

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 Code of Civil Procedure is amended by
5 changing Sections 15-1506 and 15-1507 and by adding Sections
6 15-1507.2 and 15-1510.1 as follows:

7 (735 ILCS 5/15-1506) (from Ch. 110, par. 15-1506)
8 Sec. 15-1506. Judgment.

9 (a) Evidence. In the trial of a foreclosure, the evidence
10 to support the allegations of the complaint shall be taken in
11 open court, except:

12 (1) where an allegation of fact in the complaint is
13 not denied by a party's verified answer or verified
14 counterclaim, or where a party pursuant to subsection (b)
15 of Section 2-610 of the Code of Civil Procedure states, or
16 is deemed to have stated, in its pleading that it has no
17 knowledge of such allegation sufficient to form a belief
18 and attaches the required affidavit, a sworn verification
19 of the complaint or a separate affidavit setting forth
20 such fact is sufficient evidence thereof against such
21 party and no further evidence of such fact shall be
22 required; and

23 (2) where all the allegations of fact in the complaint

1 have been proved by verification of the complaint or
2 affidavit, the court upon motion supported by an affidavit
3 stating the amount which is due the mortgagee, shall enter
4 a judgment of foreclosure as requested in the complaint.

5 (b) Instruments. In all cases the evidence of the
6 indebtedness and the mortgage foreclosed shall be exhibited to
7 the court and appropriately marked, and copies thereof shall
8 be filed with the court.

9 (c) Summary and Default Judgments. Nothing in this Section
10 15-1506 shall prevent a party from obtaining a summary or
11 default judgment authorized by Article II of the Code of Civil
12 Procedure.

13 (d) Notice of Entry of Default. When any judgment in a
14 foreclosure is entered by default, notice of such judgment
15 shall be given in accordance with Section 2-1302 of the Code of
16 Civil Procedure.

17 (e) Matters Required in Judgment. A judgment of
18 foreclosure shall include the last date for redemption and all
19 rulings of the court entered with respect to each request for
20 relief set forth in the complaint. The omission of the date for
21 redemption shall not extend the time for redemption or impair
22 the validity of the judgment.

23 (f) Special Matters in Judgment. Without limiting the
24 general authority and powers of the court, special matters may
25 be included in the judgment of foreclosure if sought by a party
26 in the complaint or by separate motion. Such matters may

1 include, without limitation:

2 (1) a manner of sale other than public auction;

3 (2) a sale by sealed bid;

4 (3) an official or other person who shall be the
5 officer to conduct the sale other than the one customarily
6 designated by the court;

7 (4) provisions for non-exclusive broker listings or
8 designating a duly licensed real estate broker nominated
9 by one of the parties to exclusively list the real estate
10 for sale;

11 (5) the fees or commissions to be paid out of the sale
12 proceeds to the listing or other duly licensed broker, if
13 any, who shall have procured the accepted bid;

14 (6) the fees to be paid out of the sale proceeds to an
15 auctioneer, if any, who shall have been authorized to
16 conduct a public auction sale;

17 (7) whether and in what manner and with what content
18 signs shall be posted on the real estate;

19 (8) a particular time and place at which such bids
20 shall be received;

21 (9) a particular newspaper or newspapers in which
22 notice of sale shall be published;

23 (10) the format for the advertising of such sale,
24 including the size, content and format of such
25 advertising, and additional advertising of such sale;

26 (11) matters or exceptions to which title in the real

1 estate may be subject at the sale;

2 (12) a requirement that title insurance in a specified
3 form be provided to a purchaser at the sale, and who shall
4 pay for such insurance;

5 (13) whether and to what extent bids with mortgage or
6 other contingencies will be allowed;

7 (14) such other matters as approved by the court to
8 ensure sale of the real estate for the most commercially
9 favorable price for the type of real estate involved.

10 (g) Agreement of the Parties. If all of the parties agree
11 in writing on the minimum price and that the real estate may be
12 sold to the first person who offers in writing to purchase the
13 real estate for such price, and on such other commercially
14 reasonable terms and conditions as the parties may agree, then
15 the court shall order the real estate to be sold on such terms,
16 subject to confirmation of the sale in accordance with Section
17 15-1508.

18 (h) Postponement of Proving Priority. With the approval of
19 the court prior to the entry of the judgment of foreclosure, a
20 party claiming an interest in the proceeds of the sale of the
21 mortgaged real estate may defer proving the priority of such
22 interest until the hearing to confirm the sale.

23 (i) Effect of Judgment and Lien.

24 (1) Upon the entry of the judgment of foreclosure, all
25 rights of a party in the foreclosure against the mortgagor
26 provided for in the judgment of foreclosure or this

1 Article shall be secured by a lien on the mortgaged real
2 estate, which lien shall have the same priority as the
3 claim to which the judgment relates and shall be
4 terminated upon confirmation of a judicial sale in
5 accordance with this Article.

6 (2) Upon the entry of the judgment of foreclosure, the
7 rights in the real estate subject to the judgment of
8 foreclosure of (i) all persons made a party in the
9 foreclosure and (ii) all nonrecord claimants given notice
10 in accordance with paragraph (2) of subsection (c) of
11 Section 15-1502, shall be solely as provided for in the
12 judgment of foreclosure and in this Article.

13 (3) Entry of a judgment of foreclosure does not
14 terminate or otherwise affect a bona fide lease of a
15 dwelling unit in residential real estate in foreclosure,
16 whether or not the lessee has been made a party in the
17 foreclosure.

18 (Source: P.A. 98-514, eff. 11-19-13.)

19 (735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

20 Sec. 15-1507. Judicial Sale.

21 (a) In General. Except as provided in Sections 15-1402 and
22 15-1403, upon entry of a judgment of foreclosure, the real
23 estate which is the subject of the judgment shall be sold at a
24 judicial sale in accordance with this Section 15-1507.

25 (b) Sale Procedures.

1 (1) Upon expiration of the reinstatement period and
2 the redemption period in accordance with subsection (b) or
3 (c) of Section 15-1603 or upon the entry of a judgment of
4 foreclosure after the waiver of all rights of redemption,
5 except as provided in subsection (g) of Section 15-1506,
6 the real estate shall be sold at a sale as provided in this
7 Article, on such terms and conditions as shall be
8 specified by the person conducting the sale ~~court in the~~
9 ~~judgment of foreclosure~~. A sale may be conducted by any
10 judge, ~~or~~ sheriff, or other person as set forth in
11 paragraph (3) of subsection (f) of Section 15-1506. The
12 person conducting the sale has the discretion to set the
13 terms of the sale.

14 (2) Without limiting the general authority and powers
15 of the court, the mortgagee, in a foreclosure under this
16 Article may request that the judge, sheriff, or other
17 person conduct the sale either in person, if available, or
18 online or both.

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

22 (1) The notice of sale shall include at least the
23 following information, but an immaterial error in the
24 information shall not invalidate the legal effect of the
25 notice:

26 (A) the name, address and telephone number of the

1 person to contact for information regarding the real
2 estate;

3 (B) the common address and other common
4 description (other than legal description), if any, of
5 the real estate;

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

8 (D) a description of the improvements on the real
9 estate;

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

12 (F) the time and place of the sale, including:

13 (i) whether the sale will take place online,
14 in person, or both; and

15 (ii) the website where the online bidding may
16 take place, if applicable;

17 (G) the terms of the sale;

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

20 (H-1) in the case of a condominium unit to which
21 subsection (g) of Section 9 of the Condominium
22 Property Act applies, the statement required by
23 subdivision (g)(5) of Section 9 of the Condominium
24 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
5 in 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
18 with a certificate of counsel or other proof that notice
19 has 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 or post on its website the date, time,
4 and place upon which the adjourned sale shall be held.

5 Notwithstanding any language to the contrary, for any
6 adjourned sale that is to be conducted more than 60 days
7 after the date on which it was to first be held, the party
8 giving notice of such sale shall again give notice in
9 accordance with this Section.

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

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

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

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

25 (e) Receipt upon Sale. Following ~~Upon and at~~ the sale of
26 mortgaged real estate, the person conducting the sale shall

1 give to the purchaser a receipt of sale. The receipt shall
2 describe the real estate purchased and shall show the amount
3 bid, the amount paid, the total amount paid to date and the
4 amount still to be paid therefor. An additional receipt shall
5 be given at the time of each subsequent payment.

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

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

20 (Source: P.A. 100-685, eff. 8-3-18.)

21 (735 ILCS 5/15-1507.2 new)

22 Sec. 15-1507.2. Online judicial sale.

23 (a) The sheriff or other person may conduct the sale
24 online in accordance with this Article.

25 (b) The sheriff or other person may engage a third-party

1 online sale provider to assist with performance of the online
2 sale. Any third-party online sale provider engaged by a
3 sheriff must be acquired through a process that confirms that
4 the provider meets the requirements set forth in this Article.

5 (c) In this Section, "third-party online sale provider"
6 means any sale platform or services provider that is not the
7 person conducting the sale or a party to the case involving the
8 judicial sale and that is engaged by the person conducting the
9 sale to assist with conducting the sale online in accordance
10 with State law.

11 (d) The sheriff or other person may charge an additional
12 fee payable upon the completion of the sale as a reasonable
13 expense of the sale for costs associated with conducting the
14 sale online as approved by the court.

15 (e) For any foreclosure involving residential real estate,
16 such fee must not to exceed \$400, unless a higher fee is
17 otherwise approved by the court. Any fees not charged as a cost
18 in the case may be agreed to and paid directly by the judge,
19 sheriff, other person conducting the sale or a party to the
20 case without limitation. The fees charged under this Section
21 shall not reduce or impact the sheriff's fees set for in
22 Section 4-5001 and 4-12001 of the Counties Code.

23 (f) To conduct a sale online, the sheriff or other person
24 conducting the sale must demonstrate to the court's
25 satisfaction documented processes and procedures for
26 conducting online auctions, adequate record keeping, and the

1 ability to comply with the requirements in this Article.

2 (g) If the sale takes place both online and in person, all
3 bids accepted during the auction shall be simultaneously
4 announced at the in-person sale and visible to the public
5 online at the time the bids are placed. Any maximum bid amounts
6 provided by bidders ahead of the sale shall not be visible to
7 the public until the bid is placed.

8 (h) There shall be no fee charged to the public to view
9 properties for sale online or to participate in any auction in
10 person or online.

11 (i) Any third-party online sale provider may not maintain
12 custody of sale funds on behalf of the judge, sheriff, or other
13 person conducting the sale unless specifically approved by the
14 court to maintain custody of funds on their behalf.

15 (j) The sheriff or other person conducting the sale shall
16 require a person seeking to bid electronically online to
17 complete a registration process that includes providing
18 information relevant to properly identify the bidder, contact
19 the bidder, and complete the sale of the property as
20 determined by the sheriff or other person conducting the sale.

21 (k) If the person registering to bid is an individual, the
22 information required shall include the individual's name,
23 electronic mail address, and telephone number.

24 (l) If the person registering to bid is an entity, the
25 information required in this Section shall include the
26 entity's legal name, name of an individual contact person for

1 the entity, electronic mail address, and telephone number.

2 (m) The sheriff or other person conducting the sale online
3 shall require all bidders who wish to participate in bidding
4 online to have their identity verified through an
5 identification verification process before a bid can be placed
6 online, which may include verification through a government
7 issued identification, biometric verification, or other method
8 of verification as determined by the judge, sheriff, or other
9 person conducting the sale. If a bidder's identity cannot be
10 verified through the verification process, then the bidder may
11 be prohibited from participating in the online sale.

12 (n) The purchaser at the sale shall submit to the person
13 conducting the sale the following information prior to the
14 sale being finalized:

15 (1) All winning purchasers shall provide any required
16 information to be checked against the federal Office for
17 Foreign Assets Control sanction list by the person
18 conducting the sale before finalizing the purchase of the
19 property. The person conducting the sale shall check the
20 winning purchaser against the sanction list before an
21 order approving the sale may be entered.

22 (2) If the purchaser is an individual, the information
23 shall include the individual's name, physical mailing
24 address, electronic mail address, and any other
25 information requested by the person conducting the sale to
26 adequately identify and contact the purchaser;

1 (3) If the purchaser is an entity, the information
2 shall include the entity's legal name, trade name if
3 different from its legal name, state and date of
4 formation, mailing address, proof of business registration
5 with the State of Illinois, and the name of an individual
6 contact person for the entity, electronic mail address,
7 and the person's telephone number.

8 (4) If the purchaser fails to provide the required
9 information within the time period designated by the
10 judge, sheriff, or other person conducting the sale, the
11 purchaser is in default and the judge, sheriff, or other
12 person conducting the sale may void the sale and proceed
13 with a resale.

14 (o) Any person conducting a sale online must obtain
15 evidence of satisfactory internal informational security
16 controls that meet industry standards and are maintained by
17 the platform used to conduct online sales. Upon the request of
18 the court or interested party to the case, the person
19 conducting the sale shall provide such evidence of
20 satisfactory internal controls regarding data security that
21 may be in the form of an annual SOC2 Report, with the ability
22 to test and report on the design effectiveness (Type 1) and
23 operating effectiveness (Type 2) of the platform's controls,
24 or another form acceptable to the court ensuring performance
25 and security requirements are met.

26 (p) The person conducting the sale and the third-party

1 online sale provider may engage in activities to promote and
2 market the sale to encourage and facilitate bidding, including
3 listing the property on real estate websites and conduct email
4 campaigns. The person conducting the sale or the third-party
5 online sale provider is solely responsible for paying all fees
6 or expenses incurred in connection with such activities.

7 (735 ILCS 5/15-1510.1 new)

8 Sec. 15-1510.1. Third-party purchaser fees and costs.
9 Notwithstanding any other provision of law to the contrary,
10 for the sale of residential real estate, no fee, including a
11 buyer's premium, may be charged to a third-party bidder or
12 purchaser who is not a party to the case at the sale of real
13 estate under this Article beyond the winning bid amount to
14 cover an expense of sale.