



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2610

Introduced 2/18/2005, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

35 ILCS 200/22-40

Amends the Property Tax Code. Provides that, upon application, the court shall enter an order to place the tax deed grantee, or his or her successor in interest (now, only the grantee), in possession of the property and may enter orders and grant relief as may be necessary or desirable to maintain the grantee, or his or her successor in interest (now, only the grantee), in possession. Provides that the changes made by this amendatory Act are declarative of existing law.

LRB094 08992 BDD 39213 b

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 22-40 as follows:

6 (35 ILCS 200/22-40)

7 Sec. 22-40. Issuance of deed; possession.

8 (a) If the redemption period expires and the property has
9 not been redeemed and all taxes and special assessments which
10 became due and payable subsequent to the sale have been paid
11 and all forfeitures and sales which occur subsequent to the
12 sale have been redeemed and the notices required by law have
13 been given and all advancements of public funds under the
14 police power made by a city, village or town under Section
15 22-35 have been paid and the petitioner has complied with all
16 the provisions of law entitling him or her to a deed, the court
17 shall so find and shall enter an order directing the county
18 clerk on the production of the certificate of purchase and a
19 certified copy of the order, to issue to the purchaser or his
20 or her assignee a tax deed. The court shall insist on strict
21 compliance with Section 22-10 through 22-25. Prior to the entry
22 of an order directing the issuance of a tax deed, the
23 petitioner shall furnish the court with a report of proceedings
24 of the evidence received on the application for tax deed and
25 the report of proceedings shall be filed and made a part of the
26 court record.

27 (b) If taxes for years prior to the year or years sold are
28 or become delinquent subsequent to the date of sale, the court
29 shall find that the lien of those delinquent taxes has been or
30 will be merged into the tax deed grantee's title if the court
31 determines that the tax deed grantee or any prior holder of the
32 certificate of purchase, or any person or entity under common

1 ownership or control with any such grantee or prior holder of
2 the certificate of purchase, was at no time the holder of any
3 certificate of purchase for the years sought to be merged. If
4 delinquent taxes are merged into the tax deed pursuant to this
5 subsection, the court shall enter an order declaring which
6 specific taxes have been or will be merged into the tax deed
7 title and directing the county treasurer and county clerk to
8 reflect that declaration in the warrant and judgment records;
9 provided, that no such order shall be effective until a tax
10 deed has been issued and timely recorded. Nothing contained in
11 this Section shall relieve any owner liable for delinquent
12 property taxes under this Code from the payment of the taxes
13 that have been merged into the title upon issuance of the tax
14 deed.

15 (c) The county clerk is entitled to a fee of \$10 in
16 counties of 3,000,000 or more inhabitants and \$5 in counties
17 with less than 3,000,000 inhabitants for the issuance of the
18 tax deed. The clerk may not include in a tax deed more than one
19 property as listed, assessed and sold in one description,
20 except in cases where several properties are owned by one
21 person.

22 Upon application, the court shall enter an order to place
23 the tax deed grantee, or his or her successor in interest, in
24 possession of the property and may enter orders and grant
25 relief as may be necessary or desirable to maintain the
26 grantee, or his or her successor in interest, in possession.

27 (d) The court shall retain jurisdiction to enter orders
28 pursuant to subsections (b) and (c) of this Section. Public Act
29 92-223 and this amendatory Act of the 94th General Assembly
30 ~~This amendatory Act of the 92nd General Assembly~~ shall be
31 construed as being declarative of existing law and not as a new
32 enactment.

33 (Source: P.A. 91-564, eff. 8-14-99; 92-223, eff. 1-1-02.)