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LRB093 20514 MKM 47672 a

1 AMENDMENT TO SENATE BILL 2409

2 AMENDMENT NO. _____. Amend Senate Bill 2409 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Section 22-30 as follows:

6 (35 ILCS 200/22-30)

7 Sec. 22-30. Petition for deed. At any time within 5 months
8 but not less than 3 months prior to the expiration of the
9 redemption period for property sold pursuant to judgment and
10 order of sale under Sections 21-110 through 21-120 or 21-260,
11 the purchaser or his or her assignee may file a petition in the
12 circuit court in the same proceeding in which the judgment and
13 order of sale were entered, asking that the court direct the
14 county clerk to issue a tax deed if the property is not
15 redeemed from the sale. The petition shall be accompanied by
16 the statutory filing fee.

17 Notice of filing the petition and the date on which the
18 petitioner intends to apply for an order on the petition that a
19 deed be issued if the property is not redeemed shall be given
20 to occupants, owners and persons interested in the property as
21 part of the notice provided in Sections 22-10 through 22-25,
22 except that only one publication is required. The county clerk
23 shall be notified of the filing of the petition and any person
24 owning or interested in the property may, if he or she desires,

1 appear in the proceeding.

2 If the property is residential, whether vacant or occupied,
3 the petition shall set out the amount of the owner's equity in
4 the property and the amount necessary to redeem the property.
5 If the homeowner's equity is more than 3 times greater than the
6 amount necessary to redeem, the petitioner shall, by motion,
7 notify the court of the disparity. For purposes of this
8 provision, the homeowner's equity shall be the difference
9 between the appraised value and the total sum of all liens of
10 record.

11 The appraised value shall be determined in accordance with
12 generally accepted procedures and standards applicable to the
13 appraisal of property by a person who is licensed pursuant to
14 the Real Estate Appraiser Licensing Act of 2002.

15 Upon receipt of notification, the court may appoint a
16 special investigator for the sole purpose of initiating an
17 investigation whether the owner is a disabled person, as
18 defined in Section 11a-2 of the Probate Act of 1975. For
19 purposes of this provision, an independent investigator is the
20 Public Guardian or his or her designee, the State's Attorney or
21 his or her designee, or the Director of the Guardianship and
22 Advocacy Commission or his or her designee. The special
23 investigator shall make reasonable efforts to personally
24 observe the respondent and inform him or her of the pending
25 petition and the possible consequences of failing to respond to
26 that petition.

27 The special investigator shall also attempt to elicit the
28 respondent's position concerning the property and make other
29 areas of inquiry that would elicit information as to the
30 ability of the property owner to manage his or her affairs.

31 Within 30 days after appointment, the special investigator
32 shall file a written report with the court detailing whether
33 contact was made with the homeowner. If contact was not made,
34 the report shall describe his or her attempts to contact the

1 home owner. If contact was made, the report shall describe the
2 special investigator's observations of the homeowner, the
3 responses of the homeowner to any of the special investigator's
4 inquiries, the opinion of the special investigator as to the
5 property owner's capability to manage his or her affairs, and
6 any other material issue discovered.

7 Upon receipt of the report, the court may: (1) accept the
8 report and make a finding that the information in the report
9 would not justify a reasonable concern that the homeowner is a
10 disabled adult as defined in Article XIa of the Probate Act of
11 1975, (2) set the matter for a hearing so that the court can
12 elicit further information from the special investigator, or
13 (3) order the special investigator to file a petition seeking
14 the appointment of a guardian for the property owner, pursuant
15 to Article XIa of the Probate Act of 1975. If the court enters
16 an order requiring the filing of a petition for appointment of
17 a guardian for a disabled adult, proceedings under this Section
18 and Sections 22-35 through 22-50 shall be stayed until further
19 order of court.

20 If the court orders that a petition to declare the property
21 owner a disabled person be filed, and a guardian is appointed
22 for that disabled person, the period to redeem the property
23 shall be extended for an additional 6 months from the date of
24 his or her appointment.

25 (Source: P.A. 86-1158; 86-1431; 86-1475; 87-145; 87-669;
26 87-671; 87-895; 87-1189; 88-455.)".