

Sample Q& A: Housing Law

Security Deposit – Foreclosure



Q

I was living in an apartment. The building was foreclosed on and purchased by a new owner. I had a \$800 security deposit. The new owner's lawyer told him he isn't responsible for returning it to me. Is this true? I need my deposit back. I am a disabled senior citizen on a fixed income and can't afford to pay legal fees. Please help.

-- Debbie T., Kane County

A

Hi Debbie, how frustrating! I am sorry you are dealing with this.

So the answer here is not clear cut. One thing had to have happened for the new owner to be responsible for returning your deposit. The bank (or other seller in the foreclosure process) must have actually received the security deposits from your old landlord for your new landlord to be responsible. If that didn't happen, then the old landlord will still be responsible (not the new landlord).

I suggest you call Prairie State Legal Service's Older Adult helpline and see if they can help you. That phone number is **888-965-7757**. Here is their website: [Prairie State Legal Services](#).

If they are unable to help, then you can send a security deposit demand letter to your old landlord. Here are the instructions and forms for a demand letter: [5 steps to recover your security deposit](#). If that doesn't work, then you will have to file a court case: [Starting a security deposit court case](#).

This is such a hassle. For that I am very sorry. Best of luck to you.

***These are training materials and not meant to be used to copy/paste in your answers to clients. IL.freelegalanswers.org is committed to being responsive to every client's individual situation and providing legal advice most appropriate to the facts and circumstances. Please use this sample to begin educating yourself on this area of law.*

Governing Law

Applicable Law

Landlord and Tenant Act, [765 ILCS 705/5](#) et seq.

Security Deposit Return Act Return Act, [765 ILCS 710/1](#)

Security Deposit Interest Act, [765 ILCS 715/1,2](#)

Relevant ILAO Content

Pro se

[Security deposit when the property is sold](#)

[5 steps to recover your security deposit](#)

[Getting a security deposit back](#)

[Starting a security deposit court case](#)

[Enforcing a security deposit judgment or court order](#)

For legal professionals

[Landlord and tenant manual](#)