



Sen. Laura M. Murphy

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10400SB0704sam001

LRB104 07002 BAB 24704 a

1 AMENDMENT TO SENATE BILL 704

2 AMENDMENT NO. _____. Amend Senate Bill 704 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abandoned Mobile Home Act is amended by
5 changing Section 10.1 as follows:

6 (210 ILCS 117/10.1)

7 Sec. 10.1. Right to declare mobile homes abandoned
8 ~~Proceedings.~~

9 (a) (Blank). ~~A proceeding to remove an abandoned mobile~~
10 ~~home may be maintained by the mobile home park owner or~~
11 ~~operator in the circuit court in the county in which the~~
12 ~~manufactured home is situated.~~

13 (b) A mobile home park owner or operator may provide an
14 affidavit of abandonment to the Secretary of State ~~commence a~~
15 ~~proceeding to obtain a judgment of the court~~ declaring that a
16 manufactured home has been abandoned upon proof of all of the

1 following:

2 (1) the mobile home has been vacant:

3 (A) for 60 days and lot rent is more than 60 days
4 in default; or

5 (B) for 30 days after an eviction order has been
6 entered; and

7 (2) at least 30 days before providing the affidavit of
8 abandonment to the Secretary of State, a notice has been
9 sent by certified mail to all title owners and lien
10 holders and the last person who paid the privilege tax.
11 The notice must also be published in a newspaper once a
12 week for 3 consecutive weeks during the 30-day period
13 before the affidavit is filed. The notice must contain
14 protective language stating that the manufactured home
15 owner can prevent the transfer of title by paying the
16 outstanding balance on the mobile home's rent.

17 ~~(1) The manufactured home has been vacant for a period~~
18 ~~of not less than 180 days without notice to the mobile home~~
19 ~~park owner or operator; however, the period shall be 90~~
20 ~~days if a judgment of eviction with respect to the~~
21 ~~manufactured home has been entered.~~

22 ~~(2) The manufactured home resident has defaulted in~~
23 ~~the payment of rent for a period of more than 60 days.~~

24 ~~(3) At least 30 days before commencing the proceeding,~~
25 ~~the mobile home park owner or operator has notified all~~
26 ~~known holders of liens against the manufactured home,~~

~~manufactured home owners, and manufactured home residents to the last known address by certified mail, return receipt requested. The notice shall also be sent by certified mail, return receipt requested, to the last person who paid the mobile home privilege tax on the mobile home as shown on the records of the county treasurer of the county where the mobile home is located. Before commencing a proceeding under this Act, the mobile home park owner or operator shall cause a search to be done to determine whether there are any lienholders with an existing interest in the manufactured home. The notice shall include a description of the manufactured home and its location, and that proceedings will be initiated by the mobile home park owner or operator under this Section for the removal and disposal of the manufactured home. The notice shall also describe the procedure for the manufactured home owner or manufactured home resident to retrieve any household goods or other personal property in the manufactured home before the conclusion of proceedings under this Section.~~

~~(4) At least 3 of the following factors apply:-~~

~~(A) the manufactured home has no owner currently residing in the home or authorized tenant of the owner currently residing in the home to the best knowledge of the mobile home park owner or operator;~~

~~(B) electricity, natural gas, sewer, and water~~

1 ~~utility services to the manufactured home have been~~
2 ~~terminated or disconnected by the utility provider or~~
3 ~~the mobile home park owner or operator;~~

4 ~~(C) the mobile home privilege tax, imposed under~~
5 ~~the Mobile Home Local Services Tax Act, is delinquent~~
6 ~~for at least 3 months;~~

7 ~~(D) the manufactured home is in a state of~~
8 ~~substantial disrepair that makes the manufactured home~~
9 ~~uninhabitable; or~~

10 ~~(E) other objective evidence of abandonment that~~
11 ~~the court finds reliable.~~

12 (c) (Blank). ~~A proceeding under this Act shall be~~
13 ~~commenced by filing a complaint naming as defendants all known~~
14 ~~holders of liens against the manufactured home, manufactured~~
15 ~~home owners, and manufactured home residents. The complaint~~
16 ~~shall comply with the requirements of a complaint under the~~
17 ~~Code of Civil Procedure. The summons shall state that if the~~
18 ~~defendant fails to answer and establish any defense that he or~~
19 ~~she may have, then he or she may be precluded from asserting~~
20 ~~such defense or the claim on which it is based in any other~~
21 ~~proceeding or action, that a final judgment may be entered if~~
22 ~~the court finds that the plaintiff has made the requisite~~
23 ~~showing, and that the result of that final judgment shall be~~
24 ~~the loss of the manufactured home resident's home. Service of~~
25 ~~the summons and complaint, return of process, and filing of an~~
26 ~~answer or other responsive pleading shall conform to the~~

1 ~~requirements of the Code of Civil Procedure and Supreme Court~~
2 ~~Rules.~~

3 (d) (Blank). ~~Upon the entry of a judgment that a~~
4 ~~manufactured home has been abandoned, the mobile home park~~
5 ~~owner or operator shall execute the judgment and cause the~~
6 ~~removal of the manufactured home from the mobile home park~~
7 ~~within 30 days after delivery of the judgment.~~

8 (e) (Blank). ~~The judgment shall clearly recite that a~~
9 ~~declaration of abandonment has been granted and that the~~
10 ~~manufactured home will be removed from the mobile home park no~~
11 ~~later than the 30th day after the delivery of the judgment~~
12 ~~unless an alternate disposition is ordered under subsection~~
13 ~~(f).~~

14 (f) The affidavit of abandonment shall clearly state that
15 the mobile home park owner or operator has met the
16 requirements of subsection (b) of Section 10.1 and no response
17 has been received from interested parties. The mobile home
18 park owner or operator shall attach copies of the following
19 documents in support of the abandonment:

20 (1) either a copy of:

21 (A) at least one notice of default addressed to
22 the tenant stating the rent is more than 60 days in
23 default; or

24 (B) a copy of the eviction order; and

25 (2) a copy of the notice required by paragraph (2) of
26 subsection (b) of Section 10.1 ~~As used in this subsection,~~

1 ~~"diligent inquiry" means sending a notice by certified~~
2 ~~mail to the last known address.~~

3 (f-5) Upon receiving title to the abandoned home, the
4 mobile home park owner or operator shall have the right to
5 remove the manufactured home or ~~in lieu of ordering the~~
6 ~~removal of a manufactured home, the court may, upon good cause~~
7 ~~shown,~~ provide for an alternate disposition of the
8 manufactured home, including, but not limited to, sale,
9 assignment of title, or destruction. When a manufactured home
10 is disposed of under this Section through a sale of the
11 manufactured home, the mobile home park owner or operator
12 shall, after payment of all outstanding rent, fees, costs, and
13 expenses to the community, and payment in priority order to
14 lienholders, including providers of any utility services, pay
15 any remaining balance to the title holder of the manufactured
16 home. If the title holder cannot be found through diligent
17 inquiry after 90 days, then the funds shall be forfeited.

18 (g) (Blank). ~~If any household goods or other personal~~
19 ~~property of the defendant remain in the manufactured home at~~
20 ~~the conclusion of proceedings under this Act, then the mobile~~
21 ~~home park owner or operator shall provide for the storage of~~
22 ~~the household goods and personal property for a period of not~~
23 ~~less than 30 days after the date of the final judgment of the~~
24 ~~court providing for the disposition of the manufactured home.~~
25 ~~If the household goods or other personal property are stored~~
26 ~~in a self storage facility, then an amount equal to the~~

1 ~~charges imposed for such storage may be recovered from the~~
2 ~~defendant. Upon the expiration of such period, the mobile home~~
3 ~~park owner or operator: (1) has no further liability for the~~
4 ~~storage or safekeeping of such household goods or personal~~
5 ~~property; and (2) may provide for the destruction or other~~
6 ~~disposition of such household goods or personal property. At~~
7 ~~least 20 days before removing any household goods or other~~
8 ~~personal property of the defendant that remains in the~~
9 ~~manufactured home at the conclusion of proceedings under this~~
10 ~~Act, the mobile home park owner or operator shall send all~~
11 ~~known manufactured home owners and manufactured home residents~~
12 ~~written notice to the last known address by certified mail,~~
13 ~~return receipt requested. The notice shall include a~~
14 ~~description of the procedures, deadlines, and costs for the~~
15 ~~retrieval of items being stored in accordance with this~~
16 ~~subsection (g).~~

17 (Source: P.A. 100-1083, eff. 1-1-19.)".