

1 AN ACT in relation to civil procedure.

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 12-101 as follows:

6 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

7 Sec. 12-101. Lien of judgment. With respect to the
8 creation of liens on real estate by judgments, all real
9 estate in the State of Illinois is divided into 2 classes.

10 The first class consists of all real property, the title
11 to which is registered under "An Act concerning land titles",
12 approved May 1, 1897, as amended.

13 The second class consists of all real property not
14 registered under "An Act concerning land titles".

15 As to real estate in class one, a judgment is a lien on
16 the real estate of the person against whom it is entered for
17 the same period as in class two, when Section 85 of "An Act
18 concerning land titles", has been complied with.

19 As to real estate included within class two, a judgment
20 is a lien on the real estate of the person against whom it is
21 entered in any county in this State, including the county in
22 which it is entered, only from the time a transcript,
23 certified copy or memorandum of the judgment is filed in the
24 office of the recorder in the county in which the real estate
25 is located. The lien may be foreclosed by an action brought
26 in the name of the judgment creditor or its assignee of
27 record under Article XV in the same manner as a mortgage of
28 real property, except that ~~the redemption period shall be 6~~
29 ~~months from the date of sale and~~ the real estate homestead
30 exemption under Section 12-901 shall apply. A judgment
31 resulting from the entry of an order requiring child support

1 payments shall be a lien upon the real estate of the person
2 obligated to make the child support payments, but shall not
3 be enforceable in any county of this State until a
4 transcript, certified copy, or memorandum of the lien is
5 filed in the office of the recorder in the county in which
6 the real estate is located. Any lien hereunder arising out of
7 an order for support shall be a lien only as to and from the
8 time that an installment or payment is due under the terms of
9 the order. Further, the order for support shall not be a
10 lien on real estate to the extent of payments made as
11 evidenced by the records of the Clerk of the Circuit Court or
12 State agency receiving payments pursuant to the order. In
13 the event payments made pursuant to that order are not paid
14 to the Clerk of the Circuit Court or a State agency, then
15 each lien imposed by this Section may be released in the
16 following manner:

17 (a) A Notice of Filing and an affidavit stating
18 that all installments of child support required to be
19 paid pursuant to the order under which the lien or liens
20 were imposed have been paid shall be filed with the
21 office of recorder in each county in which each such lien
22 appears of record, together with proof of service of such
23 notice and affidavit upon the recipient of such payments.

24 (b) Service of such affidavit shall be by any means
25 authorized under Sections 2-203 and 2-208 of the Code of
26 Civil Procedure or under Supreme Court Rules 11 or
27 105(b).

28 (c) The Notice of Filing shall set forth the name
29 and address of the judgment debtor and the judgment
30 creditor, the court file number of the order giving rise
31 to the judgment and, in capital letters, the following
32 statement:

33 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
34 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER OF

1 COUNTY, ILLINOIS, WHOSE ADDRESS IS , ILLINOIS.
 2 IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, YOU FAIL TO
 3 FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF THE STATED
 4 JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE, SUCH JUDGMENT
 5 LIEN WILL BE DEEMED TO BE RELEASED AND NO LONGER SUBJECT TO
 6 FORECLOSURE. THIS RELEASE OF LIEN WILL NOT ACT AS A
 7 SATISFACTION OF SUCH JUDGMENT.

8 (d) If no affidavit objecting to the release of the
 9 lien or liens is filed within 28 days of the Notice
 10 described in paragraph (c) of this Section such lien or
 11 liens shall be deemed to be released and no longer
 12 subject to foreclosure.

13 A judgment is not a lien on real estate for longer than 7
 14 years from the time it is entered or revived, unless the
 15 judgment is revived within 7 years after its entry or last
 16 revival and a memorandum of judgment is filed before the
 17 expiration of the prior memorandum of judgment.

18 When a judgment is revived it is a lien on the real
 19 estate of the person against whom it was entered in any
 20 county in this State from the time a transcript, certified
 21 copy or memorandum of the order of revival is filed in the
 22 office of the recorder in the county in which the real estate
 23 is located.

24 A foreign judgment registered pursuant to Sections 12-601
 25 through 12-618 of this Act is a lien upon the real estate of
 26 the person against whom it was entered only from the time (1)
 27 a certified copy of the verified petition for registration of
 28 the foreign judgment or (2) a transcript, certified copy or
 29 memorandum of the final judgment of the court of this State
 30 entered on that foreign judgment is filed in the office of
 31 the recorder in the county in which the real estate is
 32 located. However, no such judgment shall be a lien on any
 33 real estate registered under "An Act concerning land titles",
 34 as amended, until Section 85 of that Act has been complied

1 with.

2 The release of any transcript, certified copy or
3 memorandum of judgment or order of revival which has been
4 recorded shall be filed by the person receiving the release
5 in the office of the recorder in which such judgment or order
6 has been recorded.

7 Such release shall contain in legible letters a statement
8 as follows:

9 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
10 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES
11 IN WHOSE OFFICE THE LIEN WAS FILED.

12 The term "memorandum" as used in this Section means a
13 memorandum or copy of the judgment signed by a judge or a
14 copy attested by the clerk of the court entering it and
15 showing the court in which entered, date, amount, number of
16 the case in which it was entered, name of the party in whose
17 favor and name and last known address of the party against
18 whom entered. If the address of the party against whom the
19 judgment was entered is not known, the memorandum or copy of
20 judgment shall so state.

21 The term "memorandum" as used in this Section also means
22 a memorandum or copy of a child support order signed by a
23 judge or a copy attested by the clerk of the court entering
24 it or a copy attested by the administrative body entering it.

25 This Section shall not be construed as showing an
26 intention of the legislature to create a new classification
27 of real estate, but shall be construed as showing an
28 intention of the legislature to continue a classification
29 already existing.

30 (Source: P.A. 91-357, eff. 7-29-99; 92-817, eff. 8-21-02.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.