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09500HB4769ham001

LRB095 15330 BDD 47897 a

1 AMENDMENT TO HOUSE BILL 4769

2 AMENDMENT NO. _____. Amend House Bill 4769 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 22-45 as follows:

6 (35 ILCS 200/22-45)

7 (Text of Section before amendment by P.A. 95-477)

8 Sec. 22-45. Tax deed incontestable unless order appealed or
9 relief petitioned. Tax deeds issued under Section 22-40 are
10 incontestable except by appeal from the order of the court
11 directing the county clerk to issue the tax deed. However,
12 relief from such order may be had under Section 2-1401 of the
13 Code of Civil Procedure in the same manner and to the same
14 extent as may be had under that Section with respect to final
15 orders and judgments in other proceedings. The grounds for
16 relief under Section 2-1401 shall be limited to:

- 1 (1) proof that the taxes were paid prior to sale;
- 2 (2) proof that the property was exempt from taxation;
- 3 (3) proof by clear and convincing evidence that the tax
4 deed had been procured by fraud or deception by the tax
5 purchaser or his or her assignee; or
- 6 (4) proof by a person or party holding a recorded
7 ownership or other recorded interest in the property that
8 he or she was not named as a party in the publication
9 notice as set forth in Section 22-20, and that the tax
10 purchaser or his or her assignee did not make a diligent
11 inquiry and effort to serve that person or party with the
12 notices required by Sections 22-10 through 22-30.

13 In cases of the sale of homestead property ~~in counties with~~
14 ~~3,000,000 or more inhabitants~~, a tax deed may also be voided by
15 the court upon petition, filed not more than 3 months after an
16 order for tax deed was entered, if the court finds that the
17 property was owner occupied on the expiration date of the
18 period of redemption and that the order for deed was
19 effectuated pursuant to a negligent or willful error made by an
20 employee of the county clerk or county collector during the
21 period of redemption from the sale that was reasonably relied
22 upon to the detriment of any person having a redeemable
23 interest. In such a case, the tax purchaser shall be entitled
24 to the original amount required to redeem the property plus
25 interest from the sale as of the last date of redemption
26 together with costs actually expended subsequent to the

1 expiration of the period of redemption and reasonable
2 attorney's fees, all of which shall be dispensed from the fund
3 created by Section 21-295. In those cases of error where the
4 court vacates the tax deed, it may award the petitioner
5 reasonable attorney's fees and court costs actually expended,
6 payable from that fund. The court hearing a petition filed
7 under this Section or Section 2-1401 of the Code of Civil
8 Procedure may concurrently hear a petition filed under Section
9 21-295 and may grant relief under either Section.

10 Notwithstanding any other rulemaking authority that may
11 exist, neither the Governor nor any agency or agency head under
12 the jurisdiction of the Governor has any authority to make or
13 promulgate rules to implement or enforce the provisions of this
14 amendatory Act of the 95th General Assembly. If, however, the
15 Governor believes that rules are necessary to implement or
16 enforce the provisions of this amendatory Act of the 95th
17 General Assembly, the Governor may suggest rules to the General
18 Assembly by filing them with the Clerk of the House and the
19 Secretary of the Senate and by requesting that the General
20 Assembly authorize such rulemaking by law, enact those
21 suggested rules into law, or take any other appropriate action
22 in the General Assembly's discretion. Nothing contained in this
23 amendatory Act of the 95th General Assembly shall be
24 interpreted to grant rulemaking authority under any other
25 Illinois statute where such authority is not otherwise
26 explicitly given. For the purposes of this paragraph, "rules"

1 is given the meaning contained in Section 1-70 of the Illinois
2 Administrative Procedure Act, and "agency" and "agency head"
3 are given the meanings contained in Sections 1-20 and 1-25 of
4 the Illinois Administrative Procedure Act to the extent that
5 such definitions apply to agencies or agency heads under the
6 jurisdiction of the Governor.

7 (Source: P.A. 92-224, eff. 1-1-02.)

8 (Text of Section after amendment by P.A. 95-477)

9 Sec. 22-45. Tax deed incontestable unless order appealed or
10 relief petitioned. Tax deeds issued under Section 22-40 are
11 incontestable except by appeal from the order of the court
12 directing the county clerk to issue the tax deed. However,
13 relief from such order may be had under Sections 2-1203 or
14 2-1401 of the Code of Civil Procedure in the same manner and to
15 the same extent as may be had under those Sections with respect
16 to final orders and judgments in other proceedings. The grounds
17 for relief under Section 2-1401 shall be limited to:

18 (1) proof that the taxes were paid prior to sale;

19 (2) proof that the property was exempt from taxation;

20 (3) proof by clear and convincing evidence that the tax
21 deed had been procured by fraud or deception by the tax
22 purchaser or his or her assignee; or

23 (4) proof by a person or party holding a recorded
24 ownership or other recorded interest in the property that
25 he or she was not named as a party in the publication

1 notice as set forth in Section 22-20, and that the tax
2 purchaser or his or her assignee did not make a diligent
3 inquiry and effort to serve that person or party with the
4 notices required by Sections 22-10 through 22-30.

5 In cases of the sale of homestead property ~~in counties with~~
6 ~~3,000,000 or more inhabitants,~~ a tax deed may also be voided by
7 the court upon petition, filed not more than 3 months after an
8 order for tax deed was entered, if the court finds that the
9 property was owner occupied on the expiration date of the
10 period of redemption and that the order for deed was
11 effectuated pursuant to a negligent or willful error made by an
12 employee of the county clerk or county collector during the
13 period of redemption from the sale that was reasonably relied
14 upon to the detriment of any person having a redeemable
15 interest. In such a case, the tax purchaser shall be entitled
16 to the original amount required to redeem the property plus
17 interest from the sale as of the last date of redemption
18 together with costs actually expended subsequent to the
19 expiration of the period of redemption and reasonable
20 attorney's fees, all of which shall be dispensed from the fund
21 created by Section 21-295. In those cases of error where the
22 court vacates the tax deed, it may award the petitioner
23 reasonable attorney's fees and court costs actually expended,
24 payable from that fund. The court hearing a petition filed
25 under this Section or Section 2-1401 of the Code of Civil
26 Procedure may concurrently hear a petition filed under Section

1 21-295 and may grant relief under any Section.

2 This amendatory Act of the 95th General Assembly shall be
3 construed as being declarative of existing law and not as a new
4 enactment.

5 Notwithstanding any other rulemaking authority that may
6 exist, neither the Governor nor any agency or agency head under
7 the jurisdiction of the Governor has any authority to make or
8 promulgate rules to implement or enforce the provisions of this
9 amendatory Act of the 95th General Assembly. If, however, the
10 Governor believes that rules are necessary to implement or
11 enforce the provisions of this amendatory Act of the 95th
12 General Assembly, the Governor may suggest rules to the General
13 Assembly by filing them with the Clerk of the House and the
14 Secretary of the Senate and by requesting that the General
15 Assembly authorize such rulemaking by law, enact those
16 suggested rules into law, or take any other appropriate action
17 in the General Assembly's discretion. Nothing contained in this
18 amendatory Act of the 95th General Assembly shall be
19 interpreted to grant rulemaking authority under any other
20 Illinois statute where such authority is not otherwise
21 explicitly given. For the purposes of this paragraph, "rules"
22 is given the meaning contained in Section 1-70 of the Illinois
23 Administrative Procedure Act, and "agency" and "agency head"
24 are given the meanings contained in Sections 1-20 and 1-25 of
25 the Illinois Administrative Procedure Act to the extent that
26 such definitions apply to agencies or agency heads under the

1 jurisdiction of the Governor.

2 (Source: P.A. 95-477, eff. 6-1-08.)

3 Section 10. The Conveyances Act is amended by changing
4 Section 35d as follows:

5 (765 ILCS 5/35d)

6 Sec. 35d. Execution; permanent index number. Whenever ~~In a~~
7 ~~county with 3,000,000 or more inhabitants, whenever~~ any deed or
8 instrument of conveyance is executed, the grantor of
9 residential property shall provide the grantee of the property
10 with an individual permanent index number or numbers that
11 specifically represent the legal description provided for in
12 the deed or instrument of conveyance. If the individual
13 permanent index number or numbers do not specifically represent
14 the legal description in the deed or instrument of conveyance,
15 the grantor shall provide one of the following:

16 (1) proof that a proper application for division which
17 requests division of property, a portion of which would
18 result in a permanent index number or numbers that
19 represent the legal description found in the deed or
20 instrument of conveyance, has been filed with the county
21 assessor;

22 (2) a recorded plat of subdivision that would result in
23 the issuance of a permanent index number or numbers as
24 described in subdivision (1); or

1 (3) a recorded condominium declaration that would
2 result in the issuance of a permanent index number or
3 numbers as described in subdivision (1).

4 If the grantor fails to provide the grantee with either a
5 permanent index number or numbers that represent the legal
6 description found in the deed or instrument of conveyance or
7 one of the documents listed in subdivision (1), (2), or (3),
8 the grantor shall be personally liable to the grantee for taxes
9 pursuant to Section 1-145 of the Property Tax Code and
10 attorney's fees. The grantor's liability shall continue to
11 accrue until the permanent index number or numbers that
12 represent the legal description found in the deed or instrument
13 of conveyance or one of the documents listed in subdivision
14 (1), (2), or (3) is delivered to the grantee. The grantor's
15 failure to provide the permanent index number or numbers shall
16 not invalidate the deed or instrument of conveyance. A receipt
17 from the county assessor confirming that a proper application
18 has been filed and that it meets the requirements set by the
19 county assessor shall be deemed to be evidence of proper
20 application for division.

21 Notwithstanding any other rulemaking authority that may
22 exist, neither the Governor nor any agency or agency head under
23 the jurisdiction of the Governor has any authority to make or
24 promulgate rules to implement or enforce the provisions of this
25 amendatory Act of the 95th General Assembly. If, however, the
26 Governor believes that rules are necessary to implement or

1 enforce the provisions of this amendatory Act of the 95th
2 General Assembly, the Governor may suggest rules to the General
3 Assembly by filing them with the Clerk of the House and the
4 Secretary of the Senate and by requesting that the General
5 Assembly authorize such rulemaking by law, enact those
6 suggested rules into law, or take any other appropriate action
7 in the General Assembly's discretion. Nothing contained in this
8 amendatory Act of the 95th General Assembly shall be
9 interpreted to grant rulemaking authority under any other
10 Illinois statute where such authority is not otherwise
11 explicitly given. For the purposes of this paragraph, "rules"
12 is given the meaning contained in Section 1-70 of the Illinois
13 Administrative Procedure Act, and "agency" and "agency head"
14 are given the meanings contained in Sections 1-20 and 1-25 of
15 the Illinois Administrative Procedure Act to the extent that
16 such definitions apply to agencies or agency heads under the
17 jurisdiction of the Governor.

18 (Source: P.A. 92-450, eff. 8-21-01.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act."