



Rep. Amy Briel

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10400HB4461ham001

LRB104 16887 BAB 35806 a

1 AMENDMENT TO HOUSE BILL 4461

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4461 on page 3,  
3 immediately below line 26, by inserting the following:

4 "Section 10. The Code of Civil Procedure is amended by  
5 changing Section 12-101 as follows:

6 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

7 Sec. 12-101. Lien of judgment. With respect to the  
8 creation of liens on real estate by judgments, all real estate  
9 in the State of Illinois is divided into 2 classes.

10 The first class consists of all real property, the title  
11 to which is registered under "An Act concerning land titles",  
12 approved May 1, 1897, as amended.

13 The second class consists of all real property not  
14 registered under "An Act concerning land titles".

15 As to real estate in class one, a judgment is a lien on the  
16 real estate of the person against whom it is entered for the

1 same period as in class two, when Section 85 of "An Act  
2 concerning land titles", has been complied with.

3 As to real estate included within class two, a judgment is  
4 a lien on the real estate of the person against whom it is  
5 entered in any county in this State, including the county in  
6 which it is entered, only from the time a transcript,  
7 certified copy or memorandum of the judgment is filed in the  
8 office of the recorder in the county in which the real estate  
9 is located. The lien may be foreclosed by an action brought in  
10 the name of the judgment creditor or its assignee of record  
11 under Article XV in the same manner as a mortgage of real  
12 property, except that the redemption period shall be 6 months  
13 from the date of sale and the real estate homestead exemption  
14 under Section 12-901 shall apply. A judgment resulting from  
15 the entry of an order requiring child support payments shall  
16 be a lien upon the real estate of the person obligated to make  
17 the child support payments, but shall not be enforceable in  
18 any county of this State until a transcript, certified copy,  
19 or memorandum of the lien is filed in the office of the  
20 recorder in the county in which the real estate is located. Any  
21 lien hereunder arising out of an order for support shall be a  
22 lien only as to and from the time that an installment or  
23 payment is due under the terms of the order. Further, the order  
24 for support shall not be a lien on real estate to the extent of  
25 payments made as evidenced by the records of the Clerk of the  
26 Circuit Court or State agency receiving payments pursuant to

1 the order. In the event payments made pursuant to that order  
2 are not paid to the Clerk of the Circuit Court or a State  
3 agency, then each lien imposed by this Section may be released  
4 in the following manner:

5 (a) A Notice of Filing and an affidavit stating that  
6 all installments of child support required to be paid  
7 pursuant to the order under which the lien or liens were  
8 imposed have been paid shall be filed with the office of  
9 recorder in each county in which each such lien appears of  
10 record, together with proof of service of such notice and  
11 affidavit upon the recipient of such payments.

12 (b) Service of such affidavit shall be by any means  
13 authorized under Sections 2-203 and 2-208 of the Code of  
14 Civil Procedure or under Supreme Court Rules 11 or 105(b).

15 (c) The Notice of Filing shall set forth the name and  
16 address of the judgment debtor and the judgment creditor,  
17 the court file number of the order giving rise to the  
18 judgment and, in capital letters, the following statement:

19 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE  
20 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER  
21 OF .... COUNTY, ILLINOIS, WHOSE ADDRESS IS .....,  
22 ILLINOIS. IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE,  
23 YOU FAIL TO FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF  
24 THE STATED JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE,  
25 SUCH JUDGMENT LIEN WILL BE DEEMED TO BE RELEASED AND NO  
26 LONGER SUBJECT TO FORECLOSURE. THIS RELEASE OF LIEN WILL

1 NOT ACT AS A SATISFACTION OF SUCH JUDGMENT.

2 (d) If no affidavit objecting to the release of the  
3 lien or liens is filed within 28 days of the Notice  
4 described in paragraph (c) of this Section such lien or  
5 liens shall be deemed to be released and no longer subject  
6 to foreclosure.

7 A judgment is not a lien on real estate for longer than 7  
8 years from the time it is entered or revived, unless the  
9 judgment is revived within 7 years after its entry or last  
10 revival and a new memorandum of judgment is recorded prior to  
11 the judgment and its recorded memorandum of judgment becoming  
12 dormant.

13 When a judgment is revived it is a lien on the real estate  
14 of the person against whom it was entered in any county in this  
15 State from the time a transcript, certified copy or memorandum  
16 of the order of revival is filed in the office of the recorder  
17 in the county in which the real estate is located.

18 A foreign judgment registered or filed pursuant to  
19 Sections 12-630 through 12-672 of this Act is a lien upon the  
20 real estate of the person against whom it was entered only from  
21 the time (1) a copy of the affidavit required by Section 12-653  
22 with a copy of the foreign judgment attached showing the  
23 filing in a court of this State or (2) a transcript, certified  
24 copy or memorandum of a final judgment of the court of this  
25 State entered on an action to enforce a foreign judgment is  
26 filed in the office of the recorder in the county in which the

1 real estate is located. However, no such judgment shall be a  
2 lien on any real estate registered under "An Act concerning  
3 land titles", as amended, until Section 85 of that Act has been  
4 complied with.

5 The release of any transcript, certified copy or  
6 memorandum of judgment or order of revival which has been  
7 recorded shall be filed by the person receiving the release in  
8 the office of the recorder in which such judgment or order has  
9 been recorded.

10 Such release shall contain in legible letters a statement  
11 as follows:

12 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE  
13 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN  
14 WHOSE OFFICE THE LIEN WAS FILED.

15 The term "memorandum" as used in this Section means a  
16 memorandum or copy of the judgment signed by a judge or a copy  
17 attested by the clerk of the court entering it and showing the  
18 court in which entered, date, amount, number of the case in  
19 which it was entered, name of the party in whose favor and name  
20 and last known address of the party against whom entered. If  
21 the address of the party against whom the judgment was entered  
22 is not known, the memorandum or copy of judgment shall so  
23 state.

24 The term "memorandum" as used in this Section also means a  
25 memorandum or copy of a child support order signed by a judge  
26 or a copy attested by the clerk of the court entering it or a

1 copy attested by the administrative body entering it.

2 This Section shall not be construed as showing an  
3 intention of the legislature to create a new classification of  
4 real estate, but shall be construed as showing an intention of  
5 the legislature to continue a classification already existing.

6 No judgment relating to unpaid medical debt may create a  
7 lien on real property owned by the patient against whom the  
8 judgment is entered that is the primary residence of the  
9 patient.

10 (Source: P.A. 97-350, eff. 1-1-12; 98-557, eff. 1-1-14.)".