(Docket No. 132383)
CHICAGO TITLE LAND TRUST COMPANY, Appellant, v. SARA WATKIN, Appellee.
Opinion filed September 24, 2026.

Justice Tailor delivered the judgment of the court, with opinion.

The mortgage lien statute provides that an unsatisfied lien stays listed on the property for 20 years from the date the last payment is due. The statute allowing a mortgagee to sue to foreclose gives the mortgagee only 10 years. So can a property owner sue to have the lien taken off the property once the right to sue has lapsed? In this case, the supreme court held the mortgage lien stays on the property's record, even though the mortgagee can no longer sue to foreclose.

Sara Watkin held a mortgage interest on a property in Wilmette held in trust. The 10-year limitations period on the note and mortgage lapsed, and the trustee (Chicago Title Land Trust Company) sued to quiet title and for the mortgage lien to be declared without force or effect, now that Watkin could no longer sue to collect. The appellate court looked to the relevant statutes and found the lapse of a limitations period prevented Watkin from suing but did not extinguish the underlying obligation. The supreme court agreed. The Illinois legislature expressly gave different time periods for the two concepts and gave no provision allowing for the removal of the lien where the right to sue on it had lapsed. While Watkin's remedy had lapsed, she still held a debt. The lien remained.