



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3789

Introduced 5/30/2011, by Rep. Rich Brauer - Raymond Poe

SYNOPSIS AS INTRODUCED:

735 ILCS 5/15-1200.5 new	
735 ILCS 5/15-1506	from Ch. 110, par. 15-1506
735 ILCS 5/15-1508	from Ch. 110, par. 15-1508
735 ILCS 5/15-1508.8 new	
735 ILCS 5/15-1603	from Ch. 110, par. 15-1603

Amends the Code of Civil Procedure. Provides that "abandoned residential property" means residential real estate which the court finds is not occupied by a mortgagor or a bonafide occupant and as to which at least one of several listed circumstances exist. Describes designated circumstances when a property shall not be considered abandoned residential property. Provides a procedure for a motion to shorten the redemption period for abandoned residential property. Provides that upon confirmation of the judicial sale, any personal property remaining in or upon the abandoned residential property is deemed abandoned and may be disposed of or donated by the holder of the certificate of sale or the purchaser at the sale. Makes other and corresponding changes. Effective immediately.

LRB097 12216 AJO 56622 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 15-1506, 15-1508, and 15-1603 and by adding
6 Sections 15-1200.5 and 15-1508.8 as follows:

7 (735 ILCS 5/15-1200.5 new)

8 Sec. 15-1200.5. Abandoned residential property. "Abandoned
9 residential property" means residential real estate with
10 respect to which the mortgagee proves, by a preponderance of
11 the evidence, that the mortgaged real estate has been
12 abandoned. To determine that the property has been abandoned
13 the court must find the following:

14 (a) the mortgaged property is not actually occupied by a
15 mortgagor or other bona fide occupant; and

16 (b) at least one of the following applies:

17 (1) more than 5 attempts to contact the mortgagor have
18 been made, at least one by certified mail and one by
19 telephone, if there is a working telephone number for the
20 mortgagor; and at least 2 of the following supporting facts
21 are true:

22 (A) construction was initiated on the property and
23 was discontinued prior to completion, leaving the

1 building unsuitable for occupancy, and no lawful
2 construction has taken place for at least 6 months;

3 (B) the property has had more than one uncorrected
4 municipal code violation over the past year, or has
5 been unfit for occupancy and ordered to remain vacant
6 and unoccupied by the municipal authorities;

7 (C) gas, electric, or water service to the entire
8 premises has been terminated or is threatened with
9 termination;

10 (D) windows or entrances to the premises are
11 boarded up or closed off or multiple window panes are
12 broken and unrepaired;

13 (E) doors to the premises are smashed through,
14 broken off, unhinged, or continuously unlocked;

15 (F) the police or sheriff's office received at
16 least 2 reports of trespassers on the premises or of
17 vandalism or other illegal acts being committed on the
18 premises in the past 6 months;

19 (2) two or more attempts to contact the mortgagor have
20 been made and there exist written statements of the
21 mortgagor or the mortgagor's personal representatives or
22 assigns, including documents of conveyance, which indicate
23 a clear intent to abandon the premises; or

24 (3) two or more attempts to contact the mortgagor have
25 been made and the property is a vacant lot.

26 (c) For purposes of this Section, a property shall not be

1 considered abandoned residential property if, on the property:

2 (1) there is an unoccupied building which is undergoing
3 construction, renovation, or rehabilitation that is
4 proceeding diligently to completion, and the building is in
5 compliance with all applicable ordinances, codes,
6 regulations, and statutes;

7 (2) there is a building occupied on a seasonal basis,
8 but otherwise secure;

9 (3) there is a secure building on which there are
10 rental or sale signs;

11 (4) there is a building that is secure, but is the
12 subject of a probate action, action to quiet title, or
13 other ownership dispute; or

14 (5) there is otherwise a building that is secure and in
15 substantial compliance with all applicable ordinances,
16 codes, regulations, and statutes.

17 (d) Notwithstanding the provisions of this Section, if an
18 appearance by the mortgagor or other bona fide occupant is made
19 at or before the hearing on a motion brought to shorten the
20 redemption period pursuant to paragraph (4) of subsection (b)
21 of Section 15-1603, the mortgaged real estate shall not be
22 deemed to be abandoned residential property.

23 (735 ILCS 5/15-1506) (from Ch. 110, par. 15-1506)

24 Sec. 15-1506. Judgment. (a) Evidence. In the trial of a
25 foreclosure, the evidence to support the allegations of the

1 complaint shall be taken in open court, except:

2 (1) where an allegation of fact in the complaint is not
3 denied by a party's verified answer or verified counterclaim,
4 or where a party pursuant to subsection (b) of Section 2-610 of
5 the Code of Civil Procedure states, or is deemed to have
6 stated, in its pleading that it has no knowledge of such
7 allegation sufficient to form a belief and attaches the
8 required affidavit, a sworn verification of the complaint or a
9 separate affidavit setting forth such fact is sufficient
10 evidence thereof against such party and no further evidence of
11 such fact shall be required; and

12 (2) where all the allegations of fact in the complaint have
13 been proved by verification of the complaint or affidavit, the
14 court upon motion supported by an affidavit stating the amount
15 which is due the mortgagee, shall enter a judgment of
16 foreclosure as requested in the complaint.

17 (b) Instruments. In all cases the evidence of the
18 indebtedness and the mortgage foreclosed shall be exhibited to
19 the court and appropriately marked, and copies thereof shall be
20 filed with the court.

21 (c) Summary and Default Judgments. Nothing in this Section
22 15-1506 shall prevent a party from obtaining a summary or
23 default judgment authorized by Article II of the Code of Civil
24 Procedure. If the mortgagee files a motion to shorten the
25 redemption period pursuant to paragraph (4) of subsection (b)
26 of Section 15-1603 on or before the date of filing a motion for

1 entry of a default judgment, the motion shall be set before the
2 court within 30 days after the filing of the motion for
3 default, unless the motion brought under paragraph (4) of
4 subsection (b) Section 15-1603 has already been heard and
5 denied by the court.

6 (d) Notice of Entry of Default. When any judgment in a
7 foreclosure is entered by default, notice of such judgment
8 shall be given in accordance with Section 2-1302 of the Code of
9 Civil Procedure.

10 (e) Matters Required in Judgment. A judgment of foreclosure
11 shall include the last date for redemption and all rulings of
12 the court entered with respect to each request for relief set
13 forth in the complaint. The omission of the date for redemption
14 shall not extend the time for redemption or impair the validity
15 of the judgment.

16 (f) Special Matters in Judgment. Without limiting the
17 general authority and powers of the court, special matters may
18 be included in the judgment of foreclosure if sought by a party
19 in the complaint or by separate motion. Such matters may
20 include, without limitation:

21 (1) a manner of sale other than public auction;

22 (2) a sale by sealed bid;

23 (3) an official or other person who shall be the officer to
24 conduct the sale other than the one customarily designated by
25 the court;

26 (4) provisions for non-exclusive broker listings or

1 designating a duly licensed real estate broker nominated by one
2 of the parties to exclusively list the real estate for sale;

3 (5) the fees or commissions to be paid out of the sale
4 proceeds to the listing or other duly licensed broker, if any,
5 who shall have procured the accepted bid;

6 (6) the fees to be paid out of the sale proceeds to an
7 auctioneer, if any, who shall have been authorized to conduct a
8 public auction sale;

9 (7) whether and in what manner and with what content signs
10 shall be posted on the real estate;

11 (8) a particular time and place at which such bids shall be
12 received;

13 (9) a particular newspaper or newspapers in which notice of
14 sale shall be published;

15 (10) the format for the advertising of such sale, including
16 the size, content and format of such advertising, and
17 additional advertising of such sale;

18 (11) matters or exceptions to which title in the real
19 estate may be subject at the sale;

20 (12) a requirement that title insurance in a specified form
21 be provided to a purchaser at the sale, and who shall pay for
22 such insurance;

23 (13) whether and to what extent bids with mortgage or other
24 contingencies will be allowed;

25 (14) such other matters as approved by the court to ensure
26 sale of the real estate for the most commercially favorable

1 price for the type of real estate involved.

2 (g) Agreement of the Parties. If all of the parties agree
3 in writing on the minimum price and that the real estate may be
4 sold to the first person who offers in writing to purchase the
5 real estate for such price, and on such other commercially
6 reasonable terms and conditions as the parties may agree, then
7 the court shall order the real estate to be sold on such terms,
8 subject to confirmation of the sale in accordance with Section
9 15-1508.

10 (h) Postponement of Proving Priority. With the approval of
11 the court prior to the entry of the judgment of foreclosure, a
12 party claiming an interest in the proceeds of the sale of the
13 mortgaged real estate may defer proving the priority of such
14 interest until the hearing to confirm the sale.

15 (i) Effect of Judgment and Lien. (1) Upon the entry of the
16 judgment of foreclosure, all rights of a party in the
17 foreclosure against the mortgagor provided for in the judgment
18 of foreclosure or this Article shall be secured by a lien on
19 the mortgaged real estate, which lien shall have the same
20 priority as the claim to which the judgment relates and shall
21 be terminated upon confirmation of a judicial sale in
22 accordance with this Article.

23 (2) Upon the entry of the judgment of foreclosure, the
24 rights in the real estate subject to the judgment of
25 foreclosure of (i) all persons made a party in the foreclosure
26 and (ii) all nonrecord claimants given notice in accordance

1 with paragraph (2) of subsection (c) of Section 15-1502, shall
2 be solely as provided for in the judgment of foreclosure and in
3 this Article.

4 (Source: P.A. 85-907.)

5 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

6 Sec. 15-1508. Report of Sale and Confirmation of Sale.

7 (a) Report. The person conducting the sale shall promptly
8 make a report to the court, which report shall include a copy
9 of all receipts and, if any, certificate of sale.

10 (b) Hearing. Upon motion and notice in accordance with
11 court rules applicable to motions generally, which motion shall
12 not be made prior to sale, the court shall conduct a hearing to
13 confirm the sale. Unless the court finds that (i) a notice
14 required in accordance with subsection (c) of Section 15-1507
15 was not given, (ii) the terms of sale were unconscionable,
16 (iii) the sale was conducted fraudulently, or (iv) ~~that~~ justice
17 was otherwise not done, the court shall then enter an order
18 confirming the sale. The confirmation order shall include a
19 name, address, and telephone number of the holder of the
20 certificate of sale or deed issued pursuant to that certificate
21 or, if no certificate or deed was issued, the purchaser, whom a
22 municipality or county may contact with concerns about the real
23 estate. The confirmation order may also:

24 (1) approve the mortgagee's fees and costs arising
25 between the entry of the judgment of foreclosure and the

1 confirmation hearing, those costs and fees to be allowable
2 to the same extent as provided in the note and mortgage and
3 in Section 15-1504;

4 (2) provide for a personal judgment against any party
5 for a deficiency; and

6 (3) determine the priority of the judgments of parties
7 who deferred proving the priority pursuant to subsection
8 (h) of Section 15-1506, but the court shall not defer
9 confirming the sale pending the determination of such
10 priority.

11 (b-5) Notice with respect to residential real estate. With
12 respect to residential real estate, the notice required under
13 subsection (b) of this Section shall be sent to the mortgagor
14 even if the mortgagor has previously been held in default. In
15 the event the mortgagor has filed an appearance, the notice
16 shall be sent to the address indicated on the appearance. In
17 all other cases, the notice shall be sent to the mortgagor at
18 the common address of the foreclosed property. The notice shall
19 be sent by first class mail. Unless the right to possession has
20 been previously terminated by the court, the notice shall
21 include the following language in 12-point boldface
22 capitalized type:

23 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO
24 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
25 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
26 ILLINOIS MORTGAGE FORECLOSURE LAW.

1 (b-10) Notice of confirmation order sent to municipality or
2 county. A copy of the confirmation order required under
3 subsection (b) shall be sent to the municipality in which the
4 foreclosed property is located, or to the county within the
5 boundary of which the foreclosed property is located if the
6 foreclosed property is located in an unincorporated territory.
7 A municipality or county must clearly publish on its website a
8 single address to which such notice shall be sent. If a
9 municipality or county does not maintain a website, then the
10 municipality or county must publicly post in its main office a
11 single address to which such notice shall be sent. In the event
12 that a municipality or county has not complied with the
13 publication requirement in this subsection (b-10), then such
14 notice to the municipality or county shall be provided pursuant
15 to Section 2-211 of the Code of Civil Procedure.

16 (c) Failure to Give Notice. If any sale is held without
17 compliance with subsection (c) of Section 15-1507 of this
18 Article, any party entitled to the notice provided for in
19 paragraph (3) of that subsection (c) who was not so notified
20 may, by motion supported by affidavit made prior to
21 confirmation of such sale, ask the court which entered the
22 judgment to set aside the sale. Any such party shall guarantee
23 or secure by bond a bid equal to the successful bid at the
24 prior sale, unless the party seeking to set aside the sale is
25 the mortgagor, the real estate sold at the sale is residential
26 real estate, and the mortgagor occupies the residential real

1 estate at the time the motion is filed. In that event, no
2 guarantee or bond shall be required of the mortgagor. Any
3 subsequent sale is subject to the same notice requirement as
4 the original sale.

5 (d) Validity of Sale. Except as provided in subsection (c)
6 of Section 15-1508, no sale under this Article shall be held
7 invalid or be set aside because of any defect in the notice
8 thereof or in the publication of the same, or in the
9 proceedings of the officer conducting the sale, except upon
10 good cause shown in a hearing pursuant to subsection (b) of
11 Section 15-1508. At any time after a sale has occurred, any
12 party entitled to notice under paragraph (3) of subsection (c)
13 of Section 15-1507 may recover from the mortgagee any damages
14 caused by the mortgagee's failure to comply with such paragraph
15 (3). Any party who recovers damages in a judicial proceeding
16 brought under this subsection may also recover from the
17 mortgagee the reasonable expenses of litigation, including
18 reasonable attorney's fees.

19 (d-5) Making Home Affordable Program. The court that
20 entered the judgment shall set aside a sale held pursuant to
21 Section 15-1507, upon motion of the mortgagor at any time prior
22 to the confirmation of the sale, if the mortgagor proves by a
23 preponderance of the evidence that (i) the mortgagor has
24 applied for assistance under the Making Home Affordable Program
25 established by the United States Department of the Treasury
26 pursuant to the Emergency Economic Stabilization Act of 2008,

1 as amended by the American Recovery and Reinvestment Act of
2 2009, and (ii) the mortgaged real estate was sold in material
3 violation of the program's requirements for proceeding to a
4 judicial sale. The provisions of this subsection (d-5), except
5 for this sentence, shall become inoperative on January 1, 2013
6 for all actions filed under this Article after December 31,
7 2012, in which the mortgagor did not apply for assistance under
8 the Making Home Affordable Program on or before December 31,
9 2012.

10 (e) Deficiency Judgment. In any order confirming a sale
11 pursuant to the judgment of foreclosure, the court shall also
12 enter a personal judgment for deficiency against any party (i)
13 if otherwise authorized and (ii) to the extent requested in the
14 complaint and proven upon presentation of the report of sale in
15 accordance with Section 15-1508. Except as otherwise provided
16 in this Article, a judgment may be entered for any balance of
17 money that may be found due to the plaintiff, over and above
18 the proceeds of the sale or sales, and enforcement may be had
19 for the collection of such balance, the same as when the
20 judgment is solely for the payment of money. Such judgment may
21 be entered, or enforcement had, only in cases where personal
22 service has been had upon the persons personally liable for the
23 mortgage indebtedness, unless they have entered their
24 appearance in the foreclosure action.

25 (f) Satisfaction. Upon confirmation of the sale, the
26 judgment stands satisfied to the extent of the sale price less

1 expenses and costs. If the order confirming the sale includes a
2 deficiency judgment, the judgment shall become a lien in the
3 manner of any other judgment for the payment of money.

4 (g) The order confirming the sale shall include,
5 notwithstanding any previous orders awarding possession during
6 the pendency of the foreclosure, an award to the purchaser of
7 possession of the mortgaged real estate, as of the date 30 days
8 after the entry of the order, against the parties to the
9 foreclosure whose interests have been terminated. If the court
10 has determined that the property is abandoned residential
11 property pursuant to paragraph (4) of subsection (b) of Section
12 15-1603 and the parties whose interests have been terminated
13 have not appeared at the hearing to confirm the sale, the
14 purchaser shall be awarded possession of the mortgaged real
15 estate immediately.

16 An order of possession authorizing the removal of a person
17 from possession of the mortgaged real estate shall be entered
18 and enforced only against those persons personally named as
19 individuals in the complaint or the petition under subsection
20 (h) of Section 15-1701 and in the order of possession and shall
21 not be entered and enforced against any person who is only
22 generically described as an unknown owner or nonrecord claimant
23 or by another generic designation in the complaint.

24 Notwithstanding the preceding paragraph, the failure to
25 personally name, include, or seek an award of possession of the
26 mortgaged real estate against a person in the confirmation

1 order shall not abrogate any right that the purchaser may have
2 to possession of the mortgaged real estate and to maintain a
3 proceeding against that person for possession under Article 9
4 of this Code or subsection (h) of Section 15-1701; and
5 possession against a person who (1) has not been personally
6 named as a party to the foreclosure and (2) has not been
7 provided an opportunity to be heard in the foreclosure
8 proceeding may be sought only by maintaining a proceeding under
9 Article 9 of this Code or subsection (h) of Section 15-1701.

10 (Source: P.A. 95-826, eff. 8-14-08; 96-265, eff. 8-11-09;
11 96-856, eff. 3-1-10; 96-1245, eff. 7-23-10; revised 9-16-10.)

12 (735 ILCS 5/15-1508.8 new)

13 Sec. 15-1508.8. Activities relating to abandoned
14 residential property.

15 (a) A mortgagee or its agent may enter an abandoned
16 residential property that is the subject of a foreclosure
17 complaint for the purpose of maintaining or securing the
18 property without an order for possession under the Illinois
19 Mortgage Foreclosure Law, provided that entry is not barred by
20 an automatic stay issued by a bankruptcy court. A mortgagee and
21 its agents shall not be held liable for any claim of
22 negligence, civil trespass, or criminal trespass based upon
23 entering the abandoned residential property or maintaining or
24 securing the abandoned residential property, provided that the
25 person authorizing or engaging in the entry or activity has (1)

1 made a good faith effort to identify any owner and bona fide
2 occupant of the property and (2) made a good faith effort to
3 contact any owner and bona fide occupant in a manner reasonably
4 calculated to give the owner and bona fide occupant notice that
5 the entry or activity is imminent.

6 (b) A mortgagee shall be responsible for repairs or other
7 maintenance to the abandoned residential property if it
8 purchases the property at the foreclosure sale held pursuant to
9 Section 15-1507 and the sale is confirmed by the court pursuant
10 to Section 15-1508.

11 (c) Upon confirmation of the sale held pursuant to Section
12 15-1507, any personal property remaining in or upon the
13 abandoned residential property shall be deemed to have been
14 abandoned by the owner of such personal property and may be
15 disposed of or donated by the holder of the certificate of sale
16 or, if none, by the purchaser at the sale. In the event of
17 donation of any such personal property, the holder of the
18 certificate of sale or, if none, the purchaser at the sale may
19 transfer such donated property with a bill of sale. No
20 mortgagee or its successors or assigns, holder of a certificate
21 of sale, or purchaser at the sale, shall be liable for any such
22 disposal or donation of personal property.

23 (735 ILCS 5/15-1603) (from Ch. 110, par. 15-1603)

24 Sec. 15-1603. Redemption.

25 (a) Owner of Redemption. Except as provided in subsection

1 (b) of Section 15-1402, only an owner of redemption may redeem
2 from the foreclosure, and such owner of redemption may redeem
3 only during the redemption period specified in subsection (b)
4 of Section 15-1603 and only if the right of redemption has not
5 been validly waived.

6 (b) Redemption Period.

7 (1) In the foreclosure of a mortgage of real estate
8 which is residential real estate at the time the
9 foreclosure is commenced, the redemption period shall end
10 on the later of (i) the date 7 months from the date the
11 mortgagor or, if more than one, all the mortgagors (A) have
12 been served with summons or by publication or (B) have
13 otherwise submitted to the jurisdiction of the court, or
14 (ii) the date 3 months from the date of entry of a judgment
15 of foreclosure.

16 (2) In all other foreclosures, the redemption period
17 shall end on the later of (i) the date 6 months from the
18 date the mortgagor or, if more than one, all the mortgagors
19 (A) have been served with summons or by publication or (B)
20 have otherwise submitted to the jurisdiction of the court,
21 or (ii) the date 3 months from the date of entry of a
22 judgment of foreclosure.

23 (3) Notwithstanding paragraphs (1) and (2), the
24 redemption period shall end at the later of the expiration
25 of any reinstatement period provided for in Section 15-1602
26 or the date 60 days after the date the judgment of

1 foreclosure is entered, if the court finds that (i) the
2 value of the mortgaged real estate as of the date of the
3 judgment is less than 90% of the amount specified pursuant
4 to subsection (d) of Section 15-1603 and (ii) the mortgagee
5 waives any and all rights to a personal judgment for a
6 deficiency against the mortgagor and against all other
7 persons liable for the indebtedness or other obligations
8 secured by the mortgage.

9 (4) Notwithstanding paragraphs (1) and (2), the
10 redemption period shall end on the date 30 days after the
11 date the judgment of foreclosure is entered if, upon motion
12 and notice in accordance with court rules applicable to
13 motions generally, the court finds that the mortgaged real
14 estate is abandoned residential property ~~has been~~
15 ~~abandoned~~. In cases where the redemption period is
16 shortened on account of abandonment, the reinstatement
17 period shall not extend beyond the redemption period as
18 shortened.

19 (c) Extension of Redemption Period.

20 (1) Once expired, the right of redemption provided for
21 in Sections 15-1603 or 15-1604 shall not be revived. The
22 period within which the right of redemption provided for in
23 Sections 15-1603 or 15-1604 may be exercised runs
24 independently of any action by any person to enforce the
25 judgment of foreclosure or effect a sale pursuant thereto.
26 Neither the initiation of any legal proceeding nor the

1 order of any court staying the enforcement of a judgment of
2 foreclosure or the sale pursuant to a judgment or the
3 confirmation of the sale, shall have the effect of tolling
4 the running of the redemption period.

5 (2) If a court has the authority to stay, and does
6 stay, the running of the redemption period, or if the
7 redemption period is extended by any statute of the United
8 States, the redemption period shall be extended until the
9 expiration of the same number of days after the expiration
10 of the stay order as the number of days remaining in the
11 redemption period at the time the stay order became
12 effective, or, if later, until the expiration of 30 days
13 after the stay order terminates. If the stay order
14 terminates more than 30 days prior to the expiration of the
15 redemption period, the redemption period shall not be
16 extended.

17 (d) Amount Required to Redeem. The amount required to
18 redeem shall be the sum of:

19 (1) The amount specified in the judgment of
20 foreclosure, which shall consist of (i) all principal and
21 accrued interest secured by the mortgage and due as of the
22 date of the judgment, (ii) all costs allowed by law, (iii)
23 costs and expenses approved by the court, (iv) to the
24 extent provided for in the mortgage and approved by the
25 court, additional costs, expenses and reasonable
26 attorneys' fees incurred by the mortgagee, (v) all amounts

1 paid pursuant to Section 15-1505 and (vi) per diem interest
2 from the date of judgment to the date of redemption
3 calculated at the mortgage rate of interest applicable as
4 if no default had occurred; and

5 (2) The amount of other expenses authorized by the
6 court which the mortgagee reasonably incurs between the
7 date of judgment and the date of redemption, which shall be
8 the amount certified by the mortgagee in accordance with
9 subsection (e) of Section 15-1603.

10 (e) Notice of Intent to Redeem. An owner of redemption who
11 intends to redeem shall give written notice of such intent to
12 redeem to the mortgagee's attorney of record specifying the
13 date designated for redemption and the current address of the
14 owner of redemption for purposes of receiving notice. Such
15 owner of redemption shall file with the clerk of the court a
16 certification of the giving of such notice. The notice of
17 intent to redeem must be received by the mortgagee's attorney
18 at least 15 days (other than Saturday, Sunday or court holiday)
19 prior to the date designated for redemption. The mortgagee
20 shall thereupon file with the clerk of the court and shall give
21 written notice to the owner of redemption at least three days
22 (other than Saturday, Sunday or court holiday) before the date
23 designated for redemption a certification, accompanied by
24 copies of paid receipts or appropriate affidavits, of any
25 expenses authorized in paragraph (2) of subsection (d) of
26 Section 15-1603. If the mortgagee fails to serve such

1 certification within the time specified herein, then the owner
2 of redemption intending to redeem may redeem on the date
3 designated for redemption in the notice of intent to redeem,
4 and the mortgagee shall not be entitled to payment of any
5 expenses authorized in paragraph (2) of subsection (d) of
6 Section 15-1603.

7 (f) Procedure for Redemption.

8 (1) An owner of redemption may redeem the real estate
9 from the foreclosure by paying the amount specified in
10 subsection (d) of Section 15-1603 to the mortgagee or the
11 mortgagee's attorney of record on or before the date
12 designated for redemption pursuant to subsection (e) of
13 Section 15-1603.

14 (2) If the mortgagee refuses to accept payment or if
15 the owner of redemption redeeming from the foreclosure
16 objects to the reasonableness of the additional expenses
17 authorized in paragraph (2) of subsection (d) of Section
18 15-1603 and certified in accordance with subsection (e) of
19 Section 15-1603, the owner of redemption shall pay the
20 certified amount to the clerk of the court on or before the
21 date designated for redemption, together with a written
22 statement specifying the expenses to which objection is
23 made. In such case the clerk shall pay to the mortgagee the
24 amount tendered minus the amount to which the objection
25 pertains.

26 (3) Upon payment to the clerk, whether or not the owner

1 of redemption files an objection at the time of payment,
2 the clerk shall give a receipt of payment to the person
3 redeeming from the foreclosure, and shall file a copy of
4 that receipt in the foreclosure record. Upon receipt of the
5 amounts specified to be paid to the mortgagee pursuant to
6 this Section, the mortgagee shall promptly furnish the
7 mortgagor with a release of the mortgage or satisfaction of
8 the judgment, as appropriate, and the evidence of all
9 indebtedness secured by the mortgage shall be cancelled.

10 (g) Procedure Upon Objection. If an objection is filed by
11 an owner of redemption in accordance with paragraph (2) of
12 subsection (f) of Section 15-1603, the clerk shall hold the
13 amount to which the objection pertains until the court orders
14 distribution of those funds. The court shall hold a hearing
15 promptly to determine the distribution of any funds held by the
16 clerk pursuant to such objection. Each party shall pay its own
17 costs and expenses in connection with any objection, including
18 attorneys' fees, subject to Section 2-611 of the Code of Civil
19 Procedure.

20 (h) Failure to Redeem. Unless the real estate being
21 foreclosed is redeemed from the foreclosure, it shall be sold
22 as provided in this Article.

23 (Source: P.A. 86-974.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.