



Sen. David Koehler

Filed: 3/4/2020

10100SB2489sam002

LRB101 16662 LNS 71094 a

1 AMENDMENT TO SENATE BILL 2489

2 AMENDMENT NO. _____. Amend Senate Bill 2489 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 9-102 as follows:

6 (735 ILCS 5/9-102) (from Ch. 110, par. 9-102)

7 Sec. 9-102. When action may be maintained.

8 (a) The person entitled to the possession of lands or
9 tenements may be restored thereto under any of the following
10 circumstances:

11 (1) When a forcible entry is made thereon.

12 (2) When a peaceable entry is made and the possession
13 unlawfully withheld.

14 (3) When entry is made into vacant or unoccupied lands
15 or tenements without right or title.

16 (4) When any lessee of the lands or tenements, or any

1 person holding under such lessee, holds possession without
2 right after the termination of the lease or tenancy by its
3 own limitation, condition or terms, or by notice to quit or
4 otherwise.

5 (5) When a vendee having obtained possession under a
6 written or verbal agreement to purchase lands or tenements,
7 and having failed to comply with the agreement, withholds
8 possession thereof, after demand in writing by the person
9 entitled to such possession; ~~provided, however, that any~~
10 ~~such~~ agreement for residential real estate entered into on
11 or after July 1, 1987 that is an installment sales
12 contract, as defined in the Installment Sales Contract Act,
13 and the amount unpaid under the terms of the contract at
14 the time of the filing of the foreclosure complaint,
15 including principal and due and unpaid interest, at the
16 rate prior to default, is less than 80% of the original
17 purchase price of the real estate as stated in the
18 contract, as required under paragraph (2) of subsection (a)
19 of Section 15-1106 of the Illinois Mortgage Foreclosure
20 Law, is subject to foreclosure entered into on or after
21 July 1, 1987 where the purchase price is to be paid in
22 installments over a period in excess of 5 years and the
23 amount unpaid under the terms of the contract at the time
24 of the filing of a foreclosure complaint under Article XV,
25 including principal and due and unpaid interest, is less
26 than 80% of the original purchase price shall be foreclosed

1 ~~under the Illinois Mortgage Foreclosure Law.~~

2 This amendatory Act of 1993 is declarative of existing
3 law.

4 (6) When lands or tenements have been conveyed by any
5 grantor in possession, or sold under the order or judgment
6 of any court in this State, or by virtue of any sale in any
7 mortgage or deed of trust contained and the grantor in
8 possession or party to such order or judgment or to such
9 mortgage or deed of trust, after the expiration of the time
10 of redemption, when redemption is allowed by law, refuses
11 or neglects to surrender possession thereof, after demand
12 in writing by the person entitled thereto, or his or her
13 agent.

14 (7) When any property is subject to the provisions of
15 the Condominium Property Act, the owner of a unit fails or
16 refuses to pay when due his or her proportionate share of
17 the common expenses of such property, or of any other
18 expenses lawfully agreed upon or any unpaid fine, the Board
19 of Managers or its agents have served the demand set forth
20 in Section 9-104.1 of this Article in the manner provided
21 for in that Section and the unit owner has failed to pay
22 the amount claimed within the time prescribed in the
23 demand; or if the lessor-owner of a unit fails to comply
24 with the leasing requirements prescribed by subsection (n)
25 of Section 18 of the Condominium Property Act or by the
26 declaration, by-laws, and rules and regulations of the

1 condominium, or if a lessee of an owner is in breach of any
2 covenants, rules, regulations, or by-laws of the
3 condominium, and the Board of Managers or its agents have
4 served the demand set forth in Section 9-104.2 of this
5 Article in the manner provided in that Section.

6 (8) When any property is subject to the provisions of a
7 declaration establishing a common interest community and
8 requiring the unit owner to pay regular or special
9 assessments for the maintenance or repair of common areas
10 owned in common by all of the owners of the common interest
11 community or by the community association and maintained
12 for the use of the unit owners or of any other expenses of
13 the association lawfully agreed upon, and the unit owner
14 fails or refuses to pay when due his or her proportionate
15 share of such assessments or expenses and the board or its
16 agents have served the demand set forth in Section 9-104.1
17 of this Article in the manner provided for in that Section
18 and the unit owner has failed to pay the amount claimed
19 within the time prescribed in the demand.

20 (b) The provisions of paragraph (8) of subsection (a) of
21 Section 9-102 and Section 9-104.3 of this Act shall not apply
22 to any common interest community unless (1) the association is
23 a not-for-profit corporation or a limited liability company,
24 (2) unit owners are authorized to attend meetings of the board
25 of directors or board of managers of the association in the
26 same manner as provided for condominiums under the Condominium

1 Property Act, and (3) the board of managers or board of
2 directors of the common interest community association has,
3 subsequent to the effective date of this amendatory Act of 1984
4 voted to have the provisions of this Article apply to such
5 association and has delivered or mailed notice of such action
6 to the unit owners or unless the declaration of the association
7 is recorded after the effective date of this amendatory Act of
8 1985.

9 (c) For purposes of this Article:

10 (1) "Common interest community" means real estate
11 other than a condominium or cooperative with respect to
12 which any person by virtue of his or her ownership of a
13 partial interest or unit therein is obligated to pay for
14 maintenance, improvement, insurance premiums, or real
15 estate taxes of other real estate described in a
16 declaration which is administered by an association.

17 (2) "Declaration" means any duly recorded instruments,
18 however designated, that have created a common interest
19 community and any duly recorded amendments to those
20 instruments.

21 (3) "Unit" means a physical portion of the common
22 interest community designated by separate ownership or
23 occupancy by boundaries which are described in a
24 declaration.

25 (4) "Unit owners' association" or "association" means
26 the association of all owners of units in the common

1 interest community acting pursuant to the declaration.

2 (d) If the board of a common interest community elects to
3 have the provisions of this Article apply to such association
4 or the declaration of the association is recorded after the
5 effective date of this amendatory Act of 1985, the provisions
6 of subsections (c) through (h) of Section 18.5 of the
7 Condominium Property Act applicable to a Master Association and
8 condominium unit subject to such association under subsections
9 (c) through (h) of Section 18.5 shall be applicable to the
10 community associations and to its unit owners.

11 (Source: P.A. 99-41, eff. 7-14-15.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."