

1 AN ACT in relation to 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 Sections 2-1601 and 12-101 and adding Section 2-1602
6 as follows:

7 (735 ILCS 5/2-1601) (from Ch. 110, par. 2-1601)

8 Sec. 2-1601. Scire facias abolished. Any relief which
9 heretofore might have been obtained by scire facias may be
10 had by employing a petition filed in the case in which the
11 original judgment was entered, ~~and notice shall be given in~~
12 ~~accordance with rules~~ in accordance with Section 2-1602.
13 (Source: P.A. 82-280.)

14 (735 ILCS 5/2-1602 new)

15 Sec. 2-1602. Revival of judgment.

16 (a) A judgment may be revived in the seventh year after
17 its entry, or in the seventh year after its last revival, or
18 at any other time thereafter within 20 years after its entry.

19 (b) A petition to revive a judgment shall be filed in
20 the original case in which the judgment was entered. The
21 petition shall include a statement as to the original date
22 and amount of the judgment, court costs expended, accrued
23 interest, and credits to the judgment, if any.

24 (c) Service of notice of the petition to revive a
25 judgment shall be made in accordance with Supreme Court Rule
26 106.

27 (d) An order reviving a judgment shall be for the
28 original amount of the judgment. The plaintiff may recover
29 interest and court costs from the date of the original
30 judgment. Credits to the judgment shall be reflected by the

1 plaintiff in supplemental proceedings or execution.

2 (e) If a judgment debtor has filed for protection under
3 the United States Bankruptcy Code and failed to successfully
4 adjudicate and remove a lien filed by a judgment creditor,
5 then the judgment may be revived only as to the property to
6 which a lien attached before the filing of the bankruptcy
7 action.

8 (f) A judgment may be revived as to fewer than all
9 judgment debtors, and such order for revival of judgment
10 order shall be final, appealable, and enforceable.

11 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

12 Sec. 12-101. Lien of judgment. With respect to the
13 creation of liens on real estate by judgments, all real
14 estate in the State of Illinois is divided into 2 classes.

15 The first class consists of all real property, the title
16 to which is registered under "An Act concerning land titles",
17 approved May 1, 1897, as amended.

18 The second class consists of all real property not
19 registered under "An Act concerning land titles".

20 As to real estate in class one, a judgment is a lien on
21 the real estate of the person against whom it is entered for
22 the same period as in class two, when Section 85 of "An Act
23 concerning land titles", has been complied with.

24 As to real estate included within class two, a judgment
25 is a lien on the real estate of the person against whom it is
26 entered in any county in this State, including the county in
27 which it is entered, only from the time a transcript,
28 certified copy or memorandum of the judgment is filed in the
29 office of the recorder in the county in which the real estate
30 is located. The lien may be foreclosed by an action brought
31 in the name of the judgment creditor or its assignee of
32 record under Article XV in the same manner as a mortgage of
33 real property. A judgment resulting from the entry of an

1 order requiring child support payments shall be a lien upon
 2 the real estate of the person obligated to make the child
 3 support payments, but shall not be enforceable in any county
 4 of this State until a transcript, certified copy, or
 5 memorandum of the lien is filed in the office of the recorder
 6 in the county in which the real estate is located. Any lien
 7 hereunder arising out of an order for support shall be a lien
 8 only as to and from the time that an installment or payment
 9 is due under the terms of the order. Further, the order for
 10 support shall not be a lien on real estate to the extent of
 11 payments made as evidenced by the records of the Clerk of the
 12 Circuit Court or State agency receiving payments pursuant to
 13 the order. In the event payments made pursuant to that order
 14 are not paid to the Clerk of the Circuit Court or a State
 15 agency, then each lien imposed by this Section may be
 16 released in the following manner:

17 (a) A Notice of Filing and an affidavit stating
 18 that all installments of child support required to be
 19 paid pursuant to the order under which the lien or liens
 20 were imposed have been paid shall be filed with the
 21 office of recorder in each county in which each such lien
 22 appears of record, together with proof of service of such
 23 notice and affidavit upon the recipient of such payments.

24 (b) Service of such affidavit shall be by any means
 25 authorized under Sections 2-203 and 2-208 of the Code of
 26 Civil Procedure or under Supreme Court Rules 11 or
 27 105(b).

28 (c) The Notice of Filing shall set forth the name
 29 and address of the judgment debtor and the judgment
 30 creditor, the court file number of the order giving rise
 31 to the judgment and, in capital letters, the following
 32 statement:

33 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
 34 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER OF

1 COUNTY, ILLINOIS, WHOSE ADDRESS IS , ILLINOIS.
 2 IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, YOU FAIL TO
 3 FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF THE STATED
 4 JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE, SUCH JUDGMENT
 5 LIEN WILL BE DEEMED TO BE RELEASED AND NO LONGER SUBJECT TO
 6 FORECLOSURE. THIS RELEASE OF LIEN WILL NOT ACT AS A
 7 SATISFACTION OF SUCH JUDGMENT.

8 (d) If no affidavit objecting to the release of the
 9 lien or liens is filed within 28 days of the Notice
 10 described in paragraph (c) of this Section such lien or
 11 liens shall be deemed to be released and no longer
 12 subject to foreclosure.

13 A judgment is not a lien on real estate for longer than 7
 14 years from the time it is entered or revived, unless the
 15 judgment is revived within 7 years after its entry or last
 16 revival and a memorandum of judgment is filed before the
 17 expiration of the prior memorandum of judgment.

18 When a judgment is revived it is a lien on the real
 19 estate of the person against whom it was entered in any
 20 county in this State from the time a transcript, certified
 21 copy or memorandum of the order of revival is filed in the
 22 office of the recorder in the county in which the real estate
 23 is located.

24 A foreign judgment registered pursuant to Sections 12-601
 25 through 12-618 of this Act is a lien upon the real estate of
 26 the person against whom it was entered only from the time (1)
 27 a certified copy of the verified petition for registration of
 28 the foreign judgment or (2) a transcript, certified copy or
 29 memorandum of the final judgment of the court of this State
 30 entered on that foreign judgment is filed in the office of
 31 the recorder in the county in which the real estate is
 32 located. However, no such judgment shall be a lien on any
 33 real estate registered under "An Act concerning land titles",
 34 as amended, until Section 85 of that Act has been complied

1 with.

2 The release of any transcript, certified copy or
3 memorandum of judgment or order of revival which has been
4 recorded shall be filed by the person receiving the release
5 in the office of the recorder in which such judgment or order
6 has been recorded.

7 Such release shall contain in legible letters a statement
8 as follows:

9 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
10 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES
11 IN WHOSE OFFICE THE LIEN WAS FILED.

12 The term "memorandum" as used in this Section means a
13 memorandum or copy of the judgment signed by a judge or a
14 copy attested by the clerk of the court entering it and
15 showing the court in which entered, date, amount, number of
16 the case in which it was entered, name of the party in whose
17 favor and name and last known address of the party against
18 whom entered. If the address of the party against whom the
19 judgment was entered is not known, the memorandum or copy of
20 judgment shall so state.

21 The term "memorandum" as used in this Section also means
22 a memorandum or copy of a child support order signed by a
23 judge or a copy attested by the clerk of the court entering
24 it or a copy attested by the administrative body entering it.

25 This Section shall not be construed as showing an
26 intention of the legislature to create a new classification
27 of real estate, but shall be construed as showing an
28 intention of the legislature to continue a classification
29 already existing.

30 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.