



Sen. John J. Cullerton

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1 AMENDMENT TO SENATE BILL 461

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 461 as follows:

3 on page 1, line 5, after "Sections", by inserting "21-260,";  
4 and

5 on page 1, immediately below line 6, by inserting the  
6 following:

7 "(35 ILCS 200/21-260)

8 Sec. 21-260. Collector's scavenger sale. Upon the county  
9 collector's application under Section 21-145, to be known as  
10 the Scavenger Sale Application, the Court shall enter judgment  
11 for the general taxes, special taxes, special assessments,  
12 interest, penalties and costs as are included in the  
13 advertisement and appear to be due thereon after allowing an  
14 opportunity to object and a hearing upon the objections as  
15 provided in Section 21-175, and order those properties sold by

1 the County Collector at public sale to the highest bidder for  
2 cash, notwithstanding the bid may be less than the full amount  
3 of taxes, special taxes, special assessments, interest,  
4 penalties and costs for which judgment has been entered.

5 (a) Conducting the sale - Bidding. All properties shall be  
6 offered for sale in consecutive order as they appear in the  
7 delinquent list. The minimum bid for any property shall be \$250  
8 or one-half of the tax if the total liability is less than  
9 \$500. The successful bidder shall immediately pay the amount of  
10 minimum bid to the County Collector in cash, by certified or  
11 cashier's check, by money order, or, if the successful bidder  
12 is a governmental unit, by a check issued by that governmental  
13 unit. If the bid exceeds the minimum bid, the successful bidder  
14 shall pay the balance of the bid to the county collector in  
15 cash, by certified or cashier's check, by money order, or, if  
16 the successful bidder is a governmental unit, by a check issued  
17 by that governmental unit by the close of the next business  
18 day. If the minimum bid is not paid at the time of sale or if  
19 the balance is not paid by the close of the next business day,  
20 then the sale is void and the minimum bid, if paid, is  
21 forfeited to the county general fund. In that event, the  
22 property shall be reoffered for sale within 30 days of the last  
23 offering of property in regular order. The collector shall make  
24 available to the public a list of all properties to be included  
25 in any reoffering due to the voiding of the original sale. The  
26 collector is not required to serve or publish any other notice

1 of the reoffering of those properties. In the event that any of  
2 the properties are not sold upon reoffering, or are sold for  
3 less than the amount of the original voided sale, the original  
4 bidder who failed to pay the bid amount shall remain liable for  
5 the unpaid balance of the bid in an action under Section  
6 21-240. Liability shall not be reduced where the bidder upon  
7 reoffering also fails to pay the bid amount, and in that event  
8 both bidders shall remain liable for the unpaid balance of  
9 their respective bids. A sale of properties under this Section  
10 shall not be final until confirmed by the court.

11 (b) Confirmation of sales. The county collector shall file  
12 his or her report of sale in the court within 30 days of the  
13 date of sale of each property. No notice of the county  
14 collector's application to confirm the sales shall be required  
15 except as prescribed by rule of the court. Upon confirmation,  
16 except in cases where the sale becomes void under Section  
17 22-85, or in cases where the order of confirmation is vacated  
18 by the court, a sale under this Section shall extinguish the in  
19 rem lien of the general taxes, special taxes and special  
20 assessments for which judgment has been entered and a  
21 redemption shall not revive the lien. Confirmation of the sale  
22 shall in no event affect the owner's personal liability to pay  
23 the taxes, interest and penalties as provided in this Code or  
24 prevent institution of a proceeding under Section 21-440 to  
25 collect any amount that may remain due after the sale.

26 (c) Issuance of tax sale certificates. Upon confirmation of

1 the sale the County Clerk and the County Collector shall issue  
2 to the purchaser a certificate of purchase in the form  
3 prescribed by Section 21-250 as near as may be. A certificate  
4 of purchase shall not be issued to any person who is ineligible  
5 to bid at the sale or to receive a certificate of purchase  
6 under Section 21-265.

7 (d) Scavenger Tax Judgment, Sale and Redemption Record -  
8 Sale of parcels not sold. The county collector shall prepare a  
9 Scavenger Tax Judgment, Sale and Redemption Record. The county  
10 clerk shall write or stamp on the scavenger tax judgment, sale,  
11 forfeiture and redemption record opposite the description of  
12 any property offered for sale and not sold, or not confirmed  
13 for any reason, the words "offered but not sold". The  
14 properties which are offered for sale under this Section and  
15 not sold or not confirmed shall be offered for sale annually  
16 thereafter in the manner provided in this Section until sold,  
17 except in the case of mineral rights, which after 10  
18 consecutive years of being offered for sale under this Section  
19 and not sold or confirmed shall no longer be required to be  
20 offered for sale. At any time between annual sales the County  
21 Collector may advertise for sale any properties subject to sale  
22 under judgments for sale previously entered under this Section  
23 and not executed for any reason. The advertisement and sale  
24 shall be regulated by the provisions of this Code as far as  
25 applicable.

26 (e) Proceeding to tax deed. The owner of the certificate of

1 purchase shall give notice as required by Sections 22-5 through  
2 22-30, and may extend the period of redemption as provided by  
3 Section 21-385. At any time within 6 ~~5~~ months prior to  
4 expiration of the period of redemption from a sale under this  
5 Code, the owner of a certificate of purchase may file a  
6 petition and may obtain a tax deed under Sections 22-30 through  
7 22-55. All proceedings for the issuance of a tax deed and all  
8 tax deeds for properties sold under this Section shall be  
9 subject to Sections 22-30 through 22-55. Deeds issued under  
10 this Section are subject to Section 22-70. This Section shall  
11 be liberally construed so that the deeds provided for in this  
12 Section convey merchantable title.

13 (f) Redemptions from scavenger sales. Redemptions may be  
14 made from sales under this Section in the same manner and upon  
15 the same terms and conditions as redemptions from sales made  
16 under the County Collector's annual application for judgment  
17 and order of sale, except that in lieu of penalty the person  
18 redeeming shall pay interest as follows if the sale occurs  
19 before September 9, 1993:

20 (1) If redeemed within the first 2 months from the date  
21 of the sale, 3% per month or portion thereof upon the  
22 amount for which the property was sold;

23 (2) If redeemed between 2 and 6 months from the date of  
24 the sale, 12% of the amount for which the property was  
25 sold;

26 (3) If redeemed between 6 and 12 months from the date

1 of the sale, 24% of the amount for which the property was  
2 sold;

3 (4) If redeemed between 12 and 18 months from the date  
4 of the sale, 36% of the amount for which the property was  
5 sold;

6 (5) If redeemed between 18 and 24 months from the date  
7 of the sale, 48% of the amount for which the property was  
8 sold;

9 (6) If redeemed after 24 months from the date of sale,  
10 the 48% herein provided together with interest at 6% per  
11 year thereafter.

12 If the sale occurs on or after September 9, 1993, the  
13 person redeeming shall pay interest on that part of the amount  
14 for which the property was sold equal to or less than the full  
15 amount of delinquent taxes, special assessments, penalties,  
16 interest, and costs, included in the judgment and order of sale  
17 as follows:

18 (1) If redeemed within the first 2 months from the date  
19 of the sale, 3% per month upon the amount of taxes, special  
20 assessments, penalties, interest, and costs due for each of  
21 the first 2 months, or fraction thereof.

22 (2) If redeemed at any time between 2 and 6 months from  
23 the date of the sale, 12% of the amount of taxes, special  
24 assessments, penalties, interest, and costs due.

25 (3) If redeemed at any time between 6 and 12 months  
26 from the date of the sale, 24% of the amount of taxes,

1 special assessments, penalties, interest, and costs due.

2 (4) If redeemed at any time between 12 and 18 months  
3 from the date of the sale, 36% of the amount of taxes,  
4 special assessments, penalties, interest, and costs due.

5 (5) If redeemed at any time between 18 and 24 months  
6 from the date of the sale, 48% of the amount of taxes,  
7 special assessments, penalties, interest, and costs due.

8 (6) If redeemed after 24 months from the date of sale,  
9 the 48% provided for the 24 months together with interest  
10 at 6% per annum thereafter on the amount of taxes, special  
11 assessments, penalties, interest, and costs due.

12 The person redeeming shall not be required to pay any  
13 interest on any part of the amount for which the property was  
14 sold that exceeds the full amount of delinquent taxes, special  
15 assessments, penalties, interest, and costs included in the  
16 judgment and order of sale.

17 Notwithstanding any other provision of this Section,  
18 except for owner-occupied single family residential units  
19 which are condominium units, cooperative units or dwellings,  
20 the amount required to be paid for redemption shall also  
21 include an amount equal to all delinquent taxes on the property  
22 which taxes were delinquent at the time of sale. The delinquent  
23 taxes shall be apportioned by the county collector among the  
24 taxing districts in which the property is situated in  
25 accordance with law. In the event that all moneys received from  
26 any sale held under this Section exceed an amount equal to all

1 delinquent taxes on the property sold, which taxes were  
2 delinquent at the time of sale, together with all publication  
3 and other costs associated with the sale, then, upon  
4 redemption, the County Collector and the County Clerk shall  
5 apply the excess amount to the cost of redemption.

6 (g) Bidding by county or other taxing districts. Any taxing  
7 district may bid at a scavenger sale. The county board of the  
8 county in which properties offered for sale under this Section  
9 are located may bid as trustee for all taxing districts having  
10 an interest in the taxes for the nonpayment of which the  
11 parcels are offered. The County shall apply on the bid the  
12 unpaid taxes due upon the property and no cash need be paid.  
13 The County or other taxing district acquiring a tax sale  
14 certificate shall take all steps necessary to acquire title to  
15 the property and may manage and operate the property so  
16 acquired.

17 When a county, or other taxing district within the county,  
18 is a petitioner for a tax deed, no filing fee shall be required  
19 on the petition. The county as a tax creditor and as trustee  
20 for other tax creditors, or other taxing district within the  
21 county shall not be required to allege and prove that all taxes  
22 and special assessments which become due and payable after the  
23 sale to the county have been paid. The county shall not be  
24 required to pay the subsequently accruing taxes or special  
25 assessments at any time. Upon the written request of the county  
26 board or its designee, the county collector shall not offer the



1 property for sale at any tax sale subsequent to the sale of the  
2 property to the county under this Section. The lien of taxes  
3 and special assessments which become due and payable after a  
4 sale to a county shall merge in the fee title of the county, or  
5 other taxing district, on the issuance of a deed. The County  
6 may sell the properties so acquired, or the certificate of  
7 purchase thereto, and the proceeds of the sale shall be  
8 distributed to the taxing districts in proportion to their  
9 respective interests therein. The presiding officer of the  
10 county board, with the advice and consent of the County Board,  
11 may appoint some officer or person to attend scavenger sales  
12 and bid on its behalf.

13 (h) Miscellaneous provisions. In the event that the tract  
14 of land or lot sold at any such sale is not redeemed within the  
15 time permitted by law and a tax deed is issued, all moneys that  
16 may be received from the sale of properties in excess of the  
17 delinquent taxes, together with all publication and other costs  
18 associated with the sale, shall, upon petition of any  
19 interested party to the court that issued the tax deed, be  
20 distributed by the County Collector pursuant to order of the  
21 court among the persons having legal or equitable interests in  
22 the property according to the fair value of their interests in  
23 the tract or lot. Section 21-415 does not apply to properties  
24 sold under this Section. Appeals may be taken from the orders  
25 and judgments entered under this Section as in other civil  
26 cases. The remedy herein provided is in addition to other

1 remedies for the collection of delinquent taxes.

2 (i) The changes to this Section made by this amendatory Act  
3 of the 95th General Assembly apply only to matters in which a  
4 petition for tax deed is filed on or after the effective date  
5 of this amendatory Act of the 95th General Assembly.

6 (Source: P.A. 90-514, eff. 8-22-97; 90-655, eff. 7-30-98;  
7 91-189, eff. 1-1-00.); and

8 on page 5, by replacing lines 3 through 8 with the following:

9 "The same form of notice shall also be served, in the  
10 manner set forth under Sections 2-203, 2-204, 2-205, 2-205.1,  
11 and 2-211 of the Code of Civil Procedure, upon all other owners  
12 and parties interested in the property, if upon diligent  
13 inquiry they can be found in the county, and upon the occupants  
14 of the property. ~~in the following manner:~~".