

HB5646



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5646

by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-355

Amends the Property Tax Code concerning the redemption of property. Provides that the county clerk must obtain a copy of the photo identification of any person who redeems property by depositing cash, a money order, or a cashier's check. Effective immediately.

LRB095 16887 BDD 42930 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 21-355 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 county clerk
21 must obtain a copy of the photo identification of any person
22 who redeems property by depositing cash, a money order, or a
23 cashier's check. The deposit shall be in an amount equal to the

1 total of the following:

2 (a) the certificate amount, which shall include all tax
3 principal, special assessments, interest and penalties
4 paid by the tax purchaser together with costs and fees of
5 sale and fees paid under Sections 21-295 and 21-315 through
6 21-335;

7 (b) the accrued penalty, computed through the date of
8 redemption as a percentage of the certificate amount, as
9 follows:

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

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

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

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

25 (5) if the redemption occurs after 24 months from
26 the date of sale and on or before the expiration of 30

1 months from the date of sale, the certificate amount
2 times 5 times the penalty bid at sale;

3 (6) if the redemption occurs after 30 months from
4 the date of sale and on or before the expiration of 36
5 months from the date of sale, the certificate amount
6 times 6 times the penalty bid at sale.

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

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

1 second or final installment of the subsequent tax or
2 special assessment has become delinquent or until after the
3 holder of the certificate of purchase has filed a petition
4 for a tax deed under Section 22.30. The person redeeming
5 shall also pay the amount of interest charged on the
6 subsequent tax or special assessment and paid as a penalty
7 by the tax certificate holder. This amendatory Act of 1995
8 applies to tax years beginning with the 1995 taxes, payable
9 in 1996, and thereafter.

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

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

17 (f) All fees paid to the county clerk under Section
18 22-5.

19 (g) All fees paid to the registrar of titles incident
20 to registering the tax certificate in compliance with the
21 Registered Titles (Torrens) Act.

22 (h) All fees paid to the circuit clerk and the sheriff,
23 a licensed or registered private detective, or the coroner
24 in connection with the filing of the petition for tax deed
25 and service of notices under Sections 22-15 through 22-30
26 and 22-40 in addition to (1) a fee of \$35 if a petition for

1 tax deed has been filed, which fee shall be posted to the
2 tax judgement, sale, redemption, and forfeiture record, to
3 be paid to the purchaser or his or her assignee; (2) a fee
4 of \$4 if a notice under Section 22-5 has been filed, which
5 fee shall be posted to the tax judgment, sale, redemption,
6 and forfeiture record, to be paid to the purchaser or his
7 or her assignee; and (3) all costs paid to record a lis
8 pendens notice in connection with filing a petition under
9 this Code. The fees in (1) and (2) of this paragraph (h)
10 shall be exempt from the posting requirements of Section
11 21-360. The costs incurred in causing notices to be served
12 by a licensed or registered private detective under Section
13 22-15, may not exceed the amount that the sheriff would be
14 authorized by law to charge if those notices had been
15 served by the sheriff.

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

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

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

1 posted on the tax judgment, sale, redemption and forfeiture
2 record.

3 (Source: P.A. 95-195, eff. 1-1-08.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.