



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4769**

by Rep. Michael Tryon

#### SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-135  
35 ILCS 200/22-5  
35 ILCS 200/22-25  
35 ILCS 200/22-100 new

Amends the Property Tax Code. Requires mortgagees to forward certain notices concerning tax sales to each mortgagor. Requires mortgagees to consult in person with each mortgagor before incurring costs to redeem the property. Provides that, if the mortgagee fails to hold the personal consultation or to forward the notices as required, then the mortgagee may not attempt to collect any redemption cost from any mortgagee.

LRB095 15330 BDD 41318 b

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections 21-135, 22-5, and 22-25 and by adding Sections 22-100  
6 and 22-105 as follows:

7 (35 ILCS 200/21-135)

8 Sec. 21-135. Mailed notice of application for judgment and  
9 sale. Not less than 15 days before the date of application for  
10 judgment and sale of delinquent properties, the county  
11 collector shall mail, by registered or certified mail, a notice  
12 of the forthcoming application for judgment and sale to the  
13 person shown by the current collector's warrant book to be the  
14 party in whose name the taxes were last assessed or to the  
15 current owner of record and, if applicable, to the party  
16 specified under Section 15-170. The notice shall include the  
17 intended dates of application for judgment and sale and  
18 commencement of the sale, and a description of the properties.  
19 The county collector must present proof of the mailing to the  
20 court along with the application for judgement.

21 In counties with less than 3,000,000 inhabitants, a copy of  
22 this notice shall also be mailed by the county collector by  
23 registered or certified mail to any lienholder of record who

1 annually requests a copy of the notice. The failure of the  
2 county collector to mail a notice or its non-delivery to the  
3 lienholder shall not affect the validity of the judgment.

4 In counties with 3,000,000 or more inhabitants, notice  
5 shall not be mailed to any person when, under Section 14-15, a  
6 certificate of error has been executed by the county assessor  
7 or by both the county assessor and board of appeals (until the  
8 first Monday in December 1998 and the board of review beginning  
9 the first Monday in December 1998 and thereafter), except as  
10 provided by court order under Section 21-120.

11 The collector shall collect \$10 from the proceeds of each  
12 sale to cover the costs of registered or certified mailing and  
13 the costs of advertisement and publication. If a taxpayer pays  
14 the taxes on the property after the notice of the forthcoming  
15 application for judgment and sale is mailed but before the sale  
16 is made, then the collector shall collect \$10 from the taxpayer  
17 to cover the costs of registered or certified mailing and the  
18 costs of advertisement and publication.

19 Any mortgagee that receives a copy of the notice under this  
20 Section from the county collector must, within 7 business days  
21 after the mortgagee receives the notice, forward, by registered  
22 or certified mail, a copy of the notice to each mortgagor of  
23 the property referred to in the notice at the last known  
24 address of each mortgagor as shown on the records of the  
25 mortgagee. The mortgagee may collect a fee of up to \$10 from  
26 the mortgagor for the administrative costs of forwarding the

1 notice.

2 (Source: P.A. 93-899, eff. 8-10-04.)

3 (35 ILCS 200/22-5)

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

11 TAKE NOTICE

12 County of .....  
13 Date Premises Sold .....  
14 Certificate No. ....  
15 Sold for General Taxes of (year) .....  
16 Sold for Special Assessment of (Municipality)  
17 and special assessment number .....  
18 Warrant No. .... Inst. No. ....

19 THIS PROPERTY HAS BEEN SOLD FOR

20 DELINQUENT TAXES

21 Property located at .....  
22 Legal Description or Permanent Index No. ....  
23 .....  
24 .....

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

1 been sold for delinquent taxes and that the period of  
2 redemption from the sale will expire on .....

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

7 At the date of this notice the total amount which you must  
8 pay in order to redeem the above property is .....

9 YOU ARE URGED TO REDEEM IMMEDIATELY TO

10 PREVENT LOSS OF PROPERTY

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

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

19 For further information contact the County Clerk

20 ADDRESS:.....

21 TELEPHONE:.....

22 .....

23 Purchaser or Assignee

24 Dated (insert date).

1           Within 10 days after receipt of said notice, the county  
2 clerk shall mail to the addresses supplied by the purchaser or  
3 assignee, by registered or certified mail, copies of said  
4 notice to the party in whose name the taxes are last assessed  
5 as shown by the most recent tax collector's warrant books. The  
6 purchaser or assignee shall pay to the clerk postage plus the  
7 sum of \$10. The clerk shall write or stamp the date of  
8 receiving the notices upon the copies of the notices, and  
9 retain one copy.

10           Any mortgagee that receives a copy of the notice under this  
11 Section from the county clerk must, within 7 business days  
12 after the mortgagee receives the notice, forward, by registered  
13 or certified mail, a copy of the notice to each mortgagor of  
14 the property referred to in the notice at the last known  
15 address of each mortgagor as shown on the records of the  
16 mortgagee. The mortgagee may collect a fee of up to \$10 from  
17 the mortgagor for the administrative costs of forwarding the  
18 notice.

19           (Source: P.A. 94-380, eff. 7-29-05.)

20           (35 ILCS 200/22-25)

21           (Text of Section before amendment by P.A. 95-477)

22           Sec. 22-25. Mailed notice. In addition to the notice  
23 required to be served not less than 3 months nor more than 5  
24 months prior to the expiration of the period of redemption, the  
25 purchaser or his or her assignee shall prepare and deliver to

1 the clerk of the Circuit Court of the county in which the  
2 property is located, the notice provided for in this Section,  
3 together with the statutory costs for mailing the notice by  
4 certified mail, return receipt requested. The form of notice to  
5 be mailed by the clerk shall be identical in form to that  
6 provided by Section 22-10 for service upon owners residing upon  
7 the property sold, except that it shall bear the signature of  
8 the clerk and shall designate the parties to whom it is to be  
9 mailed. The clerk may furnish the form. The clerk shall  
10 promptly mail the notices delivered to him or her by certified  
11 mail, return receipt requested. The certificate of the clerk  
12 that he or she has mailed the notices, together with the return  
13 receipts, shall be filed in and made a part of the court  
14 record. The notices shall be mailed to the owners of the  
15 property at their last known addresses, and to those persons  
16 who are entitled to service of notice as occupants.

17 (Source: P.A. 86-949; 87-1189; 88-455.)

18 (Text of Section after amendment by P.A. 95-477)

19 Sec. 22-25. Mailed notice. In addition to the notice  
20 required to be served not less than 3 months nor more than 6  
21 months prior to the expiration of the period of redemption, the  
22 purchaser or his or her assignee shall prepare and deliver to  
23 the clerk of the Circuit Court of the county in which the  
24 property is located, the notice provided for in this Section,  
25 together with the statutory costs for mailing the notice by

1 certified mail, return receipt requested. The form of notice to  
2 be mailed by the clerk shall be identical in form to that  
3 provided by Section 22-10 for service upon owners residing upon  
4 the property sold, except that it shall bear the signature of  
5 the clerk and shall designate the parties to whom it is to be  
6 mailed. The clerk may furnish the form. The clerk shall  
7 promptly mail the notices delivered to him or her by certified  
8 mail, return receipt requested. The certificate of the clerk  
9 that he or she has mailed the notices, together with the return  
10 receipts, shall be filed in and made a part of the court  
11 record. The notices shall be mailed to the owners of the  
12 property at their last known addresses, and to those persons  
13 who are entitled to service of notice as occupants.

14 Any mortgagee that receives a copy of the notice under this  
15 Section from the clerk of the Circuit Court must, within 7  
16 business days after the mortgagee receives the notice, forward,  
17 by registered or certified mail, a copy of the notice to each  
18 mortgagor of the property referred to in the notice at the last  
19 known address of each mortgagor as shown on the records of the  
20 mortgagee. The mortgagee may collect a fee of up to \$10 from  
21 the mortgagor for the administrative costs of forwarding the  
22 notice.

23 The changes to this Section made by this amendatory Act of  
24 the 95th General Assembly apply only to matters in which a  
25 petition for tax deed is filed on or after the effective date  
26 of this amendatory Act of the 95th General Assembly.



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

2 (35 ILCS 200/22-100 new)

3 Sec. 22-100. Consultation with mortgagor required before  
4 mortgagee may redeem property.

5 (a) Before a mortgagee may incur any redemption cost, the  
6 mortgagee must consult in person with each mortgagor. The  
7 mortgagor must be given the opportunity to have legal counsel  
8 present at the consultation.

9 (b) If a mortgagee fails to consult with the mortgagor  
10 before incurring redemption costs or fails to forward any  
11 notice as required under Sections 21-135, 22-5, or 22-25, then  
12 the mortgagee may not attempt to collect any redemption cost  
13 from any mortgagee.

14 (c) As used in this Section, "redemption cost" means any  
15 amount of redemption under Section 21-355 or any any fee, fine,  
16 interest charge, or other cost associated with redeeming  
17 property under this Code.

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.