

# HB1381



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB1381

by Rep. John E. Bradley

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-355

Amends the Property Tax Code. In a Section concerning redemption payment amounts, provides that the fee imposed if a notice of sale and redemption rights has been filed shall be increased from \$4 to \$10. Provides that the redemption payment shall include fees paid by the certificate holder to the circuit clerk in connection with the filing of a Motion for Declaration of Sale in Error.

LRB099 05870 HLH 25918 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 (Text of Section before amendment by P.A. 98-1162)

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

23 (a) the certificate amount, which shall include all tax

1 principal, special assessments, interest and penalties  
2 paid by the tax purchaser together with costs and fees of  
3 sale and fees paid under Sections 21-295 and 21-315 through  
4 21-335;

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

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

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

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

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

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

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

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

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

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

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

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

15 (f) All fees paid to the county clerk under Section  
16 22-5.

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

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

1 be paid to the purchaser or his or her assignee; (2) a fee  
2 of \$10 ~~\$4~~ if a notice under Section 22-5 has been filed,  
3 which fee shall be posted to the tax judgment, sale,  
4 redemption, and forfeiture record, to be paid to the  
5 purchaser or his or her assignee; (3) all costs paid to  
6 record a lis pendens notice in connection with filing a  
7 petition under this Code; and (4) if a petition for tax  
8 deed has been filed, all fees up to \$150 per redemption  
9 paid to a registered or licensed title insurance company or  
10 title insurance agent for a title search to identify all  
11 owners, parties interested, and occupants of the property,  
12 to be paid to the purchaser or his or her assignee. The  
13 fees in (1) and (2) of this paragraph (h) shall be exempt  
14 from the posting requirements of Section 21-360. The costs  
15 incurred in causing notices to be served by a licensed or  
16 registered private detective under Section 22-15, may not  
17 exceed the amount that the sheriff would be authorized by  
18 law to charge if those notices had been served by the  
19 sheriff.

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

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

24 (k) All costs and expenses of receivership under  
25 Section 21-410, to the extent that these costs and expenses  
26 exceed any income from the property in question, if the

1 costs and expenditures have been approved by the court  
2 appointing the receiver and a certified copy of the order  
3 or approval is filed and posted by the certificate holder  
4 with the county clerk. Only actual costs expended may be  
5 posted on the tax judgment, sale, redemption and forfeiture  
6 record.

7 (1) All fees paid by the certificate holder to the  
8 circuit clerk in connection with the filing of a Motion for  
9 Declaration of Sale in Error under Section 21-310.

10 (Source: P.A. 95-195, eff. 1-1-08; 96-231, eff. 1-1-10;  
11 96-1067, eff. 1-1-11.)

12 (Text of Section after amendment by P.A. 98-1162)

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21 only if actually received in person at the county clerk's  
22 office prior to the close of business as defined in Section  
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24 period of redemption or by United States mail with a post  
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1 the expiration of the period of redemption. The deposit shall  
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4           (6) if the redemption occurs after 30 months from  
5           the date of sale and on or before the expiration of 36  
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18          or special assessments, which have been paid by the tax  
19          certificate holder on or after the date those taxes or  
20          special assessments became delinquent together with 12%  
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22          thereof intervening between the date of that payment and  
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24          3,000,000 inhabitants, however, a tax certificate holder  
25          may not pay all or part of an installment of a subsequent  
26          tax or special assessment for any year, nor shall any

1 tender of such a payment be accepted, until after the  
2 second or final installment of the subsequent tax or  
3 special assessment has become delinquent or until after the  
4 holder of the certificate of purchase has filed a petition  
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2 tax deed has been filed, which fee shall be posted to the  
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6 which fee shall be posted to the tax judgment, sale,  
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8 purchaser or his or her assignee; (3) all costs paid to  
9 record a lis pendens notice in connection with filing a  
10 petition under this Code; and (4) if a petition for tax  
11 deed has been filed, all fees up to \$150 per redemption  
12 paid to a registered or licensed title insurance company or  
13 title insurance agent for a title search to identify all  
14 owners, parties interested, and occupants of the property,  
15 to be paid to the purchaser or his or her assignee. The  
16 fees in (1) and (2) of this paragraph (h) shall be exempt  
17 from the posting requirements of Section 21-360. The costs  
18 incurred in causing notices to be served by a licensed or  
19 registered private detective under Section 22-15, may not  
20 exceed the amount that the sheriff would be authorized by  
21 law to charge if those notices had been served by the  
22 sheriff.

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24 sale in accordance with Section 22-20.

25 (j) All sums paid to any county, city, village or  
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2           Section 21-410, to the extent that these costs and expenses  
3           exceed any income from the property in question, if the  
4           costs and expenditures have been approved by the court  
5           appointing the receiver and a certified copy of the order  
6           or approval is filed and posted by the certificate holder  
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8           posted on the tax judgment, sale, redemption and forfeiture  
9           record.

10           (l) All fees paid by the certificate holder to the  
11           circuit clerk in connection with the filing of a Motion for  
12           Declaration of Sale in Error under Section 21-310.

13           (Source: P.A. 98-1162, eff. 6-1-15.)

14           Section 95. No acceleration or delay. Where this Act makes  
15           changes in a statute that is represented in this Act by text  
16           that is not yet or no longer in effect (for example, a Section  
17           represented by multiple versions), the use of that text does  
18           not accelerate or delay the taking effect of (i) the changes  
19           made by this Act or (ii) provisions derived from any other  
20           Public Act.