

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 15-1507 and by adding Sections 15-1507.2 and
6 15-1510.1 as follows:

7 (735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

8 Sec. 15-1507. Judicial Sale.

9 (a) In General. Except as provided in Sections 15-1402 and
10 15-1403, upon entry of a judgment of foreclosure, the real
11 estate which is the subject of the judgment shall be sold at a
12 judicial sale in accordance with this Section 15-1507.

13 (b) Sale Procedures.

14 (1) Upon expiration of the reinstatement period and
15 the redemption period in accordance with subsection (b) or
16 (c) of Section 15-1603 or upon the entry of a judgment of
17 foreclosure after the waiver of all rights of redemption,
18 except as provided in subsection (g) of Section 15-1506,
19 the real estate shall be sold at a sale as provided in this
20 Article, on such terms and conditions as shall be
21 specified by the court in the judgment of foreclosure. A
22 sale may be conducted by any judge, ~~or~~ sheriff, or other
23 person as set forth in paragraph (3) of subsection (f) of

1 Section 15-1506.

2 (2) Without limiting the general authority and powers
3 of the court, the mortgagee, in a foreclosure under this
4 Article, may request that the judge, sheriff, or other
5 person conduct the sale either in person, online, or both,
6 if available.

7 (c) Notice of Sale. The mortgagee, or such other party
8 designated by the court, in a foreclosure under this Article
9 shall give public notice of the sale as follows:

10 (1) The notice of sale shall include at least the
11 following information, but an immaterial error in the
12 information shall not invalidate the legal effect of the
13 notice:

14 (A) the name, address and telephone number of the
15 person to contact for information regarding the real
16 estate;

17 (B) the common address and other common
18 description (other than legal description), if any, of
19 the real estate;

20 (C) a legal description of the real estate
21 sufficient to identify it with reasonable certainty;

22 (D) a description of the improvements on the real
23 estate;

24 (E) the times specified in the judgment, if any,
25 when the real estate may be inspected prior to sale;

26 (F) the time and place of the sale, including:†

1 (i) whether the sale will take place online,
2 in person, or both; and

3 (ii) the website where the online bidding may
4 take place, if applicable;

5 (G) the terms of the sale;

6 (H) the case title, case number and the court in
7 which the foreclosure was filed;

8 (H-1) in the case of a condominium unit to which
9 subsection (g) of Section 9 of the Condominium
10 Property Act applies, the statement required by
11 subdivision (g) (5) of Section 9 of the Condominium
12 Property Act;

13 (H-2) in the case of a unit of a common interest
14 community to which subsection (g-1) of Section 18.5 of
15 the Condominium Property Act applies, the statement
16 required by subdivision (g-1) of Section 18.5 of the
17 Condominium Property Act; and

18 (I) such other information ordered by the Court.

19 (2) The notice of sale shall be published at least 3
20 consecutive calendar weeks (Sunday through Saturday), once
21 in each week, the first such notice to be published not
22 more than 45 days prior to the sale, the last such notice
23 to be published not less than 7 days prior to the sale, by:
24 (i) (A) advertisements in a newspaper circulated to the
25 general public in the county in which the real estate is
26 located, in the section of that newspaper where legal

1 notices are commonly placed and (B) separate
2 advertisements in the section of such a newspaper, which
3 (except in counties with a population in excess of
4 3,000,000) may be the same newspaper, in which real estate
5 other than real estate being sold as part of legal
6 proceedings is commonly advertised to the general public;
7 provided, that the separate advertisements in the real
8 estate section need not include a legal description and
9 that where both advertisements could be published in the
10 same newspaper and that newspaper does not have separate
11 legal notices and real estate advertisement sections, a
12 single advertisement with the legal description shall be
13 sufficient; in counties with a population of more than
14 3,000,000, the notice required by this item (B) shall be
15 published in a newspaper different from the newspaper that
16 publishes the notice required by item (A), and the
17 newspaper in which the notice required by this item (B) is
18 published shall be a newspaper published in the township
19 in which the real estate is located; and (ii) such other
20 publications as may be further ordered by the court.

21 (3) The party who gives notice of public sale in
22 accordance with subsection (c) of Section 15-1507 shall
23 also give notice to all parties in the action who have
24 appeared and have not theretofore been found by the court
25 to be in default for failure to plead. Such notice shall be
26 given in the manner provided in the applicable rules of

1 court for service of papers other than process and
2 complaint, not more than 45 days nor less than 7 days prior
3 to the day of sale. After notice is given as required in
4 this Section a copy thereof shall be filed in the office of
5 the clerk of the court entering the judgment, together
6 with a certificate of counsel or other proof that notice
7 has been served in compliance with this Section.

8 (4) The party who gives notice of public sale in
9 accordance with subsection (c) of Section 15-1507 shall
10 again give notice in accordance with that Section of any
11 adjourned sale; provided, however, that if the adjourned
12 sale is to occur less than 60 days after the last scheduled
13 sale, notice of any adjourned sale need not be given
14 pursuant to this Section. In the event of adjournment, the
15 person conducting the sale shall, upon adjournment,
16 announce the date, time and place upon which the adjourned
17 sale shall be held or post on its website the date, time,
18 and place upon which the adjourned sale shall be held.

19 Notwithstanding any language to the contrary, for any
20 adjourned sale that is to be conducted more than 60 days
21 after the date on which it was to first be held, the party
22 giving notice of such sale shall again give notice in
23 accordance with this Section.

24 (5) Notice of the sale may be given prior to the
25 expiration of any reinstatement period or redemption
26 period.

1 (6) No other notice by publication or posting shall be
2 necessary unless required by order or rule of the court.

3 (7) The person named in the notice of sale to be
4 contacted for information about the real estate may, but
5 shall not be required, to provide additional information
6 other than that set forth in the notice of sale.

7 (d) Election of Property. If the real estate which is the
8 subject of a judgment of foreclosure is susceptible of
9 division, the court may order it to be sold as necessary to
10 satisfy the judgment. The court shall determine which real
11 estate shall be sold, and the court may determine the order in
12 which separate tracts may be sold.

13 (e) Receipt upon Sale. Following ~~Upon and at~~ the sale of
14 mortgaged real estate, the person conducting the sale shall
15 give to the purchaser a receipt of sale. The receipt shall
16 describe the real estate purchased and shall show the amount
17 bid, the amount paid, the total amount paid to date and the
18 amount still to be paid therefor. An additional receipt shall
19 be given at the time of each subsequent payment.

20 (f) Certificate of Sale. Upon payment in full of the
21 amount bid, the person conducting the sale shall issue, in
22 duplicate, and give to the purchaser a Certificate of Sale.
23 The Certificate of Sale shall be in a recordable form,
24 describe the real estate purchased, indicate the date and
25 place of sale and show the amount paid therefor. The
26 Certificate of Sale shall further indicate that it is subject

1 to confirmation by the court. The duplicate certificate may be
2 recorded in accordance with Section 12-121. The Certificate of
3 Sale shall be freely assignable by endorsement thereon.

4 (g) Interest after Sale. Any bid at sale shall be deemed to
5 include, without the necessity of a court order, interest at
6 the statutory judgment rate on any unpaid portion of the sale
7 price from the date of sale to the date of payment.

8 (Source: P.A. 100-685, eff. 8-3-18.)

9 (735 ILCS 5/15-1507.2 new)

10 Sec. 15-1507.2. Online judicial sale.

11 (a) The sheriff or other person may conduct the sale
12 online in accordance with this Article.

13 (b) The sheriff or other person may engage a third-party
14 online sale provider to assist with performance of the online
15 sale. Any third-party online sale provider engaged by a
16 sheriff must be acquired through a process that confirms that
17 the provider meets the requirements set forth in this Article.

18 (c) In this Section, "third-party online sale provider"
19 means any sale platform or services provider that is not the
20 person conducting the sale or a party to the case involving the
21 judicial sale and that is engaged by the person conducting the
22 sale to assist with conducting the sale online in accordance
23 with State law.

24 (d) The sheriff or other person may charge an additional
25 fee as a reasonable expense of the sale for costs associated

1 with conducting the sale online.

2 (e) For any foreclosure involving residential real estate,
3 the fee set forth in subsection (d) may not exceed \$400, unless
4 a higher fee is otherwise approved by the court. Any fees not
5 charged as a cost in the case may be agreed to and paid
6 directly by the judge, sheriff, other person conducting the
7 sale or a party to the case without limitation. The fees
8 charged under this Section shall not reduce or impact the
9 sheriff's fees set forth in Section 4-5001 and 4-12001 of the
10 Counties Code.

11 (f) To conduct a sale online, the sheriff or other person
12 conducting the sale must demonstrate to the court's
13 satisfaction documented processes and procedures for
14 conducting online auctions, adequate recordkeeping, and the
15 ability to comply with the requirements in this Article.

16 (g) If the sale takes place both online and in person, all
17 bids accepted during the auction shall be simultaneously
18 announced at the in-person sale and visible to the public
19 online at the time the bids are placed. Any maximum bid amounts
20 provided by bidders ahead of the sale shall not be visible to
21 the public until the bid is placed.

22 (h) There shall be no fee charged to the public to view
23 properties for sale online or to participate in any auction in
24 person or online.

25 (i) Any third-party online sale provider may not maintain
26 custody of sale funds on behalf of the judge, sheriff, or other

1 person conducting the sale unless specifically approved by the
2 court to maintain custody of funds on their behalf.

3 (j) The sheriff or other person conducting the sale shall
4 require a person seeking to bid electronically online to
5 complete a registration process that includes providing
6 information relevant to properly identify the bidder, contact
7 the bidder, and complete the sale of the property as
8 determined by the sheriff or other person conducting the sale.

9 (k) If the person registering to bid is an individual, the
10 information required shall include the individual's name,
11 electronic mail address, and telephone number.

12 (l) If the person registering to bid is an entity, the
13 information required in this Section shall include the
14 entity's legal name, name of an individual contact person for
15 the entity, electronic mail address, and telephone number.

16 (m) The sheriff or other person conducting the sale online
17 shall require all bidders who wish to participate in bidding
18 online to have their identity verified through an
19 identification verification process before a bid can be placed
20 online, which may include verification through a government
21 issued identification, biometric verification, or other method
22 of verification as determined by the judge, sheriff, or other
23 person conducting the sale. If a bidder's identity cannot be
24 verified through the verification process, then the bidder may
25 be prohibited from participating in the online sale.

26 (n) The purchaser at the sale shall submit to the person

1 conducting the sale the following information prior to the
2 sale being finalized:

3 (1) All winning purchasers shall provide any required
4 information to be checked against the federal Office for
5 Foreign Assets Control sanction list by the person
6 conducting the sale before finalizing the purchase of the
7 property. The person conducting the sale shall check the
8 winning purchaser against the sanction list before an
9 order approving the sale may be entered.

10 (2) If the purchaser is an individual, the information
11 shall include the individual's name, physical mailing
12 address, electronic mail address, and any other
13 information requested by the person conducting the sale to
14 adequately identify and contact the purchaser.

15 (3) If the purchaser is an entity, the information
16 shall include the entity's legal name, trade name if
17 different from its legal name, state and date of
18 formation, mailing address, proof of business registration
19 with the State of Illinois, and the name of an individual
20 contact person for the entity, electronic mail address,
21 and the person's telephone number.

22 (4) The purchaser must provide the sale deposit, if
23 applicable, and the balance due to the sheriff or other
24 person conducting the sale at least 24 hours after the end
25 of the sale, unless otherwise set forth by the sheriff or
26 other person conducting the sale, in the form designated

1 by the sheriff or other person conducting the sale.

2 (5) If the purchaser fails to provide the required
3 information within the time period designated by the
4 judge, sheriff, or other person conducting the sale, the
5 purchaser is in default and the judge, sheriff, or other
6 person conducting the sale may void the sale and proceed
7 with a resale.

8 (o) Any person conducting a sale online must maintain
9 evidence of satisfactory internal informational security
10 controls that meet industry standards and are maintained by
11 the platform used to conduct online sales. Such evidence of
12 satisfactory internal controls regarding data security may be
13 in the form of an annual SOC 2 Report certification, with the
14 ability to test and report on the design effectiveness (Type
15 1) and operating effectiveness (Type 2) of the platform's
16 controls, or another form ensuring performance and security
17 requirements are met.

18 (p) The person conducting the sale and the third-party
19 online sale provider may engage in activities to promote and
20 market the sale to encourage and facilitate bidding, including
21 listing the property on real estate websites and conducting
22 email campaigns. The person conducting the sale or the
23 third-party online sale provider is solely responsible for
24 paying all fees or expenses incurred in connection with such
25 activities.

26 (q) In every sale conducted online of residential real

1 estate, (1) the sale may be held open for bidding for up to 3
2 days and extended by the person conducting the sale as needed
3 to allow for all active competitive bidding to occur, counted
4 in accordance with Section 1.11 of the Statute on Statutes;
5 and (2) bidding shall be open to everyone for the entire
6 duration of the bidding period.

7 (735 ILCS 5/15-1510.1 new)

8 Sec. 15-1510.1. Third-party purchaser fees and costs.
9 Notwithstanding any other provision of law to the contrary,
10 for the sale of residential real estate, no fee, including a
11 buyer's premium, may be charged to a third-party bidder or
12 purchaser who is not a party to the case at the sale of real
13 estate under this Article beyond the winning bid amount to
14 cover an expense of conducting the sale.