



Rep. Joe Sosnowski

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10000HB5176ham001

LRB100 19318 HLH 38486 a

1 AMENDMENT TO HOUSE BILL 5176

2 AMENDMENT NO. _____. Amend House Bill 5176 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 15-1507 as follows:

6 (735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

7 Sec. 15-1507. Judicial Sale.

8 (a) In General. Except as provided in Sections 15-1402 and
9 15-1403, upon entry of a judgment of foreclosure, the real
10 estate which is the subject of the judgment shall be sold at a
11 judicial sale in accordance with this Section 15-1507.

12 (b) Sale Procedures. Upon expiration of the reinstatement
13 period and the redemption period in accordance with subsection
14 (b) or (c) of Section 15-1603 or upon the entry of a judgment
15 of foreclosure after the waiver of all rights of redemption,
16 except as provided in subsection (g) of Section 15-1506, the

1 real estate shall be sold at a sale as provided in this
2 Article, on such terms and conditions as shall be specified by
3 the court in the judgment of foreclosure. A sale may be
4 conducted by any judge or sheriff.

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

8 (1) The notice of sale shall include at least the
9 following information, but an immaterial error in the
10 information shall not invalidate the legal effect of the
11 notice:

12 (A) the name, address and telephone number of the
13 person to contact for information regarding the real
14 estate;

15 (B) the common address and other common
16 description (other than legal description), if any, of
17 the real estate;

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

20 (D) a description of the improvements on the real
21 estate;

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

24 (F) the time and place of the sale;

25 (G) the terms of the sale;

26 (H) the case title, case number and the court in

1 which the foreclosure was filed;

2 (H-1) in the case of a condominium unit to which
3 subsection (g) of Section 9 of the Condominium Property
4 Act applies, the statement required by subdivision
5 (g) (5) of Section 9 of the Condominium Property Act;

6 (H-2) in the case of a unit of a common interest
7 community to which subsection (g-1) of Section 18.5 of
8 the Condominium Property Act applies, the statement
9 required by subdivision (g-1) of Section 18.5 of the
10 Condominium Property Act; and

11 (I) such other information ordered by the Court.

12 (2) The notice of sale shall be published at least 3
13 consecutive calendar weeks (Sunday through Saturday), once
14 in each week, the first such notice to be published not
15 more than 45 days prior to the sale, the last such notice
16 to be published not less than 7 days prior to the sale, by:
17 (i) (A) advertisements in a newspaper circulated to the
18 general public in the county in which the real estate is
19 located, in the section of that newspaper where legal
20 notices are commonly placed and (B) separate
21 advertisements in the section of such a newspaper, which
22 (except in counties with a population in excess of
23 3,000,000) may be the same newspaper, in which real estate
24 other than real estate being sold as part of legal
25 proceedings is commonly advertised to the general public;
26 provided, that the separate advertisements in the real

1 estate section need not include a legal description and
2 that where both advertisements could be published in the
3 same newspaper and that newspaper does not have separate
4 legal notices and real estate advertisement sections, a
5 single advertisement with the legal description shall be
6 sufficient; in counties with a population of more than
7 3,000,000, the notice required by this item (B) shall be
8 published in a newspaper different from the newspaper that
9 publishes the notice required by item (A), and the
10 newspaper in which the notice required by this item (B) is
11 published shall be a newspaper published in the township in
12 which the real estate is located; and (ii) such other
13 publications as may be further ordered by the court.

14 (3) The party who gives notice of public sale in
15 accordance with subsection (c) of Section 15-1507 shall
16 also give notice to all parties in the action who have
17 appeared and have not theretofore been found by the court
18 to be in default for failure to plead. Such notice shall be
19 given in the manner provided in the applicable rules of
20 court for service of papers other than process and
21 complaint, not more than 45 days nor less than 7 days prior
22 to the day of sale. After notice is given as required in
23 this Section a copy thereof shall be filed in the office of
24 the clerk of the court entering the judgment, together with
25 a certificate of counsel or other proof that notice has
26 been served in compliance with this Section.

1 (4) The party who gives notice of public sale in
2 accordance with subsection (c) of Section 15-1507 shall
3 again give notice in accordance with that Section of any
4 adjourned sale; provided, however, that if the adjourned
5 sale is to occur less than 60 days after the last scheduled
6 sale, notice of any adjourned sale need not be given
7 pursuant to this Section. In the event of adjournment, the
8 person conducting the sale shall, upon adjournment,
9 announce the date, time and place upon which the adjourned
10 sale shall be held. Notwithstanding any language to the
11 contrary, for any adjourned sale that is to be conducted
12 more than 60 days after the date on which it was to first
13 be held, the party giving notice of such sale shall again
14 give notice in accordance with this Section.

15 (5) Notice of the sale may be given prior to the
16 expiration of any reinstatement period or redemption
17 period.

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

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

24 (d) Election of Property. If the real estate which is the
25 subject of a judgment of foreclosure is susceptible of
26 division, the court may order it to be sold as necessary to

1 satisfy the judgment. The court shall determine which real
2 estate shall be sold, and the court may determine the order in
3 which separate tracts may be sold.

4 (e) Receipt upon Sale. Upon and at the sale of mortgaged
5 real estate, the person conducting the sale shall give to the
6 purchaser a receipt of sale. The receipt shall describe the
7 real estate purchased and shall show the amount bid, the amount
8 paid, the total amount paid to date and the amount still to be
9 paid therefor. An additional receipt shall be given at the time
10 of each subsequent payment.

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

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

25 (Source: P.A. 96-1045, eff. 7-14-10.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".