



Sen. Ram Villivalam

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10300SB2020sam001

LRB103 29196 HLH 57496 a

1 AMENDMENT TO SENATE BILL 2020

2 AMENDMENT NO. _____. Amend Senate Bill 2020 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 21-240, 21-310, 21-330, 22-10, 22-35, and 22-50 as
6 follows:

7 (35 ILCS 200/21-240)

8 Sec. 21-240. Payment for property purchased at tax sale;
9 reoffering for sale. Except as otherwise provided below, the
10 person purchasing any property, or any part thereof, shall be
11 liable to the county for the amount due and shall forthwith pay
12 to the county collector the amount charged on the property.
13 Upon failure to do so, the amount due shall be recoverable in a
14 civil action brought in the name of the People of the State of
15 Illinois in any court of competent jurisdiction. The person so
16 purchasing shall be relieved of liability only by payment of

1 the amount due together with interest and costs thereon, or if
2 the property is reoffered at the sale, purchased and paid for.
3 Reoffering of the property for sale shall be at the discretion
4 of the collector. The sale shall not be closed until payment is
5 made or the property again offered for sale. In counties with
6 3,000,000 or more inhabitants, only the taxes, special
7 assessments, interest and costs as advertised in the sale
8 shall be required to be paid forthwith. The general taxes
9 charged on the land remaining due and unpaid, including
10 amounts subject to certificates of error, not included in the
11 advertisement, shall be paid by the purchaser within 10 days
12 after the sale, except that upon payment of the fee provided by
13 law to the County Clerk (which fee shall be deemed part of the
14 costs of sale) the purchaser may make written application,
15 within the 10 day period, to the county clerk for a statement
16 of all taxes, interest and costs due and an estimate of the
17 cost of redemption of all forfeited general taxes, which were
18 not included in the advertisement. After obtaining such
19 statement and estimate and an order on the county collector to
20 receive the amount of forfeited general taxes, if any, the
21 purchaser shall pay to the county collector all the remaining
22 taxes, interest and costs, and the amount necessary to redeem
23 the forfeited general taxes. The county collector shall issue
24 the purchaser a receipt therefor. Any delay in providing the
25 statement or in accepting payment, and delivering receipt
26 therefor, shall not be counted as a part of the 10 days. When

1 the receipt of the collector is issued, a copy shall be filed
2 with the county clerk and the county clerk shall include the
3 amount shown in such receipt in the amount of the purchase
4 price of the property in the certificate of purchase. The
5 purchaser then shall be entitled to a certificate of purchase.
6 If a purchaser fails to complete his or her purchase as
7 provided in this Section, the purchase shall become void, and
8 be of no effect, but the collector shall not refund the amount
9 paid in cash at the time of the sale, except in cases of sale
10 in error under subsection (a) of Section 21-310. That amount
11 shall be treated as a payment and distributed to the taxing
12 bodies as other collections are distributed. The lien for
13 taxes for the amount paid shall remain on the property, in
14 favor of the purchaser, his or her heirs or assigns, until paid
15 with 5% interest per year on that amount from the date the
16 purchaser paid it. The amount and fact of such ineffective
17 purchase shall be entered in the tax judgment, sale,
18 redemption and forfeiture record opposite the property upon
19 which the lien remains. No redemption shall be made without
20 payment of this amount for the benefit of the purchaser, and no
21 future sale of the property shall be made except subject to the
22 lien of such purchaser. This section shall not apply to any
23 purchase by any city, village or incorporated town in default
24 of other bidders at any sale for delinquent special
25 assessments.

26 (Source: P.A. 84-1308; 88-455.)

1 (35 ILCS 200/21-310)

2 Sec. 21-310. Sales in error.

3 (a) When, upon application of the county collector, the
4 owner of the certificate of purchase, or a municipality which
5 owns or has owned the property ordered sold, it appears to the
6 satisfaction of the court which ordered the property sold that
7 any of the following subsections are applicable, the court
8 shall declare the sale to be a sale in error:

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

14 (2) the taxes or special assessments had been paid
15 prior to the sale of the property; τ

16 (3) there is a double assessment; τ

17 (4) the description is void for uncertainty; τ

18 (5) the assessor, chief county assessment officer,
19 board of review, board of appeals, or other county
20 official has made an error material to the tax sale at
21 issue (other than an error of judgment as to the value of
22 any property or an error in the description of the
23 physical characteristics, location, or picture of the
24 property); τ

25 (5.5) the owner of the homestead property had tendered

1 timely and full payment to the county collector that the
2 owner reasonably believed was due and owing on the
3 homestead property, and the county collector did not apply
4 the payment to the homestead property; provided that this
5 provision applies only to homeowners, not their agents or
6 third-party payors; 7

7 (6) prior to the tax sale a voluntary or involuntary
8 petition has been filed by or against the legal or
9 beneficial owner of the property requesting relief under
10 the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13, the
11 property is subject to an automatic stay pursuant to that
12 petition, and that stay is active on the date of that sale;

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

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

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

24 (1) (Blank). ~~A voluntary or involuntary petition under~~
25 ~~the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has~~
26 ~~been filed subsequent to the tax sale and prior to the~~

1 ~~issuance of the tax deed.~~

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

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

20 (4) The real property contains a hazardous substance,
21 hazardous waste, or underground storage tank that would
22 require cleanup or other removal under any federal, State,
23 or local law, ordinance, or regulation, only if the tax
24 purchaser purchased the property without actual knowledge
25 of the hazardous substance, hazardous waste, or
26 underground storage tank. This paragraph (4) applies only

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

15 Whenever a court declares a sale in error under this
16 subsection (b), the court shall promptly notify the county
17 collector in writing. Every such declaration pursuant to any
18 provision of this subsection (b) shall be made within the
19 proceeding in which the tax sale was authorized.

20 (c) When the county collector discovers, prior to the
21 expiration of the period of redemption, that a tax sale should
22 not have occurred for one or more of the reasons set forth in
23 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,
24 the county collector shall notify the last known owner of the
25 certificate of purchase by certified and regular mail, or
26 other means reasonably calculated to provide actual notice,

1 that the county collector intends to declare an administrative
2 sale in error and of the reasons therefor, including
3 documentation sufficient to establish the reason why the sale
4 should not have occurred. The owner of the certificate of
5 purchase may object in writing within 28 days after the date of
6 the mailing by the county collector. If an objection is filed,
7 the county collector shall not administratively declare a sale
8 in error, but may apply to the circuit court for a sale in
9 error as provided in subsection (a) of this Section. Thirty
10 days following the receipt of notice by the last known owner of
11 the certificate of purchase, or within a reasonable time
12 thereafter, the county collector shall make a written
13 declaration, based upon clear and convincing evidence, that
14 the taxes were sold in error and shall deliver a copy thereof
15 to the county clerk within 30 days after the date the
16 declaration is made for entry in the tax judgment, sale,
17 redemption, and forfeiture record pursuant to subsection (d)
18 of this Section. The county collector shall promptly notify
19 the last known owner of the certificate of purchase of the
20 declaration by regular mail and shall promptly pay the amount
21 of the tax sale, together with interest and costs as provided
22 in Section 21-315, upon surrender of the original certificate
23 of purchase.

24 (d) If a sale is declared to be a sale in error, the county
25 clerk shall make entry in the tax judgment, sale, redemption
26 and forfeiture record, that the property was erroneously sold,

1 and the county collector shall, on demand of the owner of the
2 certificate of purchase, refund the amount paid, except for
3 the nonrefundable \$80 fee paid, pursuant to Section 21-295,
4 for each item purchased at the tax sale, pay any interest and
5 costs as may be ordered under Sections 21-315 through 21-335,
6 and cancel the certificate so far as it relates to the
7 property. The county collector shall deduct from the accounts
8 of the appropriate taxing bodies their pro rata amounts paid.
9 Alternatively, for sales in error declared under subsection
10 (b) (2) or (b) (4), the county collector may request the circuit
11 court to direct the county clerk to record any assignment of
12 the tax certificate to or from the county collector without
13 charging a fee for the assignment. The owner of the
14 certificate of purchase shall receive all statutory refunds
15 and payments. The county collector shall deduct costs and
16 payments in the same manner as if a sale in error had occurred.
17 (Source: P.A. 100-890, eff. 1-1-19; 101-379, eff. 1-1-20;
18 101-659, eff. 3-23-21.)

19 (35 ILCS 200/21-330)

20 Sec. 21-330. Fund for payment of interest. In all counties
21 of less than 3,000,000 inhabitants, the county board, by
22 resolution, may impose a fee for payment of interest and
23 costs. Each person purchasing any property at a sale under
24 this Code shall pay to the county collector, prior to the
25 issuance of any certificate of purchase, a fee of up to \$60 for

1 each item purchased. Each person purchasing any property at a
2 sale held under this Code in a county with 3,000,000 or more
3 inhabitants shall pay to the county collector, prior to the
4 issuance of any certificate of purchase, a nonrefundable fee
5 of \$100 for each item purchased. That amount shall be included
6 in the price paid for the certificate of purchase and the
7 amount required to redeem under Section 21-355.

8 All sums of money received under this Section shall be
9 paid by the collector to the county treasurer of the county in
10 which the property is situated for deposit into a special
11 fund. It shall be the duty of the county treasurer, as trustee
12 of the fund, to invest the principal and income of the fund
13 from time to time, if not immediately required for payments
14 under this Section, in investments as are authorized by
15 Sections 3-10009 and 3-11002 of the Counties Code. The fund
16 shall be held to pay interest and costs by the county treasurer
17 as trustee of the fund. No payment shall be made from the fund
18 except by order of the court declaring a sale in error under
19 Section 21-310, 22-35, or 22-50 or by declaration of the
20 county collector under subsection (c) of Section 21-310. Any
21 moneys accumulated in the fund by the county treasurer in
22 excess of (i) \$100,000 in counties with 250,000 or less
23 inhabitants or (ii) \$500,000 in counties with more than
24 250,000 inhabitants shall be paid each year prior to the
25 commencement of the annual tax sale, first to satisfy any
26 existing unpaid judgments entered pursuant to Section 21-295,

1 and any funds remaining thereafter shall be paid to the
2 general fund of the county.

3 (Source: P.A. 100-1070, eff. 1-1-19.)

4 (35 ILCS 200/22-10)

5 Sec. 22-10. Notice of expiration of period of redemption.
6 A purchaser or assignee shall not be entitled to a tax deed to
7 the property sold unless, not less than 3 months nor more than
8 6 months prior to the expiration of the period of redemption,
9 he or she gives notice of the sale and the date of expiration
10 of the period of redemption to the owners, occupants, and
11 parties interested in the property, including any mortgagee of
12 record, as provided below. The purchaser or assignee shall
13 deliver the notice of the expiration of the period of
14 redemption to the sheriff of the county in which the property
15 is located not less than 5 months prior to the expiration of
16 the period of redemption. If service is made by the coroner or
17 by a person who is licensed or registered as a private
18 detective under the Private Detective, Private Alarm, Private
19 Security, Fingerprint Vendor, and Locksmith Act of 2004 under
20 the circumstances described in Section 22-15 for service by
21 those persons, then the notice of expiration of the period of
22 redemption shall be delivered to the coroner or the private
23 detective, as applicable, instead of to the sheriff. ~~the~~

24 The Notice to be given to the parties shall be in at least
25 10-point ~~10-point~~ type in the following form completely filled

1 in:

2 TAX DEED NO. FILED

3 TAKE NOTICE

4 County of.....

5 Date Premises Sold

6 Certificate No.....

7 Sold for General Taxes of (year)

8 Sold for Special Assessment of (Municipality)

9 and special assessment number.....

10 Warrant No. Inst. No.

11 THIS PROPERTY HAS BEEN SOLD FOR

12 DELINQUENT TAXES

13 Property located at.....

14 Legal Description or Property Index No.

15

16

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

20

21 The amount to redeem is subject to increase at 6 month
22 intervals from the date of sale and may be further increased if
23 the purchaser at the tax sale or his or her assignee pays any
24 subsequently accruing taxes or special assessments to redeem
25 the property from subsequent forfeitures or tax sales. Check
26 with the county clerk as to the exact amount you owe before

1 redeeming.

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

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

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

10 YOU ARE URGED TO REDEEM IMMEDIATELY

11 TO PREVENT LOSS OF PROPERTY

12 Redemption can be made at any time on or before by
13 applying to the County Clerk of, County, Illinois at the
14 Office of the County Clerk in, Illinois.

15 For further information contact the County Clerk

16 ADDRESS:.....

17 TELEPHONE:.....

18

19 Purchaser or Assignee.

20 Dated (insert date).

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

24 The changes to this Section made by Public Act 97-557

1 apply only to matters in which a petition for tax deed is filed
2 on or after July 1, 2012 (the effective date of Public Act
3 97-557).

4 The changes to this Section made by Public Act 102-1003
5 ~~this amendatory Act of the 102nd General Assembly~~ apply to
6 matters in which a petition for tax deed is filed on or after
7 May 27, 2022 (the effective date of Public Act 102-1003) ~~this~~
8 ~~amendatory Act of the 102nd General Assembly~~. Failure of any
9 party or any public official to comply with the changes made to
10 this Section by Public Act 102-528 does not invalidate any tax
11 deed issued prior to May 27, 2022 (the effective date of Public
12 Act 102-1003) ~~this amendatory Act of the 102nd General~~
13 ~~Assembly~~.

14 (Source: P.A. 102-528, eff. 1-1-22; 102-813, eff. 5-13-22;
15 102-1003, eff. 5-27-22; revised 9-1-22.)

16 (35 ILCS 200/22-35)

17 Sec. 22-35. Reimbursement of a county or municipality
18 before issuance of tax deed. Except in any proceeding in which
19 the tax purchaser is a county acting as a trustee for taxing
20 districts as provided in Section 21-90, an order for the
21 issuance of a tax deed under this Code shall not be entered
22 affecting the title to or interest in any property in which a
23 county, city, village or incorporated town has an interest
24 under the police and welfare power by advancements made from
25 public funds, until the purchaser or assignee makes

1 reimbursement to the county, city, village or incorporated
2 town of the money so advanced or the county, city, village, or
3 town waives its lien on the property for the money so advanced.
4 However, in lieu of reimbursement or waiver, the purchaser or
5 his or her assignee may make application for and the court
6 shall order that the tax purchase be set aside as a sale in
7 error, except in cases where the tax purchaser holds a lien
8 that shall remain on the property until paid with 5% interest
9 per year as provided in Section 21-240. A sale in error may not
10 be granted under this Section if the lien has been released,
11 satisfied, discharged, or waived. A filing or appearance fee
12 shall not be required of a county, city, village or
13 incorporated town seeking to enforce its claim under this
14 Section in a tax deed proceeding.

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

16 (35 ILCS 200/22-50)

17 Sec. 22-50. Denial of deed. If the court refuses to enter
18 an order directing the county clerk to execute and deliver the
19 tax deed, because of the failure of the purchaser to fulfill
20 any of the above provisions, and if the purchaser, or his or
21 her assignee has made a bona fide attempt to comply with the
22 statutory requirements for the issuance of the tax deed, then
23 upon application of the owner of the certificate of purchase
24 the court shall declare the sale to be a sale in error, unless
25 the purchaser failed to comply with any of the above

1 provisions for obtaining a tax deed because the purchaser made
2 a reasonably avoidable error.
3 (Source: P.A. 92-224, eff. 1-1-02.)"