



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0282

Introduced 1/19/2007, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-355
35 ILCS 200/22-15

Amends the Property Tax Code. Authorizes, except in Cook County, the personal service of the notice of the expiration of the period of redemption to be made by licensed or registered private detectives. Provides that the amount of redemption includes the costs incurred in causing notices to be served by a licensed or registered private detective, but those costs may not exceed the amount that the sheriff would be authorized by law to charge if those notices had been served by the sheriff.

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HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning revenue.

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

4 Section 5. The Property Tax Code is amended by changing
5 Sections 21-355 and 22-15 as follows:

6 (35 ILCS 200/21-355)

7 Sec. 21-355. Amount of redemption. Any person desiring to
8 redeem shall deposit an amount specified in this Section with
9 the county clerk of the county in which the property is
10 situated, in legal money of the United States, or by cashier's
11 check, certified check, post office money order or money order
12 issued by a financial institution insured by an agency or
13 instrumentality of the United States, payable to the county
14 clerk of the proper county. The deposit shall be deemed timely
15 only if actually received in person at the county clerk's
16 office prior to the close of business as defined in Section
17 3-2007 of the Counties Code on or before the expiration of the
18 period of redemption or by United States mail with a post
19 office cancellation mark dated not less than one day prior to
20 the expiration of the period of redemption. The deposit shall
21 be in an amount equal to the total of the following:

22 (a) the certificate amount, which shall include all tax
23 principal, special assessments, interest and penalties

1 paid by the tax purchaser together with costs and fees of
2 sale and fees paid under Sections 21-295 and 21-315 through
3 21-335;

4 (b) the accrued penalty, computed through the date of
5 redemption as a percentage of the certificate amount, as
6 follows:

7 (1) if the redemption occurs on or before the
8 expiration of 6 months from the date of sale, the
9 certificate amount times the penalty bid at sale;

10 (2) if the redemption occurs after 6 months from
11 the date of sale, and on or before the expiration of 12
12 months from the date of sale, the certificate amount
13 times 2 times the penalty bid at sale;

14 (3) if the redemption occurs after 12 months from
15 the date of sale and on or before the expiration of 18
16 months from the date of sale, the certificate amount
17 times 3 times the penalty bid at sale;

18 (4) if the redemption occurs after 18 months from
19 the date of sale and on or before the expiration of 24
20 months from the date of sale, the certificate amount
21 times 4 times the penalty bid at sale;

22 (5) if the redemption occurs after 24 months from
23 the date of sale and on or before the expiration of 30
24 months from the date of sale, the certificate amount
25 times 5 times the penalty bid at sale;

26 (6) if the redemption occurs after 30 months from

1 the date of sale and on or before the expiration of 36
2 months from the date of sale, the certificate amount
3 times 6 times the penalty bid at sale.

4 In the event that the property to be redeemed has
5 been purchased under Section 21-405, the penalty bid
6 shall be 12% per penalty period as set forth in
7 subparagraphs (1) through (6) of this subsection (b).
8 The changes to this subdivision (b)(6) made by this
9 amendatory Act of the 91st General Assembly are not a
10 new enactment, but declaratory of existing law.

11 (c) The total of all taxes, special assessments,
12 accrued interest on those taxes and special assessments and
13 costs charged in connection with the payment of those taxes
14 or special assessments, which have been paid by the tax
15 certificate holder on or after the date those taxes or
16 special assessments became delinquent together with 12%
17 penalty on each amount so paid for each year or portion
18 thereof intervening between the date of that payment and
19 the date of redemption. In counties with less than
20 3,000,000 inhabitants, however, a tax certificate holder
21 may not pay all or part of an installment of a subsequent
22 tax or special assessment for any year, nor shall any
23 tender of such a payment be accepted, until after the
24 second or final installment of the subsequent tax or
25 special assessment has become delinquent or until after the
26 holder of the certificate of purchase has filed a petition

1 for a tax deed under Section 22.30. The person redeeming
2 shall also pay the amount of interest charged on the
3 subsequent tax or special assessment and paid as a penalty
4 by the tax certificate holder. This amendatory Act of 1995
5 applies to tax years beginning with the 1995 taxes, payable
6 in 1996, and thereafter.

7 (d) Any amount paid to redeem a forfeiture occurring
8 subsequent to the tax sale together with 12% penalty
9 thereon for each year or portion thereof intervening
10 between the date of the forfeiture redemption and the date
11 of redemption from the sale.

12 (e) Any amount paid by the certificate holder for
13 redemption of a subsequently occurring tax sale.

14 (f) All fees paid to the county clerk under Section
15 22-5.

16 (g) All fees paid to the registrar of titles incident
17 to registering the tax certificate in compliance with the
18 Registered Titles (Torrens) Act.

19 (h) All fees paid to the circuit clerk and the sheriff, and
20 a licensed or registered private detective, or the coroner
21 in connection with the filing of the petition for tax deed
22 and service of notices under Sections 22-15 through 22-30
23 and 22-40 in addition to (1) a fee of \$35 if a petition for
24 tax deed has been filed, which fee shall be posted to the
25 tax judgement, sale, redemption, and forfeiture record, to
26 be paid to the purchaser or his or her assignee; (2) a fee

1 of \$4 if a notice under Section 22-5 has been filed, which
2 fee shall be posted to the tax judgment, sale, redemption,
3 and forfeiture record, to be paid to the purchaser or his
4 or her assignee; and (3) all costs paid to record a lis
5 pendens notice in connection with filing a petition under
6 this Code. The fees in (1) and (2) of this paragraph (h)
7 shall be exempt from the posting requirements of Section
8 21-360. The costs incurred in causing notices to be served
9 by a licensed or registered private detective under Section
10 22-15, may not exceed the amount that the sheriff would be
11 authorized by law to charge if those notices had been
12 served by the sheriff.

13 (i) All fees paid for publication of notice of the tax
14 sale in accordance with Section 22-20.

15 (j) All sums paid to any city, village or incorporated
16 town for reimbursement under Section 22-35.

17 (k) All costs and expenses of receivership under
18 Section 21-410, to the extent that these costs and expenses
19 exceed any income from the property in question, if the
20 costs and expenditures have been approved by the court
21 appointing the receiver and a certified copy of the order
22 or approval is filed and posted by the certificate holder
23 with the county clerk. Only actual costs expended may be
24 posted on the tax judgment, sale, redemption and forfeiture
25 record.

26 (Source: P.A. 91-924, eff. 1-1-01.)

1 (35 ILCS 200/22-15)

2 Sec. 22-15. Service of notice. The purchaser or his or her
3 assignee shall give the notice required by Section 22-10 by
4 causing it to be published in a newspaper as set forth in
5 Section 22-20. In addition, the notice shall be served by a
6 sheriff (or if he or she is disqualified, by a coroner) of the
7 county in which the property, or any part thereof, is located
8 or, except in Cook County, by a person who is licensed or
9 registered as a private detective under the Private Detective,
10 Private Alarm, Private Security, and Locksmith Act of 2004 upon
11 owners who reside on any part of the property sold by leaving a
12 copy of the notice with those owners personally.

13 In counties of 3,000,000 or more inhabitants where a taxing
14 district is a petitioner for tax deed pursuant to Section
15 21-90, in lieu of service by the sheriff or coroner the notice
16 may be served by a special process server appointed by the
17 circuit court as provided in this Section. The taxing district
18 may move prior to filing one or more petitions for tax deed for
19 appointment of such a special process server. The court, upon
20 being satisfied that the person named in the motion is at least
21 18 years of age and is capable of serving notice as required
22 under this Code, shall enter an order appointing such person as
23 a special process server for a period of one year. The
24 appointment may be renewed for successive periods of one year
25 each by motion and order, and a copy of the original and any

1 subsequent order shall be filed in each tax deed case in which
2 a notice is served by the appointed person. Delivery of the
3 notice to and service of the notice by the special process
4 server shall have the same force and effect as its delivery to
5 and service by the sheriff or coroner.

6 The same form of notice shall also be served upon all other
7 owners and parties interested in the property, if upon diligent
8 inquiry they can be found in the county, and upon the occupants
9 of the property in the following manner:

10 (a) as to individuals, by (1) leaving a copy of the
11 notice with the person personally or (2) by leaving a copy
12 at his or her usual place of residence with a person of the
13 family, of the age of 13 years or more, and informing that
14 person of its contents. The person making the service shall
15 cause a copy of the notice to be sent by registered or
16 certified mail, return receipt requested, to that party at
17 his or her usual place of residence;

18 (b) as to public and private corporations, municipal,
19 governmental and quasi-municipal corporations,
20 partnerships, receivers and trustees of corporations, by
21 leaving a copy of the notice with the person designated by
22 the Civil Practice Law.

23 If the property sold has more than 4 dwellings or other
24 rental units, and has a managing agent or party who collects
25 rents, that person shall be deemed the occupant and shall be
26 served with notice instead of the occupants of the individual

1 units. If the property has no dwellings or rental units, but
2 economic or recreational activities are carried on therein, the
3 person directing such activities shall be deemed the occupant.
4 Holders of rights of entry and possibilities of reverter shall
5 not be deemed parties interested in the property.

6 When a party interested in the property is a trustee,
7 notice served upon the trustee shall be deemed to have been
8 served upon any beneficiary or note holder thereunder unless
9 the holder of the note is disclosed of record.

10 When a judgment is a lien upon the property sold, the
11 holder of the lien shall be served with notice if the name of
12 the judgment debtor as shown in the transcript, certified copy
13 or memorandum of judgment filed of record is identical, as to
14 given name and surname, with the name of the party interested
15 as it appears of record.

16 If any owner or party interested, upon diligent inquiry and
17 effort, cannot be found or served with notice in the county as
18 provided in this Section, and the person in actual occupancy
19 and possession is tenant to, or in possession under the owners
20 or the parties interested in the property, then service of
21 notice upon the tenant, occupant or person in possession shall
22 be deemed service upon the owners or parties interested.

23 If any owner or party interested, upon diligent inquiry and
24 effort cannot be found or served with notice in the county,
25 then the person making the service shall cause a copy of the
26 notice to be sent by registered or certified mail, return

1 receipt requested, to that party at his or her residence, if
2 ascertainable.

3 (Source: P.A. 91-209, eff. 1-1-00; 91-554, eff. 8-14-99.)