

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 Mechanics Lien Act is amended by changing
5 Section 7 as follows:

6 (770 ILCS 60/7) (from Ch. 82, par. 7)

7 Sec. 7. Claim for lien; third parties; errors or
8 overcharges; multiple buildings or lots.

9 (a) No contractor shall be allowed to enforce such lien
10 against or to the prejudice of any other creditor or
11 incumbrancer or purchaser, unless within 4 months after
12 completion, or if extra or additional work is done or labor,
13 services, material, fixtures, apparatus or machinery, forms or
14 form work is delivered therefor within 4 months after the
15 completion of such extra or additional work or the final
16 delivery of such extra or additional labor, services, material,
17 fixtures, apparatus or machinery, forms or form work, he or she
18 shall either bring an action to enforce his or her lien
19 therefor or shall file in the office of the recorder of the
20 county in which the building, erection or other improvement to
21 be charged with the lien is situated, a claim for lien,
22 verified by the affidavit of himself or herself, or his or her
23 agent or employee, which shall consist of a brief statement of

1 the claimant's contract, the balance due after allowing all
2 credits, and a sufficiently correct description of the lot,
3 lots or tracts of land to identify the same. Such claim for
4 lien may be filed at any time after the claimant's contract is
5 made, and as to the owner may be filed at any time after the
6 contract is made and within 2 years after the completion of the
7 contract, or the completion of any extra work or the furnishing
8 of any extra labor, services, material, fixtures, apparatus or
9 machinery, forms or form work thereunder, and as to such owner
10 may be amended at any time before the final judgment. No such
11 lien shall be defeated to the proper amount thereof because of
12 an error or overcharging on the part of any person claiming a
13 lien therefor under this Act, unless it shall be shown that
14 such error or overcharge is made with intent to defraud; nor
15 shall any such lien for material be defeated because of lack of
16 proof that the material after the delivery thereof, actually
17 entered into the construction of such building or improvement,
18 although it be shown that such material was not actually used
19 in the construction of such building or improvement; provided,
20 that it is shown that such material was delivered either to the
21 owner or his or her agent for that building or improvement, to
22 be used in that building or improvement, or at the place where
23 said building or improvement was being constructed, for the
24 purpose of being used in construction or for the purpose of
25 being employed in the process of construction as a means for
26 assisting in the erection of the building or improvement in

1 what is commonly termed forms or form work where concrete,
2 cement or like material is used, in whole or in part.

3 (b) In case of the construction of a number of buildings
4 under contract between the same parties, it shall be sufficient
5 in order to establish such lien for material, if it be shown
6 that such material was in good faith delivered at one of these
7 buildings for the purpose of being used in the construction of
8 any one or all of such buildings, or delivered to the owner or
9 his or her agent for such buildings, to be used therein; and
10 such lien for such material shall attach to all of said
11 buildings, together with the land upon which the same are being
12 constructed, the same as in a single building or improvement.
13 In the event the contract relates to 2 or more buildings on 2
14 or more lots or tracts of land, then all of these buildings and
15 lots or tracts of land may be included in one statement of
16 claims for a lien.

17 (c) A statement that a party is a subcontractor shall not
18 constitute an admission by the lien claimant that its status is
19 that of subcontractor if it is later determined that the party
20 with whom the lien claimant contracted was the owner or an
21 agent of the owner.

22 (d) A contractor for improvements of an owner-occupied
23 single-family residence must give the owner written notice
24 within 10 days after recording a lien against any property of
25 the owner. The notice is served when it is sent or personally
26 delivered. If timely notice is not given and, as a result, the

1 owner has suffered damages before notice is given, the lien is
2 extinguished to the extent of the damages. The mere recording
3 of the lien claim is not considered damages. This subsection
4 does not apply to subcontractors, and it applies only to
5 contracts entered into after the effective date of this
6 amendatory Act of the 96th General Assembly.

7 (Source: P.A. 94-627, eff. 1-1-06.)