

1 AN ACT concerning civil procedure.

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 Section 9-110 as follows:

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

7 Sec. 9-110. Judgment for whole premises - Stay of
8 enforcement. If it appears on the trial that the plaintiff
9 is entitled to the possession of the whole of the premises
10 claimed, judgment for the possession thereof and for costs
11 shall be entered in favor of the plaintiff. However, if the
12 action is brought under Article IX of this Code and is based
13 upon a breach of a contract entered into on or after July 1,
14 1962 for the purchase of the such premises, the court, by
15 order, may stay the enforcement of the judgment for a period
16 not to exceed 60 days from the date of the judgment, or if
17 the court finds that the amount unpaid on the contract is
18 less than 75% of the original purchase price, then the court
19 shall stay the enforcement of the judgment for a period of
20 180 days from the date of the judgment. The court may order
21 a stay of less than 180 days (but in no event less than 60
22 days) if it is shown that the plaintiff, prior to the filing
23 of the action under Article IX of this Act, granted the
24 defendant previous extensions of time to pay the amounts due
25 under the contract, or for other good cause shown. If during
26 such period of stay the defendant pays the entire amount then
27 due and payable under the terms of the contract other than
28 such portion of the principal balance due under the contract
29 as would not be due had no default occurred and costs and, if
30 the contract provides therefor, reasonable attorney's fees as
31 fixed by the court, and cures all other defaults then

1 existing, the contract shall remain in force the same as if
2 no default had occurred. The relief granted to a defendant
3 by this Section shall not be exhausted by a single use
4 thereof but shall not be again available with respect to the
5 same contract for a period of 5 years from the date of such
6 judgment. Whenever defendant cures the default under the
7 contract pursuant to this Section, the defendant may within
8 the period of stay file a motion to vacate the judgment in
9 the court in which the judgment was entered, and, if the
10 court, upon the hearing of such motion, is satisfied that
11 such default has been cured, such judgment shall be vacated.
12 Unless defendant files such motion to vacate in the court or
13 the judgment is otherwise stayed, enforcement of the judgment
14 may proceed immediately upon the expiration of such period of
15 stay and all rights of the defendant in and to the premises
16 and in and to the real estate described in the contract are
17 terminated.

18 Nothing herein contained shall be construed as affecting
19 the right of a seller of such premises to any lawful remedy
20 or relief other than that provided by Part 1 of Article IX of
21 this Act.

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