

1 AN ACT concerning civil procedure.

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 9-111 and 12-903 as follows:

6 (735 ILCS 5/9-111) (from Ch. 110, par. 9-111)
7 Sec. 9-111. Condominium property.

8 (a) As to property subject to the provisions of the
9 "Condominium Property Act", approved June 20, 1963, as
10 amended, when the action is based upon the failure of an
11 owner of a unit therein to pay when due his or her
12 proportionate share of the common expenses of the property,
13 or of any other expenses lawfully agreed upon or the amount
14 of any unpaid fine, and if the court finds that the expenses
15 or fines are due to the plaintiff, the plaintiff shall be
16 entitled to the possession of the whole of the premises
17 claimed, and judgment in favor of the plaintiff shall be
18 entered for the possession thereof and for the amount found
19 due by the court including interest and late charges, if any,
20 together with reasonable attorney's fees, if any, and for the
21 plaintiff's costs. The awarding of reasonable attorney's fees
22 shall be pursuant to the standards set forth in subsection
23 (b) of this Section 9-111. The court shall, by order, stay
24 the enforcement of the judgment for possession for a period
25 of not less than 60 days from the date of the judgment and
26 may stay the enforcement of the judgment for a period not to
27 exceed 180 days from such date. Any judgment for money or
28 any rent assignment under subsection (b) of Section 9-104.2
29 is not subject to this stay. The judgment for possession is
30 not subject to an exemption of homestead under Part 9 of
31 Article XII of this Code. If at any time, either during or

1 after the period of stay, the defendant pays such expenses
2 found due by the court, and costs, and reasonable attorney's
3 fees as fixed by the court, and the defendant is not in
4 arrears on his or her share of the common expenses for the
5 period subsequent to that covered by the judgment, the
6 defendant may file a motion to vacate the judgment in the
7 court in which the judgment was entered, and, if the court,
8 upon the hearing of such motion, is satisfied that the
9 default in payment of the proportionate share of expenses has
10 been cured, and if the court finds that the premises are not
11 presently let by the board of managers as provided in Section
12 9-111.1 of this Act, the judgment shall be vacated. If the
13 premises are being let by the board of managers as provided
14 in Section 9-111.1 of this Act, when any judgment is sought
15 to be vacated, the court shall vacate the judgment effective
16 concurrent with the expiration of the lease term. Unless
17 defendant files such motion to vacate in the court or the
18 judgment is otherwise stayed, enforcement of the judgment may
19 proceed immediately upon the expiration of the period of stay
20 and all rights of the defendant to possession of his or her
21 unit shall cease and determine until the date that the
22 judgment may thereafter be vacated in accordance with the
23 foregoing provisions, and notwithstanding payment of the
24 amount of any money judgment if the unit owner or occupant is
25 in arrears for the period after the date of entry of the
26 judgment as provided in this Section. Nothing herein
27 contained shall be construed as affecting the right of the
28 board of managers, or its agents, to any lawful remedy or
29 relief other than that provided by Part 1 of Article IX of
30 this Act.

31 This amendatory Act of the 92nd General Assembly is
32 intended as a clarification of existing law and not as a new
33 enactment.

34 (b) For purposes of determining reasonable attorney's

1 fees under subsection (a), the court shall consider:

2 (i) the time expended by the attorney;

3 (ii) the reasonableness of the hourly rate for the
4 work performed;

5 (iii) the reasonableness of the amount of time
6 expended for the work performed; and

7 (iv) the amount in controversy and the nature of
8 the action.

9 (Source: P.A. 91-196, eff. 7-20-99.)

10 (735 ILCS 5/12-903) (from Ch. 110, par. 12-903)

11 Sec. 12-903. Extent of exemption. No property shall, by
12 virtue of Part 9 of Article XII of this Act, be exempt from
13 sale for nonpayment of taxes or assessments, or for a debt or
14 liability incurred for the purchase or improvement thereof,
15 or for enforcement of a lien thereon ~~for nonpayment of common~~
16 ~~expenses~~ pursuant to paragraph (g)(1) of Section 9 of the
17 "Condominium Property Act", approved June 20, 1963, as
18 amended, or be exempt from enforcement of a judgment for
19 possession pursuant to paragraph (a)(7) or (a)(8) of Section
20 9-102 of this Code.

21 This amendatory Act of the 92nd General Assembly is
22 intended as a clarification of existing law and not as a new
23 enactment.

24 (Source: P.A. 83-707.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.