



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3168

Introduced 2/11/2014, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-135
35 ILCS 200/22-5
35 ILCS 200/22-10
35 ILCS 200/31-45

Amends the Property Tax Code. Provides that notices of application for judgment and sale may be sent by first class mail (instead of registered or certified mail). Provides that the mailing must be supported by the certificate or affidavit of the employee of the county collector who mailed the document, stating the time and place of mailing or delivery, the complete address which appeared on the envelope or package, and the fact that the proper postage was prepaid. In a Section concerning notice of tax sales and redemption rights, and in a Section concerning notice of the expiration of the redemption period, provides that the property address shall appear on the notice (instead of the property location). Provides that deeds related to the disposition of property by a county acting as trustee for taxing districts after a tax sale are exempt from the provisions of the Real Estate Transfer Tax Law.

LRB098 19644 HLH 54847 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by changing
5 Sections 21-135, 22-5, 22-10, and 31-45 as follows:

6 (35 ILCS 200/21-135)

7 Sec. 21-135. Mailed notice of application for judgment and
8 sale. Not less than 15 days before the date of application for
9 judgment and sale of delinquent properties, the county
10 collector shall mail, ~~by registered or certified mail,~~ a notice
11 of the forthcoming application for judgment and sale to the
12 person shown by the current collector's warrant book to be the
13 party in whose name the taxes were last assessed or to the
14 current owner of record and, if applicable, to the party
15 specified under Section 15-170. The notice shall include the
16 intended dates of application for judgment and sale and
17 commencement of the sale, and a description of the properties.
18 The county collector must present proof of the mailing to the
19 court along with the application for judgement. That proof
20 shall be in the form of a certificate or affidavit of the
21 employee of the county collector who mailed the document,
22 stating the time and place of mailing or delivery, the complete
23 address that appeared on the envelope or package, and the fact

1 that proper postage was prepaid.

2 In counties with less than 3,000,000 inhabitants, a copy of
3 this notice shall also be mailed by the county collector by
4 registered or certified mail to any lienholder of record who
5 annually requests a copy of the notice. The failure of the
6 county collector to mail a notice or its non-delivery to the
7 lienholder shall not affect the validity of the judgment.

8 In counties with 3,000,000 or more inhabitants, notice
9 shall not be mailed to any person when, under Section 14-15, a
10 certificate of error has been executed by the county assessor
11 or by both the county assessor and board of appeals (until the
12 first Monday in December 1998 and the board of review beginning
13 the first Monday in December 1998 and thereafter), except as
14 provided by court order under Section 21-120.

15 The collector shall collect \$10 from the proceeds of each
16 sale to cover the costs of ~~registered or certified~~ mailing and
17 the costs of advertisement and publication. If a taxpayer pays
18 the taxes on the property after the notice of the forthcoming
19 application for judgment and sale is mailed but before the sale
20 is made, then the collector shall collect \$10 from the taxpayer
21 to cover the costs of ~~registered or certified~~ mailing and the
22 costs of advertisement and publication.

23 (Source: P.A. 93-899, eff. 8-10-04.)

24 (35 ILCS 200/22-5)

25 Sec. 22-5. Notice of sale and redemption rights. In order

1 to be entitled to a tax deed, within 4 months and 15 days after
 2 any sale held under this Code, the purchaser or his or her
 3 assignee shall deliver to the county clerk a notice to be given
 4 to the party in whose name the taxes are last assessed as shown
 5 by the most recent tax collector's warrant books, in at least
 6 10 point type in the following form completely filled in:

7 TAKE NOTICE

8 County of
 9 Date Premises Sold
 10 Certificate No.
 11 Sold for General Taxes of (year)
 12 Sold for Special Assessment of (Municipality)
 13 and special assessment number
 14 Warrant No. Inst. No.

15 THIS PROPERTY HAS BEEN SOLD FOR

16 DELINQUENT TAXES

17 Property address, if any, shown in the assessment record
 18 ~~located at~~
 19 Legal Description or Property Index No.
 20
 21

22 This notice is to advise you that the above property has
 23 been sold for delinquent taxes and that the period of
 24 redemption from the sale will expire on

25 This notice is also to advise you that a petition will be
 26 filed for a tax deed which will transfer title and the right to

1 possession of this property if redemption is not made on or
2 before

3 At the date of this notice the total amount which you must
4 pay in order to redeem the above property is

5 YOU ARE URGED TO REDEEM IMMEDIATELY TO
6 PREVENT LOSS OF PROPERTY

7 Redemption can be made at any time on or before by
8 applying to the County Clerk of County, Illinois at the
9 Office of the County Clerk in, Illinois.

10 The above amount is subject to increase at 6 month
11 intervals from the date of sale. Check with the county clerk as
12 to the exact amount you owe before redeeming. Payment must be
13 made by certified check, cashier's check, money order, or in
14 cash.

15 For further information contact the County Clerk

16 ADDRESS:.....

17 TELEPHONE:.....

18

19 Purchaser or Assignee

20 Dated (insert date).

21 Within 10 days after receipt of said notice, the county
22 clerk shall mail to the addresses supplied by the purchaser or
23 assignee, by registered or certified mail, copies of said
24 notice to the party in whose name the taxes are last assessed

1 as shown by the most recent tax collector's warrant books. The
 2 purchaser or assignee shall pay to the clerk postage plus the
 3 sum of \$10. The clerk shall write or stamp the date of
 4 receiving the notices upon the copies of the notices, and
 5 retain one copy.

6 The changes to this Section made by this amendatory Act of
 7 the 97th General Assembly apply only to tax sales that occur on
 8 or after the effective date of this amendatory Act of the 97th
 9 General Assembly.

10 (Source: P.A. 97-557, eff. 7-1-12.)

11 (35 ILCS 200/22-10)

12 Sec. 22-10. Notice of expiration of period of redemption. A
 13 purchaser or assignee shall not be entitled to a tax deed to
 14 the property sold unless, not less than 3 months nor more than
 15 6 months prior to the expiration of the period of redemption,
 16 he or she gives notice of the sale and the date of expiration
 17 of the period of redemption to the owners, occupants, and
 18 parties interested in the property, including any mortgagee of
 19 record, as provided below.

20 The Notice to be given to the parties shall be in at least
 21 10 point type in the following form completely filled in:

22 TAX DEED NO. FILED

23 TAKE NOTICE

24 County of

25 Date Premises Sold

1 Certificate No.
 2 Sold for General Taxes of (year)
 3 Sold for Special Assessment of (Municipality)
 4 and special assessment number
 5 Warrant No. Inst. No.

6 THIS PROPERTY HAS BEEN SOLD FOR
 7 DELINQUENT TAXES

8 Property address, if any, shown in the assessment record
 9 ~~located at~~
 10 Legal Description or Property Index No.
 11
 12

13 This notice is to advise you that the above property has
 14 been sold for delinquent taxes and that the period of
 15 redemption from the sale will expire on
 16

17 The amount to redeem is subject to increase at 6 month
 18 intervals from the date of sale and may be further increased if
 19 the purchaser at the tax sale or his or her assignee pays any
 20 subsequently accruing taxes or special assessments to redeem
 21 the property from subsequent forfeitures or tax sales. Check
 22 with the county clerk as to the exact amount you owe before
 23 redeeming.

24 This notice is also to advise you that a petition has been
 25 filed for a tax deed which will transfer title and the right to
 26 possession of this property if redemption is not made on or

1 before

2 This matter is set for hearing in the Circuit Court of this
3 county in, Illinois on

4 You may be present at this hearing but your right to redeem
5 will already have expired at that time.

6 YOU ARE URGED TO REDEEM IMMEDIATELY
7 TO PREVENT LOSS OF PROPERTY

8 Redemption can be made at any time on or before by
9 applying to the County Clerk of, County, Illinois at the
10 Office of the County Clerk in, Illinois.

11 For further information contact the County Clerk

12 ADDRESS:.....

13 TELEPHONE:.....

14

15 Purchaser or Assignee.

16 Dated (insert date).

17 In counties with 3,000,000 or more inhabitants, the notice
18 shall also state the address, room number and time at which the
19 matter is set for hearing.

20 The changes to this Section made by this amendatory Act of
21 the 97th General Assembly apply only to matters in which a
22 petition for tax deed is filed on or after the effective date
23 of this amendatory Act of the 97th General Assembly.

24 (Source: P.A. 97-557, eff. 7-1-12.)

1 (35 ILCS 200/31-45)

2 Sec. 31-45. Exemptions. The following deeds or trust
3 documents shall be exempt from the provisions of this Article
4 except as provided in this Section:

5 (a) Deeds representing real estate transfers made before
6 January 1, 1968, but recorded after that date and trust
7 documents executed before January 1, 1986, but recorded after
8 that date.

9 (b) Deeds to or trust documents relating to (1) property
10 acquired by any governmental body or from any governmental
11 body, (2) property or interests transferred between
12 governmental bodies, or (3) property acquired by or from any
13 corporation, society, association, foundation or institution
14 organized and operated exclusively for charitable, religious
15 or educational purposes. However, deeds or trust documents,
16 other than those in which the Administrator of Veterans'
17 Affairs of the United States is the grantee pursuant to a
18 foreclosure proceeding, shall not be exempt from filing the
19 declaration.

20 (c) Deeds or trust documents that secure debt or other
21 obligation.

22 (d) Deeds or trust documents that, without additional
23 consideration, confirm, correct, modify, or supplement a deed
24 or trust document previously recorded.

25 (e) Deeds or trust documents where the actual consideration

1 is less than \$100.

2 (f) Tax deeds.

3 (g) Deeds or trust documents that release property that is
4 security for a debt or other obligation.

5 (h) Deeds of partition.

6 (i) Deeds or trust documents made pursuant to mergers,
7 consolidations or transfers or sales of substantially all of
8 the assets of corporations under plans of reorganization under
9 the Federal Internal Revenue Code or Title 11 of the Federal
10 Bankruptcy Act.

11 (j) Deeds or trust documents made by a subsidiary
12 corporation to its parent corporation for no consideration
13 other than the cancellation or surrender of the subsidiary's
14 stock.

15 (k) Deeds when there is an actual exchange of real estate
16 and trust documents when there is an actual exchange of
17 beneficial interests, except that that money difference or
18 money's worth paid from one to the other is not exempt from the
19 tax. These deeds or trust documents, however, shall not be
20 exempt from filing the declaration.

21 (l) Deeds issued to a holder of a mortgage, as defined in
22 Section 15-103 of the Code of Civil Procedure, pursuant to a
23 mortgage foreclosure proceeding or pursuant to a transfer in
24 lieu of foreclosure.

25 (m) A deed or trust document related to the purchase of a
26 principal residence by a participant in the program authorized

1 by the Home Ownership Made Easy Act, except that those deeds
2 and trust documents shall not be exempt from filing the
3 declaration.

4 (n) Deeds related to the disposition of property by a
5 county acting as trustee for taxing districts under Section
6 21-90 of the Property Tax Code.

7 (Source: P.A. 91-555, eff. 1-1-00.)