



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2951

Introduced 1/27/2026, by Sen. Robert F. Martwick

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-115	from Ch. 110, par. 13-115
735 ILCS 5/13-206	from Ch. 110, par. 13-206
755 ILCS 5/20-6	from Ch. 110 1/2, par. 20-6

Amends the Code of Civil Procedure. Provides that any indebtedness of any kind that is secured by a mortgage or deed of trust in the nature of a mortgage has a 10-year period to commence an action. Amends the Probate Act of 1975. Provides that in any proceeding to sell or mortgage real estate, if the secured creditors cannot be satisfied in full, then the court shall not direct the sale without the secured creditors' approval to accept partial satisfaction; and if the secured creditors cannot be satisfied in full, a sale of the property is not considered necessary for the proper administration of the estate. Effective immediately.

LRB104 20377 JRC 33834 b

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 13-115 and 13-206 as follows:

6 (735 ILCS 5/13-115) (from Ch. 110, par. 13-115)

7 Sec. 13-115. Foreclosure of mortgage. No person shall  
8 commence an action or make a sale to foreclose any mortgage or  
9 deed of trust in the nature of a mortgage, unless within 10  
10 years after the right of action or right to make such sale  
11 accrues. Any indebtedness of any kind that is secured by a  
12 mortgage or deed of trust in the nature of a mortgage shall  
13 also have a 10-year period to commence an action.

14 (Source: P.A. 82-280.)

15 (735 ILCS 5/13-206) (from Ch. 110, par. 13-206)

16 Sec. 13-206. Ten year limitation. Except as provided in  
17 Section 2-725 of the "Uniform Commercial Code", actions on  
18 bonds, promissory notes, bills of exchange, written leases,  
19 written contracts, any indebtedness of any kind that is  
20 secured by a mortgage, or other evidences of indebtedness in  
21 writing and actions brought under the Illinois Wage Payment  
22 and Collection Act shall be commenced within 10 years next

1 after the cause of action accrued; but if any payment or new  
2 promise to pay has been made, in writing, on any bond, note,  
3 bill, lease, contract, or other written evidence of  
4 indebtedness, within or after the period of 10 years, then an  
5 action may be commenced thereon at any time within 10 years  
6 after the time of such payment or promise to pay. For purposes  
7 of this Section, with regard to promissory notes dated on or  
8 after the effective date of this amendatory Act of 1997, a  
9 cause of action on a promissory note payable at a definite date  
10 accrues on the due date or date stated in the promissory note  
11 or the date upon which the promissory note is accelerated.  
12 With respect to a demand promissory note dated on or after the  
13 effective date of this amendatory Act of 1997, if a demand for  
14 payment is made to the maker of the demand promissory note, an  
15 action to enforce the obligation of a party to pay the demand  
16 promissory note must be commenced within 10 years after the  
17 demand. An action to enforce a demand promissory note is  
18 barred if neither principal nor interest on the demand  
19 promissory note has been paid for a continuous period of 10  
20 years and no demand for payment has been made to the maker  
21 during that period.

22 (Source: P.A. 95-209, eff. 8-16-07.)

23 Section 10. The Probate Act of 1975 is amended by changing  
24 Section 20-6 as follows:

1 (755 ILCS 5/20-6) (from Ch. 110 1/2, par. 20-6)  
2 Sec. 20-6. Power of court.) In any proceeding to sell or  
3 mortgage real estate the court may:

4 (a) investigate and determine all questions of conflicting  
5 and controverted titles arising between any of the parties,  
6 remove clouds from any title or interest involved therein, and  
7 invest the mortgagee or purchaser with a good and indefeasible  
8 title to the property sold or mortgaged;

9 (b) direct the sale or mortgage of the property free of all  
10 mortgage, judgment or other liens that are due, provide for  
11 the satisfaction of all those liens out of the proceeds of the  
12 sale or mortgage and settle and adjust all equities and all  
13 questions of priority among all interested persons; however,  
14 if secured creditors cannot be satisfied in full, then the  
15 court shall not direct the sale without the secured creditors'  
16 approval to accept partial satisfaction; and if the secured  
17 creditors cannot be satisfied in full, a sale of the property  
18 is not considered necessary for the proper administration of  
19 the estate;

20 (c) with the assent of the owner of a mortgage lien that is  
21 not due, direct that the property be sold or mortgaged free of  
22 the lien and provide for the satisfaction of the lien out of  
23 the proceeds of the sale or mortgage;

24 (d) set off the homestead and order the sale of the balance  
25 of the premises, or if the value of the premises exceeds the  
26 exemption and the premises cannot be divided, the court may

1 order the sale of the whole free of homestead with or without  
2 the consent of the person entitled thereto and shall ascertain  
3 the value of the homestead and shall order that a sum of money  
4 equal to the gross value of the homestead be paid from the  
5 proceeds of the sale to the person entitled thereto;

6 (e) upon the filing in court of the written consent of the  
7 person entitled to an estate for life or for years, order the  
8 sale or mortgage free of the estate, but the court shall  
9 ascertain the value of the estate and order that a sum of money  
10 equal to the gross value of the estate be paid from the  
11 proceeds of the sale or mortgage to the person entitled  
12 thereto or that a proper proportion of the proceeds of the sale  
13 or mortgage as ascertained by the court be invested and the  
14 income paid to the person entitled thereto during the  
15 continuance of the estate;

16 (f) direct the sale of the property free of any lien or  
17 claim for lien of this State (except the lien for general  
18 taxes), provide for the satisfaction of the lien or claim for  
19 lien out of the proceeds of sale according to its relative  
20 priority in respect to other liens to the extent the proceeds  
21 are available, and adjudicate the priority of the State's lien  
22 or claim for lien with respect to all other liens against the  
23 property. The petition must describe the lien of the State.  
24 Not less than 20 days before the hearing on the petition, the  
25 petitioner must notify the Attorney General of the filing of  
26 the petition by delivering or mailing 2 copies of the petition

1 to the Attorney General's office in Springfield, Illinois. The  
2 petitioner must file proof of the delivery or mailing in the  
3 proceeding in which the estate is being administered. The  
4 Attorney General may intervene and take such action as he  
5 deems expedient to protect the interest of the State.

6 (Source: P.A. 79-328.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.