



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1674

Introduced 2/13/2013, by Sen. Jacqueline Y. Collins - John G. Mulroe

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Housing Development Act. Adds a cross reference to the Code of Civil Procedure in a Section concerning the Abandoned Residential Property Municipality Relief Program. Amends the Code of Civil Procedure. Provides that 2% of certain fees collected shall be retained by the clerk of court for deposit into the Circuit Court Clerk Operation and Administrative Fund to defray administrative expenses. Replaces provisions concerning the imposition of additional fees with language providing that until January 1, 2018, with respect to residential real estate, at the time of the filing of a foreclosure complaint, the plaintiff or plaintiff's representative shall: file a statement that states which additional fee is due; or comply with other process established by the court for a plaintiff to certify which additional fee is due. Provides that if a plaintiff fails to provide the clerk of the court with a true and correct statement of the additional fee due, and the mortgagor reimburses the plaintiff for any erroneous additional fee that was paid by the plaintiff to the clerk of the court, the mortgagor may seek a refund of any overpayment of the fee in an amount that does not exceed the difference between the higher additional fee paid and the actual fee due. Provides that the mortgagor must petition the judge in the foreclosure action for the award of any fee overpayment, and the award shall be determined by the judge and paid by the clerk of the court out of the Circuit Court Clerk Operation and Administrative Fund. Provides that the refund is the mortgagor's sole remedy and a mortgagor has no private right of action against the plaintiff or plaintiff's representatives if the additional fee paid by the plaintiff is erroneous. Provides that certain motions for an expedited judgment and sale shall be heard by the court no later than 21 (instead of 15) days after the period to answer the foreclosure complaint has expired, or, if a motion for an expedited judgment and sale is filed after the period to answer the foreclosure complaint has expired, no later than 21 (instead of 15) days after the motion is filed. Effective June 1, 2013.

LRB098 08582 HEP 38699 b

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 Illinois Housing Development Act is amended
5 by changing Section 7.31 as follows:

6 (20 ILCS 3805/7.31)

7 Sec. 7.31. Abandoned Residential Property Municipality
8 Relief Program.

9 (a) The Authority shall establish and administer an
10 Abandoned Residential Property Municipality Relief Program.
11 The Authority shall use moneys in the Abandoned Residential
12 Property Municipality Relief Fund, and any other funds
13 appropriated for this purpose, to make grants to municipalities
14 and to counties to assist with costs incurred by the
15 municipality or county for: cutting of neglected weeds or
16 grass, trimming of trees or bushes, and removal of nuisance
17 bushes or trees; extermination of pests or prevention of the
18 ingress of pests; removal of garbage, debris, and graffiti;
19 boarding up, closing off, or locking windows or entrances or
20 otherwise making the interior of a building inaccessible to the
21 general public; surrounding part or all of an abandoned
22 residential property's underlying parcel with a fence or wall
23 or otherwise making part or all of the abandoned residential

1 property's underlying parcel inaccessible to the general
2 public; demolition of abandoned residential property; and
3 repair or rehabilitation of abandoned residential property, as
4 approved by the Authority under the Program. For purposes of
5 this subsection (a), "pests" has the meaning ascribed to that
6 term in subsection (c) of Section 11-20-8 of the Illinois
7 Municipal Code. The Authority shall promulgate rules for the
8 administration, operation, and maintenance of the Program and
9 may adopt emergency rules as soon as practicable to begin
10 implementation of the Program.

11 (b) Subject to appropriation, the Authority shall make
12 grants from the Abandoned Residential Property Municipality
13 Relief Fund derived from fees paid as specified in paragraph
14 (1) of subsection (a-5) of Section 15-1504.1 and subsection (a)
15 of Section 15-1507.1 of the Code of Civil Procedure as follows:

16 (1) 30% of the moneys in the Fund shall be used to make
17 grants to municipalities other than the City of Chicago in
18 Cook County and to Cook County;

19 (2) 25% of the moneys in the Fund shall be used to make
20 grants to the City of Chicago;

21 (3) 30% of the moneys in the Fund shall be used to make
22 grants to municipalities in DuPage, Kane, Lake, McHenry and
23 Will Counties, and to those counties; and

24 (4) 15% of the moneys in the Fund shall be used to make
25 grants to municipalities in Illinois in counties other than
26 Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and

1 to counties other than Cook, DuPage, Kane, Lake, McHenry,
2 and Will Counties. Grants distributed to the
3 municipalities and counties identified in this paragraph
4 (4) shall be based (i) proportionately on the amount of
5 fees paid to the respective clerks of the courts within
6 these counties and (ii) on any other factors that the
7 Authority deems appropriate.

8 (Source: P.A. 96-1419, eff. 10-1-10; 97-1164, eff. 6-1-13.)

9 Section 10. The Code of Civil Procedure is amended by
10 changing Sections 15-1504.1, 15-1505.8, and 15-1507.1 as
11 follows:

12 (735 ILCS 5/15-1504.1)

13 Sec. 15-1504.1. Filing fee for Foreclosure Prevention
14 Program Fund and Abandoned Residential Property Municipality
15 Relief Fund.

16 (a) Fee paid by all plaintiffs with respect to residential
17 real estate. With respect to residential real estate, at the
18 time of the filing of a foreclosure complaint, the plaintiff
19 shall pay to the clerk of the court in which the foreclosure
20 complaint is filed a fee of \$50 for deposit into the
21 Foreclosure Prevention Program Fund, a special fund created in
22 the State treasury. The clerk shall remit the fee collected
23 pursuant to this subsection (a) to the State Treasurer to be
24 expended for the purposes set forth in Section 7.30 of the

1 Illinois Housing Development Act. All fees paid by plaintiffs
2 to the clerk of the court as provided in this subsection (a)
3 shall be disbursed within 60 days after receipt by the clerk of
4 the court as follows: (i) 98% to the State Treasurer for
5 deposit into the Foreclosure Prevention Program Fund, and (ii)
6 2% to the clerk of the court to be retained by the clerk for
7 deposit into the Circuit Court Clerk Operation and
8 Administrative Fund to defray ~~for~~ administrative expenses
9 related to implementation of this subsection (a).
10 Notwithstanding any other law to the contrary, the Foreclosure
11 Prevention Program Fund is not subject to sweeps,
12 administrative charge-backs, or any other fiscal maneuver that
13 would in any way transfer any amounts from the Foreclosure
14 Prevention Program Fund into any other fund of the State.

15 (a-5) Additional fee paid by plaintiffs with respect to
16 residential real estate.

17 (1) Until January 1, 2018, with respect to residential
18 real estate, at the time of the filing of a foreclosure
19 complaint and in addition to the fee set forth in
20 subsection (a) of this Section, the plaintiff shall pay to
21 the clerk of the court in which the foreclosure complaint
22 is filed a fee for the Foreclosure Prevention Program Fund
23 and the Abandoned Residential Property Municipality Relief
24 Fund as follows:

25 (A) The fee shall be \$500 if:

26 (i) the plaintiff, together with its

1 affiliates, has filed a sufficient number of
2 foreclosure complaints so as to be included in the
3 first tier foreclosure filing category and is
4 filing the complaint on its own behalf as the
5 holder of the indebtedness; or

6 (ii) the plaintiff, together with its
7 affiliates, has filed a sufficient number of
8 foreclosure complaints so as to be included in the
9 first tier foreclosure filing category and is
10 filing the complaint on behalf of a mortgagee that,
11 together with its affiliates, has filed a
12 sufficient number of foreclosure complaints so as
13 to be included in the first tier foreclosure filing
14 category; or

15 (iii) the plaintiff is not a depository
16 institution and is filing the complaint on behalf
17 of a mortgagee that, together with its affiliates,
18 has filed a sufficient number of foreclosure
19 complaints so as to be included in the first tier
20 foreclosure filing category.

21 (B) The fee shall be \$250 if:

22 (i) the plaintiff, together with its
23 affiliates, has filed a sufficient number of
24 foreclosure complaints so as to be included in the
25 second tier foreclosure filing category and is
26 filing the complaint on its own behalf as the

1 holder of the indebtedness; or

2 (ii) the plaintiff, together with its
3 affiliates, has filed a sufficient number of
4 foreclosure complaints so as to be included in the
5 first or second tier foreclosure filing category
6 and is filing the complaint on behalf of a
7 mortgagee that, together with its affiliates, has
8 filed a sufficient number of foreclosure
9 complaints so as to be included in the second tier
10 foreclosure filing category; or

11 (iii) the plaintiff, together with its
12 affiliates, has filed a sufficient number of
13 foreclosure complaints so as to be included in the
14 second tier foreclosure filing category and is
15 filing the complaint on behalf of a mortgagee that,
16 together with its affiliates, has filed a
17 sufficient number of foreclosure complaints so as
18 to be included in the first tier foreclosure filing
19 category; or

20 (iv) the plaintiff is not a depository
21 institution and is filing the complaint on behalf
22 of a mortgagee that, together with its affiliates,
23 has filed a sufficient number of foreclosure
24 complaints so as to be included in the second tier
25 foreclosure filing category.

26 (C) The fee shall be \$50 if:

1 (i) the plaintiff, together with its
2 affiliates, has filed a sufficient number of
3 foreclosure complaints so as to be included in the
4 third tier foreclosure filing category and is
5 filing the complaint on its own behalf as the
6 holder of the indebtedness; or

7 (ii) the plaintiff, together with its
8 affiliates, has filed a sufficient number of
9 foreclosure complaints so as to be included in the
10 first, second, or third tier foreclosure filing
11 category and is filing the complaint on behalf of a
12 mortgagee that, together with its affiliates, has
13 filed a sufficient number of foreclosure
14 complaints so as to be included in the third tier
15 foreclosure filing category; or

16 (iii) the plaintiff, together with its
17 affiliates, has filed a sufficient number of
18 foreclosure complaints so as to be included in the
19 third tier foreclosure filing category and is
20 filing the complaint on behalf of a mortgagee that,
21 together with its affiliates, has filed a
22 sufficient number of foreclosure complaints so as
23 to be included in the first tier foreclosure filing
24 category; or

25 (iv) the plaintiff, together with its
26 affiliates, has filed a sufficient number of

1 foreclosure complaints so as to be included in the
2 third tier foreclosure filing category and is
3 filing the complaint on behalf of a mortgagee that,
4 together with its affiliates, has filed a
5 sufficient number of foreclosure complaints so as
6 to be included in the second tier foreclosure
7 filing category; or

8 (v) the plaintiff is not a depository
9 institution and is filing the complaint on behalf
10 of a mortgagee that, together with its affiliates,
11 has filed a sufficient number of foreclosure
12 complaints so as to be included in the third tier
13 foreclosure filing category.

14 (2) The clerk shall remit the fee collected pursuant to
15 paragraph (1) of this subsection (a-5) to the State
16 Treasurer to be expended for the purposes set forth in
17 Sections 7.30 and 7.31 of the Illinois Housing Development
18 Act and for administrative expenses. All fees paid by
19 plaintiffs to the clerk of the court as provided in
20 paragraph (1) shall be disbursed within 60 days after
21 receipt by the clerk of the court as follows:

22 (A) 28% to the State Treasurer for deposit into the
23 Foreclosure Prevention Program Fund;

24 (B) 70% to the State Treasurer for deposit into the
25 Abandoned Residential Property Municipality Relief
26 Fund; and

1 (C) 2% to the clerk of the court to be retained by
2 the clerk for deposit into the Circuit Court Clerk
3 Operation and Administrative Fund to defray for
4 administrative expenses related to implementation of
5 this subsection (a-5).

6 (3) Until January 1, 2018, with respect to residential
7 real estate, at the time of the filing of a foreclosure
8 complaint, the plaintiff or plaintiff's representative
9 shall:

10 (A) file a statement that states which additional
11 fee is due under paragraph (1) of subsection (a-5); or

12 (B) comply with other process established by the
13 court for a plaintiff to certify which additional fee
14 is due under paragraph (1) of subsection (a-5).

15 ~~(3) To determine whether a plaintiff is subject to the~~
16 ~~fee as set forth in paragraph (1) of this subsection (a-5),~~
17 ~~a person, including the clerk of the court, may rely on:~~

18 ~~(A) a verified statement filed by the plaintiff at~~
19 ~~the time of filing the foreclosure complaint that~~
20 ~~states whether the plaintiff has an obligation to pay~~
21 ~~an additional fee as set forth in subsection (a-5) and~~
22 ~~if so whether the fee is due under subparagraph (A),~~
23 ~~(B), or (C) of paragraph (1) of subsection (a-5); or~~

24 ~~(B) such other processes established by the clerk~~
25 ~~of the court for plaintiffs to certify their~~
26 ~~eligibility for the exemption from the additional fee~~

1 ~~set forth in subsection (a-5).~~

2 (4) If a plaintiff fails to provide the clerk of the
3 court with a true and correct statement of the additional
4 fee due under paragraph (1) of subsection (a-5), and the
5 mortgagor reimburses the plaintiff for any erroneous
6 additional fee that was paid by the plaintiff to the clerk
7 of the court, the mortgagor may seek a refund of any
8 overpayment of the fee in an amount that shall not exceed
9 the difference between the higher additional fee paid under
10 paragraph (1) of this subsection (a-5) and the actual fee
11 due thereunder. The mortgagor must petition the judge
12 within the foreclosure action for the award of any fee
13 overpayment pursuant to this paragraph (4) of subsection
14 (a-5), and the award shall be determined by the judge and
15 paid by the clerk of the court out of the Circuit Court
16 Clerk Operation and Administrative Fund. This refund shall
17 be the mortgagor's sole remedy and a mortgagor shall have
18 no private right of action against the plaintiff or
19 plaintiff's representatives if the additional fee paid by
20 the plaintiff was erroneous.

21 (5) This subsection (a-5) is inoperative on and after
22 January 1, 2018.

23 (b) Not later than March 1 of each year, the clerk of the
24 court shall submit to the Illinois Housing Development
25 Authority a report of the funds collected and remitted pursuant
26 to this Section during the preceding year.

1 (c) As used in this Section:

2 "Affiliate" means any company that controls, is controlled
3 by, or is under common control with another company.

4 "Approved counseling agency" and "approved housing
5 counseling" have the meanings ascribed to those terms in
6 Section 7.30 of the Illinois Housing Development Act.

7 "Depository institution" means a bank, savings bank,
8 savings and loan association, or credit union chartered,
9 organized, or holding a certificate of authority to do business
10 under the laws of this State, another state, or the United
11 States.

12 "First tier foreclosure filing category" is a
13 classification that only applies to a plaintiff that has filed
14 175 or more foreclosure complaints on residential real estate
15 located in Illinois during the calendar year immediately
16 preceding the date of the filing of the subject foreclosure
17 complaint.

18 "Second tier foreclosure filing category" is a
19 classification that only applies to a plaintiff that has filed
20 at least 50, but no more than 174, foreclosure complaints on
21 residential real estate located in Illinois during the calendar
22 year immediately preceding the date of the filing of the
23 subject foreclosure complaint.

24 "Third tier foreclosure filing category" is a
25 classification that only applies to a plaintiff that has filed
26 no more than 49 foreclosure complaints on residential real

1 estate located in Illinois during the calendar year immediately
2 preceding the date of the filing of the subject foreclosure
3 complaint.

4 (d) In no instance shall the fee set forth in subsection
5 (a-5) be assessed for any foreclosure complaint filed before
6 the effective date of this amendatory Act of the 97th General
7 Assembly.

8 (e) Notwithstanding any other law to the contrary, the
9 Abandoned Residential Property Municipality Relief Fund is not
10 subject to sweeps, administrative charge-backs, or any other
11 fiscal maneuver that would in any way transfer any amounts from
12 the Abandoned Residential Property Municipality Relief Fund
13 into any other fund of the State.

14 (Source: P.A. 96-1419, eff. 10-1-10; 97-333, eff. 8-12-11;
15 97-1164, eff. 6-1-13.)

16 (735 ILCS 5/15-1505.8)

17 (This Section may contain text from a Public Act with a
18 delayed effective date)

19 Sec. 15-1505.8. Expedited judgment and sale procedure for
20 abandoned residential property.

21 (a) Upon motion and notice, the mortgagee may elect to
22 utilize the expedited judgment and sale procedure for abandoned
23 residential property stated in this Section to obtain a
24 judgment of foreclosure pursuant to Section 15-1506. The motion
25 to expedite the judgment and sale may be combined with or made

1 part of the motion requesting a judgment of foreclosure. The
2 notice of the motion to expedite the judgment and sale shall be
3 sent by first-class mail to the last known address of the
4 mortgagor, and the notice required by paragraph (1) of
5 subsection (1) of this Section shall be posted at the property
6 address.

7 (b) The motion requesting an expedited judgment of
8 foreclosure and sale may be filed by the mortgagee at the time
9 the foreclosure complaint is filed or any time thereafter, and
10 shall set forth the facts demonstrating that the mortgaged real
11 estate is abandoned residential real estate under Section
12 15-1200.5 and shall be supported by affidavit.

13 (c) If a motion for an expedited judgment and sale is filed
14 at the time the foreclosure complaint is filed or before the
15 period to answer the foreclosure complaint has expired, the
16 motion shall be heard by the court no earlier than before the
17 period to answer the foreclosure complaint has expired and no
18 later than 21 ~~15~~ days after the period to answer the
19 foreclosure complaint has expired.

20 (d) If a motion for an expedited judgment and sale is filed
21 after the period to answer the foreclosure complaint has
22 expired, the motion shall be heard no later than 21 ~~15~~ days
23 after the motion is filed.

24 (e) The hearing shall be given priority by the court and
25 shall be scheduled to be heard within the applicable time
26 period set forth in subsection (c) or (d) of this Section.

1 (f) Subject to subsection (g), at the hearing on the motion
2 requesting an expedited judgment and sale, if the court finds
3 that the mortgaged real estate is abandoned residential
4 property, the court shall grant the motion and immediately
5 proceed to a trial of the foreclosure. A judgment of
6 foreclosure under this Section shall include the matters
7 identified in Section 15-1506.

8 (g) The court may not grant the motion requesting an
9 expedited judgment and sale if the mortgagor, an unknown owner,
10 or a lawful occupant appears in the action in any manner before
11 or at the hearing and objects to a finding of abandonment.

12 (h) The court shall vacate an order issued pursuant to
13 subsection (f) of this Section if the mortgagor or a lawful
14 occupant appears in the action at any time prior to the court
15 issuing an order confirming the sale pursuant to subsection
16 (b-3) of Section 15-1508 and presents evidence establishing to
17 the satisfaction of the court that the mortgagor or lawful
18 occupant has not abandoned the mortgaged real estate.

19 (i) The reinstatement period and redemption period for the
20 abandoned residential property shall end in accordance with
21 paragraph (4) of subsection (b) of Section 15-1603, and the
22 abandoned residential property shall be sold at the earliest
23 practicable time at a sale as provided in this Article.

24 (j) The mortgagee or its agent may enter, secure, and
25 maintain abandoned residential property subject to subsection
26 (e-5) of Section 21-3 of the Criminal Code of 2012.

1 (k) Personal property.

2 (1) Upon confirmation of the sale held pursuant to
3 Section 15-1507, any personal property remaining in or upon
4 the abandoned residential property shall be deemed to have
5 been abandoned by the owner of such personal property and
6 may be disposed of or donated by the holder of the
7 certificate of sale (or, if none, by the purchaser at the
8 sale). In the event of donation of any such personal
9 property, the holder of the certificate of sale (or, if
10 none, the purchaser at the sale) may transfer such donated
11 property with a bill of sale. No mortgagee or its
12 successors or assigns, holder of a certificate of sale, or
13 purchaser at the sale shall be liable for any such disposal
14 or donation of personal property.

15 (2) Notwithstanding paragraph (1) of this subsection
16 (k), in the event a lawful occupant is in possession of the
17 mortgaged real estate who has not been made a party to the
18 foreclosure and had his or her interests terminated
19 therein, any personal property of the lawful occupant shall
20 not be deemed to have been abandoned, nor shall the rights
21 of the lawful occupant to any personal property be
22 affected.

23 (l) Notices to be posted at property address.

24 (1) The notice set out in this paragraph (1) of this
25 subsection (l) shall be conspicuously posted at the
26 property address at least 14 days before the hearing on the

1 motion requesting an expedited judgment and sale and shall
2 be in boldface, in at least 12 point type, and in
3 substantially the following form:

4 "NOTICE TO ANY TENANT OR OTHER LAWFUL
5 OCCUPANT OF THIS PROPERTY

6 A lawsuit has been filed to foreclose on this property, and the
7 party asking to foreclose on this property has asked a judge to
8 find that THIS PROPERTY IS ABANDONED.

9 The judge will be holding a hearing to decide whether this
10 property is ABANDONED.

11 IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY
12 CHOOSE TO GO TO THIS HEARING and explain to the judge how you
13 are a lawful occupant of this property.

14 If the judge is satisfied that you are a LAWFUL OCCUPANT of
15 this property, the court will find that this property is NOT
16 ABANDONED.

17 This hearing will be held in the courthouse at the following
18 address, date, and time:

19 Court name:

1 Court address:

2 Court room number where hearing will be held:

3 (There should be a person in this room called a CLERK who can
4 help you. Make sure you know THIS PROPERTY'S ADDRESS.)

5 Date of hearing:

6 Time of hearing:

7 MORE INFORMATION

8 Name of lawsuit:

9 Number of lawsuit:

10 Address of this property:

11 IMPORTANT

12 This is NOT a notice to vacate the premises. You may wish to
13 contact a lawyer or your local legal aid or housing counseling
14 agency to discuss any rights that you may have.

15 WARNING

16 INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME
17 STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY
18 UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS
19 LAW. 720 ILCS 5/21-3(a).

1 NO TRESPASSING

2 KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A
3 CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A
4 FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a).".

5 (2) The notice set out in this paragraph (2) of this
6 subsection (1) shall be conspicuously posted at the
7 property address at least 14 days before the hearing to
8 confirm the sale of the abandoned residential property and
9 shall be in boldface, in at least 12 point type, and in
10 substantially the following form:

11 "NOTICE TO ANY TENANT OR OTHER LAWFUL
12 OCCUPANT OF THIS PROPERTY

13 A lawsuit has been filed to foreclose on this property, and the
14 judge has found that THIS PROPERTY IS ABANDONED. As a result,
15 THIS PROPERTY HAS BEEN OR WILL BE SOLD.

16 HOWEVER, there still must be a hearing for the judge to approve
17 the sale. The judge will NOT APPROVE this sale if the judge
18 finds that any person lawfully occupies any part of this
19 property.

20 IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY
21 CHOOSE TO GO TO THIS HEARING and explain to the judge how you

1 are a lawful occupant of this property. You also may appear
 2 BEFORE this hearing and explain to the judge how you are a
 3 lawful occupant of this property.

4 If the judge is satisfied that you are a LAWFUL OCCUPANT of
 5 this property, the court will find that this property is NOT
 6 ABANDONED, and there will be no sale of the property at this
 7 time.

8 This hearing will be held in the courthouse at the following
 9 address, date, and time:

10 Court name:

11 Court address:

12 Court room number where hearing will be held:

13 (There should be a person in this room called a CLERK who can
 14 help you. Make sure you know THIS PROPERTY'S ADDRESS.)

15 Date of hearing:

16 Time of hearing:

17 MORE INFORMATION

18 Name of lawsuit:

19 Number of lawsuit:

20 Address of this property:

1

IMPORTANT

2

This is NOT a notice to vacate the premises. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have.

3

4

5

WARNING

6

INTENTIONAL REMOVAL OF THIS NOTICE BEFORE THE DATE AND TIME STATED IN THIS NOTICE IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a).

7

8

9

10

NO TRESPASSING

11

KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."

12

13

14

(Source: P.A. 97-1164, eff. 6-1-13.)

15

(735 ILCS 5/15-1507.1)

16

(Section scheduled to be repealed on March 2, 2016)

17

Sec. 15-1507.1. Judicial sale fee for Abandoned Residential Property Municipality Relief Fund.

18

19

(a) Upon and at the sale of residential real estate under Section 15-1507, the purchaser shall pay to the person

20

1 conducting the sale pursuant to Section 15-1507 a fee for
2 deposit into the Abandoned Residential Property Municipality
3 Relief Fund, a special fund created in the State treasury. The
4 fee shall be calculated at the rate of \$1 for each \$1,000 or
5 fraction thereof of the amount paid by the purchaser to the
6 person conducting the sale, as reflected in the receipt of sale
7 issued to the purchaser, provided that in no event shall the
8 fee exceed \$300. No fee shall be paid by the mortgagee
9 acquiring the residential real estate pursuant to its credit
10 bid at the sale or by any mortgagee, judgment creditor, or
11 other lienor acquiring the residential real estate whose rights
12 in and to the residential real estate arose prior to the sale.
13 Upon confirmation of the sale under Section 15-1508, the person
14 conducting the sale shall remit the fee to the clerk of the
15 court in which the foreclosure case is pending. The clerk shall
16 remit the fee to the State Treasurer as provided in this
17 Section, to be expended for the purposes set forth in Section
18 7.31 of the Illinois Housing Development Act.

19 (b) All fees paid by purchasers as provided in this Section
20 shall be disbursed within 60 days after receipt by the clerk of
21 the court as follows: (i) 98% to the State Treasurer for
22 deposit into the Abandoned Residential Property Municipality
23 Relief Fund, and (ii) 2% to the clerk of the court to be
24 retained by the clerk for deposit into the Circuit Court Clerk
25 Operation and Administrative Fund to defray ~~for~~ administrative
26 expenses related to implementation of this Section.

1 (c) Not later than March 1 of each year, the clerk of the
2 court shall submit to the Illinois Housing Development
3 Authority a report of the funds collected and remitted during
4 the preceding year pursuant to this Section.

5 (d) Subsections (a) and (b) of this Section shall become
6 inoperative on January 1, 2016. This Section is repealed on
7 March 2, 2016.

8 (Source: P.A. 96-1419, eff. 10-1-10.)

9 Section 99. Effective date. This Act takes effect June 1,
10 2013.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 3805/7.31

4 735 ILCS 5/15-1504.1

5 735 ILCS 5/15-1505.8

6 735 ILCS 5/15-1507.1