



Rep. Eva-Dina Delgado

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10300SB2919ham002

LRB103 35721 JRC 73000 a

1 AMENDMENT TO SENATE BILL 2919

2 AMENDMENT NO. _____. Amend Senate Bill 2919 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 and by adding Sections 15-1507.2 and
6 15-1510.1 as follows:

7 (735 ILCS 5/15-1507) (from Ch. 110, par. 15-1507)

8 Sec. 15-1507. Judicial Sale.

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

13 (b) Sale Procedures.

14 (1) Upon expiration of the reinstatement period and
15 the redemption period in accordance with subsection (b) or
16 (c) of Section 15-1603 or upon the entry of a judgment of

1 foreclosure after the waiver of all rights of redemption,
2 except as provided in subsection (g) of Section 15-1506,
3 the real estate shall be sold at a sale as provided in this
4 Article, on such terms and conditions as shall be
5 specified by the court in the judgment of foreclosure. A
6 sale may be conducted by any judge, ~~or~~ sheriff, or other
7 person as set forth in paragraph (3) of subsection (f) of
8 Section 15-1506.

9 (2) Without limiting the general authority and powers
10 of the court, the mortgagee, in a foreclosure under this
11 Article, may request that the judge, sheriff, or other
12 person conduct the sale either in person, online, or both,
13 if available.

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

17 (1) The notice of sale shall include at least the
18 following information, but an immaterial error in the
19 information shall not invalidate the legal effect of the
20 notice:

21 (A) the name, address and telephone number of the
22 person to contact for information regarding the real
23 estate;

24 (B) the common address and other common
25 description (other than legal description), if any, of
26 the real estate;

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

3 (D) a description of the improvements on the real
4 estate;

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

7 (F) the time and place of the sale, including:

8 (i) whether the sale will take place online,
9 in person, or both; and

10 (ii) the website where the online bidding may
11 take place, if applicable;

12 (G) the terms of the sale;

13 (H) the case title, case number and the court in
14 which the foreclosure was filed;

15 (H-1) in the case of a condominium unit to which
16 subsection (g) of Section 9 of the Condominium
17 Property Act applies, the statement required by
18 subdivision (g)(5) of Section 9 of the Condominium
19 Property Act;

20 (H-2) in the case of a unit of a common interest
21 community to which subsection (g-1) of Section 18.5 of
22 the Condominium Property Act applies, the statement
23 required by subdivision (g-1) of Section 18.5 of the
24 Condominium Property Act; and

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

26 (2) The notice of sale shall be published at least 3

1 consecutive calendar weeks (Sunday through Saturday), once
2 in each week, the first such notice to be published not
3 more than 45 days prior to the sale, the last such notice
4 to be published not less than 7 days prior to the sale, by:
5 (i) (A) advertisements in a newspaper circulated to the
6 general public in the county in which the real estate is
7 located, in the section of that newspaper where legal
8 notices are commonly placed and (B) separate
9 advertisements in the section of such a newspaper, which
10 (except in counties with a population in excess of
11 3,000,000) may be the same newspaper, in which real estate
12 other than real estate being sold as part of legal
13 proceedings is commonly advertised to the general public;
14 provided, that the separate advertisements in the real
15 estate section need not include a legal description and
16 that where both advertisements could be published in the
17 same newspaper and that newspaper does not have separate
18 legal notices and real estate advertisement sections, a
19 single advertisement with the legal description shall be
20 sufficient; in counties with a population of more than
21 3,000,000, the notice required by this item (B) shall be
22 published in a newspaper different from the newspaper that
23 publishes the notice required by item (A), and the
24 newspaper in which the notice required by this item (B) is
25 published shall be a newspaper published in the township
26 in which the real estate is located; and (ii) such other

1 publications as may be further ordered by the court.

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

15 (4) The party who gives notice of public sale in
16 accordance with subsection (c) of Section 15-1507 shall
17 again give notice in accordance with that Section of any
18 adjourned sale; provided, however, that if the adjourned
19 sale is to occur less than 60 days after the last scheduled
20 sale, notice of any adjourned sale need not be given
21 pursuant to this Section. In the event of adjournment, the
22 person conducting the sale shall, upon adjournment,
23 announce the date, time and place upon which the adjourned
24 sale shall be held or post on its website the date, time,
25 and place upon which the adjourned sale shall be held.

26 Notwithstanding any language to the contrary, for any

1 adjourned sale that is to be conducted more than 60 days
2 after the date on which it was to first be held, the party
3 giving notice of such sale shall again give notice in
4 accordance with this Section.

5 (5) Notice of the sale may be given prior to the
6 expiration of any reinstatement period or redemption
7 period.

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

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

14 (d) Election of Property. If the real estate which is the
15 subject of a judgment of foreclosure is susceptible of
16 division, the court may order it to be sold as necessary to
17 satisfy the judgment. The court shall determine which real
18 estate shall be sold, and the court may determine the order in
19 which separate tracts may be sold.

20 (e) Receipt upon Sale. Following ~~Upon and at~~ the sale of
21 mortgaged real estate, the person conducting the sale shall
22 give to the purchaser a receipt of sale. The receipt shall
23 describe the real estate purchased and shall show the amount
24 bid, the amount paid, the total amount paid to date and the
25 amount still to be paid therefor. An additional receipt shall
26 be given at the time of each subsequent payment.

1 (f) Certificate of Sale. Upon payment in full of the
2 amount bid, the person conducting the sale shall issue, in
3 duplicate, and give to the purchaser a Certificate of Sale.
4 The Certificate of Sale shall be in a recordable form,
5 describe the real estate purchased, indicate the date and
6 place of sale and show the amount paid therefor. The
7 Certificate of Sale shall further indicate that it is subject
8 to confirmation by the court. The duplicate certificate may be
9 recorded in accordance with Section 12-121. The Certificate of
10 Sale shall be freely assignable by endorsement thereon.

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

15 (Source: P.A. 100-685, eff. 8-3-18.)

16 (735 ILCS 5/15-1507.2 new)

17 Sec. 15-1507.2. Online judicial sale.

18 (a) The sheriff or other person may conduct the sale
19 online in accordance with this Article.

20 (b) The sheriff or other person may engage a third-party
21 online sale provider to assist with performance of the online
22 sale. Any third-party online sale provider engaged by a
23 sheriff must be acquired through a process that confirms that
24 the provider meets the requirements set forth in this Article.

25 (c) In this Section, "third-party online sale provider"

1 means any sale platform or services provider that is not the
2 person conducting the sale or a party to the case involving the
3 judicial sale and that is engaged by the person conducting the
4 sale to assist with conducting the sale online in accordance
5 with State law.

6 (d) The sheriff or other person may charge an additional
7 fee as a reasonable expense of the sale for costs associated
8 with conducting the sale online.

9 (e) For any foreclosure involving residential real estate,
10 the fee set forth in subsection (d) may not exceed \$400, unless
11 a higher fee is otherwise approved by the court. Any fees not
12 charged as a cost in the case may be agreed to and paid
13 directly by the judge, sheriff, other person conducting the
14 sale or a party to the case without limitation. The fees
15 charged under this Section shall not reduce or impact the
16 sheriff's fees set forth in Section 4-5001 and 4-12001 of the
17 Counties Code.

18 (f) To conduct a sale online, the sheriff or other person
19 conducting the sale must demonstrate to the court's
20 satisfaction documented processes and procedures for
21 conducting online auctions, adequate recordkeeping, and the
22 ability to comply with the requirements in this Article.

23 (g) If the sale takes place both online and in person, all
24 bids accepted during the auction shall be simultaneously
25 announced at the in-person sale and visible to the public
26 online at the time the bids are placed. Any maximum bid amounts

1 provided by bidders ahead of the sale shall not be visible to
2 the public until the bid is placed.

3 (h) There shall be no fee charged to the public to view
4 properties for sale online or to participate in any auction in
5 person or online.

6 (i) Any third-party online sale provider may not maintain
7 custody of sale funds on behalf of the judge, sheriff, or other
8 person conducting the sale unless specifically approved by the
9 court to maintain custody of funds on their behalf.

10 (j) The sheriff or other person conducting the sale shall
11 require a person seeking to bid electronically online to
12 complete a registration process that includes providing
13 information relevant to properly identify the bidder, contact
14 the bidder, and complete the sale of the property as
15 determined by the sheriff or other person conducting the sale.

16 (k) If the person registering to bid is an individual, the
17 information required shall include the individual's name,
18 electronic mail address, and telephone number.

19 (l) If the person registering to bid is an entity, the
20 information required in this Section shall include the
21 entity's legal name, name of an individual contact person for
22 the entity, electronic mail address, and telephone number.

23 (m) The sheriff or other person conducting the sale online
24 shall require all bidders who wish to participate in bidding
25 online to have their identity verified through an
26 identification verification process before a bid can be placed

1 online, which may include verification through a government
2 issued identification, biometric verification, or other method
3 of verification as determined by the judge, sheriff, or other
4 person conducting the sale. If a bidder's identity cannot be
5 verified through the verification process, then the bidder may
6 be prohibited from participating in the online sale.

7 (n) The purchaser at the sale shall submit to the person
8 conducting the sale the following information prior to the
9 sale being finalized:

10 (1) All winning purchasers shall provide any required
11 information to be checked against the federal Office for
12 Foreign Assets Control sanction list by the person
13 conducting the sale before finalizing the purchase of the
14 property. The person conducting the sale shall check the
15 winning purchaser against the sanction list before an
16 order approving the sale may be entered.

17 (2) If the purchaser is an individual, the information
18 shall include the individual's name, physical mailing
19 address, electronic mail address, and any other
20 information requested by the person conducting the sale to
21 adequately identify and contact the purchaser.

22 (3) If the purchaser is an entity, the information
23 shall include the entity's legal name, trade name if
24 different from its legal name, state and date of
25 formation, mailing address, proof of business registration
26 with the State of Illinois, and the name of an individual

1 contact person for the entity, electronic mail address,
2 and the person's telephone number.

3 (4) The purchaser must provide the sale deposit, if
4 applicable, and the balance due to the sheriff or other
5 person conducting the sale at least 24 hours after the end
6 of the sale, unless otherwise set forth by the sheriff or
7 other person conducting the sale, in the form designated
8 by the sheriff or other person conducting the sale.

9 (5) If the purchaser fails to provide the required
10 information within the time period designated by the
11 judge, sheriff, or other person conducting the sale, the
12 purchaser is in default and the judge, sheriff, or other
13 person conducting the sale may void the sale and proceed
14 with a resale.

15 (o) Any person conducting a sale online must maintain
16 evidence of satisfactory internal informational security
17 controls that meet industry standards and are maintained by
18 the platform used to conduct online sales. Such evidence of
19 satisfactory internal controls regarding data security may be
20 in the form of an annual SOC 2 Report certification, with the
21 ability to test and report on the design effectiveness (Type
22 1) and operating effectiveness (Type 2) of the platform's
23 controls, or another form ensuring performance and security
24 requirements are met.

25 (p) The person conducting the sale and the third-party
26 online sale provider may engage in activities to promote and

1 market the sale to encourage and facilitate bidding, including
2 listing the property on real estate websites and conducting
3 email campaigns. The person conducting the sale or the
4 third-party online sale provider is solely responsible for
5 paying all fees or expenses incurred in connection with such
6 activities.

7 (q) In every sale conducted online of residential real
8 estate, (1) the sale may be held open for bidding for up to 3
9 days and extended by the person conducting the sale as needed
10 to allow for all active competitive bidding to occur, counted
11 in accordance with Section 1.11 of the Statute on Statutes;
12 and (2) bidding shall be open to everyone for the entire
13 duration of the bidding period.

14 (735 ILCS 5/15-1510.1 new)

15 Sec. 15-1510.1. Third-party purchaser fees and costs.
16 Notwithstanding any other provision of law to the contrary,
17 for the sale of residential real estate, no fee, including a
18 buyer's premium, may be charged to a third-party bidder or
19 purchaser who is not a party to the case at the sale of real
20 estate under this Article beyond the winning bid amount to
21 cover an expense of conducting the sale."