

1 AN ACT concerning revenue.

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 15-1507 as follows:

6 (735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

7 Sec. 15-1507. Judicial Sale.

8 (a) In General. Except as provided in Sections 15-1402 and
9 15-1403, upon entry of a judgment of foreclosure, the real
10 estate which is the subject of the judgment shall be sold at a
11 judicial sale in accordance with this Section 15-1507.

12 (b) Sale Procedures. Upon expiration of the reinstatement
13 period and the redemption period in accordance with subsection
14 (b) or (c) of Section 15-1603 or upon the entry of a judgment
15 of foreclosure after the waiver of all rights of redemption,
16 except as provided in subsection (g) of Section 15-1506, the
17 real estate shall be sold at a sale as provided in this
18 Article, on such terms and conditions as shall be specified by
19 the court in the judgment of foreclosure. A sale may be
20 conducted by any judge or sheriff.

21 (c) Notice of Sale. The mortgagee, or such other party
22 designated by the court, in a foreclosure under this Article
23 shall give public notice of the sale as follows:

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

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

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

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

13 (D) a description of the improvements on the real
14 estate;

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

17 (F) the time and place of the sale;

18 (G) the terms of the sale;

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

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

25 (H-2) in the case of a unit of a common interest
26 community to which subsection (g-1) of Section 18.5 of

1 the Condominium Property Act applies, the statement
2 required by subdivision (g-1) of Section 18.5 of the
3 Condominium Property Act; and

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

5 (2) The notice of sale shall be published at least 3
6 consecutive calendar weeks (Sunday through Saturday), once
7 in each week, the first such notice to be published not
8 more than 45 days prior to the sale, the last such notice
9 to be published not less than 7 days prior to the sale, by:

10 (i) (A) advertisements in a newspaper circulated to the
11 general public in the county in which the real estate is
12 located, in the section of that newspaper where legal
13 notices are commonly placed and (B) separate
14 advertisements in the section of such a newspaper, which
15 (except in counties with a population in excess of
16 3,000,000) may be the same newspaper, in which real estate
17 other than real estate being sold as part of legal
18 proceedings is commonly advertised to the general public;
19 provided, that the separate advertisements in the real
20 estate section need not include a legal description and
21 that where both advertisements could be published in the
22 same newspaper and that newspaper does not have separate
23 legal notices and real estate advertisement sections, a
24 single advertisement with the legal description shall be
25 sufficient; in counties with a population of more than
26 3,000,000, the notice required by this item (B) shall be

1 published in a newspaper different from the newspaper that
2 publishes the notice required by item (A), and the
3 newspaper in which the notice required by this item (B) is
4 published shall be a newspaper published in the township in
5 which the real estate is located; and (ii) such other
6 publications as may be further ordered by the court.

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

20 (4) The party who gives notice of public sale in
21 accordance with subsection (c) of Section 15-1507 shall
22 again give notice in accordance with that Section of any
23 adjourned sale; provided, however, that if the adjourned
24 sale is to occur less than 60 days after the last scheduled
25 sale, notice of any adjourned sale need not be given
26 pursuant to this Section. In the event of adjournment, the

1 person conducting the sale shall, upon adjournment,
2 announce the date, time and place upon which the adjourned
3 sale shall be held. Notwithstanding any language to the
4 contrary, for any adjourned sale that is to be conducted
5 more than 60 days after the date on which it was to first
6 be held, the party giving notice of such sale shall again
7 give notice in accordance with this Section.

8 (5) Notice of the sale may be given prior to the
9 expiration of any reinstatement period or redemption
10 period.

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

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

17 (d) Election of Property. If the real estate which is the
18 subject of a judgment of foreclosure is susceptible of
19 division, the court may order it to be sold as necessary to
20 satisfy the judgment. The court shall determine which real
21 estate shall be sold, and the court may determine the order in
22 which separate tracts may be sold.

23 (e) Receipt upon Sale. Upon and at the sale of mortgaged
24 real estate, the person conducting the sale shall give to the
25 purchaser a receipt of sale. The receipt shall describe the
26 real estate purchased and shall show the amount bid, the amount

1 paid, the total amount paid to date and the amount still to be
2 paid therefor. An additional receipt shall be given at the time
3 of each subsequent payment.

4 (f) Certificate of Sale. Upon payment in full of the amount
5 bid, the person conducting the sale shall issue, in duplicate,
6 and give to the purchaser a Certificate of Sale. The
7 Certificate of Sale shall be in a recordable form, describe the
8 real estate purchased, indicate the date and place of sale and
9 show the amount paid therefor. The Certificate of Sale shall
10 further indicate that it is subject to confirmation by the
11 court. The duplicate certificate may be recorded in accordance
12 with Section 12-121. The Certificate of Sale shall be freely
13 assignable by endorsement thereon.

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

18 (Source: P.A. 96-1045, eff. 7-14-10.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.