

1 AN ACT in relation to taxation.

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 Section 21-310 as follows:

6 (35 ILCS 200/21-310)

7 Sec. 21-310. Sales in error.

8 (a) When, upon application of the county collector, the
9 owner of the certificate of purchase, or a municipality which
10 owns or has owned the property ordered sold, it appears to
11 the satisfaction of the court which ordered the property sold
12 that any of the following subsections are applicable, the
13 court shall declare the sale to be a sale in error:

14 (1) the property was not subject to taxation, or
15 all or any part of the lien of taxes sold has become null
16 and void pursuant to Section 21-95,

17 (2) the taxes or special assessments had been paid
18 prior to the sale of the property,

19 (3) there is a double assessment,

20 (4) the description is void for uncertainty,

21 (5) the assessor, chief county assessment officer,
22 board of review, board of appeals, or other county
23 official has made an error (other than an error of
24 judgment as to the value of any property),

25 (5.5) the owner of the homestead property had
26 tendered timely and full payment to the county collector
27 that the owner reasonably believed was due and owing on
28 the homestead property, and the county collector did not
29 apply the payment to the homestead property; provided
30 that this provision applies only to homeowners, not their
31 agents or third-party payors,

1 (6) prior to the tax sale a voluntary or
 2 involuntary petition has been filed by or against the
 3 legal or beneficial owner of the property requesting
 4 relief under the provisions of 11 U.S.C. Chapter 7, 11,
 5 12, or 13, or

6 (7) the property is owned by the State of Illinois,
 7 a municipality, or a taxing district, or

8 (8) a voluntary or involuntary petition under the
 9 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
 10 filed subsequent to the tax sale and prior to the
 11 issuance of the tax deed.

12 (b) When, upon application of the owner of the
 13 certificate of purchase only, it appears to the satisfaction
 14 of the court which ordered the property sold that any of the
 15 following subsections are applicable, the court shall declare
 16 the sale to be a sale in error:

17 (1) Blank. ~~A--voluntary--or--involuntary--petition~~
 18 ~~under--the--provisions--of--11--U.S.C.--Chapter--7,--11,--12,--or~~
 19 ~~13--has--been--filed--subsequent--to--the--tax--sale--and--prior--to~~
 20 ~~the--issuance--of--the--tax--deed.~~

21 (2) The improvements upon the property sold have
 22 been substantially destroyed or rendered uninhabitable or
 23 otherwise unfit for occupancy subsequent to the tax sale
 24 and prior to the issuance of the tax deed.

25 (3) There is an interest held by the United States
 26 in the property sold which could not be extinguished by
 27 the tax deed.

28 (4) The real property contains a hazardous
 29 substance, hazardous waste, or underground storage tank
 30 that would require cleanup or other removal under any
 31 federal, State, or local law, ordinance, or regulation,
 32 only if the tax purchaser purchased the property without
 33 actual knowledge of the hazardous substance, hazardous
 34 waste, or underground storage tank. This paragraph (4)

1 applies only to tax purchases occurring after January 1,
2 1990 and if the owner of the certificate of purchase has
3 made application for a sale in error at any time before
4 the issuance of a tax deed.

5 If a sale is declared to be a sale in error, the county
6 clerk shall make entry in the tax judgment, sale, redemption
7 and forfeiture record, that the property was erroneously
8 sold, and the county collector shall, on demand of the owner
9 of the certificate of purchase, refund the amount paid, pay
10 any interest and costs as may be ordered under Sections
11 21-315 through 21-335, and cancel the certificate so far as
12 it relates to the property. The county collector shall deduct
13 from the accounts of the appropriate taxing bodies their pro
14 rata amounts paid.

15 (Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99;
16 91-924, eff. 1-1-01; 92-224, eff. 1-1-02.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.