of mailing the notice to the owners of record, the
16 beneficial owners of any Illinois land trust having title to
17 the property, and all lienholders of record in the property,
18 or within 30 days of the last day of publication of the notice,
19 whichever is later, the county board shall have the power to
20 demolish, repair, or enclose the building or to remove any
21 garbage, debris, or other hazardous, noxious, or unhealthy
22 substances or materials.

23 The county may proceed to demolish, repair, or enclose a
24 building or remove any garbage, debris, or other hazardous,
25 noxious, or unhealthy substances or materials under this
26 subsection within a 120-day period following the date of the

1 mailing of the notice if the appropriate official determines
2 that the demolition, repair, enclosure, or removal of any
3 garbage, debris, or other hazardous, noxious, or unhealthy
4 substances or materials is necessary to remedy the immediate
5 and continuing hazard. If, however, before the county proceeds
6 with any of the actions authorized by this subsection, any
7 person has sought a hearing under this subsection before a
8 court and has served a copy of the complaint on the chief
9 executive officer of the county, then the county shall not
10 proceed with the demolition, repair, enclosure, or removal of
11 garbage, debris, or other substances until the court
12 determines that that action is necessary to remedy the hazard
13 and issues an order authorizing the county to do so.

14 Following the demolition, repair, or enclosure of a
15 building, or the removal of garbage, debris, or other
16 hazardous, noxious, or unhealthy substances or materials under
17 this subsection, the county may file a notice of lien against
18 the real estate for the cost of the demolition, repair,
19 enclosure, or removal within 180 days after the repair,
20 demolition, enclosure, or removal occurred, for the cost and
21 expense incurred, in the office of the recorder in the county
22 in which the real estate is located or in the office of the
23 registrar of titles of the county if the real estate affected
24 is registered under the Registered Titles (Torrens) Act. The
25 notice of lien shall consist of a sworn statement setting
26 forth (i) a description of the real estate, such as the address

1 or other description of the property, sufficient for its
2 identification; (ii) the expenses incurred by the county in
3 undertaking the remedial actions authorized under this
4 subsection; (iii) the date or dates the expenses were incurred
5 by the county; (iv) a statement by the official responsible
6 for enforcing the building code that the building was open and
7 vacant and constituted an immediate and continuing hazard to
8 the community; (v) a statement by the official that the
9 required sign was posted on the building, that notice was sent
10 by certified mail to the owners of record, and that notice was
11 published in accordance with this subsection; and (vi) a
12 statement as to when and where the notice was published. The
13 lien authorized by this subsection may thereafter be released
14 or enforced by the county as provided in subsection (a).

15 (e) In any case where a county has obtained a lien under
16 subsection (a), the county may also bring an action for a money
17 judgment against the owner or owners of the real estate in the
18 amount of the lien in the same manner as provided for bringing
19 causes of action in Article II of the Code of Civil Procedure
20 and, upon obtaining a judgment, file a judgment lien against
21 all of the real estate of the owner or owners and enforce that
22 lien as provided for in Article XII of the Code of Civil
23 Procedure.

24 (f) In addition to any other remedy provided by law, if a
25 county finds that within a residential property of 1 acre or
26 less there is an accumulation or concentration of: garbage;

1 organic materials in an active state of decomposition
2 including, but not limited to, carcasses, food waste, or other
3 spoiled or rotting materials; human or animal waste; debris;
4 or other hazardous, noxious, or unhealthy substances or
5 materials, which present an immediate threat to the public
6 health or safety or the health and safety of the occupants of
7 the property, the county may, without any administrative
8 procedure to bond, petition the court for immediate injunctive
9 relief to abate or cause the abatement of the condition that is
10 causing the threat to health or safety, including an order
11 causing the removal of any unhealthy or unsafe accumulations
12 or concentrations of the material or items listed in this
13 subsection from the structure or property. The county shall
14 file with the circuit court in which the property is located a
15 petition for an order authorizing the abatement of the
16 condition that is causing the threat to health or safety. A
17 hearing on the petition shall be set within 5 days, not
18 including weekends or holidays, from the date of filing. To
19 provide notice of such hearing, the county shall make every
20 effort to serve the property's owners of record with the
21 petition and summons and, if such service cannot be had, shall
22 provide an affidavit to the court at the hearing showing the
23 service could not be had and the efforts taken to locate and
24 serve the owners of record. The county shall also post a sign
25 at the property notifying all persons of the court proceeding.
26 Following the abatement actions, the county may file a notice

1 of lien for the cost and expense of actions taken under this
2 subsection as provided in subsection (a).

3 (Source: P.A. 101-200, eff. 1-1-20.)

4 Section 15. The Illinois Municipal Code is amended by
5 changing Section 11-31-1 as follows:

6 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

7 Sec. 11-31-1. Demolition, repair, enclosure, or
8 remediation.

9 (a) The corporate authorities of each municipality may
10 demolish, repair, or enclose or cause the demolition, repair,
11 or enclosure of dangerous and unsafe buildings or uncompleted
12 and abandoned buildings within the territory of the
13 municipality and may remove or cause the removal of garbage,
14 debris, and other hazardous, noxious, or unhealthy substances
15 or materials from those buildings. In any county having
16 adopted by referendum or otherwise a county health department
17 as provided by Division 5-25 of the Counties Code or its
18 predecessor, the county board of that county may exercise
19 those powers with regard to dangerous and unsafe buildings or
20 uncompleted and abandoned buildings within the territory of
21 any city, village, or incorporated town having less than
22 50,000 population.

23 The corporate authorities shall apply to the circuit court
24 of the county in which the building is located (i) for an order

1 authorizing action to be taken with respect to a building if
2 the owner or owners of the building, including the lien
3 holders of record, after at least 15 days' written notice by
4 mail so to do, have failed to put the building in a safe
5 condition or to demolish it or (ii) for an order requiring the
6 owner or owners of record to demolish, repair, or enclose the
7 building or to remove garbage, debris, and other hazardous,
8 noxious, or unhealthy substances or materials from the
9 building. It is not a defense to the cause of action that the
10 building is boarded up or otherwise enclosed, although the
11 court may order the defendant to have the building boarded up
12 or otherwise enclosed. Where, upon diligent search, the
13 identity or whereabouts of the owner or owners of the
14 building, including the lien holders of record, is not
15 ascertainable, notice mailed to the person or persons in whose
16 name the real estate was last assessed is sufficient notice
17 under this Section.

18 The hearing upon the application to the circuit court
19 shall be expedited by the court and shall be given precedence
20 over all other suits. Any person entitled to bring an action
21 under subsection (b) shall have the right to intervene in an
22 action brought under this Section.

23 The cost of the demolition, repair, enclosure, or removal
24 incurred by the municipality, by an intervenor, or by a lien
25 holder of record, including court costs, attorney's fees, and
26 other costs related to the enforcement of this Section, is

1 recoverable from the owner or owners of the real estate or the
2 previous owner or both if the property was transferred during
3 the 15 day notice period and is a lien on the real estate; the
4 lien is superior to all prior existing liens and encumbrances,
5 except taxes, if, within 180 days after the repair,
6 demolition, enclosure, or removal, the municipality, the lien
7 holder of record, or the intervenor who incurred the cost and
8 expense shall file a notice of lien for the cost and expense
9 incurred in the office of the recorder in the county in which
10 the real estate is located or in the office of the registrar of
11 titles of the county if the real estate affected is registered
12 under the Registered Titles (Torrens) Act.

13 The notice must consist of a sworn statement setting out
14 (1) a description of the real estate sufficient for its
15 identification, (2) the amount of money representing the cost
16 and expense incurred, and (3) the date or dates when the cost
17 and expense was incurred by the municipality, the lien holder
18 of record, or the intervenor. Upon payment of the cost and
19 expense by the owner of or persons interested in the property
20 after the notice of lien has been filed, the lien shall be
21 released by the municipality, the person in whose name the
22 lien has been filed, or the assignee of the lien, and the
23 release may be filed of record as in the case of filing notice
24 of lien. Unless the lien is enforced under subsection (c), the
25 lien may be enforced by foreclosure proceedings as in the case
26 of mortgage foreclosures under Article XV of the Code of Civil

1 Procedure or mechanics' lien foreclosures. An action to
2 foreclose this lien may be commenced at any time after the date
3 of filing of the notice of lien. The costs of foreclosure
4 incurred by the municipality, including court costs,
5 reasonable attorney's fees, advances to preserve the property,
6 and other costs related to the enforcement of this subsection,
7 plus statutory interest, are a lien on the real estate and are
8 recoverable by the municipality from the owner or owners of
9 the real estate.

10 All liens arising under this subsection (a) shall be
11 assignable. The assignee of the lien shall have the same power
12 to enforce the lien as the assigning party, except that the
13 lien may not be enforced under subsection (c).

14 If the appropriate official of any municipality determines
15 that any dangerous and unsafe building or uncompleted and
16 abandoned building within its territory fulfills the
17 requirements for an action by the municipality under the
18 Abandoned Housing Rehabilitation Act, the municipality may
19 petition under that Act in a proceeding brought under this
20 subsection.

21 (b) Any owner or tenant of real property within 1200 feet
22 in any direction of any dangerous or unsafe building located
23 within the territory of a municipality with a population of
24 500,000 or more may file with the appropriate municipal
25 authority a request that the municipality apply to the circuit
26 court of the county in which the building is located for an

1 order permitting the demolition, removal of garbage, debris,
2 and other noxious or unhealthy substances and materials from,
3 or repair or enclosure of the building in the manner
4 prescribed in subsection (a) of this Section. If the
5 municipality fails to institute an action in circuit court
6 within 90 days after the filing of the request, the owner or
7 tenant of real property within 1200 feet in any direction of
8 the building may institute an action in circuit court seeking
9 an order compelling the owner or owners of record to demolish,
10 remove garbage, debris, and other noxious or unhealthy
11 substances and materials from, repair or enclose or to cause
12 to be demolished, have garbage, debris, and other noxious or
13 unhealthy substances and materials removed from, repaired, or
14 enclosed the building in question. A private owner or tenant
15 who institutes an action under the preceding sentence shall
16 not be required to pay any fee to the clerk of the circuit
17 court. The cost of repair, removal, demolition, or enclosure
18 shall be borne by the owner or owners of record of the
19 building. In the event the owner or owners of record fail to
20 demolish, remove garbage, debris, and other noxious or
21 unhealthy substances and materials from, repair, or enclose
22 the building within 90 days of the date the court entered its
23 order, the owner or tenant who instituted the action may
24 request that the court join the municipality as a party to the
25 action. The court may order the municipality to demolish,
26 remove materials from, repair, or enclose the building, or

1 cause that action to be taken upon the request of any owner or
2 tenant who instituted the action or upon the municipality's
3 request. The municipality may file, and the court may approve,
4 a plan for rehabilitating the building in question. A court
5 order authorizing the municipality to demolish, remove
6 materials from, repair, or enclose a building, or cause that
7 action to be taken, shall not preclude the court from
8 adjudging the owner or owners of record of the building in
9 contempt of court due to the failure to comply with the order
10 to demolish, remove garbage, debris, and other noxious or
11 unhealthy substances and materials from, repair, or enclose
12 the building.

13 If a municipality or a person or persons other than the
14 owner or owners of record pay the cost of demolition, removal
15 of garbage, debris, and other noxious or unhealthy substances
16 and materials, repair, or enclosure pursuant to a court order,
17 the cost, including court costs, attorney's fees, and other
18 costs related to the enforcement of this subsection, is
19 recoverable from the owner or owners of the real estate and is
20 a lien on the real estate; the lien is superior to all prior
21 existing liens and encumbrances, except taxes, if, within 180
22 days after the repair, removal, demolition, or enclosure, the
23 municipality or the person or persons who paid the costs of
24 demolition, removal, repair, or enclosure shall file a notice
25 of lien of the cost and expense incurred in the office of the
26 recorder in the county in which the real estate is located or

1 in the office of the registrar of the county if the real estate
2 affected is registered under the Registered Titles (Torrens)
3 Act. The notice shall be in a form as is provided in subsection
4 (a). An owner or tenant who institutes an action in circuit
5 court seeking an order to compel the owner or owners of record
6 to demolish, remove materials from, repair, or enclose any
7 dangerous or unsafe building, or to cause that action to be
8 taken under this subsection may recover court costs and
9 reasonable attorney's fees for instituting the action from the
10 owner or owners of record of the building. Upon payment of the
11 costs and expenses by the owner of or a person interested in
12 the property after the notice of lien has been filed, the lien
13 shall be released by the municipality or the person in whose
14 name the lien has been filed or his or her assignee, and the
15 release may be filed of record as in the case of filing a
16 notice of lien. Unless the lien is enforced under subsection
17 (c), the lien may be enforced by foreclosure proceedings as in
18 the case of mortgage foreclosures under Article XV of the Code
19 of Civil Procedure or mechanics' lien foreclosures. An action
20 to foreclose this lien may be commenced at any time after the
21 date of filing of the notice of lien. The costs of foreclosure
22 incurred by the municipality, including court costs,
23 reasonable attorneys' fees, advances to preserve the property,
24 and other costs related to the enforcement of this subsection,
25 plus statutory interest, are a lien on the real estate and are
26 recoverable by the municipality from the owner or owners of

1 the real estate.

2 All liens arising under the terms of this subsection (b)
3 shall be assignable. The assignee of the lien shall have the
4 same power to enforce the lien as the assigning party, except
5 that the lien may not be enforced under subsection (c).

6 (c) In any case where a municipality has obtained a lien
7 under subsection (a), (b), or (f), the municipality may
8 enforce the lien under this subsection (c) in the same
9 proceeding in which the lien is authorized.

10 A municipality desiring to enforce a lien under this
11 subsection (c) shall petition the court to retain jurisdiction
12 for foreclosure proceedings under this subsection. Notice of
13 the petition shall be served, by certified or registered mail,
14 on all persons who were served notice under subsection (a),
15 (b), or (f). The court shall conduct a hearing on the petition
16 not less than 15 days after the notice is served. If the court
17 determines that the requirements of this subsection (c) have
18 been satisfied, it shall grant the petition and retain
19 jurisdiction over the matter until the foreclosure proceeding
20 is completed. The costs of foreclosure incurred by the
21 municipality, including court costs, reasonable attorneys'
22 fees, advances to preserve the property, and other costs
23 related to the enforcement of this subsection, plus statutory
24 interest, are a lien on the real estate and are recoverable by
25 the municipality from the owner or owners of the real estate.
26 If the court denies the petition, the municipality may enforce

1 the lien in a separate action as provided in subsection (a),
2 (b), or (f).

3 All persons designated in Section 15-1501 of the Code of
4 Civil Procedure as necessary parties in a mortgage foreclosure
5 action shall be joined as parties before issuance of an order
6 of foreclosure. Persons designated in Section 15-1501 of the
7 Code of Civil Procedure as permissible parties may also be
8 joined as parties in the action.

9 The provisions of Article XV of the Code of Civil
10 Procedure applicable to mortgage foreclosures shall apply to
11 the foreclosure of a lien under this subsection (c), except to
12 the extent that those provisions are inconsistent with this
13 subsection. For purposes of foreclosures of liens under this
14 subsection, however, the redemption period described in
15 subsection (b) of Section 15-1603 of the Code of Civil
16 Procedure shall end 60 days after the date of entry of the
17 order of foreclosure.

18 (d) In addition to any other remedy provided by law, the
19 corporate authorities of any municipality may petition the
20 circuit court to have property declared abandoned under this
21 subsection (d) if:

22 (1) the property has been tax delinquent for 2 or more
23 years or bills for water service for the property have
24 been outstanding for 2 or more years;

25 (2) the property is unoccupied by persons legally in
26 possession; and

1 (3) the property's condition impairs public health,
2 ~~safety, or welfare~~ ~~property contains a dangerous or unsafe~~
3 ~~building~~ for reasons specified in the petition.

4 All persons having an interest of record in the property,
5 including tax purchasers and beneficial owners of any Illinois
6 land trust having title to the property, shall be named as
7 defendants in the petition and shall be served with process.
8 In addition, service shall be had under Section 2-206 of the
9 Code of Civil Procedure as in other cases affecting property,
10 including publication in a newspaper that is in circulation in
11 the county in which the action is pending. At least 30 days
12 prior to any declaration of abandonment, the municipality or
13 its agent shall post a notice not less than 1 foot by 1 foot in
14 size on the front of the subject building or property. The
15 notice shall be dated as of the date of the posting and state
16 that the municipality is seeking a declaration of abandonment
17 for the property. The notice shall also include the case
18 number for the underlying circuit court petition filed
19 pursuant to this subsection and a notification that the owner
20 should file an appearance in the matter if the property is not
21 abandoned.

22 The municipality, however, may proceed under this
23 subsection in a proceeding brought under subsection (a) or
24 (b). Notice of the petition shall be served in person or by
25 certified or registered mail on all persons who were served
26 notice under subsection (a) or (b).

1 If the municipality proves that the conditions described
2 in this subsection exist and (i) the owner of record of the
3 property does not enter an appearance in the action, or, if
4 title to the property is held by an Illinois land trust, if
5 neither the owner of record nor the owner of the beneficial
6 interest of the trust enters an appearance, or (ii) if the
7 owner of record or the beneficiary of a land trust, if title to
8 the property is held by an Illinois land trust, enters an
9 appearance and specifically waives his or her rights under
10 this subsection (d), the court shall declare the property
11 abandoned. Notwithstanding any waiver, the municipality may
12 move to dismiss its petition at any time. In addition, any
13 waiver in a proceeding under this subsection (d) does not
14 serve as a waiver for any other proceeding under law or equity.

15 If that determination is made, notice shall be sent in
16 person or by certified or registered mail to all persons
17 having an interest of record in the property, including tax
18 purchasers and beneficial owners of any Illinois land trust
19 having title to the property, stating that title to the
20 property will be transferred to the municipality unless,
21 within 30 days of the notice, the owner of record or any other
22 person having an interest in the property files with the court
23 a request to demolish any or all the dangerous or unsafe
24 buildings building or to put the building in safe condition,
25 or unless the owner of record enters an appearance and proves
26 that the owner does not intend to abandon the property.

If the owner of record enters an appearance in the action within the 30 day period, but does not at that time file with the court a request to demolish the dangerous or unsafe building or to put the property building in safe condition, or specifically waive his or her rights under this subsection (d), the court shall vacate its order declaring the property abandoned if it determines that the owner of record does not intend to abandon the property. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a), or it may request that the court order the owner to demolish buildings ~~the building~~ or repair the dangerous or unsafe conditions of the property building alleged in the petition or seek the appointment of a receiver or other equitable relief to correct the conditions at the property. The powers and rights of a receiver appointed under this subsection (d) shall include all of the powers and rights of a receiver appointed under Section 11-31-2 of this Code.

If a request to demolish or repair a the building or property is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building or repair the property within ~~30 days or to restore the building to safe condition within~~ 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the owner of record if

1 the owner filed a request or, if the owner did not, the person
2 with the lien or other interest of the highest priority.

3 If the requesting party (other than the owner of record)
4 proves to the court that the building has been demolished or
5 put in a safe condition in accordance with the local safety
6 codes within the period of time granted by the court, the court
7 shall issue a quitclaim judicial deed for the property to the
8 requesting party, conveying only the interest of the owner of
9 record, upon proof of payment to the municipality of all costs
10 incurred by the municipality in connection with the action,
11 including but not limited to court costs, attorney's fees,
12 administrative costs, the costs, if any, associated with
13 property maintenance building enclosure or removal, and
14 receiver's certificates. The interest in the property so
15 conveyed shall be subject to all liens and encumbrances on the
16 property. In addition, if the interest is conveyed to a person
17 holding a certificate of purchase for the property under the
18 Property Tax Code, the conveyance shall be subject to the
19 rights of redemption of all persons entitled to redeem under
20 that Act, including the original owner of record. If the
21 requesting party is the owner of record and proves to the court
22 that the building has been demolished or put in a safe
23 condition in accordance with the local safety codes within the
24 period of time granted by the court, the court shall dismiss
25 the proceeding under this subsection (d).

26 If the owner of record has not entered an appearance and

1 proven that the owner did not intend to abandon the property,
2 and if no person with an interest in the property files a
3 timely request or if the requesting party fails to demolish
4 the building or put the property building in safe condition
5 within the time specified by the court, the municipality may
6 petition the court to issue a judicial deed for the property to
7 the municipality or another governmental body designated by
8 the municipality in the petition. A conveyance by judicial
9 deed shall operate to extinguish all existing ownership
10 interests in, liens on, and other interest in the property,
11 including tax liens, and shall extinguish the rights and
12 interests of any and all holders of a bona fide certificate of
13 purchase of the property for delinquent taxes. Any such bona
14 fide certificate of purchase holder shall be entitled to a
15 sale in error as prescribed under Section 21-310 of the
16 Property Tax Code.

17 (e) Each municipality may use the provisions of this
18 subsection to expedite the removal of certain buildings that
19 are a continuing hazard to the community in which they are
20 located.

21 If a residential or commercial building is 3 stories or
22 less in height as defined by the municipality's building code,
23 and the corporate official designated to be in charge of
24 enforcing the municipality's building code determines that the
25 building is open and vacant and an immediate and continuing
26 hazard to the community in which the building is located, then

1 the official shall be authorized to post a notice not less than
2 2 feet by 2 feet in size on the front of the building. The
3 notice shall be dated as of the date of the posting and shall
4 state that unless the building is demolished, repaired, or
5 enclosed, and unless any garbage, debris, and other hazardous,
6 noxious, or unhealthy substances or materials are removed so
7 that an immediate and continuing hazard to the community no
8 longer exists, then the building may be demolished, repaired,
9 or enclosed, or any garbage, debris, and other hazardous,
10 noxious, or unhealthy substances or materials may be removed,
11 by the municipality.

12 Not later than 30 days following the posting of the
13 notice, the municipality shall do all of the following:

14 (1) Cause to be sent, by certified mail, return
15 receipt requested, a Notice to Remediate to all owners of
16 record of the property, the beneficial owners of any
17 Illinois land trust having title to the property, and all
18 lienholders of record in the property, stating the intent
19 of the municipality to demolish, repair, or enclose the
20 building or remove any garbage, debris, or other
21 hazardous, noxious, or unhealthy substances or materials
22 if that action is not taken by the owner or owners.

23 (2) Cause to be published, in a newspaper published or
24 circulated in the municipality where the building is
25 located, a notice setting forth (i) the permanent tax
26 index number and the address of the building, (ii) a

1 statement that the property is open and vacant and
2 constitutes an immediate and continuing hazard to the
3 community, and (iii) a statement that the municipality
4 intends to demolish, repair, or enclose the building or
5 remove any garbage, debris, or other hazardous, noxious,
6 or unhealthy substances or materials if the owner or
7 owners or lienholders of record fail to do so. This notice
8 shall be published for 3 consecutive days.

9 (3) Cause to be recorded the Notice to Remediate
10 mailed under paragraph (1) in the office of the recorder
11 in the county in which the real estate is located or in the
12 office of the registrar of titles of the county if the real
13 estate is registered under the Registered Title (Torrens)
14 Act.

15 Any person or persons with a current legal or equitable
16 interest in the property objecting to the proposed actions of
17 the corporate authorities may file his or her objection in an
18 appropriate form in a court of competent jurisdiction.

19 If the building is not demolished, repaired, or enclosed,
20 or the garbage, debris, or other hazardous, noxious, or
21 unhealthy substances or materials are not removed, within 30
22 days of mailing the notice to the owners of record, the
23 beneficial owners of any Illinois land trust having title to
24 the property, and all lienholders of record in the property,
25 or within 30 days of the last day of publication of the notice,
26 whichever is later, the corporate authorities shall have the

1 power to demolish, repair, or enclose the building or to
2 remove any garbage, debris, or other hazardous, noxious, or
3 unhealthy substances or materials.

4 The municipality may proceed to demolish, repair, or
5 enclose a building or remove any garbage, debris, or other
6 hazardous, noxious, or unhealthy substances or materials under
7 this subsection within a 120-day period following the date of
8 the mailing of the notice if the appropriate official
9 determines that the demolition, repair, enclosure, or removal
10 of any garbage, debris, or other hazardous, noxious, or
11 unhealthy substances or materials is necessary to remedy the
12 immediate and continuing hazard. If, however, before the
13 municipality proceeds with any of the actions authorized by
14 this subsection, any person with a legal or equitable interest
15 in the property has sought a hearing under this subsection
16 before a court and has served a copy of the complaint on the
17 chief executive officer of the municipality, then the
18 municipality shall not proceed with the demolition, repair,
19 enclosure, or removal of garbage, debris, or other substances
20 until the court determines that that action is necessary to
21 remedy the hazard and issues an order authorizing the
22 municipality to do so. If the court dismisses the action for
23 want of prosecution, the municipality must send the objector a
24 copy of the dismissal order and a letter stating that the
25 demolition, repair, enclosure, or removal of garbage, debris,
26 or other substances will proceed unless, within 30 days after

1 the copy of the order and the letter are mailed, the objector
2 moves to vacate the dismissal and serves a copy of the motion
3 on the chief executive officer of the municipality.
4 Notwithstanding any other law to the contrary, if the objector
5 does not file a motion and give the required notice, if the
6 motion is denied by the court, or if the action is again
7 dismissed for want of prosecution, then the dismissal is with
8 prejudice and the demolition, repair, enclosure, or removal
9 may proceed forthwith.

10 Following the demolition, repair, or enclosure of a
11 building, or the removal of garbage, debris, or other
12 hazardous, noxious, or unhealthy substances or materials under
13 this subsection, the municipality may file a notice of lien
14 against the real estate for the cost of the demolition,
15 repair, enclosure, or removal within 180 days after the
16 repair, demolition, enclosure, or removal occurred, for the
17 cost and expense incurred, in the office of the recorder in the
18 county in which the real estate is located or in the office of
19 the registrar of titles of the county if the real estate
20 affected is registered under the Registered Titles (Torrens)
21 Act; this lien has priority over the interests of those
22 parties named in the Notice to Remediate mailed under
23 paragraph (1), but not over the interests of third party
24 purchasers or encumbrancers for value who obtained their
25 interests in the property before obtaining actual or
26 constructive notice of the lien. The notice of lien shall

1 consist of a sworn statement setting forth (i) a description
2 of the real estate, such as the address or other description of
3 the property, sufficient for its identification; (ii) the
4 expenses incurred by the municipality in undertaking the
5 remedial actions authorized under this subsection; (iii) the
6 date or dates the expenses were incurred by the municipality;
7 (iv) a statement by the corporate official responsible for
8 enforcing the building code that the building was open and
9 vacant and constituted an immediate and continuing hazard to
10 the community; (v) a statement by the corporate official that
11 the required sign was posted on the building, that notice was
12 sent by certified mail to the owners of record, and that notice
13 was published in accordance with this subsection; and (vi) a
14 statement as to when and where the notice was published. The
15 lien authorized by this subsection may thereafter be released
16 or enforced by the municipality as provided in subsection (a).

17 (f) The corporate authorities of each municipality may
18 remove or cause the removal of, or otherwise environmentally
19 remediate hazardous substances and petroleum products on, in,
20 or under any abandoned and unsafe property within the
21 territory of a municipality. In addition, where preliminary
22 evidence indicates the presence or likely presence of a
23 hazardous substance or a petroleum product or a release or a
24 substantial threat of a release of a hazardous substance or a
25 petroleum product on, in, or under the property, the corporate
26 authorities of the municipality may inspect the property and

1 test for the presence or release of hazardous substances and
2 petroleum products. In any county having adopted by referendum
3 or otherwise a county health department as provided by
4 Division 5-25 of the Counties Code or its predecessor, the
5 county board of that county may exercise the above-described
6 powers with regard to property within the territory of any
7 city, village, or incorporated town having less than 50,000
8 population.

9 For purposes of this subsection (f):

10 (1) "property" or "real estate" means all real
11 property, whether or not improved by a structure;

12 (2) "abandoned" means;

13 (A) the property has been tax delinquent for 2 or
14 more years;

15 (B) the property is unoccupied by persons legally
16 in possession; and

17 (3) "unsafe" means property that presents an actual or
18 imminent threat to public health and safety caused by the
19 release of hazardous substances; and

20 (4) "hazardous substances" means the same as in
21 Section 3.215 of the Environmental Protection Act.

22 The corporate authorities shall apply to the circuit court
23 of the county in which the property is located (i) for an order
24 allowing the municipality to enter the property and inspect
25 and test substances on, in, or under the property; or (ii) for
26 an order authorizing the corporate authorities to take action

1 with respect to remediation of the property if conditions on
2 the property, based on the inspection and testing authorized
3 in paragraph (i), indicate the presence of hazardous
4 substances or petroleum products. Remediation shall be deemed
5 complete for purposes of paragraph (ii) above when the
6 property satisfies Tier I, II, or III remediation objectives
7 for the property's most recent usage, as established by the
8 Environmental Protection Act, and the rules and regulations
9 promulgated thereunder. Where, upon diligent search, the
10 identity or whereabouts of the owner or owners of the
11 property, including the lien holders of record, is not
12 ascertainable, notice mailed to the person or persons in whose
13 name the real estate was last assessed is sufficient notice
14 under this Section.

15 The court shall grant an order authorizing testing under
16 paragraph (i) above upon a showing of preliminary evidence
17 indicating the presence or likely presence of a hazardous
18 substance or a petroleum product or a release of or a
19 substantial threat of a release of a hazardous substance or a
20 petroleum product on, in, or under abandoned property. The
21 preliminary evidence may include, but is not limited to,
22 evidence of prior use, visual site inspection, or records of
23 prior environmental investigations. The testing authorized by
24 paragraph (i) above shall include any type of investigation
25 which is necessary for an environmental professional to
26 determine the environmental condition of the property,

1 including but not limited to performance of soil borings and
2 groundwater monitoring. The court shall grant a remediation
3 order under paragraph (ii) above where testing of the property
4 indicates that it fails to meet the applicable remediation
5 objectives. The hearing upon the application to the circuit
6 court shall be expedited by the court and shall be given
7 precedence over all other suits.

8 The cost of the inspection, testing, or remediation
9 incurred by the municipality or by a lien holder of record,
10 including court costs, attorney's fees, and other costs
11 related to the enforcement of this Section, is a lien on the
12 real estate; except that in any instances where a municipality
13 incurs costs of inspection and testing but finds no hazardous
14 substances or petroleum products on the property that present
15 an actual or imminent threat to public health and safety, such
16 costs are not recoverable from the owners nor are such costs a
17 lien on the real estate. The lien is superior to all prior
18 existing liens and encumbrances, except taxes and any lien
19 obtained under subsection (a) or (e), if, within 180 days
20 after the completion of the inspection, testing, or
21 remediation, the municipality or the lien holder of record who
22 incurred the cost and expense shall file a notice of lien for
23 the cost and expense incurred in the office of the recorder in
24 the county in which the real estate is located or in the office
25 of the registrar of titles of the county if the real estate
26 affected is registered under the Registered Titles (Torrens)

1 Act.

2 The notice must consist of a sworn statement setting out
3 (i) a description of the real estate sufficient for its
4 identification, (ii) the amount of money representing the cost
5 and expense incurred, and (iii) the date or dates when the cost
6 and expense was incurred by the municipality or the lien
7 holder of record. Upon payment of the lien amount by the owner
8 of or persons interested in the property after the notice of
9 lien has been filed, a release of lien shall be issued by the
10 municipality, the person in whose name the lien has been
11 filed, or the assignee of the lien, and the release may be
12 filed of record as in the case of filing notice of lien.

13 The lien may be enforced under subsection (c) or by
14 foreclosure proceedings as in the case of mortgage
15 foreclosures under Article XV of the Code of Civil Procedure
16 or mechanics' lien foreclosures; provided that where the lien
17 is enforced by foreclosure under subsection (c) or under
18 either statute, the municipality may not proceed against the
19 other assets of the owner or owners of the real estate for any
20 costs that otherwise would be recoverable under this Section
21 but that remain unsatisfied after foreclosure except where
22 such additional recovery is authorized by separate
23 environmental laws. An action to foreclose this lien may be
24 commenced at any time after the date of filing of the notice of
25 lien. The costs of foreclosure incurred by the municipality,
26 including court costs, reasonable attorney's fees, advances to

1 preserve the property, and other costs related to the
2 enforcement of this subsection, plus statutory interest, are a
3 lien on the real estate.

4 All liens arising under this subsection (f) shall be
5 assignable. The assignee of the lien shall have the same power
6 to enforce the lien as the assigning party, except that the
7 lien may not be enforced under subsection (c).

8 (g) In any case where a municipality has obtained a lien
9 under subsection (a), the municipality may also bring an
10 action for a money judgment against the owner or owners of the
11 real estate in the amount of the lien in the same manner as
12 provided for bringing causes of action in Article II of the
13 Code of Civil Procedure and, upon obtaining a judgment, file a
14 judgment lien against all of the real estate of the owner or
15 owners and enforce that lien as provided for in Article XII of
16 the Code of Civil Procedure.

17 (Source: P.A. 95-331, eff. 8-21-07; 95-931, eff. 1-1-09.)