

1 AN ACT concerning local government.

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 21-90, 21-110, 21-115, 21-150, 21-160, 21-190,
6 21-205, 21-215, 21-225, 21-305, 21-310, 21-350, 22-5, 22-10,
7 22-40, and 22-65 and by adding Sections 1-21, 1-147, 1-148,
8 21-191, 21-192, 21-296, 21-301, 21-302, and 22-42 as follows:

9 (35 ILCS 200/1-21 new)

10 Sec. 1-21. Interested party. "Interested party" means any
11 party having an interest in the property as revealed by a title
12 examination of public records. "Interested party" does not
13 include the holder of the benefit or burden of any easement
14 whose interest is properly recorded, which interest shall
15 remain unaffected by property tax enforcement proceedings.

16 (35 ILCS 200/1-147 new)

17 Sec. 1-147. Tax deed auction. "Tax deed auction" means the
18 transfer of property by an auction conducted in accordance
19 with Sections 21-90, 22-10, 22-40, or 22-42 of this Code.

20 (35 ILCS 200/1-148 new)

21 Sec. 1-148. Tax sale. "Tax sale" means the transfer of a

1 property tax lien or tax certificate in accordance with
2 Sections 21-90, 21-145, 21-205, 21-225, 21-250, or 21-260 of
3 this Code.

4 (35 ILCS 200/21-90)

5 Sec. 21-90. Purchase and sale by county; distribution of
6 proceeds.

7 (a) When any property is offered at a tax ~~for~~ sale under
8 any of the provisions of this Code, the county board of the
9 county in which the property is located, in its discretion,
10 may bid, or, in the case of forfeited property, may apply to
11 purchase it or otherwise acquire the tax lien or certificate
12 in the name of the county as trustee for all taxing districts
13 having an interest in the property's taxes or special
14 assessments for the nonpayment of which the property is sold.
15 The presiding officer of the county board, with the advice and
16 consent of the board, may appoint on its behalf some officer,
17 person, or entity to attend such sales, bid on tax liens or
18 certificates, and act on behalf of the county when exercising
19 its authority under this Section. The county shall apply on
20 the bid or purchase the unpaid taxes and special assessments
21 due upon the property. No cash need be paid.

22 (b) The county, as trustee for all taxing districts having
23 an interest in the property's taxes or special assessments,
24 shall be the designated holder of all tax liens or
25 certificates that are forfeited to the State or county or

1 otherwise acquired by the county pursuant to subsection (a) of
2 this Section or Sections 21-190 through 21-255 of this Code.
3 No cash need be paid for any tax lien or certificate acquired
4 by the county pursuant to subsection (a) of this Section or
5 Sections 21-190 through 21-255 of this Code ~~the forfeited tax~~
6 ~~lien or certificate.~~

7 (c) For any tax lien or certificate acquired under
8 subsection (a) or (b) of this Section, or for any property
9 otherwise purchased or acquired by the county pursuant to
10 Sections 21-190 to 21-255 of this Code, the county may take
11 steps necessary to acquire or sell title to the property and
12 may manage and operate the property, including, but not
13 limited to, mowing of grass, removal of nuisance greenery,
14 removal of garbage, waste, debris or other materials, or the
15 demolition, repair, or remediation of unsafe structures. When
16 a county, or other taxing district within the county, is a
17 petitioner for a tax deed, no filing fee shall be required.
18 When a county or other taxing district within the county is the
19 petitioner for a tax deed, one petition may be filed including
20 all parcels that are tax delinquent within the county or
21 taxing district, and any publication made under Section 22-20
22 of this Code may combine all such parcels within a single
23 notice. The notice may include the property ~~street~~ address as
24 listed on the most recent available tax bills, if available,
25 and shall list the Property Index Number of the parcels for
26 informational purposes. The county, as tax creditor and as

1 trustee for other tax creditors, or other taxing district
2 within the county, shall not be required to allege and prove
3 that all taxes and special assessments which become due and
4 payable after the sale or forfeiture to the county have been
5 paid nor shall the county be required to pay the subsequently
6 accruing taxes or special assessments at any time. The county
7 board or its designee may prohibit the county collector from
8 including the property in the tax sale of one or more
9 subsequent years. The lien of taxes and special assessments
10 which become due and payable after a tax sale to a county shall
11 merge in the fee title of the county, or other taxing district
12 within the county, on the issuance of a deed.

13 The county may sell any property acquired with authority
14 provided in this Section, or assign any tax certificate to any
15 party, including, but not limited to, taxing districts,
16 municipalities, land banks created pursuant to Illinois law,
17 or non-profit developers focused on constructing affordable
18 housing.

19 The assigned tax certificate shall be void with no further
20 rights given to the assignee, including no right to refund or
21 reimbursement, if a tax deed resulting from a tax deed auction
22 has not been recorded within 4 years after the date of the
23 assignment unless a court extends the assignment period as
24 provided in this Section. Upon a motion by the assignee, a
25 court may toll the 4-year deadline for a specified period of
26 time if the court finds the assignee is prevented from

1 obtaining or recording a deed by injunction or order of any
2 court, by the refusal or inability of any court to act upon the
3 application for a tax deed, by a municipality's refusal to
4 issue necessary ~~transfer stamps or~~ approvals for recording, or
5 by the refusal of the clerk to execute the deed. If an assigned
6 tax certificate is void under this Section, it shall be
7 forfeited to the county and held as a valid certificate of sale
8 in the county's name pursuant to this Section 21-90. The
9 proceeds of any sale or assignment under this Section, less
10 all costs of the county incurred in the acquisition,
11 operation, maintenance, and sale of the property or assignment
12 of the tax certificate, including all costs associated with
13 county staff and overhead used to perform the duties of the
14 trustee set forth in this Section, and less any surplus
15 payments to previous owners, shall be distributed to the
16 taxing districts in proportion to their respective interests
17 therein.

18 ~~Under Sections 21 110, 21 115, 21 120, and 21 190, a~~
19 ~~county may bid or purchase only in the absence of other~~
20 ~~bidders.~~

21 (d) The county, as trustee, may elect to acquire or sell
22 tax delinquent property under either the provisions of this
23 Section or under Sections 22-40 and 22-42 of this Code. For any
24 tax lien or certificate acquired by a county under this Code,
25 the county may take steps necessary to acquire title to the
26 property, including a final overbid at the close of any public

1 tax deed auction or judicial sale conveying title to property
2 intended to be developed by a unit of local government.

3 (e) When the county, as trustee, files a petition for one
4 or more delinquent tax liens or certificates, the county may
5 request, pursuant to Section 22-40, that the court issue a tax
6 deed to the county, as trustee, without holding a judicial tax
7 deed auction. If the county requests a tax deed without a tax
8 deed auction pursuant to Section 22-40 and 22-42 of this Code,
9 the Order for Issuance of Tax Deed shall identify the total
10 amount of delinquent taxes and penalties, municipal
11 advancements identified in Section 22-35, pro rata county
12 costs incurred pursuant to subsections (a) through (c) of this
13 Section, and other posted costs for each parcel conveyed. This
14 judgment amount shall be considered the debt owed to the
15 county, as trustee. The Order for Issuance of Tax Deed shall
16 also include an order for the county to offer each parcel
17 acquired by the county in this manner for sale at a public tax
18 deed auction, as set forth in subsection (f) of this Section,
19 within 120 days of recording the tax deed. The purpose of the
20 public tax deed auction as set forth in subsection (f) of this
21 Section is to determine whether and to what extent there are
22 surplus funds owed by the county, as trustee, to the former
23 owner that exceed the judgment amount indicated in the Order
24 for Issuance of Tax Deed. If no party bids more than this
25 amount at the public tax deed auction described in subsection
26 (f), then the purchase price will be recorded as the amount of

1 the debt owed to the county, as trustee, as reflected in the
2 Order for Issuance of Tax Deed, and there are no surplus funds
3 owed to the previous owner.

4 (f) County tax deed auctions. Tax deed auctions held by
5 the county pursuant to this Section shall conform with the
6 following requirements.

7 (1) Notice. The county or its agent shall give notice
8 of the tax deed auction with the following information:

9 (A) the Property Identification Number and
10 property address listed on the latest tax bill;

11 (B) the time and place of the auction;

12 (C) the terms of the auction; and

13 (D) the total amount of delinquent taxes and
14 penalties, municipal advancements identified in
15 Section 22-35, pro rata county costs incurred pursuant
16 to subsections (a) through (c) of Section 21-90, and
17 other posted costs.

18 In counties with 3,000,000 or more inhabitants, the
19 notice of tax deed auction shall be in clear and concise
20 language, together with a notice in Spanish, Polish, and
21 Mandarin Chinese, stating that the notice of tax deed
22 auction affects important legal rights and should be
23 translated immediately. In counties with fewer than
24 3,000,000 inhabitants, the notice of tax deed auction may
25 include a notice in one or more foreign languages, stating
26 that the notice of tax deed auction affects important

1 legal rights and should be translated immediately. In all
2 counties, the notice of tax deed auction shall be mailed,
3 to the address at which service of process was made, via
4 first class mail to all interested parties and via first
5 class mail and certified mail to the owner of the property
6 at the time the petition was filed. If service of process
7 was made in any manner other than personal service,
8 substitute service, corporate service, or government
9 service, notice shall be mailed via first class mail to
10 all addresses included in the notice served pursuant to
11 Section 22-25. The notice shall include a sworn
12 certificate of service signed by the party sending the
13 notice attesting to the fact that the notice of tax deed
14 auction was placed in the mail at least 30 calendar days
15 prior to the date of the auction. At least 30 days prior to
16 the date of the auction, the county or its agent must post
17 on its website a list of all properties that are to be
18 offered for sale at the tax deed auction and the other
19 information contained in the notice of tax deed auction.
20 The person conducting the auction shall engage in
21 reasonable activities to promote and market the sale to
22 encourage and facilitate bidding, including listing the
23 property on the county's or its agent's website, other
24 real estate websites, and conducting email campaigns.

25 (2) Minimum bid. In counties with 3,000,000 or more
26 inhabitants, the county shall establish minimum bids at

1 any tax deed auction held pursuant to this Section. The
2 minimum bid shall equal the total amount of delinquent
3 taxes and penalties, municipal advancements identified in
4 Section 22-35, pro rata county costs incurred pursuant to
5 subsections (a) through (c) of Section 21-90, and other
6 posted costs for the auctioned parcel as identified in the
7 Order for Issuance of Tax Deed. In counties with less than
8 3,000,000 inhabitants, the county may establish minimum
9 bids at any tax deed auction held pursuant to this
10 Section. The minimum bid may equal the total amount of
11 delinquent taxes and penalties, municipal advancements
12 identified in Section 22-35, pro rata county costs
13 incurred pursuant to subsections (a) through (c) of
14 Section 21-90, and other posted costs, for the auctioned
15 parcel, as identified in the Order for Issuance of Tax
16 Deed. As used in this Section, "pro rata county costs" may
17 include costs incurred by the county in filing one
18 petition for more than one delinquent tax lien or
19 certificate, and all costs related to the filing of the
20 one petition and obtaining tax deeds for the liens and
21 certificates identified in the one petition, reasonably
22 apportioned and included in the total costs for each
23 individual tax deed issued pursuant to the petition.

24 (3) Adjournment. If a tax deed auction is postponed,
25 adjourned, or re-scheduled to occur less than 60 days
26 after the last scheduled auction, the county shall

1 announce the date, time and place upon which the adjourned
2 tax deed auction shall be held at the time, date, and
3 location in the notice. At a minimum, this announcement
4 shall be posted on the website of the county, as trustee,
5 or the county treasurer in the same location where the
6 county posted the list of all properties that are to be
7 sold at the auction as required in paragraph (1) of
8 subsection (f) of Section 21-90. The county is not
9 required to send additional notice of any postponed tax
10 deed auction as provided in paragraph (1) of subsection
11 (f) of Section 21-90. Notwithstanding any language to the
12 contrary, for tax deed auctions that are conducted more
13 than 60 days after the date in the required notice, the
14 county shall send notice of the adjourned tax deed auction
15 in accordance with paragraph (1) of subsection (f) of
16 Section 21-90.

17 (4) Payment for winning bid. The county shall
18 participate in a public tax deed auction in the same
19 manner as any other bidder. No matter the terms of the tax
20 deed auction prescribed by the county, if the county is
21 the winning bidder, then the county is required to pay the
22 full amount of any county bid that exceeds the debt owed to
23 the county, as identified in subsection (e) of Section
24 21-90 prior to the deposit of surplus funds with the
25 treasurer of the county as set forth in paragraph (6) of
26 this Section.

1 (5) Marketability of title. Failure to hold a public
2 tax deed auction of the parcels received within the
3 180-day period shall not affect the validity of the
4 recorded deed, the Order for Issuance of Tax Deed, or
5 otherwise affect the marketability of title, but the
6 county is prohibited from transferring those parcels or
7 assigning the recorded deed without holding a public tax
8 deed auction pursuant to subsection (f) of Section 21-90
9 or a judicial tax deed auction pursuant to Section 22-40.

10 (6) Disbursement of surplus funds. To the extent that
11 the winning bid at the tax deed auction exceeds the amount
12 of the tax deed judgment as defined in subsection (e) of
13 Section 21-90, the county trustee shall, within 30 days of
14 the auction sale, deposit the surplus funds with the
15 treasurer of the county in which the subject property
16 lies. Within 60 days of the tax deed auction at which the
17 property was purchased, the county, as trustee, shall send
18 a notice to interested parties in the underlying case,
19 stating that the previous owner is entitled to a
20 distribution of surplus proceeds and may file a claim
21 pursuant to subsection (i) of Section 22-42. In counties
22 with 3,000,000 or more inhabitants, the notice shall be in
23 clear and concise language, together with a notice in
24 Spanish, Polish, and Mandarin Chinese, stating that the
25 notice affects important legal rights and should be
26 translated immediately. In counties with fewer than

1 3,000,000 inhabitants, the notice may include a notice in
2 one or more foreign languages, stating that the notice
3 affects important legal rights and should be translated
4 immediately.

5 (Source: P.A. 102-363, eff. 1-1-22; 103-555, eff. 1-1-24.)

6 (35 ILCS 200/21-110)

7 Sec. 21-110. Published notice of annual application for
8 judgment and sale; delinquent taxes. At any time after all
9 taxes have become delinquent in any year, the Collector shall
10 publish an advertisement, giving notice of the intended
11 application for judgment and tax sale of the delinquent
12 properties. The advertisement may include the property ~~street~~
13 address on file with the county collector, if available, and
14 shall include the PIN number of each delinquent property. If
15 the county has provided notice to the Collector of its intent
16 to acquire property offered at an annual tax sale in the manner
17 described in subsection (b) of Section 21-190, the
18 advertisement shall indicate which properties the county
19 intends to acquire next to the PIN number and address, if any,
20 listed in the advertisement. If the county has indicated its
21 intent or is required to acquire all properties offered at
22 such a tax sale in accordance with subsection (b) or (c) of
23 Section 21-190, a sentence indicating such shall precede the
24 list of PIN numbers and addresses in the advertisement in
25 clear, bolded language. Except as provided below, the

1 advertisement shall be in a newspaper published in the
2 township or road district in which the properties are located.
3 If there is no newspaper published in the township or road
4 district, then the notice shall be published in some newspaper
5 in the same county as the township or road district, to be
6 selected by the county collector. When the property is in a
7 city with more than 1,000,000 inhabitants, the advertisement
8 may be in any newspaper published in the same county. When the
9 property is in an incorporated town which has superseded a
10 civil township, the advertisement shall be in a newspaper
11 published in the incorporated town or if there is no such
12 newspaper, then in a newspaper published in the county.

13 The provisions of this Section relating to the time when
14 the Collector shall advertise intended application for
15 judgment for sale are subject to modification by the governing
16 authority of a county in accordance with the provisions of
17 subsection (c) of Section 21-40.

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

19 (35 ILCS 200/21-115)

20 Sec. 21-115. Times of publication of notice. The
21 advertisement shall be published once at least 10 days before
22 the day on which judgment is to be applied for, and shall
23 contain a list of the delinquent properties upon which the
24 taxes or any part thereof remain due and unpaid, the names of
25 owners, if known, the total amount due, ~~and~~ the year or years

1 for which they are due, and whether the county intends to
2 purchase the property in accordance with subsections (b) or
3 (c) of Section 21-190 if a judgment is entered against the
4 property. In counties of less than 3,000,000 inhabitants,
5 advertisement shall include notice of the registration
6 requirement for persons bidding at the sale. Properties upon
7 which taxes have been paid in full under protest shall not be
8 included in the list.

9 The collector shall give notice that he or she will apply
10 to the circuit court on a specified day for judgment against
11 the properties for the taxes, and costs, and for an order for a
12 tax sale of ~~to sell~~ the properties for the satisfaction of the
13 amount due.

14 The collector shall also give notice of a date within the
15 next 5 business days after the date of application on which all
16 the properties for the tax sale of which an order is made will
17 either be sold to the county in accordance with subsections
18 (b) or (c) of Section 21-190 or be exposed to public tax sale
19 at a location within the county designated by the county
20 collector, for the amount of taxes, and cost due. The
21 advertisement published according to the provisions of this
22 Section shall be deemed to be sufficient notice of the
23 intended application for judgment and of a tax sale ~~the sale of~~
24 ~~properties~~ under the order of the court. A county with fewer
25 than 3,000,000 inhabitants may, by joint agreement, combine
26 its tax sale with the tax sale of one or more other contiguous

1 counties; such a joint tax sale shall be held at a location in
2 one of the participating counties. Notwithstanding the
3 provisions of this Section and Section 21-110, in the 10 years
4 following the completion of a general reassessment of property
5 in any county with 3,000,000 or more inhabitants, made under
6 an order of the Department, the publication shall be made not
7 sooner than 10 days nor more than 90 days after the date when
8 all unpaid taxes on property have become delinquent.

9 (Source: P.A. 101-379, eff. 1-1-20.)

10 (35 ILCS 200/21-150)

11 Sec. 21-150. Time of applying for judgment. Except as
12 otherwise provided in this Section or by ordinance or
13 resolution enacted under subsection (c) of Section 21-40, in
14 any county with fewer than 3,000,000 inhabitants, all
15 applications for judgment and order of sale for taxes and
16 special assessments on delinquent properties shall be made
17 within 90 days after the second installment due date. In Cook
18 County, all applications for judgment and order of sale for
19 taxes and special assessments on delinquent properties shall
20 be made (i) by July 1, 2011 for tax year 2009, (ii) by July 1,
21 2012 for tax year 2010, (iii) by July 1, 2013 for tax year
22 2011, (iv) by July 1, 2014 for tax year 2012, (v) by July 1,
23 2015 for tax year 2013, (vi) by May 1, 2016 for tax year 2014,
24 (vii) by March 1, 2017 for tax year 2015, (viii) by April 1 of
25 the next calendar year after the second installment due date

1 for tax year 2016 and 2017, and (ix) within 365 days of the
2 second installment due date for each tax year thereafter.

3 Notwithstanding these dates, in Cook County, the
4 application for judgment and order of sale for the 2018 annual
5 tax sale that would normally be held in calendar year 2020
6 shall not be filed earlier than the first day of the first
7 month during which there is no longer a statewide COVID-19
8 public health emergency, as evidenced by an effective disaster
9 declaration of the Governor covering all counties in the
10 State, except that in no event may this application for
11 judgment and order of sale be filed later than October 1, 2021.
12 When a tax sale is delayed because of a statewide COVID-19
13 public health emergency, no subsequent annual tax sale may
14 begin earlier than 180 days after the last day of the prior
15 delayed tax sale, and no scavenger tax sale may begin earlier
16 than 90 days after the last day of the prior delayed tax sale.
17 In those counties which have adopted an ordinance under
18 Section 21-40, the application for judgment and order of sale
19 for delinquent taxes shall be made in December.

20 Notwithstanding these dates, in Cook County, the
21 application for judgment and order of sale for the 2023 annual
22 tax sale that would normally be held in calendar year 2025
23 shall be filed on or before December 1, 2026. Notwithstanding
24 Sections 9-260, 18-250, 20-100, 21-15, 21-25, and 21-45, in
25 Cook County, interest shall not accrue between September 2,
26 2025 and January 1, 2027 on delinquent warrant year 2023 tax

1 balances.

2 Notwithstanding these dates, in Cook County, the
3 application for judgment and order of sale for the 2024 annual
4 tax sale that would normally be held in calendar year 2026
5 shall be filed on or before April 1, 2027.

6 In the 10 years next following the completion of a general
7 reassessment of property in any county with 3,000,000 or more
8 inhabitants, made under an order of the Department,
9 applications for judgment and order of sale shall be made as
10 soon as may be and on the day specified in the advertisement
11 required by Section 21-110 and 21-115. If for any cause the
12 court is not held on the day specified, the cause shall stand
13 continued, and it shall be unnecessary to re-advertise the
14 list or notice.

15 Within 30 days after the day specified for the application
16 for judgment the court shall hear and determine the matter. If
17 judgment is rendered, the sale shall begin on the date within 5
18 business days specified in the notice as provided in Section
19 21-115. If the collector is prevented from advertising and
20 obtaining judgment within the time periods specified by this
21 Section, the collector may obtain judgment at any time
22 thereafter; but if the failure arises by the county
23 collector's not complying with any of the requirements of this
24 Code, he or she shall be held on his or her official bond for
25 the full amount of all taxes and special assessments charged
26 against him or her. Any failure on the part of the county

1 collector shall not be allowed as a valid objection to the
2 collection of any tax or assessment, or to entry of a judgment
3 against any delinquent properties included in the application
4 of the county collector.

5 As used in this Section, "warrant year" means the year
6 preceding the calendar year in which the taxes first became
7 due and payable.

8 (Source: P.A. 104-6, eff. 6-16-25; 104-460, eff. 2-27-26.)

9 (35 ILCS 200/21-160)

10 Sec. 21-160. Annual tax judgment, sale, redemption, and
11 forfeiture record. The collector shall transcribe into a
12 record prepared for that purpose, and known as the annual tax
13 judgment, tax sale, redemption and forfeiture record, the list
14 of delinquent properties. On or before the day on which
15 application for judgment is to be made, the record shall be
16 made out in numerical order and contain all the information
17 necessary to be recorded.

18 The record shall set forth the name of the owner, if known;
19 the description of the property; the year or years for which
20 the tax or, in counties with 3,000,000 or more inhabitants,
21 the tax or special assessments ~~is~~ due; the valuation on which
22 the tax is extended; the amount of the consolidated and other
23 taxes or in counties with 3,000,000 or more inhabitants, the
24 consolidated and other taxes and special assessments; the
25 costs; and the total amount of charges against the property.

1 The final record shall also be ruled in columns, to show in
2 counties with 3,000,000 or more inhabitants the withdrawal of
3 any special assessments from collection and in all counties to
4 show the amount paid before entry of judgment; the amount of
5 judgment and a column for remarks; the amount paid before sale
6 and after entry of judgment; the amount of the sale; amount of
7 interest or penalty; amount of cost; amount forfeited to the
8 State; date of sale; acres or part sold; name of purchaser;
9 amount of sale and penalty; taxes of succeeding years;
10 interest and when paid, interest and cost; total amount of
11 redemption; date of redemption; when deed executed; by whom
12 redeemed; and a column for remarks or receipt of redemption
13 money.

14 The final record shall be kept in the office of the county
15 clerk.

16 (Source: P.A. 95-269, eff. 8-17-07.)

17 (35 ILCS 200/21-190)

18 Sec. 21-190. Entry of judgment for tax sale.

19 (a) If judgment is rendered against any property for any
20 tax or, in counties with 3,000,000 or more inhabitants, for
21 any tax or special assessment, the county collector shall,
22 after publishing a notice for sale in compliance with the
23 requirements of Sections 21-110, ~~and~~ 21-115, or 21-120,
24 proceed to conduct a tax sale ~~offer the property for sale~~
25 pursuant to the judgment. However, in the case of an appeal

1 from the judgment, if the party, when filing notice of appeal
2 deposits with the county collector the amount of the judgment
3 and costs, the collector shall not conduct a tax sale ~~sell the~~
4 ~~property~~ until the appeal is disposed of.

5 (b) In counties with fewer than 3,000,000 inhabitants, a
6 county board may, in its discretion, submit to the collector a
7 list of any properties for which an application for judgment
8 has been made pursuant to Section 21-150 of this Code. The
9 county's submission of this list shall be considered its offer
10 to purchase the property or properties included on this list
11 at the tax sale, pursuant to the county's authority in
12 subsection (a) of Section 21-90, so long as a judgment and
13 order for tax sale is entered for the property in accordance
14 with Sections 21-175 and 21-180 of this Code. Such list shall
15 be submitted to the county collector at least 10 days prior to
16 the publication of any notice for tax sale required in
17 subsection (a) of this Section and in compliance with Sections
18 21-110, 21-115, and 21-120 of this Code.

19 (c) In counties with 3,000,000 or more inhabitants, for
20 the seventh tax sale conducted after the effective date of
21 this amendatory Act of the 104th General Assembly and for all
22 subsequent tax sales, the county shall exercise its authority
23 under subsection (a) of Section 21-90 of this Code and offer to
24 purchase or otherwise acquire for the total tax amount due all
25 properties offered at a tax sale conducted pursuant to a
26 judgment and order for tax sale issued in accordance with

1 Sections 21-175 and 21-180 of this Code. For the first 6 tax
2 sales conducted after the effective date of this amendatory
3 Act of the 104th General Assembly, except as provided in
4 Section 21-191, the county shall not exercise its authority
5 under subsection (a) of Section 21-90 and offer to purchase or
6 otherwise acquire for the total tax amount due all properties
7 offered at a tax sale.

8 (Source: P.A. 79-451; 88-455.)

9 (35 ILCS 200/21-191 new)

10 Sec. 21-191. Pilot program for acquisition of tax
11 certificates in counties with 3,000,000 or more inhabitants.

12 (a) In a county with 3,000,000 or more inhabitants, the
13 county board may elect, by ordinance or resolution, to
14 participate in a pilot program under this Section.

15 (b) Notwithstanding subsection (c) of Section 21-190, a
16 county that elects to participate in the pilot program may
17 acquire, as trustee under Section 21-90, tax certificates for
18 up to 100 properties offered at an annual tax sale. Those
19 properties must meet the following conditions in the tax year
20 for which that sale's judgment and order of sale was rendered:

21 (1) the property received a homestead exemption; and

22 (2) the total tax amount billed on the property was
23 among the 100 lowest total tax amounts billed prior to
24 adjustment by homestead exemptions.

25 (c) Not less than 30 days prior to the annual tax sale, the

1 county shall publish on its website and deliver to the county
2 clerk and county treasurer a list of the properties proposed
3 for acquisition under this Section. The list shall identify
4 each parcel by Permanent Index Number and commonly known
5 property address, if available, and shall state that the
6 parcel is proposed for acquisition under this Section.

7 (d) This Section applies to the first 6 tax sales to occur
8 in a county with 3,000,000 or more inhabitants on or after the
9 effective date of this amendatory Act of the 104th General
10 Assembly.

11 (35 ILCS 200/21-192 new)

12 Sec. 21-192. Pilot program report.

13 (a) A county that participates in the pilot program under
14 Section 21-191 shall submit an annual report to the General
15 Assembly and the Department of Revenue no later than the third
16 Wednesday of February of each year in which there is
17 information to report under subsection (b) from the
18 immediately preceding calendar year.

19 (b) Each report shall include, at a minimum:

20 (1) the number of tax certificates acquired under the
21 pilot program;

22 (2) the number of tax certificates offered to the
23 private market at each annual tax sale covered by the
24 pilot program;

25 (3) the number of pilot tax certificates acquired that

1 were redeemed;

2 (4) the number of pilot tax certificates for which tax
3 deeds were issued;

4 (5) the number of pilot tax certificates offered at
5 tax deed auction;

6 (6) the amount of surplus proceeds returned to owners
7 or other lawful claimants as result of pilot tax
8 certificates for which tax deeds were issued;

9 (7) the amount remitted to taxing districts as a
10 result of redemption payments on pilot tax certificates;

11 (8) the amount remitted to taxing districts as a
12 result of tax deed auctions of pilot tax certificates;

13 (9) the administrative costs associated with the pilot
14 program; and

15 (10) any additional information the county elects to
16 provide.

17 (c) If, in any calendar year, there is no change in the
18 information described in subsection (b), then the report for
19 that calendar year shall indicate that there is no change.
20 Once all of the issues described in subsection (b) have been
21 resolved with respect to each pilot tax certificate, the
22 county shall submit a final report to the General Assembly and
23 the Department of Revenue summarizing the information
24 described in subsection (b).

25 (35 ILCS 200/21-205)

1 Sec. 21-205. Tax sale procedures.

2 (a) The collector, in person or by deputy, shall attend,
3 on the day and in the place specified in the notice for the tax
4 sale ~~sale of property for taxes~~, and shall, between 9:00 a.m.
5 and 4:00 p.m., or later at the collector's discretion, proceed
6 to offer for sale, separately and in consecutive order, all
7 property in the list on which the taxes, special assessments,
8 interest or costs have not been paid. However, in any county
9 with 3,000,000 or more inhabitants, the offer for sale shall
10 be made between 8:00 a.m. and 8:00 p.m. The collector's office
11 shall be kept open during all hours in which the sale is in
12 progress. The tax sale shall be continued from day to day,
13 until all property in the delinquent list has been offered for
14 sale. However, any city, village or incorporated town
15 interested in the collection of any tax or special assessment,
16 may, in default of bidders, withdraw from collection the
17 special assessment levied against any property by the
18 corporate authorities of the city, village or incorporated
19 town. In case of a withdrawal, there shall be no sale of that
20 property on account of the delinquent special assessment
21 thereon.

22 (b) Until January 1, 2013, in every tax sale of property
23 pursuant to the provisions of this Code, the collector may
24 employ any automated means that the collector deems
25 appropriate. Beginning on January 1, 2013, either (i) the
26 collector shall employ an automated bidding system that is

1 programmed to accept the lowest redemption price bid by an
2 eligible tax purchaser, subject to the penalty percentage
3 limitation set forth in Section 21-215, or (ii) all tax sales
4 shall be digitally recorded with video and audio. All bidders
5 are required to personally attend the tax sale and, if
6 automated means are used, all hardware and software used with
7 respect to those automated means must be certified by the
8 Department and re-certified by the Department every 5 years.
9 If the tax sales are digitally recorded and no automated
10 bidding system is used, then the recordings shall be
11 maintained by the collector for a period of at least 3 years
12 from the date of the tax sale. The changes made by this
13 amendatory Act of the 94th General Assembly are declarative of
14 existing law.

15 (b-5) For any annual tax sale conducted on or after the
16 effective date of this amendatory Act of the 102nd General
17 Assembly, each county collector in a county with 275,000 or
18 more inhabitants shall adopt a single bidder rule sufficient
19 to prohibit a tax purchaser from registering more than one
20 related bidding entity at the tax sale. The corporate
21 authorities in any county with less than 275,000 inhabitants
22 may, by ordinance, allow the county collector of that county
23 to adopt such a single bidder rule. In any county that has
24 adopted a single bidder rule under this subsection (b-5), the
25 county treasurer shall include a representation and warranty
26 form in each registration package attesting to compliance with

1 the single bidder rule, except that the county may, by
2 ordinance, opt out of this representation and warranty form
3 requirement. A single bidder rule under this subsection may be
4 in the following form:

5 (1) A registered tax buying entity (principal) may
6 only have one registered buyer at the tax sale and may not
7 have a related bidding entity directly or indirectly
8 register as a buyer or participate in the tax sale. A
9 registered tax buying entity may not engage in any
10 multiple bidding strategy for the purpose of having more
11 than one related bidding entity submit bids at the tax
12 sale.

13 (2) A related bidding entity is defined as any
14 individual, corporation, partnership, joint venture,
15 limited liability company, business organization, or other
16 entity that has a shareholder, partner, principal,
17 officer, general partner, or other person or entity having
18 (i) an ownership interest in a bidding entity in common
19 with any other registered participant in the tax sale or
20 (ii) a common guarantor in connection with a source of
21 financing with any other registered participant in the tax
22 sale. The determination of whether registered entities are
23 related so as to prohibit those entities from submitting
24 duplicate bids in violation of the single bidder rule is
25 at the sole and exclusive discretion of the county
26 treasurer or his or her designated representatives.

1 (c) County collectors may, when applicable, eject tax
2 bidders who disrupt the tax sale or use illegal bid practices.

3 (d) Any property to be acquired by a county in the manner
4 described in subsections (b) or (c) of Section 21-190 shall
5 not be offered for sale in the manner detailed in subsections
6 (a) through (c) of this Section. Instead, all such property
7 shall be sold to the county for the total amount due on the day
8 of the scheduled tax sale in whatever manner is deemed most
9 expedient and efficient by the collector's office. For any
10 properties acquired by the county as described in subsections
11 (b) or (c) of Section 21-190 that are subsequently sold at a
12 tax deed auction in accordance with this Code, any amounts
13 generated in cash from such tax deed auction shall be
14 distributed to taxing districts in the manner described in
15 subsection (c) of Section 21-90 and subsection (3) of Section
16 22-42.

17 (Source: P.A. 102-519, eff. 8-20-21.)

18 (35 ILCS 200/21-215)

19 Sec. 21-215. Penalty bids.

20 (a) Subject to subsection (b) of this Section, the ~~The~~
21 person at the sale offering to pay the amount due on each
22 property for the least penalty percentage shall be the
23 purchaser of that property. No bid shall be accepted for a
24 penalty exceeding 9% of the amount of the tax or special
25 assessment on property.

1 (b) If the county offers to purchase property for the
2 amount due in accordance with subsections (b) and (c) of
3 Section 21-190, the county shall be the purchaser of the
4 property notwithstanding any other offer. Subject to a payment
5 plan implemented by the county clerk in accordance with
6 subsection (d) of Section 21-385, the penalty bid for any
7 property purchased by a county in this manner shall be 0.75%
8 per month.

9 (Source: P.A. 102-363, eff. 1-1-22.)

10 (35 ILCS 200/21-225)

11 Sec. 21-225. Forfeited tax liens and certificates. Every
12 tax lien or certificate for property offered at public tax
13 sale, and not sold for want of bidders, unless it is released
14 from tax sale by the withdrawal from collection of a special
15 assessment levied thereon, shall be forfeited to the county,
16 as trustee for the taxing districts, and managed pursuant to
17 Section 21-90. Tax certificates are also forfeited to the
18 county in those circumstances described in subsection (d) of
19 Section 21-310 and subsection (f) of Section 22-40 of this
20 Code.

21 (Source: P.A. 103-555, eff. 1-1-24.)

22 (35 ILCS 200/21-296 new)

23 Sec. 21-296. Creation of surplus equity fund.

24 (a) In counties of less than 3,000,000 inhabitants, each

1 person purchasing any property at a sale under this Code shall
2 pay to the county collector, prior to the issuance of any
3 certificate of purchase, a nonrefundable surplus equity fee
4 set by the county collector of not more than \$20 for each item
5 purchased. A like sum shall be paid for each year that all or a
6 portion of subsequent taxes are paid by the tax purchaser and
7 posted to the tax judgment, sale, redemption and forfeiture
8 record where the underlying certificate of purchase is
9 recorded.

10 (a-5) In counties of 3,000,000 or more inhabitants, each
11 person purchasing property at a sale under this Code shall pay
12 to the county collector a nonrefundable surplus equity fee of
13 5% of the total taxes, interest, and penalties for each
14 certificate purchased, with a maximum fee cap of \$1,000, plus
15 an additional sum equal to 5% of the taxes, interest, and
16 penalties paid under Section 21-240. In these counties, the
17 certificate holder shall also pay to the county collector a
18 fee of \$80 for each year that all or a portion of subsequent
19 taxes are paid by the tax purchaser and posted to the tax
20 judgment, sale, redemption, and forfeiture record.

21 (b) The amount paid prior to the issuance of the
22 certificate of purchase under subsection (a) or (a-5) shall be
23 included in the purchase price of the property in the
24 certificate of purchase, and all amounts paid under this
25 Section shall be included in the amount required to redeem
26 under Section 21-355, except for the nonrefundable fee for

1 each item purchased at the tax sale as provided in this
2 Section. Except as otherwise provided in subsection (b) of
3 Section 21-301, all money received under subsection (a) or
4 (a-5) shall be paid by the collector to the county treasurer of
5 the county in which the land is situated for the purpose of a
6 surplus equity fund. The county treasurer, as trustee of that
7 fund, shall invest all of that fund, principal and income, in
8 his or her hands from time to time, if not immediately required
9 for payments of surplus equity under Section 21-302, in
10 investments permitted by the Public Funds Investment Act.

11 (35 ILCS 200/21-301 new)

12 Sec. 21-301. Amount to be retained in surplus equity fund.

13 (a) The county board in each county shall determine the
14 amount of the fund to be maintained in that county until all
15 potential claims under Section 21-302 have been paid. Any
16 moneys accumulated by the County Treasurer in excess of the
17 amount so established, as trustee of the fund, shall be paid by
18 him or her to the general fund of the County once all potential
19 claims under Section 21-302 have been paid.

20 (b) In counties in which a Tort Liability Fund is
21 established, all sums of money received under subsection (a)
22 of Section 21-296 may be deposited into the general fund of the
23 county for general county governmental purposes, if the county
24 board provides by ordinance that the surplus equity required
25 by this Section shall be provided by the Tort Liability Fund.

1 (35 ILCS 200/21-302 new)

2 Sec. 21-302. Payments of surplus equity.

3 (a) A previous owner of property sold under any provision
4 of this Code who sustains loss or damage by reason of the
5 issuance of a tax deed shall have the right to recover surplus
6 equity that was lost in the property through an award from a
7 surplus equity fund as follows:

8 (1) For tax deeds recorded in the 2 years prior to the
9 effective date of this amendatory Act of the 104th General
10 Assembly, the claim for an equity award under this Section
11 shall be filed not later than 2 years after the effective
12 date of this amendatory Act of the 104th General Assembly.

13 (2) For outstanding tax certificates issued prior to
14 the effective date of this amendatory Act of the 104th
15 General Assembly that result in recorded deeds after the
16 effective date of this amendatory Act of the 104th General
17 Assembly, the claim for an equity award shall be filed not
18 later than 2 years from the date of deed recording.

19 (3) The equity award shall be limited to the value of
20 the property as of the date the tax deed was issued less
21 any mortgages or liens on the property.

22 (4) In determining the fair cash value of property
23 less any mortgages or liens on the property, the value
24 shall be reduced by the amount of all taxes paid by the tax
25 purchaser or his or her assignee before the issuance of

1 the tax deed, or if the tax certificate was acquired
2 pursuant to Section 21-90, the value shall be reduced by
3 the amount of all taxes included in the certificate, plus
4 the amount of subsequent, forfeited, or sold taxes
5 excluded from payment or redemption under subsection (a)
6 of Section 22-40 when the county or its agent, as trustee
7 pursuant to Section 21-90, is the tax deed petitioner. The
8 fair cash value shall also be reduced by the amount of any
9 taxes that were merged into the tax deed pursuant to
10 subsection (b) of Section 22-40. The value shall also be
11 reduced by any amount received by the petitioner as a
12 result of an auction held under Section 22-40 or 21-90.
13 The court, in its discretion, may order the joinder of the
14 mortgagee or lienholder as an additional party to the
15 surplus equity action.

16 (b) The provisions of the Code of Civil Procedure shall
17 apply to proceedings under the petition, except that neither
18 the petitioner nor the county treasurer shall be entitled to
19 trial by jury on the issues presented in the petition.

20 Any person claiming surplus equity under this Section
21 shall petition the court that ordered the tax deed to issue,
22 shall name the county treasurer, as trustee of the surplus
23 equity fund, as defendant to the petition, and shall ask that
24 judgment be entered against the county treasurer, as trustee,
25 in the amount of the surplus equity sought.

26 The county treasurer, as trustee of the surplus equity

1 fund, shall be so subrogated to all parties in whose favor
2 judgment may be rendered against him or her, and by third party
3 complaint may bring in as a defendant any person, other than
4 the tax deed grantee and its successors in title, not a party
5 to the action who is or may be liable to him or her, as
6 subrogee, for all or part of the petitioner's claim against
7 him or her.

8 (c) Any contract involving the proceeds of a judgment for
9 surplus equity under this Section, between the tax deed
10 grantee or its successors in title and the surplus equity
11 petitioner or his or her successors, shall be in writing. In
12 any action brought under Section 21-302, the collector shall
13 be entitled to discovery regarding, but not limited to, the
14 following:

15 (1) the identity of all persons beneficially
16 interested in the contract, directly or indirectly,
17 including at least the following information: the names
18 and addresses of any natural persons; the place of
19 incorporation of any corporation and the names and
20 addresses of its shareholders, unless it is publicly held;
21 the names and addresses of all general and limited
22 partners of any partnership; the names and addresses of
23 all persons having an ownership interest in any entity
24 doing business under an assumed name and the county in
25 which the assumed business name is registered; and the
26 nature and extent of the interest in the contract of each

1 person identified;

2 (2) the time period during which the contract was
3 negotiated and agreed upon, from the date of the first
4 direct or indirect contact between any of the contracting
5 parties to the date of its execution;

6 (3) the name and address of each natural person who
7 took part in negotiating the contract and the identity and
8 relationship of the party that the person represented in
9 the negotiations; and

10 (4) the existence of an agreement for payment of
11 attorney's fees by or on behalf of each party.

12 Any information disclosed during discovery may be subject
13 to protective order as deemed appropriate by the court. The
14 terms of the contract shall not be used as evidence of value.

15 (d) No previous owner shall be entitled to an award of
16 surplus equity pursuant to this Section who was awarded a
17 refund of surplus equity on the same property from an auction
18 held under Section 22-40 or 21-90 or who previously petitioned
19 successfully for indemnity from the indemnity fund on the same
20 property under Section 21-305. Any amount awarded under this
21 Section shall be subject to an offset in an amount equal to the
22 amount recovered in any similar filing or cause of action
23 against the county.

24 (e) If the surplus equity fund does not have sufficient
25 funds to cover any surplus equity award ordered pursuant to
26 Section 21-302, the county shall fund the balance necessary to

1 satisfy the unpaid surplus equity award pursuant to Section
2 21-302 within 12 months after the date of the court order
3 awarding surplus equity.

4 (35 ILCS 200/21-305)

5 Sec. 21-305. Payments from Indemnity Fund.

6 (a) Any owner of property sold under any provision of this
7 Code who sustains loss or damage by reason of the issuance of a
8 tax deed under Section 21-445 or 22-40 and who is barred or is
9 in any way precluded from bringing an action for the recovery
10 of the property shall have the right to indemnity for the loss
11 or damage sustained, limited as follows:

12 (1) An owner who resided on property that contained 4
13 or less dwelling units on the last day of the period of
14 redemption and who is equitably entitled to compensation
15 for the loss or damage sustained has the right to
16 indemnity. An equitable indemnity award shall be limited
17 to the fair cash value of the property as of the date the
18 tax deed was issued less any mortgages or liens on the
19 property, and the award will not exceed \$99,000. The Court
20 shall liberally construe this equitable entitlement
21 standard to provide compensation wherever, in the
22 discretion of the Court, the equities warrant the action.

23 An owner of a property that contained 4 or less
24 dwelling units who requests an award in excess of \$99,000
25 must prove that the loss of his or her property was not

1 attributable to his or her own fault or negligence before
2 an award in excess of \$99,000 will be granted.

3 (2) An owner who sustains the loss or damage of any
4 property occasioned by reason of the issuance of a tax
5 deed, without fault or negligence of his or her own, has
6 the right to indemnity limited to the fair cash value of
7 the property less any mortgages or liens on the property.
8 In determining the existence of fault or negligence, the
9 court shall consider whether the owner exercised ordinary
10 reasonable diligence under all of the relevant
11 circumstances.

12 (3) In determining the fair cash value of property
13 less any mortgages or liens on the property, the fair cash
14 value shall be reduced by the principal amount of all
15 taxes paid by the tax purchaser or his or her assignee
16 before the issuance of the tax deed, or if the tax
17 certificate was acquired pursuant to Section 21-90, the
18 fair cash value shall be reduced by the principal amount
19 of all taxes for the tax years included in the
20 certificate, plus the principal amount of subsequent,
21 forfeited, or sold taxes excluded from the payment or
22 redemption requirement of Section 22-40(a) when the county
23 or its agent is the tax deed petitioner.

24 (4) If an award made under paragraph (1) or (2) is
25 subject to a reduction by the amount of an outstanding
26 mortgage or lien on the property, other than the principal

1 amount of all taxes paid by the tax purchaser or his or her
2 assignee before the issuance of the tax deed and the
3 petitioner would be personally liable to the mortgagee or
4 lienholder for all or part of that reduction amount, the
5 court shall order an additional indemnity award to be paid
6 directly to the mortgagee or lienholder sufficient to
7 discharge the petitioner's personal liability. The court,
8 in its discretion, may order the joinder of the mortgagee
9 or lienholder as an additional party to the indemnity
10 action.

11 (b) Indemnity fund; subrogation.

12 (1) Any person claiming indemnity hereunder shall
13 petition the Court which ordered the tax deed to issue,
14 shall name the County Treasurer, as Trustee of the
15 indemnity fund, as defendant to the petition, and shall
16 ask that judgment be entered against the County Treasurer,
17 as Trustee, in the amount of the indemnity sought. The
18 provisions of the Civil Practice Law shall apply to
19 proceedings under the petition, except that neither the
20 petitioner nor County Treasurer shall be entitled to trial
21 by jury on the issues presented in the petition. The Court
22 shall liberally construe this Section to provide
23 compensation wherever in the discretion of the Court the
24 equities warrant such action.

25 (2) The County Treasurer, as Trustee of the indemnity
26 fund, shall be subrogated to all parties in whose favor

1 judgment may be rendered against him or her, and by third
2 party complaint may bring in as a defendant any person,
3 other than the tax deed grantee and its successors in
4 title, not a party to the action who is or may be liable to
5 him or her, as subrogee, for all or part of the
6 petitioner's claim against him or her.

7 (c) Any contract involving the proceeds of a judgment for
8 indemnity under this Section, between the tax deed grantee or
9 its successors in title and the indemnity petitioner or his or
10 her successors, shall be in writing. In any action brought
11 under Section 21-305, the Collector shall be entitled to
12 discovery regarding, but not limited to, the following:

13 (1) the identity of all persons beneficially
14 interested in the contract, directly or indirectly,
15 including at least the following information: the names
16 and addresses of any natural persons; the place of
17 incorporation of any corporation and the names and
18 addresses of its shareholders unless it is publicly held;
19 the names and addresses of all general and limited
20 partners of any partnership; the names and addresses of
21 all persons having an ownership interest in any entity
22 doing business under an assumed name, and the county in
23 which the assumed business name is registered; and the
24 nature and extent of the interest in the contract of each
25 person identified;

26 (2) the time period during which the contract was

1 negotiated and agreed upon, from the date of the first
2 direct or indirect contact between any of the contracting
3 parties to the date of its execution;

4 (3) the name and address of each natural person who
5 took part in negotiating the contract, and the identity
6 and relationship of the party that the person represented
7 in the negotiations; and

8 (4) the existence of an agreement for payment of
9 attorney's fees by or on behalf of each party.

10 Any information disclosed during discovery may be subject
11 to protective order as deemed appropriate by the court. The
12 terms of the contract shall not be used as evidence of value.

13 (d) A petition of indemnity under this Section must be
14 filed within 10 years after the date the tax deed was issued.

15 (e) No previous owner shall be entitled to an award of
16 indemnity pursuant to this Section 21-305 who was awarded a
17 refund of surplus equity from an auction held under Section
18 22-40 or 21-90 or who was previously awarded a refund from the
19 surplus equity fund under Section 21-302.

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

21 (35 ILCS 200/21-310)

22 Sec. 21-310. Sales in error.

23 (a) When, upon application of the county collector, the
24 owner of the certificate of purchase, the holder of a 5% lien
25 issued pursuant to Section 21-240, or a municipality which

1 owns or has owned the property ordered sold, it appears to the
2 satisfaction of the court which ordered the property sold that
3 any of the following subsections are applicable, the court
4 shall declare the sale to be a sale in error:

5 (1) the property was not subject to taxation, or all
6 or any part of the lien of taxes sold has become null and
7 void pursuant to Section 21-95 or unenforceable pursuant
8 to subsection (c) of Section 18-250 or subsection (b) of
9 Section 22-40;

10 (2) the taxes or special assessments had been paid
11 prior to the sale of the property;

12 (3) there is a double assessment;

13 (4) the description is void for uncertainty;

14 (5) the assessor, chief county assessment officer,
15 board of review, board of appeals, or other county
16 official has made an error material to the tax certificate
17 at issue (other than an error of judgment as to the value
18 of any property), provided, however, that a sale in error
19 may not be declared upon application of the owner of the
20 certificate of purchase under this paragraph (5) if the
21 county collector provided notice in accordance with
22 Section 21-118 that the same property received a previous
23 sale in error on the same facts;

24 (5.5) the owner of the homestead property had tendered
25 timely and full payment to the county collector that the
26 owner reasonably believed was due and owing on the

1 homestead property, and the county collector did not apply
2 the payment to the homestead property; provided that this
3 provision applies only to homeowners, not their agents or
4 third-party payors;

5 (6) a voluntary or involuntary petition was filed by
6 or against the legal or beneficial owner of the property
7 requesting relief under the provisions of 11 U.S.C.
8 Chapter 7, 11, 12, or 13, and the bankruptcy case was open
9 on the date the collector's application for judgment was
10 filed pursuant to Section 21-150 or 21-155 or the date of
11 the tax sale;

12 (7) the property is owned by the United States, the
13 State of Illinois, a municipality, or a taxing district;
14 or

15 (8) the owner of the property is a reservist or
16 guardsperson who is granted an extension of his or her due
17 date under Sections 21-15, 21-20, and 21-25 of this Act.

18 (b) When, upon application of the owner of the certificate
19 of purchase only, it appears to the satisfaction of the court
20 which ordered the property sold that any of the following
21 subsections are applicable, the court shall declare the sale
22 to be a sale in error:

23 (1) A voluntary or involuntary petition under the
24 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
25 filed subsequent to the tax sale and prior to the issuance
26 of the tax deed, and the bankruptcy case was open on the

1 date the petition for a sale in error was filed.

2 (2) The improvements upon the property sold have been
3 substantially destroyed subsequent to the tax sale and
4 prior to the issuance of the tax deed; however, if the
5 court declares a sale in error under this paragraph (2),
6 the court may order the holder of the certificate of
7 purchase to assign the certificate to the county collector
8 if requested by the county collector. The county collector
9 may, upon request of the county, as trustee, or upon
10 request of a taxing district having an interest in the
11 taxes sold, further assign any certificate of purchase
12 received pursuant to this paragraph (2) to the county
13 acting as trustee for taxing districts pursuant to Section
14 21-90 of this Code or to the taxing district having an
15 interest in the taxes sold.

16 (3) There is an interest held by the United States in
17 the property sold which could not be extinguished by the
18 tax deed.

19 (4) The real property contains a hazardous substance,
20 hazardous waste, or underground storage tank that would
21 require cleanup or other removal under any federal, State,
22 or local law, ordinance, or regulation, only if the tax
23 purchaser purchased the property without actual knowledge
24 of the hazardous substance, hazardous waste, or
25 underground storage tank. The presence of a grease trap on
26 the property is not grounds for a sale in error under this

1 paragraph (4). This paragraph (4) applies only if the
2 owner of the certificate of purchase has made application
3 for a sale in error at any time before the issuance of a
4 tax deed. If the court declares a sale in error under this
5 paragraph (4), the court may order the holder of the
6 certificate of purchase to assign the certificate to the
7 county collector if requested by the county collector. The
8 county collector may, upon request of the county, as
9 trustee, or upon request of a taxing district having an
10 interest in the taxes sold, further assign any certificate
11 of purchase received pursuant to this paragraph (4) to the
12 county acting as trustee for taxing districts pursuant to
13 Section 21-90 of this Code or to the taxing district
14 having an interest in the taxes sold.

15 (5) The certificate of purchase was issued prior to
16 the effective date of this amendatory Act of the 104th
17 General Assembly, the certificate's redemption period has
18 expired, and the certificate has not been deeded,
19 redeemed, vacated, or voided under Section 22-85.

20 Whenever a court declares a sale in error under this
21 subsection (b), the State's attorney shall promptly notify the
22 county collector in writing.

23 (c) When the county collector discovers, prior to the
24 expiration of the period of redemption, that a tax sale should
25 not have occurred for one or more of the reasons set forth in
26 subdivision (a) (1), (a) (2), (a) (3), (a) (4), (a) (5.5), (a) (6),

1 (a) (7), or (a) (8) of this Section, the county collector shall
2 notify the last known owner of the tax certificate by
3 certified and regular mail, or other means reasonably
4 calculated to provide actual notice, that the county collector
5 intends to declare an administrative sale in error and of the
6 reasons therefor, including documentation sufficient to
7 establish the reason why the sale should not have occurred.
8 The owner of the certificate of purchase may object in writing
9 within 28 days after the date of the mailing by the county
10 collector. If an objection is filed, the county collector
11 shall not administratively declare a sale in error, but may
12 apply to the circuit court for a sale in error as provided in
13 subsection (a) of this Section. Thirty days following the
14 receipt of notice by the last known owner of the certificate of
15 purchase, or within a reasonable time thereafter, the county
16 collector shall make a written declaration, based upon clear
17 and convincing evidence, that the taxes were sold in error and
18 shall deliver a copy thereof to the county clerk within 30 days
19 after the date the declaration is made for entry in the tax
20 judgment, sale, redemption, and forfeiture record pursuant to
21 subsection (d) of this Section. The county collector shall
22 promptly notify the last known owner of the certificate of
23 purchase of the declaration by regular mail and shall, except
24 if the certificate was issued pursuant to a no-cash bid,
25 promptly pay the amount of the tax sale, together with
26 interest and costs as provided in Section 21-315, upon

1 surrender of the original certificate of purchase.

2 (c-5) When the holder of the certificate of purchase is
3 the county as trustee for taxing districts, upon request of or
4 consent by the county as trustee, or its agent, if the county
5 collector agrees, prior to the issuance of a tax deed, that a
6 tax sale should not have occurred for one or more of the
7 reasons set forth in subdivision (a)(1), (a)(2), (a)(3),
8 (a)(4), (a)(5.5), (a)(6), (a)(7), (a)(8), or (b)(1) of this
9 Section, or, with the consent of the chief county assessment
10 officer, subdivision (a)(5), the county collector may declare
11 an administrative sale in error. Such declaration shall be a
12 written declaration, based on clear and convincing evidence,
13 that the taxes were sold in error and the county collector
14 shall deliver a copy thereto to the county clerk within 30 days
15 after the date the declaration is made for entry in the tax
16 judgment, sale, redemption, and forfeiture record.

17 (d) If a sale is declared to be a sale in error for any
18 reason set forth in Section 22-35, Section 22-50, or
19 subdivision (a)(5), (b)(2), or (b)(4) of this Section, the tax
20 certificate shall be forfeited to the county as trustee
21 pursuant to Section 21-90 of this Code, unless the county
22 collector informs the county and the county clerk in writing
23 that the tax certificate shall not be forfeited to the county
24 as trustee. The county clerk shall make entry in the tax
25 judgment, sale, redemption and forfeiture record, that the
26 property was erroneously sold and that the tax certificate is

1 forfeited to the county pursuant to Section 21-90, and the
2 county collector shall, on demand of the owner of the
3 certificate of purchase, refund the amount paid, except for
4 the nonrefundable \$80 fee paid, pursuant to Section 21-295,
5 for each item purchased at the tax sale, pay any interest and
6 costs as may be ordered under Sections 21-315 through 21-335,
7 and cancel the certificate so far as it relates to the
8 property. The county collector shall deduct from the accounts
9 of the appropriate taxing bodies their pro rata amounts paid.

10 (e) Whenever the collector declares an administrative sale
11 in error under this Section, the collector must send a copy of
12 the declaration of the administrative sale in error, and
13 documentation sufficient to establish the reason why the sale
14 should not have occurred, to the government entity responsible
15 for maintaining assessment books and property record cards for
16 the subject property. That entity must review the
17 documentation sent by the collector, make a determination as
18 to whether an update to the assessment books or property
19 record cards is necessary to prevent a recurrence of the sale
20 in error, and update the assessment books or property record
21 cards as appropriate.

22 (f) Whenever a court declares a sale in error under this
23 Section, the State's attorney must send a copy of the
24 application and order declaring the sale in error to the
25 county collector, the county clerk, and the government entity
26 responsible for maintaining the assessment books and property

1 record cards for the subject property. The collector, the
2 county clerk, and the other government entity must each review
3 the application and order sent by the State's attorney and
4 make a determination as to whether an update to its respective
5 records is necessary to prevent a recurrence of the sale in
6 error, and update its records as appropriate.

7 The changes made to this Section by this amendatory Act of
8 the 103rd General Assembly apply to matters concerning tax
9 certificates issued on or after the effective date of this
10 amendatory Act of the 103rd General Assembly.

11 (Source: P.A. 103-555, eff. 1-1-24.)

12 (35 ILCS 200/21-350)

13 Sec. 21-350. Period of redemption. Property sold at a tax
14 sale under this Code may be redeemed at any time before the
15 expiration of 3 ~~2.5~~ years from the date of sale, except that:

16 (a) If on the date of sale the property is vacant
17 non-farm property or property containing an improvement
18 consisting of a structure or structures with 7 or more
19 residential units or that is commercial or industrial
20 property, it may be redeemed at any time before the
21 expiration of 1 year from the date of the tax sale.

22 (b) (Blank).

23 (c) (Blank). ~~If the period of redemption has been~~
24 ~~extended by the certificate holder as provided in Section~~
25 ~~21-385 or Section 22-5, the property may be redeemed on or~~

1 ~~before the extended redemption date. The changes made to~~
2 ~~this Section by this amendatory Act of the 103rd General~~
3 ~~Assembly apply to matters concerning tax certificates~~
4 ~~issued on or after January 1, 2024.~~

5 The changes made to this Section by Public Act 103-555
6 apply to matters concerning tax certificates issued on or
7 after January 1, 2024. The changes made to this Section by this
8 amendatory Act of the 104th General Assembly apply to matters
9 concerning tax certificates issued on or after the effective
10 date of this amendatory Act of the 104th General Assembly.

11 (Source: P.A. 103-555, eff. 1-1-24.)

12 (35 ILCS 200/22-5)

13 Sec. 22-5. Notice of sale and redemption rights. In order
14 to be entitled to an order for a judicial tax deed auction and
15 ~~a~~ tax deed, within 4 months and 15 days after any tax sale held
16 under this Code, the purchaser or his or her assignee, and the
17 county for all tax liens or certificates it acquires pursuant
18 to Section 21-90 of this Code ~~forfeited certificates from the~~
19 ~~annual sale~~, shall deliver to the county clerk a notice to be
20 given to the party in whose name the taxes are last assessed as
21 shown by the most recent tax collector's warrant books, in at
22 least 10 point type in the following form completely filled
23 in:

24 TAKE NOTICE
25 County of

1 Date Premises Sold or Forfeited

2 Certificate No.....

3 Sold for General Taxes of (year)

4 Sold for Special Assessment of (Municipality)

5 and special assessment number.....

6 Warrant No. Inst. No.

7 THIS PROPERTY HAS BEEN SOLD AT A TAX SALE FOR

8 DELINQUENT TAXES

9 Property Address (as identified on the most recent tax bill,

10 if available)

11 Legal Description or Property Index No.

12

13

14 This notice is to advise you that if you do not redeem by

15 paying your tax debt before the deadline, a petition may be

16 filed in court that ~~for a tax deed which~~ will transfer title

17 and the right to possession of the above-referenced property

18 ("Property"). If you are a homeowner, this may eventually

19 result in eviction from your home ~~if redemption is not made on~~

20 ~~or before the redemption deadline.~~

21 Your right to redeem will expire on

22 To request ~~determine the redemption deadline and~~ the total

23 amount you must pay to redeem the sold taxes, you must

24 immediately contact the County Clerk at the address, phone

25 number, or email address below. Check with the County Clerk

26 for the exact amount you owe before redeeming. Payment must be

1 made by certified check, cashier's check, money order, or in
2 cash to the County Clerk.

3 YOU ARE URGED TO REDEEM IMMEDIATELY TO

4 PREVENT LOSS OF PROPERTY AND ADDITIONAL COSTS

5 The longer you wait, the more expensive it will be to
6 redeem and prevent the loss of your property. Interest will
7 continue to accrue on the total amount owed until the property
8 is redeemed, and you may owe additional attorney or filing
9 fees if the certificate holder chooses to pursue an order for a
10 tax deed auction to compel the sale or transfer of the deed to
11 the property.

12 ~~Property sold under the Property Tax Code may be redeemed~~
13 ~~by any owner or person holding an interest in the Property at~~
14 ~~any time before the following deadlines (based on property~~
15 ~~classification as of the Date of Sale):~~

16 ~~You must redeem your taxes within one year of the Date of~~
17 ~~Sale for the following classifications:~~

18 ~~(1) vacant non farm property;~~

19 ~~(2) property containing an improvement consisting of a~~
20 ~~structure or structures with 7 or more residential units;~~
21 ~~and~~

22 ~~(3) commercial or industrial property.~~

23 ~~You must redeem your taxes within 2 1/2 years of the Date~~
24 ~~of Sale for the following classifications:~~

25 ~~(1) all residential property with less than 6 units;~~

26 ~~and~~

1 ~~(2) all other property not covered by the 1-year~~
2 ~~redemption period outlined above.~~

3 ~~Redemption deadlines may have been extended by the~~
4 ~~certificate holder or pursuant to Illinois law.~~

5 To confirm the amount you will need to redeem ~~redemption~~
6 ~~deadline~~, you must contact the County Clerk at the address,
7 telephone number, or email address below. Redemption can be
8 made at any time on or before by applying to the County
9 Clerk of County, Illinois at the Office of the County
10 Clerk in, Illinois. The address, telephone number, and
11 email address for the County Clerk is as follows:

12 ADDRESS:.....

13 TELEPHONE AND/OR EMAIL ADDRESS:.....

14 For further information about the redemption deadline,
15 redemption amount, or payment process, please contact the
16 County Clerk.

17 Contact the U.S. Department of Housing and Urban
18 Development (HUD) to find local housing counselors in your
19 area.

20 In counties with 3,000,000 or more inhabitants, the
21 redemption notice shall contain a provision in Spanish,
22 Polish, and Mandarin Chinese, stating that the redemption
23 notice affects important legal rights and should be translated
24 immediately. In counties with fewer than 3,000,000

1 inhabitants, the redemption notice may include a notice in one
2 or more foreign languages stating that the redemption notice
3 affects important legal rights and should be translated
4 immediately.

5 Within 10 days after receipt of said notice, the county
6 clerk shall mail to the addresses supplied by the purchaser or
7 assignee, by registered or certified mail, copies of said
8 notice to the party in whose name the taxes are last assessed
9 as shown by the most recent tax collector's warrant books.
10 With the exception of a county or taxing district acquiring
11 certificates pursuant to Section 21-90 and 21-260, all
12 purchasers or assignees shall pay to the clerk postage plus
13 the sum of \$10. The clerk shall write or stamp the date of
14 receiving the notices upon the copies of the notices, and
15 retain one copy.

16 All ~~With the exception of forfeited tax liens or~~
17 ~~certificates held by the county pursuant to Section 21-90, all~~
18 redemption periods shall begin on the date of the tax sale. For
19 forfeited tax liens or certificates held by the county
20 pursuant to Section 21-90, the county may cure any defect in a
21 notice, or failure to send a notice as required by this
22 Section, by delivering to the county clerk a notice to be given
23 to the party in whose name the taxes are last assessed as shown
24 by the most recent tax collector's warrant books. The
25 redemption period begins on the date the county delivered the
26 corrected notice to the clerk, if such extension is otherwise

1 permitted by law.

2 The changes to this Section made by this amendatory Act of
3 the 97th General Assembly apply only to tax sales that occur on
4 or after the effective date of this amendatory Act of the 97th
5 General Assembly.

6 The changes made to this Section by this amendatory Act of
7 the 103rd General Assembly apply to matters concerning tax
8 certificates issued on or after the effective date of this
9 amendatory Act of the 103rd General Assembly.

10 (Source: P.A. 102-815, eff. 5-13-22; 103-555, eff. 1-1-24.)

11 (35 ILCS 200/22-10)

12 Sec. 22-10. Notice of expiration of period of redemption.
13 A purchaser or assignee shall not be entitled to request an
14 order for a judicial tax deed auction and a tax deed to the
15 property sold at an annual tax sale unless, not less than 3
16 months nor more than 6 months prior to the expiration of the
17 period of redemption, he or she gives notice of the sale and
18 the date of expiration of the period of redemption to the
19 owners, occupants, the municipality in which the subject
20 property lies or county if the property lies outside municipal
21 corporate boundaries, and interested parties ~~interested in the~~
22 ~~property,~~ including any mortgagee of record, as provided
23 below. For counties or taxing districts holding certificates
24 pursuant to Section 21-90, the date of expiration of the
25 period of redemption shall be designated by the county or

1 taxing district in its petition for tax deed and identified in
2 the notice below, which shall be filed with the county clerk.

3 The Notice to be given to the parties shall be in at least
4 10-point type in the following form completely filled in:

5 TAX DEED NO. FILED

6 TAKE NOTICE

7 County of.....

8 Date Premises Sold or Forfeited

9 Certificate No.....

10 Sold or Forfeited for General Taxes of (year)

11 Sold for Special Assessment of (Municipality)

12 and special assessment number

13 Warrant No. Inst. No.

14 THIS PROPERTY HAS BEEN SOLD AT A TAX SALE FOR

15 DELINQUENT TAXES

16 Property Address (as identified on the most recent tax bill,
17 if available)

18 Legal Description or Property Index No.

19

20

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

24

25 Check with the county clerk as to the exact amount you owe
26 before redeeming.

1 This notice is also to advise you that a petition has been
 2 filed in the Circuit Court seeking an order for judicial tax
 3 deed auction and ~~for~~ a tax deed which will transfer title and
 4 the right to possession of this property if redemption is not
 5 made on or before

6 If you are a homeowner, this may eventually result in
 7 eviction from your home. This matter is set for hearing in the
 8 Circuit Court of this county in, Illinois on

9 ~~You may be present at this hearing but your right to redeem~~
 10 ~~will already have expired at that time.~~

11 You may respond to the petition or go to the hearing to
 12 speak to the court. But if you do not pay the overdue taxes by
 13 the hearing and if the court determines that all the rules were
 14 followed, you will lose your right to pay and keep the
 15 property. The property will then be offered at a public
 16 auction. If you are the owner, you may get any extra money left
 17 after the taxes and fees are paid. If there is extra money, you
 18 will get a notice telling you how to claim it.

19 YOU ARE URGED TO REDEEM IMMEDIATELY

20 TO PREVENT LOSS OF PROPERTY AND ADDITIONAL COSTS

21 Redemption can be made at any time on or before by
 22 applying to the County Clerk of, County, Illinois at the
 23 Office of the County Clerk in, Illinois.

24 For further information contact the County Clerk

25 ADDRESS:.....

26 TELEPHONE AND/OR EMAIL ADDRESS:.....

1
2

3 Purchaser or Assignee.

4 Dated (insert date).

5 Contact the United States Department of Housing and Urban
6 Development (HUD) to find local housing counselors.

7 In counties with 3,000,000 or more inhabitants, the notice
8 shall contain a provision in the Spanish, Polish, and Mandarin
9 Chinese, stating that the notice affects important legal
10 rights and should be translated immediately. Parcels that are
11 either contiguous or have common ownership may be combined in
12 a single notice prepared pursuant to Sections 22-10 and 22-25.

13 In counties with 3,000,000 or more inhabitants, the notice
14 shall also state the address, room number, and time at which
15 the matter is set for hearing. In counties with fewer than
16 3,000,000 inhabitants, the notice may include a notice in one
17 or more foreign languages, stating that the notice affects
18 important legal rights and should be translated immediately.

19 The changes to this Section made by Public Act 97-557
20 apply only to matters in which a petition for tax deed is filed
21 on or after July 1, 2012 (the effective date of Public Act
22 97-557).

23 The changes to this Section made by Public Act 102-1003
24 apply to matters in which a petition for tax deed is filed on
or after May 27, 2022 (the effective date of Public Act

1 102-1003). Failure of any party or any public official to
2 comply with the changes made to this Section by Public Act
3 102-528 does not invalidate any tax deed issued prior to May
4 27, 2022 (the effective date of Public Act 102-1003).

5 The changes made to this Section by this amendatory Act of
6 the 103rd General Assembly apply to matters concerning tax
7 certificates issued on or after the effective date of this
8 amendatory Act of the 103rd General Assembly.

9 (Source: P.A. 102-528, eff. 1-1-22; 102-813, eff. 5-13-22;
10 102-1003, eff. 5-27-22; 103-154, eff. 6-30-23; 103-555, eff.
11 1-1-24.)

12 (35 ILCS 200/22-40)

13 Sec. 22-40. Issuance of order authorizing judicial tax
14 deed auction, confirmation and order for tax deed; possession.

15 (a) To obtain an order authorizing a judicial tax deed
16 auction and for issuance of tax deed, the petitioner must
17 provide sufficient evidence that:

18 (1) the redemption period has expired and the property
19 has not been redeemed;

20 (2) all taxes and special assessments which became due
21 and payable subsequent to the sale have been paid, unless
22 the county or its agent, as trustee pursuant to Section
23 21-90, is the petitioner;

24 (3) all forfeitures and sales which occur subsequent
25 to the sale are paid or redeemed, unless the county or its

1 agent, as trustee pursuant to Section 21-90, is the
2 petitioner;

3 (4) the notices required by law have been given, and
4 all advancements of public funds under the police power
5 made by a county, city, village, or town under Section
6 22-35 have been paid; and

7 (5) the petitioner has complied with all the
8 provisions of law entitling him or her to a deed.

9 Upon receipt of sufficient evidence of the requirements
10 under this subsection (a), the court shall find that the
11 petitioner complied with those requirements and shall enter an
12 order authorizing a judicial tax deed auction or an order
13 authorizing the issuance of a tax deed to a county trustee
14 pursuant to Section 21-90, subject to the requirements of this
15 Section, or subject to the requirements in Section 21-90
16 ~~directing the county clerk, on the production of the tax~~
17 ~~certificate and a certified copy of the order, to issue to the~~
18 ~~purchaser or its assignee a tax deed.~~ The court shall insist on
19 strict compliance with Sections ~~Section~~ 22-10 through 22-25.
20 Prior to the entry of an order under this Section ~~directing the~~
21 ~~issuance of a tax deed~~, the petitioner shall furnish the court
22 with a report of proceedings of the evidence received on the
23 application for tax deed. The petitioner shall also furnish to
24 the court a statement of redemption from the county clerk
25 showing the total taxes, penalties, and costs that were
26 required to be paid to redeem the tax sale as specified in the

1 notice required under Section 22-10. The petitioner for tax
2 deed must file a statement of, if applicable, (i) all taxes it
3 has paid or redeemed for the property, (ii) the costs paid for
4 court reporter and transcript services in counties of
5 3,000,000 or more inhabitants, or in counties with less than
6 3,000,000 inhabitants, a submission of a report of proceedings
7 to the court, (iii) the fees paid to the clerk for the estimate
8 of redemption, (iv) all payments made for municipal
9 advancements required by Section 22-35, and (v) costs incurred
10 pursuant to subsection (c) of Section 21-90. The total of the
11 amount shown on the statement of redemption plus items (i)
12 through (v) above, or portion thereof, plus a fee not to exceed
13 50% of the then-allowable foreclosure attorney fees for
14 Illinois as published by Fannie Mae, plus the cost of
15 publication of the judicial tax deed auction shall be
16 identified as the tax deed judgment amount. The tax deed
17 judgment amount shall accrue interest at 0.75% per month, or
18 portion thereof, from the date of the judgment until the date
19 of judicial tax deed auction. If the judicial tax deed auction
20 is not concluded within 120 days after the date of the
21 judgment, the judgment shall accrue interest after the 120-day
22 period only if any delay in concluding the auction is the
23 result of legal action taken by the owner or other interested
24 party before issuance of the tax deed. The order for judicial
25 tax deed auction shall include such terms and conditions of
26 the auction as specified by the court and the report of

1 ~~proceedings shall be filed and made a part of the court record.~~

2 (b) Except as provided in subsection (e) of this Section,
3 if taxes for years prior to the year or years sold are or
4 become delinquent subsequent to the date of sale, the court
5 shall find that the lien of those delinquent taxes has been or
6 will be merged into the tax deed grantee's title if the court
7 determines that the tax deed grantee or any prior holder of the
8 certificate of purchase, or any person or entity under common
9 ownership or control with any such grantee or prior holder of
10 the certificate of purchase, was at no time the holder of any
11 certificate of purchase for the years sought to be merged. If
12 delinquent taxes are merged into the tax deed pursuant to this
13 subsection, the court shall enter an order declaring which
14 specific taxes have been or will be merged into the tax deed
15 title and directing the county treasurer and county clerk to
16 reflect that declaration in the warrant and judgment records;
17 provided, that no such order shall be effective until a tax
18 deed has been issued and timely recorded. Nothing contained in
19 this Section shall relieve any owner liable for delinquent
20 property taxes under this Code from the payment of the taxes
21 that have been merged into the title upon issuance of the tax
22 deed.

23 (c) The county clerk is entitled to a fee of \$10 in
24 counties of 3,000,000 or more inhabitants and \$5 in counties
25 with less than 3,000,000 inhabitants for the issuance of the
26 tax deed, with the exception of deeds issued to the county

1 pursuant to its authority under Section 21-90. The clerk may
2 not include in a tax deed more than one property as listed,
3 assessed and sold in one description, except in cases where
4 several properties are owned by one person. The fee paid to the
5 county clerk for the issuance of the tax deed shall be
6 accompanied by a \$1,000 surplus equity fund fee in counties of
7 3,000,000 or more inhabitants and a \$500 surplus equity fund
8 fee in counties with less than 3,000,000 inhabitants, with the
9 exception of deeds issued to the county pursuant to its
10 authority under Section 21-90. All fees received under this
11 subsection shall be paid by the county clerk to the county
12 treasurer of the county in which the land is situated for the
13 purpose of funding the county's surplus equity fund
14 established under Section 21-296. The surplus equity fund fee
15 shall not be imposed once all claims on the county's surplus
16 equity fund have been paid, as determined by the county
17 treasurer as trustee of the fund.

18 Upon application, the court shall enter an order to place
19 the tax deed grantee or the grantee's successor in interest in
20 possession of the property and may enter orders and grant
21 relief as may be necessary or desirable to maintain the
22 grantee or the grantee's successor in interest in possession.

23 (d) The court shall retain jurisdiction to enter orders
24 pursuant to ~~subsections (b) and (c) of this Section. Public~~
25 ~~Act 92-223 and Public Act 95-477 shall be construed as being~~
26 ~~declarative of existing law and not as a new enactment.~~

1 (e) Prior to the issuance of any order for judicial tax
2 deed auction under this Section, the petitioner must redeem
3 all taxes and special assessments on the property that are
4 delinquent after the date of its tax sale ~~subject to a pending~~
5 ~~tax petition filed by a county or its assignee pursuant to~~
6 ~~Section 21-90.~~

7 (e-5) Following the expiration of the period of
8 redemption, the petitioner's payment of (i) any subsequent tax
9 and special assessment and (ii) any redemption of any sale of
10 subsequent taxes or forfeiture shall be accompanied by a
11 surplus equity fund fee of 10% of the principal taxes and
12 interest paid by the petitioner under this section. All fees
13 received under this subsection shall be paid by the collector
14 and county clerk to the county treasurer of the county in which
15 the land is situated for the purpose of funding the county's
16 surplus equity fund established by Section 21-296. Fees
17 incurred under this subsection are not refundable and they
18 shall not be posted to the subject tax sale pursuant to Section
19 21-355.

20 (f) If, for any reason, a purchaser fails to obtain an
21 order for judicial tax deed auction or for tax deed within the
22 required time period and no sale in error was granted or
23 redemption paid, then the certificate shall be forfeited to
24 the county, as trustee, pursuant to Section 21-90.

25 (g) Except as provided in Section 21-90, upon entry of an
26 order requiring a judicial tax deed auction under subsection

1 (a) of this Section, the property shall be offered for sale by
2 public auction within 120 days after date of the order and sold
3 to the highest bidder at such an auction in accordance with the
4 Section 22-42 and subject to additional requirements set by
5 the court's order.

6 (h) The changes made to this Section by this amendatory
7 Act of the 104th General Assembly apply to matters concerning
8 tax certificates issued on or after the effective date of this
9 amendatory Act of the 104th General Assembly.

10 (Source: P.A. 103-555, eff. 1-1-24; 104-417, eff. 8-15-25.)

11 (35 ILCS 200/22-42 new)

12 Sec. 22-42. Judicial tax deed auction and procedures.

13 (a) Notice of tax deed auction. The sheriff, or duly
14 appointed private selling officer, shall give notice of the
15 auction with the following information:

16 (1) the Property Identification Number and Address
17 listed on the most recent tax bill;

18 (2) the time and place of the auction including:
19 whether the auction will take place online, in person, or
20 both; and the website where the online bidding may take
21 place, if applicable;

22 (3) the terms of the auction; and

23 (4) the amount of the tax deed judgment amount
24 provided in Section 22-40.

25 In counties with 3,000,000 or more inhabitants, the Notice

1 of Tax Deed Auction shall be in clear and concise language,
2 together with a notice in Spanish, Polish, and Mandarin
3 Chinese, stating that the notice affects important legal
4 rights and should be translated immediately. In counties with
5 fewer than 3,000,000 inhabitants, the Notice of Tax Deed
6 Auction shall be in clear and concise language, and may
7 include a notice in one or more foreign languages, stating
8 that the notice of tax deed auction affects important legal
9 rights and should be translated immediately. The Notice of Tax
10 Deed Auction shall be mailed via first class mail to all
11 interested parties, and via first class mail and certified
12 mail to the owner of the property, at the address at which
13 service of the Section 22-10 Take Notice was attempted and to
14 any parties who have appeared in the proceeding. The notice
15 shall include a sworn certificate of service signed by the
16 party sending the notice attesting to the fact that the notice
17 of auction was placed in the mail at least 10 calendar days
18 prior to the date of the auction.

19 The Notice of Tax Deed Auction shall be published at least
20 3 consecutive calendar weeks (Sunday through Saturday), once
21 in each week, the first such notice to be published not more
22 than 45 days prior to the auction, the last such notice to be
23 published not less than 7 days prior to the auction. If the
24 property is located in a municipality in a county with less
25 than 3,000,000 inhabitants, the purchaser or his or her
26 assignee shall also publish a notice as to the owner or

1 interested party, in some newspaper published in the
2 municipality, and such other publications as may be further
3 ordered by the court. If the petitioner cannot identify a
4 newspaper published in the municipality, or if the property is
5 located in a county with 3,000,000 or more inhabitants, the
6 notice shall be published in a newspaper published within the
7 county, and such other publications as may be further ordered
8 by the court. If no newspaper is published in the county, then
9 the notice shall be published in the newspaper that is
10 published nearest the county seat of the county in which the
11 property is located and such other publications as may be
12 further ordered by the court. The publication shall include
13 all information included in the notice sent pursuant to this
14 Section.

15 (b) Minimum bid. The selling officer shall start all
16 bidding with a minimum bid equal to (1) the tax deed judgment
17 amount plus interest at the rate of 0.75% per month, or portion
18 thereof, for each month since the date of judgment, except as
19 provided in Section 22-40, (2) the cost for the publication of
20 the judicial sale required in this Section, and (3) the costs
21 of the selling officer. The selling officer shall proceed to a
22 public tax deed auction, offer the real estate for sale, and
23 sell the real estate to the highest bidder. If no bidder is
24 willing to pay the minimum bid, the petitioner shall be the
25 winning bidder and entitled to a tax deed, and it shall be
26 conclusively presumed that there is no surplus equity in the

1 property.

2 (c) Credit bid for petitioner. At the auction under this
3 Section, the person conducting the auction shall enter a bid
4 in favor of the petitioner in the amount of the minimum bid set
5 forth above. Nothing in this Section shall be construed to
6 prevent the petitioner from bidding at the public auction.
7 However, if the petitioner is the winning bidder, the holder
8 must pay cash for the difference between the winning bid and
9 the minimum bid, plus any applicable costs or fees that may be
10 attached to the winning bid.

11 (d) Receipt upon judicial tax deed auction. Upon and at
12 the conclusion of the judicial tax deed auction, the person
13 conducting the auction shall give to the purchaser a receipt
14 of sale. The receipt shall describe the real estate purchased
15 and shall show the amount bid, the total amount paid to date,
16 and the amount still to be paid therefor. An additional
17 receipt shall be given at the time of each subsequent payment.
18 Any purchaser who fails to complete the sale for failure to
19 make full payment shall forfeit to the county surplus equity
20 fund any deposit already made, and the court shall order a new
21 auction of the property.

22 (e) Certificate of tax deed auction. Upon payment in full
23 of the amount bid, the sheriff or duly appointed selling
24 officer conducting the sale shall issue, in duplicate, and
25 give to the purchaser a certificate of judicial tax deed
26 auction. The certificate of judicial tax deed auction shall be

1 in a recordable form, describe the real estate purchased,
2 indicate the date and place of sale and show the amount paid
3 therefor. The certificate of tax deed sale shall further
4 indicate that it is subject to confirmation by the court. The
5 certificate of sale shall be freely assignable by endorsement
6 thereon.

7 (f) Deposit of surplus funds. To the extent that the
8 winning bid exceeds the minimum bid, upon the expiration of 30
9 days following confirmation of the sale, the selling officer
10 shall deposit the surplus funds with the treasurer of the
11 county in which the subject property lies and provide the
12 treasurer with the parties and mailing addresses to which all
13 Take Notices were sent pursuant to Section 22-10. The
14 treasurer shall send a notice to all parties sent the Section
15 22-10 Take Notice, stating that the owner at the time of the
16 sale is entitled to a distribution of surplus proceeds and may
17 file a claim to recover the surplus with the treasurer of the
18 county.

19 (g) Confirmation of sale; Order for issuance of tax deed.

20 (1) The sheriff or selling officer conducting the sale
21 shall promptly make a report to the court that issued the
22 order authorizing the judicial tax deed auction, which
23 report shall include a copy of all receipts and, if any,
24 certificate of judicial tax deed sale.

25 (2) Upon motion and notice in accordance with court
26 rules applicable to motions generally, which motion shall

1 not be made prior to sale, the court shall conduct a
2 hearing to confirm the sale. Unless the court finds that a
3 notice required in this Section was not issued or the sale
4 was not conducted in accordance with the order for
5 judicial tax deed auction, the court shall enter an order
6 (a) confirming the judicial tax deed auction sale, (b)
7 directing the county clerk to issue a tax deed in the name
8 of the holder of the certificate of judicial tax deed
9 auction sale once presented with a certified copy of the
10 confirmation order and original certificate of judicial
11 tax deed auction sale, and (c) directing the selling
12 officer to pay to the holder of the tax certificate the
13 amount of the credit bid upon surrender of the tax
14 certificate, and to pay the selling officer its fees. The
15 order for issuance of tax deed shall contain the name,
16 address, and telephone number of the holder of the
17 certificate of judicial tax deed auction sale for the
18 clerk to confirm the identity of the tax deed grantee.

19 (3) Unless the tax certificate was forfeited to the
20 county in the manner described in Section 21-225 of this
21 Code, if the county is the holder of the tax certificate
22 for property sold at a judicial tax deed auction in
23 accordance with this Section, any proceeds of any such
24 sale shall be distributed to the taxing districts in
25 proportion to their respective interests therein.
26 Notwithstanding the preceding, any distribution to the

1 taxing districts shall be reduced by the following: all
2 costs incurred by either the county, the court, or the
3 selling officer associated with the sale of the property.
4 Any surplus amount to be held by the county treasurer and
5 distributed to former owners in accordance with paragraph
6 (5) of this Section shall be excluded from distributions
7 to taxing districts.

8 (4) If any tax deed auction sale fails to comply with
9 the requirements in this Section, any party may, by motion
10 supported by affidavit made prior to confirmation of such
11 sale, request that the court which entered the judgment
12 set aside the judicial tax deed auction sale. Any such
13 party shall guarantee or secure by bond a bid equal to the
14 successful bid at the judicial tax deed auction. No
15 guarantee or bond shall be required if the property is
16 residential and the party seeking to set aside the sale is
17 the owner-occupant of the property at the time the motion
18 is filed. If the court denies confirmation of the judicial
19 tax deed auction sale, it shall order a new judicial tax
20 deed auction. Any subsequent auction is subject to the
21 same notice requirement as the original auction.

22 (5) No sale under this Section shall be held invalid
23 or be set aside because of any immaterial or insignificant
24 defect in the notice thereof or in the publication of the
25 same, or in the proceedings of the officer conducting the
26 sale.

1 (h) Notice of surplus proceeds. Within 60 days following
2 the deposit of surplus funds with the treasurer of the county,
3 the treasurer shall send notice to all parties to which the
4 Section 22-10 Take Notice was sent, stating that the owner or
5 owners of the property at the time of the sale may submit a
6 claim for the surplus funds to the county treasurer or the
7 circuit court within 3 years of the date on the notice.

8 (i) Upon receipt of a claim for surplus proceeds, the
9 county treasurer, being satisfied of the facts in the case,
10 shall distribute the surplus proceeds to the proper claimant.
11 When the county treasurer is unable to determine the proper
12 claimant, the county treasurer shall file a motion with the
13 circuit court hearing the underlying tax case, requesting that
14 the court determine whether an interested party is the owner
15 of record entitled to a disbursement of surplus proceeds.
16 Within 30 days following the filing of the motion, the court
17 hearing the underlying tax case shall set a hearing to
18 determine whether an interested party is the owner of record
19 entitled to a disbursement of surplus proceeds. All interested
20 parties in the underlying case shall be notified by the county
21 treasurer. Any party claiming to have an ownership interest in
22 the parcel at the time of the issuance of tax deed may present
23 evidence of ownership and request a disbursement of any or all
24 surplus proceeds. The court shall issue an order directing the
25 treasurer to disburse a specific amount of surplus proceeds to
26 specific parties, with sufficient personally identifiable

1 information to accurately identify the parties entitled to
2 disbursement.

3 (j) Upon filing of a motion by a party claiming to be the
4 owner of the property at the time of sale, within 30 days
5 following the filing of the motion, the court hearing the
6 underlying tax case shall set a hearing to determine whether
7 an interested party is the owner entitled to a disbursement of
8 surplus proceeds. All interested parties in the underlying
9 case shall be notified by the movant. Any party claiming to be
10 the owner of the property at the time of sale may present
11 evidence of ownership and request a disbursement of any or all
12 surplus proceeds. The court shall issue an order directing the
13 treasurer to disburse a specific amount of surplus proceeds to
14 specific parties, with sufficient personally identifiable
15 information to accurately identify the parties entitled to
16 disbursement.

17 (k) Surplus funds that have not been claimed within 3
18 years following the date on the county treasurer's notice in
19 accordance with subsection (h) of Section 22-42 shall be
20 disposed of pursuant to the Revised Uniform Unclaimed Property
21 Act.

22 (l) Interest earned on surplus proceeds while held by the
23 county treasurer shall belong to the lawful claimant and shall
24 be paid with the principal amount of the surplus proceeds.

1 Sec. 22-65. Form of deed. A tax deed executed by the county
2 clerk under the official seal of the county shall be recorded
3 in the same manner as other conveyances of property, and vests
4 in the grantee, his or her heirs and assigns, the title of the
5 property therein described without further acknowledgment or
6 evidence of the conveyance. Tax Deeds issued under this
7 Section shall not require a municipal transfer stamp, or be
8 subject to any municipal real estate transfer taxes,
9 requirements, or certifications prior to recording. The
10 conveyance shall be substantially in the following form:

11 State of Illinois)

12) ss.

13 County of)

14 At a tax deed auction ~~public sale~~ of property for the
15 nonpayment of taxes, held in the county above stated, on
16 (insert date), the following described property was sold:
17 (here place description of property conveyed). The property
18 not having been redeemed from the sale, and it appearing that
19 the holder of the certificate of purchase of the property has
20 complied with the laws of the State of Illinois necessary to
21 entitle (insert him, her or them) to a deed of the property: I
22, county clerk of the county of, in consideration of
23 the property and by virtue of the statutes of the State of
24 Illinois in such cases provided, grant and convey to, his
25 or her heirs and assigns forever, the property described
26 above.

1 Dated (insert date).

2 Signature of County Clerk

3 Seal of County of, Illinois

4 (Source: P.A. 91-357, eff. 7-29-99.)

5 Section 10. The Mobile Home Local Services Tax Enforcement
6 Act is amended by changing Section 255 as follows:

7 (35 ILCS 516/255)

8 Sec. 255. Sales in error.

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

15 (1) the mobile home was not subject to taxation,

16 (1.5) the mobile home has been moved to a different
17 location,

18 (2) the taxes had been paid prior to the sale of the
19 mobile home,

20 (3) there is a double computation of the tax,

21 (4) the description is void for uncertainty,

22 (5) the assessor, chief county assessment officer,
23 board of review, board of appeals, or other county
24 official has made an error (other than an error of

1 judgment as to the value of any mobile home),

2 (5.5) the owner of the mobile home had tendered timely
3 and full payment to the county collector that the owner
4 reasonably believed was due and owing on the mobile home,
5 and the county collector did not apply the payment to the
6 mobile home; provided that this provision applies only to
7 mobile home owners, not their agents or third-party
8 payors,

9 (6) prior to the tax sale a voluntary or involuntary
10 petition has been filed by or against the legal or
11 beneficial owner of the mobile home requesting relief
12 under the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,
13 or

14 (7) the mobile home is owned by the United States, the
15 State of Illinois, a municipality, or a taxing district.

16 (b) When, upon application of the owner of the certificate
17 of purchase only, it appears to the satisfaction of the court
18 that ordered the mobile home sold that any of the following
19 subsections are applicable, the court shall declare the sale
20 to be a sale in error:

21 (1) A voluntary or involuntary petition under the
22 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
23 filed subsequent to the tax sale and prior to the issuance
24 of the tax certificate of title.

25 (2) The mobile home sold has been substantially
26 destroyed or rendered uninhabitable or otherwise unfit for

1 occupancy subsequent to the tax sale and prior to the
2 issuance of the tax certificate of title.

3 (c) When the county collector discovers, prior to the
4 expiration of the period of redemption, that a tax sale should
5 not have occurred for one or more of the reasons set forth in
6 subdivision (a) (1), (a) (2), (a) (3), (a) (4), (a) (5.5), (a) (6),
7 (a) (7), ~~(a) (1), (a) (2), (a) (6), or (a) (7)~~ of this Section, the
8 county collector shall notify the last known owner of the
9 certificate of purchase by certified and regular mail, or
10 other means reasonably calculated to provide actual notice,
11 that the county collector intends to declare an administrative
12 sale in error and of the reasons therefor, including
13 documentation sufficient to establish the reason why the sale
14 should not have occurred. The owner of the certificate of
15 purchase may object in writing within 28 days after the date of
16 the mailing by the county collector. If an objection is filed,
17 the county collector shall not administratively declare a sale
18 in error, but may apply to the circuit court for a sale in
19 error as provided in subsection (a) of this Section. Thirty
20 days following the receipt of notice by the last known owner of
21 the certificate of purchase, or within a reasonable time
22 thereafter, the county collector shall make a written
23 declaration, based upon clear and convincing evidence, that
24 the taxes were sold in error and shall deliver a copy thereof
25 to the county clerk within 30 days after the date the
26 declaration is made for entry in the tax judgment, sale,

1 redemption, and forfeiture record pursuant to subsection (d)
2 of this Section. The county collector shall promptly notify
3 the last known owner of the certificate of purchase of the
4 declaration by regular mail and shall promptly pay the amount
5 of the tax sale, together with interest and costs as provided
6 in Sections 260 through 280, upon surrender of the original
7 certificate of purchase.

8 (d) When the holder of the certificate of purchase is the
9 county as trustee for taxing districts, upon request of or
10 consent by the county as trustee, or its agent, if the county
11 collector agrees, prior to the issuance of a tax certificate
12 of sale, that a tax sale should not have occurred for one or
13 more of the reasons set forth in subdivision (a)(1), (a)(2),
14 (a)(3), (a)(4), (a)(5.5), (a)(6), (a)(7), or (b)(1) of this
15 Section, or, with the consent of the chief county assessment
16 officer, subdivisions (a)(1.5), (a)(5), the county collector
17 may declare an administrative sale in error. Such declaration
18 shall be a written declaration, based on clear and convincing
19 evidence, that the taxes were sold in error and the county
20 collector shall deliver a copy thereto to the county clerk
21 within 30 days after the date the declaration is made for entry
22 in the tax judgment, sale, redemption, and forfeiture record.
23 ~~If a sale is declared to be a sale in error, the county clerk~~
24 ~~shall make entry in the tax judgment, sale, redemption and~~
25 ~~forfeiture record, that the mobile home was erroneously sold,~~
26 ~~and the county collector shall, on demand of the owner of the~~

1 ~~certificate of purchase, refund the amount paid, pay any~~
2 ~~interest and costs as may be ordered under Sections 260~~
3 ~~through 280, and cancel the certificate so far as it relates to~~
4 ~~the mobile home. The county collector shall deduct from the~~
5 ~~accounts of the appropriate taxing bodies their pro rata~~
6 ~~amounts paid.~~

7 (Source: P.A. 98-949, eff. 8-15-14.)

8 Section 15. The Mortgage Rescue Fraud Act is amended by
9 changing Sections 5 and 30 as follows:

10 (765 ILCS 940/5)

11 Sec. 5. Definitions. As used in this Act:

12 "Distressed property" means residential real property
13 consisting of one to 6 family dwelling units that is in
14 foreclosure or at risk of loss due to nonpayment of taxes, or
15 whose owner is more than 30 days delinquent on any loan that is
16 secured by the property.

17 "Distressed property consultant" means any person who,
18 directly or indirectly, for compensation from the owner, makes
19 any solicitation, representation, or offer to perform or who,
20 for compensation from the owner, performs any service that the
21 person represents will in any manner do any of the following:

22 (1) stop or postpone the foreclosure sale or stop or
23 postpone the loss of the home due to nonpayment of taxes;

24 (2) obtain any forbearance from any beneficiary or

1 mortgagee, or relief with respect to a tax sale of the
2 property;

3 (3) assist the owner to exercise any right of
4 reinstatement or right of redemption;

5 (4) obtain any extension of the period within which
6 the owner may reinstate the owner's rights with respect to
7 the property;

8 (5) obtain any waiver of an acceleration clause
9 contained in any promissory note or contract secured by a
10 mortgage on a distressed property or contained in the
11 mortgage;

12 (6) assist the owner in foreclosure, loan default, or
13 post-tax sale redemption period to obtain a loan or
14 advance of funds;

15 (7) avoid or ameliorate the impairment of the owner's
16 credit resulting from the recording of a notice of default
17 or the conduct of a foreclosure sale or tax sale; or

18 (8) save the owner's residence from foreclosure or
19 save the owner from loss of home due to nonpayment of
20 taxes.

21 A "distressed property consultant" does not include any of
22 the following:

23 (1) a person or the person's authorized agent acting
24 under the express authority or written approval of the
25 Department of Housing and Urban Development;

26 (2) a person who holds or is owed an obligation

1 secured by a lien on any distressed property, or a person
2 acting under the express authorization or written approval
3 of such person, when the person performs services in
4 connection with the obligation or lien, if the obligation
5 or lien did not arise as the result of or as part of a
6 proposed distressed property conveyance;

7 (3) banks, savings banks, savings and loan
8 associations, credit unions, and insurance companies
9 organized, chartered, or holding a certificate of
10 authority to do business under the laws of this State or
11 any other state or under the laws of the United States;

12 (4) attorneys licensed in Illinois engaged in the
13 practice of law;

14 (5) a Department of Housing and Urban Development
15 approved mortgagee and any subsidiary or affiliate of
16 these persons or entities, and any agent or employee of
17 these persons or entities, while engaged in the business
18 of these persons or entities;

19 (6) a 501(c)(3) nonprofit agency or organization,
20 doing business for no less than 5 years, that offers
21 counseling or advice to an owner of a distressed property,
22 if they do not contract for services with for-profit
23 lenders or distressed property purchasers, or any person
24 who structures or plans such a transaction;

25 (7) (blank);

26 (8) licensees of the Consumer Installment Loan Act who

1 are authorized to make loans secured by real property; or
2 (9) licensees of the Real Estate License Act of 2000
3 when providing licensed activities.

4 "Distressed property purchaser" means any person who
5 solicits an owner of distressed property and acquires any
6 interest in fee in a distressed property or a beneficial
7 interest in a trust holding title to a distressed property
8 ~~while allowing the owner to possess, occupy, or retain any~~
9 ~~present or future interest in fee in the property,~~ or any
10 person who participates in a joint venture or joint enterprise
11 involving a distressed property conveyance. "Distressed
12 property purchaser" does not mean any person who acquires
13 distressed property at a short sale or any person acting in
14 participation with any person who acquires distressed property
15 at a short sale, if that person does not promise to convey an
16 interest in fee back to the owner or does not give the owner an
17 option to purchase the property at a later date.

18 "Distressed property conveyance" means a transaction in
19 which an owner of a distressed property transfers an interest
20 in fee in the distressed property or in which the holder of all
21 or some part of the beneficial interest in a trust holding
22 title to a distressed property transfers that interest; ~~the~~
23 ~~acquirer of the property allows the owner of the distressed~~
24 ~~property to occupy the property; and the acquirer of the~~
25 ~~property or a person acting in participation with the acquirer~~
26 ~~of the property conveys or promises to convey an interest in~~

1 ~~fee back to the owner or gives the owner an option to purchase~~
2 ~~the property at a later date.~~

3 "Person" means any individual, partnership, corporation,
4 limited liability company, association, or other group or
5 entity, however organized.

6 "Service" means, without limitation, any of the following:

7 (1) debt, budget, or financial counseling of any type;

8 (2) receiving money for the purpose of distributing it
9 to creditors in payment or partial payment of any
10 obligation secured by a lien on a distressed property;

11 (3) contacting creditors on behalf of an owner of a
12 residence that is distressed property;

13 (4) arranging or attempting to arrange for an
14 extension of the period within which the owner of a
15 distressed property may cure the owner's default and
16 reinstate his or her obligation;

17 (5) arranging or attempting to arrange for any delay
18 or postponement of the time of sale of the distressed
19 property;

20 (6) advising the filing of any document or assisting
21 in any manner in the preparation of any document for
22 filing with any court; or

23 (7) giving any advice, explanation, or instruction to
24 an owner of a distressed property that in any manner
25 relates to the cure of a default or forfeiture or to the
26 postponement or avoidance of sale of the distressed

1 property.

2 (Source: P.A. 94-822, eff. 1-1-07; 95-691, eff. 6-1-08;
3 95-1047, eff. 4-6-09.)

4 (765 ILCS 940/30)

5 Sec. 30. Distressed property conveyance contract terms.
6 Every contract required by Section 25 must contain the entire
7 agreement of the parties, be fully assignable, and survive
8 delivery of any instrument of conveyance of the distressed
9 property. Every lease entered into pursuant to a contract
10 required by Section 25 is terminable at will by the distressed
11 property owner, without liability. Every contract required by
12 Section 25 must include the following terms:

13 (1) the name, business address, and the telephone
14 number of the distressed property purchaser;

15 (2) the address of the distressed property;

16 (3) the total consideration to be given by the
17 distressed property purchaser or tax lien payor in
18 connection with or incident to the sale;

19 (4) a complete description of the terms of payment or
20 other consideration including, but not limited to, any
21 services of any nature that the distressed property
22 purchaser represents he or she will perform for the owner
23 of the distressed property before or after the sale;

24 (5) a complete description of the terms of any related
25 agreement designed to allow the owner of the distressed

1 property to remain in the home such as a rental agreement,
2 repurchase agreement, contract for deed, or lease with
3 option to buy;

4 (6) a notice of cancellation as provided in this
5 Section;

6 (7) the following notice in at least 12-point boldface
7 type, if the contract is printed, or in capital letters,
8 if the contract is typed, and completed with the name of
9 the distressed property purchaser, immediately above the
10 statement required by this Section:

11 "NOTICE REQUIRED BY ILLINOIS LAW

12 Until your right to cancel this contract has ended,
13(Name) or anyone working for
14(Name) CANNOT ask you to sign or have
15 you sign any deed or any other document. You are urged to
16 have this contract reviewed by an attorney of your choice
17 within 5 business days of signing it."; ~~and~~

18 (8) if title to the distressed property will be
19 transferred in the conveyance transaction, the following
20 notice in at least 14-point boldface type if the contract
21 is printed, or in capital letters if the contract is
22 typed, and completed with the name of the distressed
23 property purchaser, immediately above the statement
24 required by this Section:

25 "NOTICE REQUIRED BY ILLINOIS LAW

26 As part of this transaction, you are giving up title

1 to your home."; ~~and-~~

2 (9) if a distressed property is at risk of loss for the
3 non-payment of real estate taxes, a statement that the
4 property owner may have the right to obtain money for any
5 equity lost if a tax deed is issued, either through the
6 right to indemnity or public auction, that the property
7 owner will lose the right to claim the surplus equity if
8 the property owner sells the property, and that the
9 property owner should consult an attorney to discuss the
10 property owner's options before selling the property.

11 (Source: P.A. 94-822, eff. 1-1-07.)

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