



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5201

by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-240

Amends the Property Tax Code concerning tax sale procedures. Provides that, if the sale is conducted by an automated bidding system, then the collector must reoffer any unsold property at the end of the sale. Effective immediately.

LRB095 16888 BDD 42931 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

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 21-240 as follows:

6 (35 ILCS 200/21-240)

7 Sec. 21-240. Payment for property purchased at tax sale;
8 reoffering for sale. Except as otherwise provided below, the
9 person purchasing any property, or any part thereof, shall be
10 liable to the county for the amount due and shall forthwith pay
11 to the county collector the amount charged on the property.
12 Upon failure to do so, the amount due shall be recoverable in a
13 civil action brought in the name of the People of the State of
14 Illinois in any court of competent jurisdiction. The person so
15 purchasing shall be relieved of liability only by payment of
16 the amount due together with interest and costs thereon, or if
17 the property is reoffered at the sale, purchased and paid for.
18 If the sale is conducted by an automated bidding system, then
19 the collector must reoffer any unsold property at the end of
20 the sale, otherwise, the reoffering ~~Reoffering~~ of the property
21 for sale shall be at the discretion of the collector. The sale
22 shall not be closed until payment is made or the property again
23 offered for sale. In counties with 3,000,000 or more

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

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.