



Rep. Calvin L. Giles

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1 AMENDMENT TO HOUSE BILL 666

2 AMENDMENT NO. _____. Amend House Bill 666, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Property Tax Code is amended by changing
6 Sections 21-250, 21-251, and 21-260 and by adding Section
7 21-253 as follows:

8 (35 ILCS 200/21-250)

9 Sec. 21-250. Certificate of purchase. The county clerk
10 shall make out and deliver to the purchaser of any property
11 sold under Section 21-205, a certificate of purchase
12 countersigned by the collector, describing the property sold,
13 the date of sale, the amount of taxes, special assessments,
14 interest and cost for which they were sold and that payment of
15 the sale price has been made. If any person becomes the
16 purchaser of more than one property owned by one party or
17 person, the purchaser may have the whole or one or more of them
18 included in one certificate, but separate certificates shall be
19 issued in all other cases. A certificate of purchase shall be
20 assignable by endorsement, provided that any assignment of a
21 certificate of purchase from a scavenger sale must be made in
22 accordance with Sections 21-251 and 21-253. An assignment shall
23 vest in the assignee or his or her legal representatives, all
24 the right and title of the original purchaser. The changes made

1 by this amendatory Act of the 94th General Assembly apply only
2 to certificates originally purchased after the effective date
3 of this amendatory Act of the 94th General Assembly.

4 If the tax certificate is lost or destroyed, the county
5 clerk shall issue a duplicate certificate upon written request
6 and a sworn affidavit by the tax sale purchaser, or his or her
7 assignee, that the tax certificate is lost or destroyed. The
8 county clerk shall cause a notation to be made in the tax sale
9 and judgment book that a duplicate certificate has been issued,
10 and redemption payments shall be made only to the holder of the
11 duplicate certificate.

12 (Source: P.A. 88-455; 89-617, eff. 9-1-96.)

13 (35 ILCS 200/21-251)

14 Sec. 21-251. Registry of owners of certificates of
15 purchase.

16 (a) The county clerk of each county shall create and
17 maintain a registry system that permanently records the names,
18 addresses, and telephone numbers of owners or assignees of
19 certificates of purchase issued pursuant to any tax sale
20 conducted under this Code. The registry may consist of a single
21 record or a combination of records maintained in paper or
22 electronic form and may include copies of records kept by the
23 county treasurer for other purposes, all to be used as the
24 county clerk deems appropriate to carry out the purposes of
25 this Section. The information in the registry shall be made
26 available to the public.

27 (b) The county clerk of each county is authorized to
28 promulgate reasonable rules, procedures, and forms for
29 purposes of creating and maintaining the registry and for
30 access to the registry information by members of the public. In
31 counties with 3,000,000 or more inhabitants, any owner of a
32 certificate of purchase pursuant to assignment may elect
33 whether to register that assignment as provided in this

1 Section, but all owners of certificates of purchase shall be
2 subject to the provisions of subsection (d) of this Section.
3 The registration of assignments of certificates of purchase
4 from a scavenger sale in counties of 3,000,000 or more
5 inhabitants is mandatory, and any attempted assignment without
6 registration as provided in this Section is null and void. In
7 counties with less than 3,000,000 inhabitants, the county clerk
8 shall provide by rule whether registration of assignments of
9 certificates of purchase shall be elective or mandatory.

10 (c) The owner of a certificate of purchase pursuant to
11 assignment, in order to register that assignment, shall submit
12 to the county clerk the owner's name, address, and telephone
13 number in accordance with any rules, procedures, and forms
14 promulgated by the clerk. Any registered owner of a certificate
15 of purchase may update the registration at any time without
16 charge by submitting to the county clerk any lawful change of
17 name, address, or telephone number.

18 (d) If notice is required to be given to the owner of the
19 certificate of purchase in any proceeding, whether judicial or
20 administrative, affecting a tax sale conducted under any
21 provision of this Code, the notice may be directed to the most
22 recent owner of the certificate of purchase appearing in the
23 county clerk's registry under this Section. Any notice that has
24 been directed as provided in this Section shall be conclusively
25 presumed to be properly directed to the owner of the
26 certificate of purchase for all purposes related to the
27 proceeding in which the notice is given. No objection or
28 assertion by any assignee of a certificate of purchase in any
29 proceeding shall be heard on grounds that a notice to the tax
30 purchaser was misdirected, unless that assignee's current and
31 lawful name, address, and telephone number were submitted to
32 the county clerk's registry at the time of the notice in
33 question.

34 (e) The county clerk may assess an automation fee of no

1 more than \$50 in counties of 3,000,000 or more inhabitants and
2 no more than \$10 in all other counties to be paid by the owner
3 of the certificate of purchase for each assignment of the
4 certificate that is registered under this Section, unless the
5 owner of the certificate is a governmental unit. The fee shall
6 be collected in the same manner as other fees and costs and
7 shall be held by the county clerk in a fund for purposes of
8 automating his or her office. The fee provided for under this
9 Section shall not be chargeable to the cost of redemption under
10 Section 21-355 nor shall it be posted under Section 21-360 of
11 this Code.

12 (f) The changes made by this amendatory Act of the 94th
13 General Assembly apply only to certificates originally
14 purchased after the effective date of this amendatory Act of
15 the 94th General Assembly.

16 (Source: P.A. 92-729, eff. 7-25-02.)

17 (35 ILCS 200/21-253 new)

18 Sec. 21-253. Assignment or transfer of scavenger sale
19 certificates of purchase.

20 (a) No owner of a certificate of purchase from a scavenger
21 sale may assign, convey, or otherwise transfer or contract to
22 transfer an ownership or other interest in the certificate to
23 any other person except as provided in this Section, unless the
24 assignment, conveyance, or transfer is made:

25 (1) by or to a unit of local government or other taxing
26 district;

27 (2) to secure a debt or other obligation or to release
28 the certificate from securing a debt or other obligation;

29 (3) pursuant to a merger, consolidation, or transfer or
30 sale of substantially all of the assets of a corporation
31 under plans of reorganization under the federal Internal
32 Revenue Code of 1986 or the federal Bankruptcy Code;

33 (4) by a subsidiary corporation to its parent

1 corporation for no consideration other than the
2 cancellation or surrender of the subsidiary's stock; or

3 (5) in connection with the procedures provided by law
4 for redemption or obtaining a tax deed.

5 (b) Any person, except a unit of local government or other
6 taxing district, seeking to acquire an interest in a scavenger
7 sale certificate of purchase under this Section is subject to
8 the provisions of Sections 21-265, 21-275, 21-280, 21-285, and
9 21-290. Provided, that references in those provisions to bids
10 at the sale conducted by the county collector and registration
11 therefor shall, for purposes of this Section, be construed to
12 refer to acquisition of scavenger sale certificates by
13 assignment and registration of such assignments with the county
14 clerk. No assignment may be completed or registered unless the
15 person who will be the owner of the certificate pursuant to the
16 assignment has first executed and delivered to the county clerk
17 a true and complete application for certificate of purchase in
18 a form prescribed by the clerk based on the form provided in
19 Section 21-275.

20 (c) The county clerk is authorized to promulgate reasonable
21 rules, procedures, and forms for purposes of this Section.
22 Nothing in this Section shall be construed to affect the rights
23 and duties of persons redeeming from a scavenger sale.

24 (d) This Section applies only to certificates originally
25 purchased after the effective date of this amendatory Act of
26 the 94th General Assembly.

27 (35 ILCS 200/21-260)

28 Sec. 21-260. Collector's scavenger sale. Upon the county
29 collector's application under Section 21-145, to be known as
30 the Scavenger Sale Application, the Court shall enter judgment
31 for the general taxes, special taxes, special assessments,
32 interest, penalties and costs as are included in the
33 advertisement and appear to be due thereon after allowing an

1 opportunity to object and a hearing upon the objections as
2 provided in Section 21-175, and order those properties sold by
3 the County Collector at public sale to the highest bidder for
4 cash, notwithstanding the bid may be less than the full amount
5 of taxes, special taxes, special assessments, interest,
6 penalties and costs for which judgment has been entered.

7 (a) Conducting the sale - Bidding. All properties shall be
8 offered for sale in consecutive order as they appear in the
9 delinquent list. The minimum bid for any property shall be \$500
10 ~~\$250~~ or one-half of the tax if the total liability is less than
11 \$1,000 ~~\$500~~. The successful bidder shall immediately pay the
12 amount of minimum bid to the County Collector in cash, by
13 certified or cashier's check, by money order, or, if the
14 successful bidder is a governmental unit, by a check issued by
15 that governmental unit. If the bid exceeds the minimum bid, the
16 successful bidder shall pay the balance of the bid to the
17 county collector in cash, by certified or cashier's check, by
18 money order, or, if the successful bidder is a governmental
19 unit, by a check issued by that governmental unit by the close
20 of the next business day. If the minimum bid is not paid at the
21 time of sale or if the balance is not paid by the close of the
22 next business day, then the sale is void and the minimum bid,
23 if paid, is forfeited to the county general fund. In that
24 event, the property shall be reoffered for sale within 30 days
25 of the last offering of property in regular order. The
26 collector shall make available to the public a list of all
27 properties to be included in any reoffering due to the voiding
28 of the original sale. The collector is not required to serve or
29 publish any other notice of the reoffering of those properties.
30 In the event that any of the properties are not sold upon
31 reoffering, or are sold for less than the amount of the
32 original voided sale, the original bidder who failed to pay the
33 bid amount shall remain liable for the unpaid balance of the
34 bid in an action under Section 21-240. Liability shall not be

1 reduced where the bidder upon reoffering also fails to pay the
2 bid amount, and in that event both bidders shall remain liable
3 for the unpaid balance of their respective bids. A sale of
4 properties under this Section shall not be final until
5 confirmed by the court.

6 (b) Confirmation of sales. The county collector shall file
7 his or her report of sale in the court within 30 days of the
8 date of sale of each property. No notice of the county
9 collector's application to confirm the sales shall be required
10 except as prescribed by rule of the court. Upon confirmation,
11 except in cases where the sale becomes void under Section
12 22-85, or in cases where the order of confirmation is vacated
13 by the court, a sale under this Section shall extinguish the in
14 rem lien of the general taxes, special taxes and special
15 assessments for which judgment has been entered and a
16 redemption shall not revive the lien. Confirmation of the sale
17 shall in no event affect the owner's personal liability to pay
18 the taxes, interest and penalties as provided in this Code or
19 prevent institution of a proceeding under Section 21-440 to
20 collect any amount that may remain due after the sale.

21 (c) Issuance of tax sale certificates. Upon confirmation of
22 the sale the County Clerk and the County Collector shall issue
23 to the purchaser a certificate of purchase in the form
24 prescribed by Section 21-250 as near as may be. A certificate
25 of purchase shall not be issued to any person who is ineligible
26 to bid at the sale or to receive a certificate of purchase
27 under Section 21-265. The certificate of purchase and the
28 interest of the purchaser that it represents are subject to
29 Sections 21-251 and 21-253.

30 (d) Scavenger Tax Judgment, Sale and Redemption Record -
31 Sale of parcels not sold. The county collector shall prepare a
32 Scavenger Tax Judgment, Sale and Redemption Record. The county
33 clerk shall write or stamp on the scavenger tax judgment, sale,
34 forfeiture and redemption record opposite the description of

1 any property offered for sale and not sold, or not confirmed
2 for any reason, the words "offered but not sold". The
3 properties which are offered for sale under this Section and
4 not sold or not confirmed shall be offered for sale annually
5 thereafter in the manner provided in this Section until sold,
6 except in the case of mineral rights, which after 10
7 consecutive years of being offered for sale under this Section
8 and not sold or confirmed shall no longer be required to be
9 offered for sale. At any time between annual sales the County
10 Collector may advertise for sale any properties subject to sale
11 under judgments for sale previously entered under this Section
12 and not executed for any reason. The advertisement and sale
13 shall be regulated by the provisions of this Code as far as
14 applicable.

15 (e) Proceeding to tax deed. The owner of the certificate of
16 purchase shall give notice as required by Sections 22-5 through
17 22-30, and may extend the period of redemption as provided by
18 Section 21-385. At any time within 5 months prior to expiration
19 of the period of redemption from a sale under this Code, the
20 owner of a certificate of purchase may file a petition and may
21 obtain a tax deed under Sections 22-30 through 22-55. All
22 proceedings for the issuance of a tax deed and all tax deeds
23 for properties sold under this Section shall be subject to
24 Sections 22-30 through 22-55. Deeds issued under this Section
25 are subject to Section 22-70. This Section shall be liberally
26 construed so that the deeds provided for in this Section convey
27 merchantable title.

28 (f) Redemptions from scavenger sales. Redemptions may be
29 made from sales under this Section in the same manner and upon
30 the same terms and conditions as redemptions from sales made
31 under the County Collector's annual application for judgment
32 and order of sale, except that in lieu of penalty the person
33 redeeming shall pay interest as follows if the sale occurs
34 before September 9, 1993:

1 (1) If redeemed within the first 2 months from the date
2 of the sale, 3% per month or portion thereof upon the
3 amount for which the property was sold;

4 (2) If redeemed between 2 and 6 months from the date of
5 the sale, 12% of the amount for which the property was
6 sold;

7 (3) If redeemed between 6 and 12 months from the date
8 of the sale, 24% of the amount for which the property was
9 sold;

10 (4) If redeemed between 12 and 18 months from the date
11 of the sale, 36% of the amount for which the property was
12 sold;

13 (5) If redeemed between 18 and 24 months from the date
14 of the sale, 48% of the amount for which the property was
15 sold;

16 (6) If redeemed after 24 months from the date of sale,
17 the 48% herein provided together with interest at 6% per
18 year thereafter.

19 If the sale occurs on or after September 9, 1993, the
20 person redeeming shall pay interest on that part of the amount
21 for which the property was sold equal to or less than the full
22 amount of delinquent taxes, special assessments, penalties,
23 interest, and costs, included in the judgment and order of sale
24 as follows:

25 (1) If redeemed within the first 2 months from the date
26 of the sale, 3% per month upon the amount of taxes, special
27 assessments, penalties, interest, and costs due for each of
28 the first 2 months, or fraction thereof.

29 (2) If redeemed at any time between 2 and 6 months from
30 the date of the sale, 12% of the amount of taxes, special
31 assessments, penalties, interest, and costs due.

32 (3) If redeemed at any time between 6 and 12 months
33 from the date of the sale, 24% of the amount of taxes,
34 special assessments, penalties, interest, and costs due.

1 (4) If redeemed at any time between 12 and 18 months
2 from the date of the sale, 36% of the amount of taxes,
3 special assessments, penalties, interest, and costs due.

4 (5) If redeemed at any time between 18 and 24 months
5 from the date of the sale, 48% of the amount of taxes,
6 special assessments, penalties, interest, and costs due.

7 (6) If redeemed after 24 months from the date of sale,
8 the 48% provided for the 24 months together with interest
9 at 6% per annum thereafter on the amount of taxes, special
10 assessments, penalties, interest, and costs due.

11 The person redeeming shall not be required to pay any
12 interest on any part of the amount for which the property was
13 sold that exceeds the full amount of delinquent taxes, special
14 assessments, penalties, interest, and costs included in the
15 judgment and order of sale.

16 Notwithstanding any other provision of this Section,
17 except for owner-occupied single family residential units
18 which are condominium units, cooperative units or dwellings,
19 the amount required to be paid for redemption shall also
20 include an amount equal to all delinquent taxes on the property
21 which taxes were delinquent at the time of sale. The delinquent
22 taxes shall be apportioned by the county collector among the
23 taxing districts in which the property is situated in
24 accordance with law. In the event that all moneys received from
25 any sale held under this Section exceed an amount equal to all
26 delinquent taxes on the property sold, which taxes were
27 delinquent at the time of sale, together with all publication
28 and other costs associated with the sale, then, upon
29 redemption, the County Collector and the County Clerk shall
30 apply the excess amount to the cost of redemption.

31 (g) Bidding by county or other taxing districts. Any taxing
32 district may bid at a scavenger sale. The county board of the
33 county in which properties offered for sale under this Section
34 are located may bid as trustee for all taxing districts having

1 an interest in the taxes for the nonpayment of which the
2 parcels are offered. The County shall apply on the bid the
3 unpaid taxes due upon the property and no cash need be paid.
4 The County or other taxing district acquiring a tax sale
5 certificate shall take all steps necessary to acquire title to
6 the property and may manage and operate the property so
7 acquired.

8 When a county, or other taxing district within the county,
9 is a petitioner for a tax deed, no filing fee shall be required
10 on the petition. The county as a tax creditor and as trustee
11 for other tax creditors, or other taxing district within the
12 county shall not be required to allege and prove that all taxes
13 and special assessments which become due and payable after the
14 sale to the county have been paid. The county shall not be
15 required to pay the subsequently accruing taxes or special
16 assessments at any time. Upon the written request of the county
17 board or its designee, the county collector shall not offer the
18 property for sale at any tax sale subsequent to the sale of the
19 property to the county under this Section. The lien of taxes
20 and special assessments which become due and payable after a
21 sale to a county shall merge in the fee title of the county, or
22 other taxing district, on the issuance of a deed. The County
23 may sell the properties so acquired, or the certificate of
24 purchase thereto, and the proceeds of the sale shall be
25 distributed to the taxing districts in proportion to their
26 respective interests therein. The presiding officer of the
27 county board, with the advice and consent of the County Board,
28 may appoint some officer or person to attend scavenger sales
29 and bid on its behalf.

30 (h) Miscellaneous provisions. In the event that the tract
31 of land or lot sold at any such sale is not redeemed within the
32 time permitted by law and a tax deed is issued, all moneys that
33 may be received from the sale of properties in excess of the
34 delinquent taxes, together with all publication and other costs

1 associated with the sale, shall, upon petition of any
2 interested party to the court that issued the tax deed, be
3 distributed by the County Collector pursuant to order of the
4 court among the persons having legal or equitable interests in
5 the property according to the fair value of their interests in
6 the tract or lot. Section 21-415 does not apply to properties
7 sold under this Section. Appeals may be taken from the orders
8 and judgments entered under this Section as in other civil
9 cases. The remedy herein provided is in addition to other
10 remedies for the collection of delinquent taxes.

11 (Source: P.A. 90-514, eff. 8-22-97; 90-655, eff. 7-30-98;
12 91-189, eff. 1-1-00.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."