



Rep. André M. Thapedi

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09800SB1674ham002

LRB098 08582 KTG 45802 a

1 AMENDMENT TO SENATE BILL 1674

2 AMENDMENT NO. _____. Amend Senate Bill 1674 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Housing Development Act is amended
5 by changing Sections 7.30 and 7.31 as follows:

6 (20 ILCS 3805/7.30)

7 (Text of Section after amendment by P.A. 97-1164)

8 Sec. 7.30. Foreclosure Prevention Program.

9 (a) The Authority shall establish and administer a
10 Foreclosure Prevention Program. The Authority shall use moneys
11 in the Foreclosure Prevention Program Fund, and any other funds
12 appropriated for this purpose, to make grants to (i) approved
13 counseling agencies for approved housing counseling and (ii)
14 approved community-based organizations for approved
15 foreclosure prevention outreach programs. The Authority shall
16 promulgate rules to implement this Program and may adopt

1 emergency rules as soon as practicable to begin implementation
2 of the Program.

3 (b) Subject to appropriation and the annual receipt of
4 funds, the Authority shall make grants from the Foreclosure
5 Prevention Program Fund derived from fees paid as specified in
6 subsection (a) of Section 15-1504.1 of the Code of Civil
7 Procedure as follows:

8 (1) 25% of the moneys in the Fund shall be used to make
9 grants to approved counseling agencies that provide
10 services in Illinois outside of the City of Chicago. Grants
11 shall be based upon the number of foreclosures filed in an
12 approved counseling agency's service area, the capacity of
13 the agency to provide foreclosure counseling services, and
14 any other factors that the Authority deems appropriate.

15 (2) 25% of the moneys in the Fund shall be distributed
16 to the City of Chicago to make grants to approved
17 counseling agencies located within the City of Chicago for
18 approved housing counseling or to support foreclosure
19 prevention counseling programs administered by the City of
20 Chicago.

21 (3) 25% of the moneys in the Fund shall be used to make
22 grants to approved community-based organizations located
23 outside of the City of Chicago for approved foreclosure
24 prevention outreach programs.

25 (4) 25% of the moneys in the Fund shall be used to make
26 grants to approved community-based organizations located

1 within the City of Chicago for approved foreclosure
2 prevention outreach programs, with priority given to
3 programs that provide door-to-door outreach.

4 The percentages set forth in this subsection (b) shall be
5 calculated after deduction of reimbursable administrative
6 expenses incurred by the Authority.

7 (b-1) Subject to appropriation and the annual receipt of
8 funds, the Authority shall make grants from the Foreclosure
9 Prevention Program Graduated Fund derived from fees paid as
10 specified in paragraph (1) of subsection (a-5) of Section
11 15-1504.1 of the Code of Civil Procedure, as follows:

12 (1) 30% shall be used to make grants for approved
13 housing counseling in Cook County outside of the City of
14 Chicago;

15 (2) 25% shall be used to make grants for approved
16 housing counseling in the City of Chicago;

17 (3) 30% shall be used to make grants for approved
18 housing counseling in DuPage, Kane, Lake, McHenry, and Will
19 Counties; and

20 (4) 15% shall be used to make grants for approved
21 housing counseling in Illinois in counties other than Cook,
22 DuPage, Kane, Lake, McHenry, and Will Counties provided
23 that grants to provide approved housing counseling to
24 borrowers residing within these counties shall be based, to
25 the extent practicable, (i) proportionately on the amount
26 of fees paid to the respective clerks of the courts within

1 these counties and (ii) on any other factors that the
2 Authority deems appropriate.

3 The percentages set forth in this subsection (b-1) shall be
4 calculated after deduction of reimbursable administrative
5 expenses incurred by the Authority.

6 (b-5) As used in this Section:

7 "Approved community-based organization" means a
8 not-for-profit entity that provides educational and financial
9 information to residents of a community through in-person
10 contact. "Approved community-based organization" does not
11 include a not-for-profit corporation or other entity or person
12 that provides legal representation or advice in a civil
13 proceeding or court-sponsored mediation services, or a
14 governmental agency.

15 "Approved foreclosure prevention outreach program" means a
16 program developed by an approved community-based organization
17 that includes in-person contact with residents to provide (i)
18 pre-purchase and post-purchase home ownership counseling, (ii)
19 education about the foreclosure process and the options of a
20 mortgagor in a foreclosure proceeding, and (iii) programs
21 developed by an approved community-based organization in
22 conjunction with a State or federally chartered financial
23 institution.

24 "Approved counseling agency" means a housing counseling
25 agency approved by the U.S. Department of Housing and Urban
26 Development.

1 "Approved housing counseling" means in-person counseling
2 provided by a counselor employed by an approved counseling
3 agency to all borrowers, or documented telephone counseling
4 where a hardship would be imposed on one or more borrowers. A
5 hardship shall exist in instances in which the borrower is
6 confined to his or her home due to a medical condition, as
7 verified in writing by a physician, or the borrower resides 50
8 miles or more from the nearest approved counseling agency. In
9 instances of telephone counseling, the borrower must supply all
10 necessary documents to the counselor at least 72 hours prior to
11 the scheduled telephone counseling session.

12 (c) (Blank).

13 (c-5) Where the jurisdiction of an approved counseling
14 agency is included within more than one of the geographic areas
15 set forth in this Section, the Authority may elect to fully
16 fund the applicant from one of the relevant geographic areas.

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

18 (20 ILCS 3805/7.31)

19 Sec. 7.31. Abandoned Residential Property Municipality
20 Relief Program.

21 (a) The Authority shall establish and administer an
22 Abandoned Residential Property Municipality Relief Program.
23 The Authority shall use moneys in the Abandoned Residential
24 Property Municipality Relief Fund, and any other funds
25 appropriated for this purpose, to make grants to municipalities

1 and to counties to assist with costs incurred by the
2 municipality or county for: cutting of neglected weeds or
3 grass, trimming of trees or bushes, and removal of nuisance
4 bushes or trees; extermination of pests or prevention of the
5 ingress of pests; removal of garbage, debris, and graffiti;
6 boarding up, closing off, or locking windows or entrances or
7 otherwise making the interior of a building inaccessible to the
8 general public; surrounding part or all of an abandoned
9 residential property's underlying parcel with a fence or wall
10 or otherwise making part or all of the abandoned residential
11 property's underlying parcel inaccessible to the general
12 public; demolition of abandoned residential property; and
13 repair or rehabilitation of abandoned residential property, as
14 approved by the Authority under the Program. For purposes of
15 this subsection (a), "pests" has the meaning ascribed to that
16 term in subsection (c) of Section 11-20-8 of the Illinois
17 Municipal Code. The Authority shall promulgate rules for the
18 administration, operation, and maintenance of the Program and
19 may adopt emergency rules as soon as practicable to begin
20 implementation of the Program.

21 (b) Subject to appropriation and the annual receipt of
22 funds, the Authority shall make grants from the Abandoned
23 Residential Property Municipality Relief Fund derived from
24 fees paid as specified in paragraph (1) of subsection (a-5) of
25 Section 15-1504.1 and subsection (a) of Section 15-1507.1 of
26 the Code of Civil Procedure as follows:

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

4 (2) 25% of the moneys in the Fund shall be used to make
5 grants to the City of Chicago;

6 (3) 30% of the moneys in the Fund shall be used to make
7 grants to municipalities in DuPage, Kane, Lake, McHenry and
8 Will Counties, and to those counties; and

9 (4) 15% of the moneys in the Fund shall be used to make
10 grants to municipalities in Illinois in counties other than
11 Cook, DuPage, Kane, Lake, McHenry, and Will Counties, and
12 to counties other than Cook, DuPage, Kane, Lake, McHenry,
13 and Will Counties. Grants distributed to the
14 municipalities and counties shall be based on (i) areas of
15 greatest need within these counties, which shall be
16 determined, to the extent practicable, proportionately on
17 the amount of fees paid to the respective clerks of the
18 courts within these counties, and (ii) on any other factors
19 that the Authority deems appropriate. ~~Grants distributed~~
20 ~~to the municipalities and counties identified in this~~
21 ~~paragraph (4) shall be based (i) proportionately on the~~
22 ~~amount of fees paid to the respective clerks of the courts~~
23 ~~within these counties and (ii) on any other factors that~~
24 ~~the Authority deems appropriate.~~

25 The percentages set forth in this subsection (b) shall be
26 calculated after deduction of reimbursable administrative

1 expenses incurred by the Authority.

2 (c) Where the jurisdiction of a municipality is included
3 within more than one of the geographic areas set forth in this
4 Section, the Authority may elect to fully fund the municipality
5 from one of the relevant geographic areas.

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

7 Section 10. The State Finance Act is amended by adding
8 Section 5.826 as follows:

9 (30 ILCS 105/5.826 new)

10 Sec. 5.826. The Foreclosure Prevention Program Graduated
11 Fund.

12 Section 15. The Code of Civil Procedure is amended by
13 changing Sections 15-1504.1, 15-1505.8, and 15-1507.1 as
14 follows:

15 (735 ILCS 5/15-1504.1)

16 Sec. 15-1504.1. Filing fee for Foreclosure Prevention
17 Program Fund, Foreclosure Prevention Program Graduated Fund,
18 and Abandoned Residential Property Municipality Relief Fund.

19 (a) Fee paid by all plaintiffs with respect to residential
20 real estate. With respect to residential real estate, at the
21 time of the filing of a foreclosure complaint, the plaintiff
22 shall pay to the clerk of the court in which the foreclosure

1 complaint is filed a fee of \$50 for deposit into the
2 Foreclosure Prevention Program Fund, a special fund created in
3 the State treasury. The clerk shall remit the fee collected
4 pursuant to this subsection (a) to the State Treasurer to be
5 expended for the purposes set forth in Section 7.30 of the
6 Illinois Housing Development Act. All fees paid by plaintiffs
7 to the clerk of the court as provided in this subsection (a)
8 shall be disbursed within 60 days after receipt by the clerk of
9 the court as follows: (i) 98% to the State Treasurer for
10 deposit into the Foreclosure Prevention Program Fund, and (ii)
11 2% to the clerk of the court to be retained by the clerk for
12 deposit into the Circuit Court Clerk Operation and
13 Administrative Fund to defray ~~for~~ administrative expenses
14 related to implementation of this subsection (a).
15 Notwithstanding any other law to the contrary, the Foreclosure
16 Prevention Program Fund is not subject to sweeps,
17 administrative charge-backs, or any other fiscal maneuver that
18 would in any way transfer any amounts from the Foreclosure
19 Prevention Program Fund into any other fund of the State.

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

22 (1) Until January 1, 2018, with respect to residential
23 real estate, at the time of the filing of a foreclosure
24 complaint and in addition to the fee set forth in
25 subsection (a) of this Section, the plaintiff shall pay to
26 the clerk of the court in which the foreclosure complaint

1 is filed a fee for the Foreclosure Prevention Program
2 Graduated Fund and the Abandoned Residential Property
3 Municipality Relief Fund as follows:

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

5 (i) the plaintiff, together with its
6 affiliates, has filed a sufficient number of
7 foreclosure complaints so as to be included in the
8 first tier foreclosure filing category and is
9 filing the complaint on its own behalf as the
10 holder of the indebtedness; or

11 (ii) the plaintiff, together with its
12 affiliates, has filed a sufficient number of
13 foreclosure complaints so as to be included in the
14 first 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 (iii) 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 first tier
25 foreclosure filing category.

26 (B) The fee shall be \$250 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 second 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 or second tier foreclosure filing category
11 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 second 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 second 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 is not a depository
26 institution and is filing the complaint on behalf

1 of a mortgagee that, together with its affiliates,
2 has filed a sufficient number of foreclosure
3 complaints so as to be included in the second tier
4 foreclosure filing category.

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

6 (i) the plaintiff, together with its
7 affiliates, has filed a sufficient number of
8 foreclosure complaints so as to be included in the
9 third tier foreclosure filing category and is
10 filing the complaint on its own behalf as the
11 holder of the indebtedness; or

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

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

1 sufficient number of foreclosure complaints so as
2 to be included in the first tier foreclosure filing
3 category; or

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

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

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

1 (A) 28% to the State Treasurer for deposit into the
2 Foreclosure Prevention Program Graduated Fund;

3 (B) 70% to the State Treasurer for deposit into the
4 Abandoned Residential Property Municipality Relief
5 Fund; and

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

11 (3) Until January 1, 2018, with respect to residential
12 real estate, at the time of the filing of a foreclosure
13 complaint, the plaintiff or plaintiff's representative
14 shall file a verified statement that states which
15 additional fee is due under paragraph (1) of this
16 subsection (a-5), unless the court has established another
17 process for a plaintiff or plaintiff's representative to
18 certify which additional fee is due under paragraph (1) of
19 this subsection (a-5).

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

23 ~~(A) a verified statement filed by the plaintiff at~~
24 ~~the time of filing the foreclosure complaint that~~
25 ~~states whether the plaintiff has an obligation to pay~~
26 ~~an additional fee as set forth in subsection (a-5) and~~

1 ~~if so whether the fee is due under subparagraph (A),~~
2 ~~(B), or (C) of paragraph (1) of subsection (a-5); or~~
3 ~~(B) such other processes established by the clerk~~
4 ~~of the court for plaintiffs to certify their~~
5 ~~eligibility for the exemption from the additional fee~~
6 ~~set forth in subsection (a-5).~~

7 (4) If a plaintiff fails to provide the clerk of the
8 court with a true and correct statement of the additional
9 fee due under paragraph (1) of this subsection (a-5), and
10 the mortgagor reimburses the plaintiff for any erroneous
11 additional fee that was paid by the plaintiff to the clerk
12 of the court, the mortgagor may seek a refund of any
13 overpayment of the fee in an amount that shall not exceed
14 the difference between the higher additional fee paid under
15 paragraph (1) of this subsection (a-5) and the actual fee
16 due thereunder. The mortgagor must petition the judge
17 within the foreclosure action for the award of any fee
18 overpayment pursuant to this paragraph (4) of this
19 subsection (a-5), and the award shall be determined by the
20 judge and paid by the clerk of the court out of the fund
21 account into which the clerk of the court deposits fees to
22 be remitted to the State Treasurer under paragraph (2) of
23 this subsection (a-5), the timing of which refund payment
24 shall be determined by the clerk of the court based upon
25 the availability of funds in the subject fund account. This
26 refund shall be the mortgagor's sole remedy and a mortgagor

1 shall have no private right of action against the plaintiff
2 or plaintiff's representatives if the additional fee paid
3 by the plaintiff was erroneous.

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

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

10 (c) As used in this Section:

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

13 "Approved counseling agency" and "approved housing
14 counseling" have the meanings ascribed to those terms in
15 Section 7.30 of the Illinois Housing Development Act.

16 "Depository institution" means a bank, savings bank,
17 savings and loan association, or credit union chartered,
18 organized, or holding a certificate of authority to do business
19 under the laws of this State, another state, or the United
20 States.

21 "First tier foreclosure filing category" is a
22 classification that only applies to a plaintiff that has filed
23 175 or more foreclosure complaints on residential real estate
24 located in Illinois during the calendar year immediately
25 preceding the date of the filing of the subject foreclosure
26 complaint.

1 "Second tier foreclosure filing category" is a
2 classification that only applies to a plaintiff that has filed
3 at least 50, but no more than 174, foreclosure complaints on
4 residential real estate located in Illinois during the calendar
5 year immediately preceding the date of the filing of the
6 subject foreclosure complaint.

7 "Third tier foreclosure filing category" is a
8 classification that only applies to a plaintiff that has filed
9 no more than 49 foreclosure complaints on residential real
10 estate located in Illinois during the calendar year immediately
11 preceding the date of the filing of the subject foreclosure
12 complaint.

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

17 (e) Notwithstanding any other law to the contrary, the
18 Abandoned Residential Property Municipality Relief Fund is not
19 subject to sweeps, administrative charge-backs, or any other
20 fiscal maneuver that would in any way transfer any amounts from
21 the Abandoned Residential Property Municipality Relief Fund
22 into any other fund of the State.

23 (Source: P.A. 96-1419, eff. 10-1-10; 97-333, eff. 8-12-11;
24 97-1164, eff. 6-1-13.)

1 (This Section may contain text from a Public Act with a
2 delayed effective date)

3 Sec. 15-1505.8. Expedited judgment and sale procedure for
4 abandoned residential property.

5 (a) Upon motion and notice, the mortgagee may elect to
6 utilize the expedited judgment and sale procedure for abandoned
7 residential property stated in this Section to obtain a
8 judgment of foreclosure pursuant to Section 15-1506. The motion
9 to expedite the judgment and sale may be combined with or made
10 part of the motion requesting a judgment of foreclosure. The
11 notice of the motion to expedite the judgment and sale shall be
12 sent by first-class mail to the last known address of the
13 mortgagor, and the notice required by paragraph (1) of
14 subsection (1) of this Section shall be posted at the property
15 address.

16 (b) The motion requesting an expedited judgment of
17 foreclosure and sale may be filed by the mortgagee at the time
18 the foreclosure complaint is filed or any time thereafter, and
19 shall set forth the facts demonstrating that the mortgaged real
20 estate is abandoned residential real estate under Section
21 15-1200.5 and shall be supported by affidavit.

22 (c) If a motion for an expedited judgment and sale is filed
23 at the time the foreclosure complaint is filed or before the
24 period to answer the foreclosure complaint has expired, the
25 motion shall be heard by the court no earlier than before the
26 period to answer the foreclosure complaint has expired and no

1 later than 21 ~~15~~ days after the period to answer the
2 foreclosure complaint has expired.

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

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

10 (f) Subject to subsection (g), at the hearing on the motion
11 requesting an expedited judgment and sale, if the court finds
12 that the mortgaged real estate is abandoned residential
13 property, the court shall grant the motion and immediately
14 proceed to a trial of the foreclosure. A judgment of
15 foreclosure under this Section shall include the matters
16 identified in Section 15-1506.

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

21 (h) The court shall vacate an order issued pursuant to
22 subsection (f) of this Section if the mortgagor or a lawful
23 occupant appears in the action at any time prior to the court
24 issuing an order confirming the sale pursuant to subsection
25 (b-3) of Section 15-1508 and presents evidence establishing to
26 the satisfaction of the court that the mortgagor or lawful

1 occupant has not abandoned the mortgaged real estate.

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

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

10 (k) Personal property.

11 (1) Upon confirmation of the sale held pursuant to
12 Section 15-1507, any personal property remaining in or upon
13 the abandoned residential property shall be deemed to have
14 been abandoned by the owner of such personal property and
15 may be disposed of or donated by the holder of the
16 certificate of sale (or, if none, by the purchaser at the
17 sale). In the event of donation of any such personal
18 property, the holder of the certificate of sale (or, if
19 none, the purchaser at the sale) may transfer such donated
20 property with a bill of sale. No mortgagee or its
21 successors or assigns, holder of a certificate of sale, or
22 purchaser at the sale shall be liable for any such disposal
23 or donation of personal property.

24 (2) Notwithstanding paragraph (1) of this subsection
25 (k), in the event a lawful occupant is in possession of the
26 mortgaged real estate who has not been made a party to the

1 foreclosure and had his or her interests terminated
2 therein, any personal property of the lawful occupant shall
3 not be deemed to have been abandoned, nor shall the rights
4 of the lawful occupant to any personal property be
5 affected.

6 (1) Notices to be posted at property address.

7 (1) The notice set out in this paragraph (1) of this
8 subsection (1) shall be conspicuously posted at the
9 property address at least 14 days before the hearing on the
10 motion requesting an expedited judgment and sale and shall
11 be in boldface, in at least 12 point type, and in
12 substantially the following form:

13 "NOTICE TO ANY TENANT OR OTHER LAWFUL
14 OCCUPANT OF THIS PROPERTY

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

18 The judge will be holding a hearing to decide whether this
19 property is ABANDONED.

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
22 are a lawful occupant of this property.

1 If the judge is satisfied that you are a LAWFUL OCCUPANT of
2 this property, the court will find that this property is NOT
3 ABANDONED.

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

6 Court name:

7 Court address:

8 Court room number where hearing will be held:

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

11 Date of hearing:

12 Time of hearing:

13 MORE INFORMATION

14 Name of lawsuit:

15 Number of lawsuit:

16 Address of this property:

17 IMPORTANT

18 This is NOT a notice to vacate the premises. You may wish to
19 contact a lawyer or your local legal aid or housing counseling

1 agency to discuss any rights that you may have.

2 WARNING

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

7 NO TRESPASSING

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

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

17 "NOTICE TO ANY TENANT OR OTHER LAWFUL
18 OCCUPANT OF THIS PROPERTY

19 A lawsuit has been filed to foreclose on this property, and the
20 judge has found that THIS PROPERTY IS ABANDONED. As a result,

1 THIS PROPERTY HAS BEEN OR WILL BE SOLD.

2 HOWEVER, there still must be a hearing for the judge to approve
3 the sale. The judge will NOT APPROVE this sale if the judge
4 finds that any person lawfully occupies any part of this
5 property.

6 IF YOU LAWFULLY OCCUPY ANY PART OF THIS PROPERTY, YOU MAY
7 CHOOSE TO GO TO THIS HEARING and explain to the judge how you
8 are a lawful occupant of this property. You also may appear
9 BEFORE this hearing and explain to the judge how you are a
10 lawful occupant of this property.

11 If the judge is satisfied that you are a LAWFUL OCCUPANT of
12 this property, the court will find that this property is NOT
13 ABANDONED, and there will be no sale of the property at this
14 time.

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

17 Court name:

18 Court address:

19 Court room number where hearing will be held:

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

1 Date of hearing:

2 Time of hearing:

3 MORE INFORMATION

4 Name of lawsuit:

5 Number of lawsuit:

6 Address of this property:

7 IMPORTANT

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

11 WARNING

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

16 NO TRESPASSING

17 KNOWINGLY ENTERING THIS PROPERTY WITHOUT LAWFUL AUTHORITY IS A
18 CLASS B MISDEMEANOR, PUNISHABLE BY UP TO 180 DAYS IN JAIL AND A

1 FINE OF UP TO \$1500, UNDER ILLINOIS LAW. 720 ILCS 5/21-3(a)."

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

3 (735 ILCS 5/15-1507.1)

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

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

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

1 7.31 of the Illinois Housing Development Act.

2 (b) All fees paid by purchasers as provided in this Section
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 Abandoned Residential Property Municipality
6 Relief Fund, and (ii) 2% to the clerk of the court to be
7 retained by the clerk for deposit into the Circuit Court Clerk
8 Operation and Administrative Fund to defray ~~for~~ administrative
9 expenses related to implementation of this Section.

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

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

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

18 Section 99. Effective date. This Act takes effect June 1,
19 2013.".