



Sen. Robert F. Martwick

**Filed: 4/4/2024**

10300SB2919sam002

LRB103 35721 JRC 71841 a

1 AMENDMENT TO SENATE BILL 2919

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2919 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 changing Sections 15-1506 and 15-1507 and by adding Sections  
6 15-1507.2 and 15-1510.1 as follows:

7 (735 ILCS 5/15-1506) (from Ch. 110, par. 15-1506)

8 Sec. 15-1506. Judgment.

9 (a) Evidence. In the trial of a foreclosure, the evidence  
10 to support the allegations of the complaint shall be taken in  
11 open court, except:

12 (1) where an allegation of fact in the complaint is  
13 not denied by a party's verified answer or verified  
14 counterclaim, or where a party pursuant to subsection (b)  
15 of Section 2-610 of the Code of Civil Procedure states, or  
16 is deemed to have stated, in its pleading that it has no

1 knowledge of such allegation sufficient to form a belief  
2 and attaches the required affidavit, a sworn verification  
3 of the complaint or a separate affidavit setting forth  
4 such fact is sufficient evidence thereof against such  
5 party and no further evidence of such fact shall be  
6 required; and

7 (2) where all the allegations of fact in the complaint  
8 have been proved by verification of the complaint or  
9 affidavit, the court upon motion supported by an affidavit  
10 stating the amount which is due the mortgagee, shall enter  
11 a judgment of foreclosure as requested in the complaint.

12 (b) Instruments. In all cases the evidence of the  
13 indebtedness and the mortgage foreclosed shall be exhibited to  
14 the court and appropriately marked, and copies thereof shall  
15 be filed with the court.

16 (c) Summary and Default Judgments. Nothing in this Section  
17 15-1506 shall prevent a party from obtaining a summary or  
18 default judgment authorized by Article II of the Code of Civil  
19 Procedure.

20 (d) Notice of Entry of Default. When any judgment in a  
21 foreclosure is entered by default, notice of such judgment  
22 shall be given in accordance with Section 2-1302 of the Code of  
23 Civil Procedure.

24 (e) Matters Required in Judgment. A judgment of  
25 foreclosure shall include the last date for redemption and all  
26 rulings of the court entered with respect to each request for

1 relief set forth in the complaint. The omission of the date for  
2 redemption shall not extend the time for redemption or impair  
3 the validity of the judgment.

4 (f) Special Matters in Judgment. Without limiting the  
5 general authority and powers of the court, special matters may  
6 be included in the judgment of foreclosure if sought by a party  
7 in the complaint or by separate motion. Such matters may  
8 include, without limitation:

9 (1) a manner of sale other than public auction;

10 (2) a sale by sealed bid;

11 (3) an official or other person who shall be the  
12 officer to conduct the sale other than the one customarily  
13 designated by the court;

14 (4) provisions for non-exclusive broker listings or  
15 designating a duly licensed real estate broker nominated  
16 by one of the parties to exclusively list the real estate  
17 for sale;

18 (5) the fees or commissions to be paid out of the sale  
19 proceeds to the listing or other duly licensed broker, if  
20 any, who shall have procured the accepted bid;

21 (6) the fees to be paid out of the sale proceeds to an  
22 auctioneer, if any, who shall have been authorized to  
23 conduct a public auction sale;

24 (7) whether and in what manner and with what content  
25 signs shall be posted on the real estate;

26 (8) a particular time and place at which such bids

1 shall be received;

2 (9) a particular newspaper or newspapers in which  
3 notice of sale shall be published;

4 (10) the format for the advertising of such sale,  
5 including the size, content and format of such  
6 advertising, and additional advertising of such sale;

7 (11) matters or exceptions to which title in the real  
8 estate may be subject at the sale;

9 (12) a requirement that title insurance in a specified  
10 form be provided to a purchaser at the sale, and who shall  
11 pay for such insurance;

12 (13) whether and to what extent bids with mortgage or  
13 other contingencies will be allowed;

14 (14) such other matters as approved by the court to  
15 ensure sale of the real estate for the most commercially  
16 favorable price for the type of real estate involved.

17 (g) Agreement of the Parties. If all of the parties agree  
18 in writing on the minimum price and that the real estate may be  
19 sold to the first person who offers in writing to purchase the  
20 real estate for such price, and on such other commercially  
21 reasonable terms and conditions as the parties may agree, then  
22 the court shall order the real estate to be sold on such terms,  
23 subject to confirmation of the sale in accordance with Section  
24 15-1508.

25 (h) Postponement of Proving Priority. With the approval of  
26 the court prior to the entry of the judgment of foreclosure, a

1 party claiming an interest in the proceeds of the sale of the  
2 mortgaged real estate may defer proving the priority of such  
3 interest until the hearing to confirm the sale.

4 (i) Effect of Judgment and Lien.

5 (1) Upon the entry of the judgment of foreclosure, all  
6 rights of a party in the foreclosure against the mortgagor  
7 provided for in the judgment of foreclosure or this  
8 Article shall be secured by a lien on the mortgaged real  
9 estate, which lien shall have the same priority as the  
10 claim to which the judgment relates and shall be  
11 terminated upon confirmation of a judicial sale in  
12 accordance with this Article.

13 (2) Upon the entry of the judgment of foreclosure, the  
14 rights in the real estate subject to the judgment of  
15 foreclosure of (i) all persons made a party in the  
16 foreclosure and (ii) all nonrecord claimants given notice  
17 in accordance with paragraph (2) of subsection (c) of  
18 Section 15-1502, shall be solely as provided for in the  
19 judgment of foreclosure and in this Article.

20 (3) Entry of a judgment of foreclosure does not  
21 terminate or otherwise affect a bona fide lease of a  
22 dwelling unit in residential real estate in foreclosure,  
23 whether or not the lessee has been made a party in the  
24 foreclosure.

25 (Source: P.A. 98-514, eff. 11-19-13.)

1 (735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

2 Sec. 15-1507. Judicial Sale.

3 (a) In General. Except as provided in Sections 15-1402 and  
4 15-1403, upon entry of a judgment of foreclosure, the real  
5 estate which is the subject of the judgment shall be sold at a  
6 judicial sale in accordance with this Section 15-1507.

7 (b) Sale Procedures.

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

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

26 (c) Notice of Sale. The mortgagee, or such other party

1 designated by the court, in a foreclosure under this Article  
2 shall give public notice of the sale as follows:

3 (1) The notice of sale shall include at least the  
4 following information, but an immaterial error in the  
5 information shall not invalidate the legal effect of the  
6 notice:

7 (A) the name, address and telephone number of the  
8 person to contact for information regarding the real  
9 estate;

10 (B) the common address and other common  
11 description (other than legal description), if any, of  
12 the real estate;

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

15 (D) a description of the improvements on the real  
16 estate;

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

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

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

22 (ii) the website where the online bidding may  
23 take place, if applicable;

24 (G) the terms of the sale;

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

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

6           (H-2) in the case of a unit of a common interest  
7           community to which subsection (g-1) of Section 18.5 of  
8           the Condominium Property Act applies, the statement  
9           required by subdivision (g-1) of Section 18.5 of the  
10          Condominium Property Act; and

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

12          (2) The notice of sale shall be published at least 3  
13          consecutive calendar weeks (Sunday through Saturday), once  
14          in each week, the first such notice to be published not  
15          more than 45 days prior to the sale, the last such notice  
16          to be published not less than 7 days prior to the sale, by:  
17          (i) (A) advertisements in a newspaper circulated to the  
18          general public in the county in which the real estate is  
19          located, in the section of that newspaper where legal  
20          notices are commonly placed and (B) separate  
21          advertisements in the section of such a newspaper, which  
22          (except in counties with a population in excess of  
23          3,000,000) may be the same newspaper, in which real estate  
24          other than real estate being sold as part of legal  
25          proceedings is commonly advertised to the general public;  
26          provided, that the separate advertisements in the real



1 estate section need not include a legal description and  
2 that where both advertisements could be published in the  
3 same newspaper and that newspaper does not have separate  
4 legal notices and real estate advertisement sections, a  
5 single advertisement with the legal description shall be  
6 sufficient; in counties with a population of more than  
7 3,000,000, the notice required by this item (B) shall be  
8 published in a newspaper different from the newspaper that  
9 publishes the notice required by item (A), and the  
10 newspaper in which the notice required by this item (B) is  
11 published shall be a newspaper published in the township  
12 in which the real estate is located; and (ii) such other  
13 publications as may be further ordered by the court.

14 (3) The party who gives notice of public sale in  
15 accordance with subsection (c) of Section 15-1507 shall  
16 also give notice to all parties in the action who have  
17 appeared and have not theretofore been found by the court  
18 to be in default for failure to plead. Such notice shall be  
19 given in the manner provided in the applicable rules of  
20 court for service of papers other than process and  
21 complaint, not more than 45 days nor less than 7 days prior  
22 to the day of sale. After notice is given as required in  
23 this Section a copy thereof shall be filed in the office of  
24 the clerk of the court entering the judgment, together  
25 with a certificate of counsel or other proof that notice  
26 has been served in compliance with this Section.

1           (4) The party who gives notice of public sale in  
2 accordance with subsection (c) of Section 15-1507 shall  
3 again give notice in accordance with that Section of any  
4 adjourned sale; provided, however, that if the adjourned  
5 sale is to occur less than 60 days after the last scheduled  
6 sale, notice of any adjourned sale need not be given  
7 pursuant to this Section. In the event of adjournment, the  
8 person conducting the sale shall, upon adjournment,  
9 announce the date, time and place upon which the adjourned  
10 sale shall be held or post on its website the date, time,  
11 and place upon which the adjourned sale shall be held.  
12 Notwithstanding any language to the contrary, for any  
13 adjourned sale that is to be conducted more than 60 days  
14 after the date on which it was to first be held, the party  
15 giving notice of such sale shall again give notice in  
16 accordance with this Section.

17           (5) Notice of the sale may be given prior to the  
18 expiration of any reinstatement period or redemption  
19 period.

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

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

26           (d) Election of Property. If the real estate which is the

1 subject of a judgment of foreclosure is susceptible of  
2 division, the court may order it to be sold as necessary to  
3 satisfy the judgment. The court shall determine which real  
4 estate shall be sold, and the court may determine the order in  
5 which separate tracts may be sold.

6 (e) Receipt upon Sale. Following ~~Upon and at~~ the sale of  
7 mortgaged real estate, the person conducting the sale shall  
8 give to the purchaser a receipt of sale. The receipt shall  
9 describe the real estate purchased and shall show the amount  
10 bid, the amount paid, the total amount paid to date and the  
11 amount still to be paid therefor. An additional receipt shall  
12 be given at the time of each subsequent payment.

13 (f) Certificate of Sale. Upon payment in full of the  
14 amount bid, the person conducting the sale shall issue, in  
15 duplicate, and give to the purchaser a Certificate of Sale.  
16 The Certificate of Sale shall be in a recordable form,  
17 describe the real estate purchased, indicate the date and  
18 place of sale and show the amount paid therefor. The  
19 Certificate of Sale shall further indicate that it is subject  
20 to confirmation by the court. The duplicate certificate may be  
21 recorded in accordance with Section 12-121. The Certificate of  
22 Sale shall be freely assignable by endorsement thereon.

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

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

2 (735 ILCS 5/15-1507.2 new)

3 Sec. 15-1507.2. Online judicial sale.

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

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

11 (c) In this Section, "third-party online sale provider"  
12 means any sale platform or services provider that is not the  
13 person conducting the sale or a party to the case involving the  
14 judicial sale and that is engaged by the person conducting the  
15 sale to assist with conducting the sale online in accordance  
16 with State law.

17 (d) The sheriff or other person may charge an additional  
18 fee payable upon the completion of the sale as a reasonable  
19 expense of the sale for costs associated with conducting the  
20 sale online as approved by the court.

21 (e) For any foreclosure involving residential real estate,  
22 such fee must not to exceed \$400, unless a higher fee is  
23 otherwise approved by the court. Any fees not charged as a cost  
24 in the case may be agreed to and paid directly by the judge,  
25 sheriff, other person conducting the sale or a party to the

1 case without limitation. The fees charged under this Section  
2 shall not reduce or impact the sheriff's fees set for in  
3 Section 4-5001 and 4-12001 of the Counties Code.

4 (f) To conduct a sale online, the sheriff or other person  
5 conducting the sale must demonstrate to the court's  
6 satisfaction documented processes and procedures for  
7 conducting online auctions, adequate record keeping, and the  
8 ability to comply with the requirements in this Article.

9 (g) If the sale takes place both online and in person, all  
10 bids accepted during the auction shall be simultaneously  
11 announced at the in-person sale and visible to the public  
12 online at the time the bids are placed. Any maximum bid amounts  
13 provided by bidders ahead of the sale shall not be visible to  
14 the public until the bid is placed.

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

18 (i) Any third-party online sale provider may not maintain  
19 custody of sale funds on behalf of the judge, sheriff, or other  
20 person conducting the sale unless specifically approved by the  
21 court to maintain custody of funds on their behalf.

22 (j) The sheriff or other person conducting the sale shall  
23 require a person seeking to bid electronically online to  
24 complete a registration process that includes providing  
25 information relevant to properly identify the bidder, contact  
26 the bidder, and complete the sale of the property as

1 determined by the sheriff or other person conducting the sale.

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

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

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

19 (n) The purchaser at the sale shall submit to the person  
20 conducting the sale the following information prior to the  
21 sale being finalized:

22 (1) All winning purchasers shall provide any required  
23 information to be checked against the federal Office for  
24 Foreign Assets Control sanction list by the person  
25 conducting the sale before finalizing the purchase of the  
26 property. The person conducting the sale shall check the

1 winning purchaser against the sanction list before an  
2 order approving the sale may be entered.

3 (2) If the purchaser is an individual, the information  
4 shall include the individual's name, physical mailing  
5 address, electronic mail address, and any other  
6 information requested by the person conducting the sale to  
7 adequately identify and contact the purchaser;

8 (3) If the purchaser is an entity, the information  
9 shall include the entity's legal name, trade name if  
10 different from its legal name, state and date of  
11 formation, mailing address, proof of business registration  
12 with the State of Illinois, and the name of an individual  
13 contact person for the entity, electronic mail address,  
14 and the person's telephone number.

15 (4) If the purchaser fails to provide the required  
16 information within the time period designated by the  
17 judge, sheriff, or other person conducting the sale, the  
18 purchaser is in default and the judge, sheriff, or other  
19 person conducting the sale may void the sale and proceed  
20 with a resale.

21 (o) Any person conducting a sale online must obtain  
22 evidence of satisfactory internal informational security  
23 controls that meet industry standards and are maintained by  
24 the platform used to conduct online sales. Upon the request of  
25 the court or interested party to the case, the person  
26 conducting the sale shall provide such evidence of

1 satisfactory internal controls regarding data security that  
2 may be in the form of an annual SOC2 Report, with the ability  
3 to test and report on the design effectiveness (Type 1) and  
4 operating effectiveness (Type 2) of the platform's controls,  
5 or another form acceptable to the court ensuring performance  
6 and security requirements are met.

7 (p) The person conducting the sale and the third-party  
8 online sale provider may engage in activities to promote and  
9 market the sale to encourage and facilitate bidding, including  
10 listing the property on real estate websites and conduct email  
11 campaigns. The person conducting the sale or the third-party  
12 online sale provider is solely responsible for paying all fees  
13 or expenses incurred in connection with such activities.

14 (735 ILCS 5/15-1510.1 new)

15 Sec. 15-1510.1. Third-party purchaser fees and costs.  
16 Notwithstanding any other provision of law to the contrary,  
17 for the sale of residential real estate, no fee, including a  
18 buyer's premium, may be charged to a third-party bidder or  
19 purchaser who is not a party to the case at the sale of real  
20 estate under this Article beyond the winning bid amount to  
21 cover an expense of sale."