



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4501

Introduced 02/03/04, by Robert S. Molaro, Frank J. Mautino

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-250
35 ILCS 200/21-253 new
35 ILCS 200/21-385

Amends the Property Tax Code. Prohibits the transfer of a certificate of purchase obtained from a scavenger sale unless certain conditions are met. Provides that a purchaser of property at a scavenger sale may extend the period of redemption for a period of 2 years in the case of a purchase at a scavenger sale by a person other than a governmental unit (now, 3 years in the case of all purchasers). Effective immediately.

LRB093 18538 SJM 44259 b

1 AN ACT concerning taxes.

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 21-250 and 21-385 and by adding Section 21-253 as
6 follows:

7 (35 ILCS 200/21-250)

8 Sec. 21-250. Certificate of purchase. The county clerk
9 shall make out and deliver to the purchaser of any property
10 sold under Section 21-205, a certificate of purchase
11 countersigned by the collector, describing the property sold,
12 the date of sale, the amount of taxes, special assessments,
13 interest and cost for which they were sold and that payment of
14 the sale price has been made. If any person becomes the
15 purchaser of more than one property owned by one party or
16 person, the purchaser may have the whole or one or more of them
17 included in one certificate, but separate certificates shall be
18 issued in all other cases. A certificate of purchase shall be
19 assignable by endorsement unless the assignment is prohibited
20 under Section 21-253. An assignment shall vest in the assignee
21 or his or her legal representatives, all the right and title of
22 the original purchaser.

23 If the tax certificate is lost or destroyed, the county
24 clerk shall issue a duplicate certificate upon written request
25 and a sworn affidavit by the tax sale purchaser, or his or her
26 assignee, that the tax certificate is lost or destroyed. The
27 county clerk shall cause a notation to be made in the tax sale
28 and judgment book that a duplicate certificate has been issued,
29 and redemption payments shall be made only to the holder of the
30 duplicate certificate.

31 (Source: P.A. 88-455; 89-617, eff. 9-1-96.)

1 (35 ILCS 200/21-253 new)

2 Sec. 21-253. Prohibited transfers of a certificate of
3 purchase.

4 (a) No purchaser of a certificate of purchase at a
5 scavenger sale may assign, convey, or otherwise transfer an
6 ownership or other interest in the certificate to any other
7 person except as provided in subsection (b).

8 (b) A certificate of purchase may be transferred:

9 (1) if the certificate was purchased before the
10 effective date of this amendatory Act of the 93rd General
11 Assembly;

12 (2) by or to a governmental unit;

13 (3) to secure a debt or other obligation or to release
14 the certificate from securing a debt or other obligation;

15 (4) pursuant to a merger, consolidation, or transfer or
16 sale of substantially all of the assets of a corporation
17 under plans of reorganization under the federal Internal
18 Revenue Code of 1986 or Title 11 of the federal Bankruptcy
19 Code;

20 (5) by a subsidiary corporation to its parent
21 corporation for no consideration other than the
22 cancellation or surrender of the subsidiary's stock; or

23 (6) in connection with procedures provided by law for
24 redemption or obtaining a tax deed.

25 (35 ILCS 200/21-385)

26 Sec. 21-385. Extension of period of redemption. The
27 purchaser or his or her assignee of property sold for
28 nonpayment of general taxes or special assessments may extend
29 the period of redemption at any time before the expiration of
30 the original period of redemption, or thereafter prior to the
31 expiration of any extended period of redemption, for a period
32 which will expire not later than 3 years (or, in the case of a
33 purchase at a scavenger sale by any person other than a
34 governmental unit, 2 years) from the date of sale, by filing
35 with the county clerk of the county in which the property is

1 located a written notice to that effect describing the
2 property, stating the date of the sale and specifying the
3 extended period of redemption. If prior to the expiration of
4 the period of redemption or extended period of redemption a
5 petition for tax deed has been filed under Section 22-30, upon
6 application of the petitioner, the court shall allow the
7 purchaser or his or her assignee to extend the period of
8 redemption after expiration of the original period or any
9 extended period of redemption, provided that any extension
10 allowed will expire not later than 3 years from the date of
11 sale. If the period of redemption is extended, the purchaser or
12 his or her assignee must give the notices provided for in
13 Section 22-10 at the specified times prior to the expiration of
14 the extended period of redemption by causing a sheriff (or if
15 he or she is disqualified, a coroner) of the county in which
16 the property, or any part thereof, is located to serve the
17 notices as provided in Sections 22-15 and 22-20. The notices
18 may also be served as provided in Sections 22-15 and 22-20 by a
19 special process server appointed by the court under Section
20 22-15. The changes made by this amendatory Act of the 93rd
21 General Assembly apply to purchases at scavenger sales
22 conducted on or after the effective date of this amendatory Act
23 of the 93rd General Assembly.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.