

# HB5158



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5158

Introduced 1/29/2010, by Rep. Frank J. Mautino

### SYNOPSIS AS INTRODUCED:

35 ILCS 200/21-355

Amends the Property Tax Code. Provides that the portion of a deposit for redemption that includes fees for title searches may not exceed \$150 per redemption. Effective January 1, 2011.

LRB096 16487 HLH 31757 b

FISCAL 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 Section 21-355 as follows:

6 (35 ILCS 200/21-355)

7 Sec. 21-355. Amount of redemption. Any person desiring to  
8 redeem shall deposit an amount specified in this Section with  
9 the county clerk of the county in which the property is  
10 situated, in legal money of the United States, or by cashier's  
11 check, certified check, post office money order or money order  
12 issued by a financial institution insured by an agency or  
13 instrumentality of the United States, payable to the county  
14 clerk of the proper county. The deposit shall be deemed timely  
15 only if actually received in person at the county clerk's  
16 office prior to the close of business as defined in Section  
17 3-2007 of the Counties Code on or before the expiration of the  
18 period of redemption or by United States mail with a post  
19 office cancellation mark dated not less than one day prior to  
20 the expiration of the period of redemption. The deposit shall  
21 be in an amount equal to the total of the following:

22 (a) the certificate amount, which shall include all tax  
23 principal, special assessments, interest and penalties

1           paid by the tax purchaser together with costs and fees of  
2           sale and fees paid under Sections 21-295 and 21-315 through  
3           21-335;

4           (b) the accrued penalty, computed through the date of  
5           redemption as a percentage of the certificate amount, as  
6           follows:

7                   (1) if the redemption occurs on or before the  
8                   expiration of 6 months from the date of sale, the  
9                   certificate amount times the penalty bid at sale;

10                   (2) if the redemption occurs after 6 months from  
11                   the date of sale, and on or before the expiration of 12  
12                   months from the date of sale, the certificate amount  
13                   times 2 times the penalty bid at sale;

14                   (3) if the redemption occurs after 12 months from  
15                   the date of sale and on or before the expiration of 18  
16                   months from the date of sale, the certificate amount  
17                   times 3 times the penalty bid at sale;

18                   (4) if the redemption occurs after 18 months from  
19                   the date of sale and on or before the expiration of 24  
20                   months from the date of sale, the certificate amount  
21                   times 4 times the penalty bid at sale;

22                   (5) if the redemption occurs after 24 months from  
23                   the date of sale and on or before the expiration of 30  
24                   months from the date of sale, the certificate amount  
25                   times 5 times the penalty bid at sale;

26                   (6) if the redemption occurs after 30 months from

1 the date of sale and on or before the expiration of 36  
2 months from the date of sale, the certificate amount  
3 times 6 times the penalty bid at sale.

4 In the event that the property to be redeemed has  
5 been purchased under Section 21-405, the penalty bid  
6 shall be 12% per penalty period as set forth in  
7 subparagraphs (1) through (6) of this subsection (b).  
8 The changes to this subdivision (b)(6) made by this  
9 amendatory Act of the 91st General Assembly are not a  
10 new enactment, but declaratory of existing law.

11 (c) The total of all taxes, special assessments,  
12 accrued interest on those taxes and special assessments and  
13 costs charged in connection with the payment of those taxes  
14 or special assessments, which have been paid by the tax  
15 certificate holder on or after the date those taxes or  
16 special assessments became delinquent together with 12%  
17 penalty on each amount so paid for each year or portion  
18 thereof intervening between the date of that payment and  
19 the date of redemption. In counties with less than  
20 3,000,000 inhabitants, however, a tax certificate holder  
21 may not pay all or part of an installment of a subsequent  
22 tax or special assessment for any year, nor shall any  
23 tender of such a payment be accepted, until after the  
24 second or final installment of the subsequent tax or  
25 special assessment has become delinquent or until after the  
26 holder of the certificate of purchase has filed a petition

1 for a tax deed under Section 22.30. The person redeeming  
2 shall also pay the amount of interest charged on the  
3 subsequent tax or special assessment and paid as a penalty  
4 by the tax certificate holder. This amendatory Act of 1995  
5 applies to tax years beginning with the 1995 taxes, payable  
6 in 1996, and thereafter.

7 (d) Any amount paid to redeem a forfeiture occurring  
8 subsequent to the tax sale together with 12% penalty  
9 thereon for each year or portion thereof intervening  
10 between the date of the forfeiture redemption and the date  
11 of redemption from the sale.

12 (e) Any amount paid by the certificate holder for  
13 redemption of a subsequently occurring tax sale.

14 (f) All fees paid to the county clerk under Section  
15 22-5.

16 (g) All fees paid to the registrar of titles incident  
17 to registering the tax certificate in compliance with the  
18 Registered Titles (Torrens) Act.

19 (h) All fees paid to the circuit clerk and the sheriff,  
20 a licensed or registered private detective, or the coroner  
21 in connection with the filing of the petition for tax deed  
22 and service of notices under Sections 22-15 through 22-30  
23 and 22-40 in addition to (1) a fee of \$35 if a petition for  
24 tax deed has been filed, which fee shall be posted to the  
25 tax judgement, sale, redemption, and forfeiture record, to  
26 be paid to the purchaser or his or her assignee; (2) a fee

1 of \$4 if a notice under Section 22-5 has been filed, which  
2 fee shall be posted to the tax judgment, sale, redemption,  
3 and forfeiture record, to be paid to the purchaser or his  
4 or her assignee; (3) all costs paid to record a lis pendens  
5 notice in connection with filing a petition under this  
6 Code; and (4) if a petition for tax deed has been filed,  
7 all fees up to \$150 per redemption paid to a registered or  
8 licensed title insurance company or title insurance agent  
9 for a title search to identify all owners, parties  
10 interested, and occupants of the property, to be paid to  
11 the purchaser or his or her assignee. The fees in (1) and  
12 (2) of this paragraph (h) shall be exempt from the posting  
13 requirements of Section 21-360. The costs incurred in  
14 causing notices to be served by a licensed or registered  
15 private detective under Section 22-15, may not exceed the  
16 amount that the sheriff would be authorized by law to  
17 charge if those notices had been served by the sheriff.

18 (i) All fees paid for publication of notice of the tax  
19 sale in accordance with Section 22-20.

20 (j) All sums paid to any city, village or incorporated  
21 town for reimbursement under Section 22-35.

22 (k) All costs and expenses of receivership under  
23 Section 21-410, to the extent that these costs and expenses  
24 exceed any income from the property in question, if the  
25 costs and expenditures have been approved by the court  
26 appointing the receiver and a certified copy of the order

1           or approval is filed and posted by the certificate holder  
2           with the county clerk. Only actual costs expended may be  
3           posted on the tax judgment, sale, redemption and forfeiture  
4           record.

5           (Source: P.A. 95-195, eff. 1-1-08; 96-231, eff. 1-1-10.)

6           Section 99. Effective date. This Act takes effect January  
7           1, 2011.