

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 Sections 9-111 and 12-903 as follows:

6 (735 ILCS 5/9-111) (from Ch. 110, par. 9-111)  
7 Sec. 9-111. Condominium property.

8 (a) As to property subject to the provisions of the  
9 "Condominium Property Act", approved June 20, 1963, as  
10 amended, when the action is based upon the failure of an  
11 owner of a unit therein to pay when due his or her  
12 proportionate share of the common expenses of the property,  
13 or of any other expenses lawfully agreed upon or the amount  
14 of any unpaid fine, and if the court finds that the expenses  
15 or fines are due to the plaintiff, the plaintiff shall be  
16 entitled to the possession of the whole of the premises  
17 claimed, and judgment in favor of the plaintiff shall be  
18 entered for the possession thereof and for the amount found  
19 due by the court including interest and late charges, if any,  
20 together with reasonable attorney's fees, if any, and for the  
21 plaintiff's costs. The awarding of reasonable attorney's fees  
22 shall be pursuant to the standards set forth in subsection  
23 (b) of this Section 9-111. The court shall, by order, stay  
24 the enforcement of the judgment for possession for a period  
25 of not less than 60 days from the date of the judgment and  
26 may stay the enforcement of the judgment for a period not to  
27 exceed 180 days from such date. Any judgment for money or  
28 any rent assignment under subsection (b) of Section 9-104.2  
29 is not subject to this stay. The judgment for possession is  
30 not subject to an exemption of homestead under Part 9 of  
31 Article XII of this Code. If at any time, either during or

1 after the period of stay, the defendant pays such expenses  
2 found due by the court, and costs, and reasonable attorney's  
3 fees as fixed by the court, and the defendant is not in  
4 arrears on his or her share of the common expenses for the  
5 period subsequent to that covered by the judgment, the  
6 defendant may file a motion to vacate the judgment in the  
7 court in which the judgment was entered, and, if the court,  
8 upon the hearing of such motion, is satisfied that the  
9 default in payment of the proportionate share of expenses has  
10 been cured, and if the court finds that the premises are not  
11 presently let by the board of managers as provided in Section  
12 9-111.1 of this Act, the judgment shall be vacated. If the  
13 premises are being let by the board of managers as provided  
14 in Section 9-111.1 of this Act, when any judgment is sought  
15 to be vacated, the court shall vacate the judgment effective  
16 concurrent with the expiration of the lease term. Unless  
17 defendant files such motion to vacate in the court or the  
18 judgment is otherwise stayed, enforcement of the judgment may  
19 proceed immediately upon the expiration of the period of stay  
20 and all rights of the defendant to possession of his or her  
21 unit shall cease and determine until the date that the  
22 judgment may thereafter be vacated in accordance with the  
23 foregoing provisions, and notwithstanding payment of the  
24 amount of any money judgment if the unit owner or occupant is  
25 in arrears for the period after the date of entry of the  
26 judgment as provided in this Section. Nothing herein  
27 contained shall be construed as affecting the right of the  
28 board of managers, or its agents, to any lawful remedy or  
29 relief other than that provided by Part 1 of Article IX of  
30 this Act.

31 This amendatory Act of the 92nd General Assembly is  
32 intended as a clarification of existing law and not as a new  
33 enactment.

34 (b) For purposes of determining reasonable attorney's

1 fees under subsection (a), the court shall consider:

2 (i) the time expended by the attorney;

3 (ii) the reasonableness of the hourly rate for the  
4 work performed;

5 (iii) the reasonableness of the amount of time  
6 expended for the work performed; and

7 (iv) the amount in controversy and the nature of  
8 the action.

9 (Source: P.A. 91-196, eff. 7-20-99.)

10 (735 ILCS 5/12-903) (from Ch. 110, par. 12-903)

11 Sec. 12-903. Extent of exemption. No property shall, by  
12 virtue of Part 9 of Article XII of this Act, be exempt from  
13 sale for nonpayment of taxes or assessments, or for a debt or  
14 liability incurred for the purchase or improvement thereof,  
15 or for enforcement of a lien thereon ~~for nonpayment of common~~  
16 ~~expenses~~ pursuant to paragraph (g)(1) of Section 9 of the  
17 "Condominium Property Act", approved June 20, 1963, as  
18 amended, or be exempt from enforcement of a judgment for  
19 possession pursuant to paragraph (a)(7) or (a)(8) of Section  
20 9-102 of this Code.

21 This amendatory Act of the 92nd General Assembly is  
22 intended as a clarification of existing law and not as a new  
23 enactment.

24 (Source: P.A. 83-707.)

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