

# Popovits & Robinson

ATTORNEYS AT LAW

## CLIENT ADVISORY

Property  
Adopted Legislation  
October 2009

*Frankfort: 20635 Abbey Woods Court Frankfort, IL 60423 (708) 479-3230*  
*Bloomington: 1003 Martin Luther King Drive, Bloomington, IL 61701 (309) 827-6026*

### **Notice of Foreclosure Sale**

The Illinois Code of Civil Procedure requires that a party whose property will be sold due to a foreclosure must receive notice of the sale. If the party does not receive notice, the Code allows the party to set aside the sale. The amendment to the Code, however, now requires that the party requesting the set aside post a bond equal to the amount of the suggested bid, unless such party is the mortgagor, the real estate sold at the sale is residential real estate, and the mortgagor occupies the residential real estate.

Effective August 11, 2009. *See Public Act 96-0265.*

### **Notice at Time of Conveyance**

The Illinois Code of Civil Procedure is amended by adding a new section which requires that any executed deed or judgment vesting title by a consent foreclosure shall state the grantee's or mortgagee's name (and contact person), street and mailing addresses, and telephone number.

Effective July 31, 2009. *See Public Act 96-0110.*

### **Notice Requirements For Sale of Dwelling Units**

The Illinois Code of Civil Procedures is amended by adding a section which sets forth the definition of "dwelling unit."

The Code is further amended by setting forth the requirements for the notice that must be given by a holder of a certificate of sale or deed, or a purchaser, or a mortgagee, or a receiver, to the known occupants of dwelling units of mortgaged real estate.

This Code is further amended by requiring that once an order placing the mortgagee in possession of the

mortgaged real estate or an order appointing a receiver is made, the mortgagee or receiver shall ascertain the identities and addresses of all occupants of the mortgaged real estate.

Effective October 29, 2009. *See Public Act 96-0111.*

### **Federal Housing Authority Financing**

The Illinois Condominium Property Act is amended by adding a new section which will not allow a condominium association to exercise any right of refusal, option to purchase or right to disapprove a sale on the basis that the purchaser's financing is guaranteed by the Federal Housing Authority.

Effective January 1, 2010. *See Public Act 96-0228.*

### **Distressed Condominium Procedures**

The Illinois Condominium Property Act is amended by setting forth definitions of "distressed condominium property", "owner", "other party in interest", and "municipality."

The Act is further amended to set forth the procedures to be followed once a property is declared by the courts to be a "distressed condominium property."

Effective January 1, 2010. *See Public Act 96-0174.*

### **Contractor's Notification of Lien**

The Illinois Mechanics Lien Act is amended to require a contractor hired to perform improvements on an owner-occupied single-family residence to give the owner written notice within 10 days after recording a lien against the property. In the event timely notice is not given, and as a result the owner has suffered

damages before notice is given, the lien is extinguished to the extent of the damages.

Effective January 1, 2010. *See Public Act 96-0654.*

### **Governmental Unit Tax**

The Illinois Community Mental Health Act is amended to allow a governing body of a governmental unit that levies a tax that is less than 0.15% to, upon referendum approval, increase that rate to not more than 0.15% for the purpose of providing community mental health facilities and services, including facilities and services for persons with a developmental disability or substance use disorder.

Effective August 25, 2009. *See Public Act 96-0764.*

### **Condominium Quorum for Amendments to Bylaws**

The Illinois Condominium Property Act is amended to change the quorum requirement for amendment to an association's bylaws. The revised Act states that when voting for amendments to the association's bylaws, any owner who is in arrears 60 days or more on the owner's assessments (regular or special) shall not be counted for purposes of determining if a quorum is present, but the owner has the right to vote on amendments to the association's bylaws.

Effective January 1, 2010. *See Public Act 96-0055.*