



Sen. Pat McGuire

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09900SB1525sam001

LRB099 09501 HLH 45800 a

1 AMENDMENT TO SENATE BILL 1525

2 AMENDMENT NO. _____. Amend Senate Bill 1525 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 22-5, 22-10, 22-15, 22-20, 22-25, and 22-45 as
6 follows:

7 (35 ILCS 200/22-5)

8 Sec. 22-5. Notice of sale and redemption rights. In order
9 to be entitled to a tax deed, within 4 months and 15 days after
10 any sale held under this Code, the purchaser or his or her
11 assignee shall deliver to the county clerk a notice to be given
12 to the party in whose name the taxes are last assessed as shown
13 by the most recent tax collector's warrant books, in at least
14 10 point type with headings in bold type, in the following form
15 completely filled in:

16 TAKE NOTICE

1 County of

2 Date Premises Sold

3 Certificate No.

4 Sold for General Taxes of (year)

5 Sold for Special Assessment of (Municipality)

6 and special assessment number

7 Warrant No. Inst. No.

8 THIS PROPERTY HAS BEEN SOLD FOR

9 DELINQUENT TAXES

10 Property located at

11 Legal Description or Property Index No.

12

13

14 This notice is to advise you that the above property has

15 been sold for delinquent taxes and that the period of

16 redemption from the sale will expire on

17 This notice is also to advise you that a petition will be

18 filed for a tax deed which will transfer title and the right to

19 possession of this property if redemption is not made on or

20 before

21 At the date of this notice the total amount which you must

22 pay in order to redeem the above property is

23 YOU ARE URGED TO REDEEM IMMEDIATELY TO

24 PREVENT LOSS OF PROPERTY

25 Redemption can be made at any time on or before by

26 applying to the County Clerk of County, Illinois at the

1 Office of the County Clerk in, Illinois.

2 The above amount is subject to increase at 6 month
3 intervals from the date of sale. Check with the county clerk as
4 to the exact amount you owe before redeeming. Payment must be
5 made by certified check, cashier's check, money order, or in
6 cash.

7 In addition, the notice must contain the following
8 information in 10 point bold type:

9 FOR FURTHER INFORMATION CONTACT THE COUNTY CLERK OF (INSERT
10 COUNTY), ILLINOIS IMMEDIATELY: ~~For further information contact~~
11 the County Clerk

12 ADDRESS:.....

13 TELEPHONE:.....

14

15 Purchaser or Assignee

16 Dated (insert date).

17 Within 10 days after receipt of said notice, the county
18 clerk shall mail to the addresses supplied by the purchaser or
19 assignee, by both registered or certified mail and first class
20 mail, copies of said notice to the party in whose name the
21 taxes are last assessed as shown by the most recent tax
22 collector's warrant books. The purchaser or assignee shall pay
23 to the clerk postage plus the sum of \$10. The clerk shall write
24 or stamp the date of receiving the notices upon the copies of

1 the notices, and retain one copy.

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

7 (35 ILCS 200/22-10)

8 Sec. 22-10. Notice of expiration of period of redemption. A
9 purchaser or assignee shall not be entitled to a tax deed to
10 the property sold unless, not less than 3 months nor more than
11 6 months prior to the expiration of the period of redemption,
12 he or she gives notice of the sale and the date of expiration
13 of the period of redemption to the owners, occupants, and
14 parties interested in the property, including any mortgagee of
15 record, as provided below.

16 The Notice to be given to the parties shall be in at least
17 10 point type with headings in bold type, in the following form
18 completely filled in:

19 TAX DEED NO. FILED

20 TAKE NOTICE

21 County of

22 Date Premises Sold

23 Certificate No.

24 Sold for General Taxes of (year)

25 Sold for Special Assessment of (Municipality)

1 and special assessment number

2 Warrant No. Inst. No.

3 THIS PROPERTY HAS BEEN SOLD FOR

4 DELINQUENT TAXES

5 Property located at

6 Legal Description or Property Index No.

7

8

9 This notice is to advise you that the above property has
10 been sold for delinquent taxes and that the period of
11 redemption from the sale will expire on

12

13 The amount to redeem is subject to increase at 6 month
14 intervals from the date of sale and may be further increased if
15 the purchaser at the tax sale or his or her assignee pays any
16 subsequently accruing taxes or special assessments to redeem
17 the property from subsequent forfeitures or tax sales. Check
18 with the county clerk as to the exact amount you owe before
19 redeeming.

20 This notice is also to advise you that a petition has been
21 filed for a tax deed which will transfer title and the right to
22 possession of this property if redemption is not made on or
23 before

24 This matter is set for hearing in the Circuit Court of this
25 county in, Illinois on

26 You may be present at this hearing but your right to redeem

1 will already have expired at that time.

2 YOU ARE URGED TO REDEEM IMMEDIATELY

3 TO PREVENT LOSS OF PROPERTY

4 Redemption can be made at any time on or before by
5 applying to the County Clerk of, County, Illinois at the
6 Office of the County Clerk in, Illinois.

7 In addition, the notice must contain the following
8 information in 10 point bold type:

9 FOR FURTHER INFORMATION CONTACT THE COUNTY CLERK OF (INSERT
10 COUNTY), ILLINOIS IMMEDIATELY ~~For further information contact~~
11 ~~the County Clerk~~

12 ADDRESS:.....

13 TELEPHONE:.....

14

15 Purchaser or Assignee.

16 Dated (insert date).

17 In counties with 3,000,000 or more inhabitants, the notice
18 shall also state the address, room number and time at which the
19 matter is set for hearing.

20 The changes to this Section made by this amendatory Act of
21 the 97th General Assembly apply only to matters in which a
22 petition for tax deed is filed on or after the effective date
23 of this amendatory Act of the 97th General Assembly.

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

1 (35 ILCS 200/22-15)

2 Sec. 22-15. Service and posting of notice. The purchaser or
3 his or her assignee shall give the notice required by Section
4 22-10 by causing it to be published in a newspaper as set forth
5 in 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, Fingerprint Vendor, and
11 Locksmith Act of 2004 upon owners who reside on any part of the
12 property sold by leaving a copy of the notice with those owners
13 personally and by conspicuously and securely posting the notice
14 on or immediately adjacent to a principal entry door to the
15 property.

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

1 a special process server for a period of one year. The
2 appointment may be renewed for successive periods of one year
3 each by motion and order, and a copy of the original and any
4 subsequent order shall be filed in each tax deed case in which
5 a notice is served by the appointed person. Delivery of the
6 notice to and service of the notice by the special process
7 server shall have the same force and effect as its delivery to
8 and service by the sheriff or coroner.

9 The same form of notice shall also be served, in the manner
10 set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and
11 2-211 of the Code of Civil Procedure, upon all other owners and
12 parties interested in the property, if upon diligent inquiry
13 they can be found in the county, and upon the occupants of the
14 property.

15 If the property sold has more than 4 dwellings or other
16 rental units, and has a managing agent or party who collects
17 rents, that person shall be deemed the occupant and shall be
18 served with notice instead of the occupants of the individual
19 units. If the property has no dwellings or rental units, but
20 economic or recreational activities are carried on therein, the
21 person directing such activities shall be deemed the occupant.
22 Holders of rights of entry and possibilities of reverter shall
23 not be deemed parties interested in the property.

24 When a party interested in the property is a trustee,
25 notice served upon the trustee shall be deemed to have been
26 served upon any beneficiary or note holder thereunder unless

1 the holder of the note is disclosed of record.

2 When a judgment is a lien upon the property sold, the
3 holder of the lien shall be served with notice if the name of
4 the judgment debtor as shown in the transcript, certified copy
5 or memorandum of judgment filed of record is identical, as to
6 given name and surname, with the name of the party interested
7 as it appears of record.

8 If any owner or party interested, upon diligent inquiry and
9 effort, cannot be found or served with notice in the county as
10 provided in this Section, and the person in actual occupancy
11 and possession is tenant to, or in possession under the owners
12 or the parties interested in the property, then service of
13 notice upon the tenant, occupant or person in possession shall
14 be deemed service upon the owners or parties interested.

15 If any owner or party interested, upon diligent inquiry and
16 effort cannot be found or served with notice in the county,
17 then the person making the service shall cause a copy of the
18 notice to be sent by both registered or certified mail, return
19 receipt requested, and first class mail, to that party at his
20 or her residence, if ascertainable.

21 The changes to this Section made by Public Act 95-477 apply
22 only to matters in which a petition for tax deed is filed on or
23 after June 1, 2008 (the effective date of Public Act 95-477).

24 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; 95-876,
25 eff. 8-21-08.)

1 (35 ILCS 200/22-20)

2 Sec. 22-20. Proof of service of notice; publication of
3 notice. The sheriff or coroner serving notice under Section
4 22-15 shall endorse his or her return thereon and file it with
5 the Clerk of the Circuit Court and it shall be a part of the
6 court record. A private detective or a special process server
7 appointed under Section 22-15 shall make his or her return by
8 affidavit and shall file it with the Clerk of the Circuit
9 Court, where it shall be a part of the court record. If a
10 sheriff, private detective, special process server, or coroner
11 to whom any notice is delivered for service, neglects or
12 refuses to make the return, the purchaser or his or her
13 assignee may petition the court to enter a rule requiring the
14 sheriff, private detective, special process server, or coroner
15 to make return of the notice on a day to be fixed by the court,
16 or to show cause on that day why he or she should not be
17 attached for contempt of the court. The purchaser or assignee
18 shall cause a written notice of the rule to be served upon the
19 sheriff, private detective, special process server, or
20 coroner. If good and sufficient cause to excuse the sheriff,
21 private detective, special process server, or coroner is not
22 shown, the court shall adjudge him or her guilty of a contempt,
23 and shall proceed to punish him as in other cases of contempt.

24 If the property is located in a municipality in a county
25 with less than 3,000,000 inhabitants, the purchaser or his or
26 her assignee shall also publish a notice as to the owner or

1 party interested, in some newspaper published in the
2 municipality. If the property is not in a municipality in a
3 county with less than 3,000,000 inhabitants, or if no newspaper
4 is published therein, or if the property is in a county with
5 3,000,000 or more inhabitants, the notice shall be published in
6 some newspaper in the county. If no newspaper is published in
7 the county, then the notice shall be published in the newspaper
8 that is published nearest the county seat of the county in
9 which the property is located. If the owners and parties
10 interested in the property upon diligent inquiry are unknown to
11 the purchaser or his or her assignee, the publication as to
12 such owner or party interested, may be made to unknown owners
13 or parties interested. Any notice by publication given under
14 this Section shall be given 3 times at any time after filing a
15 petition for tax deed, but not less than 3 months nor more than
16 6 months prior to the expiration of the period of redemption.
17 The publication notice shall be identical to the fully
18 completed form provided in Section 22-10 ~~shall contain (a)~~
19 ~~notice of the filing of the petition for tax deed, (b) the date~~
20 ~~on which the petitioner intends to make application for an~~
21 ~~order on the petition that a tax deed issue, (c) a description~~
22 ~~of the property, (d) the date upon which the property was sold,~~
23 ~~(e) the taxes or special assessments for which it was sold and~~
24 ~~(f) the date on which the period of redemption will expire.~~ The
25 publication shall not include more than one property listed and
26 sold in one description, except as provided in Section 21-90,

1 and except that when more than one property is owned by one
2 person, all of the parcels owned by that person may be included
3 in one notice.

4 The changes to this Section made by Public Act 95-477 apply
5 only to matters in which a petition for tax deed is filed on or
6 after June 1, 2008 (the effective date of Public Act 95-477).
7 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08; 95-876,
8 eff. 8-21-08.)

9 (35 ILCS 200/22-25)

10 Sec. 22-25. Mailed notice. In addition to the notice
11 required to be served not less than 3 months nor more than 6
12 months prior to the expiration of the period of redemption, the
13 purchaser or his or her assignee shall prepare and deliver to
14 the clerk of the Circuit Court of the county in which the
15 property is located, the notice provided for in this Section,
16 together with the statutory costs for mailing the notice by
17 both certified mail, return receipt requested, and first class
18 mail. The form of notice to be mailed by the clerk shall be
19 identical in form to that provided by Section 22-10 for service
20 upon owners residing upon the property sold, except that it
21 shall bear the signature of the clerk instead of the name of
22 the purchaser or assignee and shall designate the parties to
23 whom it is to be mailed. The clerk may furnish the form. The
24 clerk shall promptly mail the notices delivered to him or her
25 by both certified mail, return receipt requested, and first

1 class mail. The certificate of the clerk that he or she has
2 mailed the notices, together with the return receipts, shall be
3 filed in and made a part of the court record. The notices shall
4 be mailed to the owners of the property at their last known
5 addresses, and to those persons who are entitled to service of
6 notice as occupants.

7 The changes to this Section made by this amendatory Act of
8 the 97th General Assembly shall be construed as being
9 declaratory of existing law and not as a new enactment.

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

11 (35 ILCS 200/22-45)

12 Sec. 22-45. Tax deed incontestable unless order appealed or
13 relief petitioned. Tax deeds issued under Section 22-40 are
14 incontestable except by appeal from the order of the court
15 directing the county clerk to issue the tax deed. However,
16 relief from such order may be had under Sections 2-1203 or
17 2-1401 of the Code of Civil Procedure in the same manner and to
18 the same extent as may be had under those Sections with respect
19 to final orders and judgments in other proceedings. The grounds
20 for relief under Section 2-1401 shall be limited to:

21 (1) proof that the taxes were paid prior to sale;

22 (2) proof that the property was exempt from taxation;

23 (3) proof by clear and convincing evidence that the tax
24 deed had been procured by fraud or deception by the tax
25 purchaser or his or her assignee; or

1 (4) proof by a person or party holding a recorded
2 ownership or other recorded interest in the property that
3 he or she was not named as a party in the publication
4 notice as required by ~~set forth in~~ Section 22-20, and that
5 the tax purchaser or his or her assignee did not make a
6 diligent inquiry and effort to serve that person or party
7 with the notices required by Sections 22-10 through 22-30.

8 In cases of the sale of homestead property in counties with
9 3,000,000 or more inhabitants, a tax deed may also be voided by
10 the court upon petition, filed not more than 3 months after an
11 order for tax deed was entered, if the court finds that the
12 property was owner occupied on the expiration date of the
13 period of redemption and that the order for deed was
14 effectuated pursuant to a negligent or willful error made by an
15 employee of the county clerk or county collector during the
16 period of redemption from the sale that was reasonably relied
17 upon to the detriment of any person having a redeemable
18 interest. In such a case, the tax purchaser shall be entitled
19 to the original amount required to redeem the property plus
20 interest from the sale as of the last date of redemption
21 together with costs actually expended subsequent to the
22 expiration of the period of redemption and reasonable
23 attorney's fees, all of which shall be dispensed from the fund
24 created by Section 21-295. In those cases of error where the
25 court vacates the tax deed, it may award the petitioner
26 reasonable attorney's fees and court costs actually expended,

1 payable from that fund. The court hearing a petition filed
2 under this Section or Section 2-1401 of the Code of Civil
3 Procedure may concurrently hear a petition filed under Section
4 21-295 and may grant relief under any Section.

5 This amendatory Act of the 95th General Assembly shall be
6 construed as being declarative of existing law and not as a new
7 enactment.

8 (Source: P.A. 95-477, eff. 6-1-08.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."