

1 AN ACT in relation to taxation.

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 21-310 as follows:

6 (35 ILCS 200/21-310)

7 Sec. 21-310. Sales in error.

8 (a) When, upon application of the county collector, the
9 owner of the certificate of purchase, or a municipality which
10 owns or has owned the property ordered sold, it appears to
11 the satisfaction of the court which ordered the property sold
12 that any of the following subsections are applicable, the
13 court shall declare the sale to be a sale in error:

14 (1) the property was not subject to taxation,
15 (2) the taxes or special assessments had been paid
16 prior to the sale of the property,

17 (3) there is a double assessment,

18 (4) the description is void for uncertainty,

19 (5) the assessor, chief county assessment officer,
20 board of review, board of appeals, or other county
21 official has made an error (other than an error of
22 judgment as to the value of any property),

23 (5.5) the owner of the homestead property had
24 tendered timely and full payment to the county collector
25 that the owner reasonably believed was due and owing on
26 the homestead property, and the county collector did not
27 apply the payment to the homestead property; provided
28 that this provision applies only to homeowners, not their
29 agents or third-party payors,

30 (6) prior to the tax sale a voluntary or
31 involuntary petition has been filed by or against the

1 legal or beneficial owner of the property requesting
2 relief under the provisions of 11 U.S.C. Chapter 7, 11,
3 12, or 13, or

4 (7) a municipality has acquired the property (i)
5 through the foreclosure of a lien authorized under
6 Section 11-31-1 of the Illinois Municipal Code or through
7 a judicial deed issued under that Section or (ii) through
8 foreclosure of a receivership certificate lien.

9 (8) A voluntary or involuntary petition under the
10 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
11 filed subsequent to the tax sale and prior to the
12 issuance of the tax deed.

13 (b) When, upon application of the owner of the
14 certificate of purchase only, it appears to the satisfaction
15 of the court which ordered the property sold that any of the
16 following subsections are applicable, the court shall declare
17 the sale to be a sale in error:

18 (1) (Blank). A voluntary or involuntary petition
19 under the provisions of 11 U.S.C. Chapter 7, 11, 12, or
20 13 has been filed subsequent to the tax sale and prior to
21 the issuance of the tax deed.

22 (2) The improvements upon the property sold have
23 been substantially destroyed or rendered uninhabitable or
24 otherwise unfit for occupancy subsequent to the tax sale
25 and prior to the issuance of the tax deed.

26 (3) There is an interest held by the United States
27 in the property sold which could not be extinguished by
28 the tax deed.

29 (4) The real property contains a hazardous
30 substance, hazardous waste, or underground storage tank
31 that would require cleanup or other removal under any
32 federal, State, or local law, ordinance, or regulation,
33 only if the tax purchaser purchased the property without
34 actual knowledge of the hazardous substance, hazardous

1 waste, or underground storage tank. This paragraph (4)
2 applies only to tax purchases occurring after January 1,
3 1990 and if the owner of the certificate of purchase has
4 made application for a sale in error at any time before
5 the issuance of a tax deed.

6 If a sale is declared to be a sale in error, the county
7 clerk shall make entry in the tax judgment, sale, redemption
8 and forfeiture record, that the property was erroneously
9 sold, and the county collector shall, on demand of the owner
10 of the certificate of purchase, refund the amount paid, pay
11 any interest and costs as may be ordered under Sections
12 21-315 through 21-335, and cancel the certificate so far as
13 it relates to the property. The county collector shall deduct
14 from the accounts of the appropriate taxing bodies their pro
15 rata amounts paid.

16 (Source: P.A. 91-177, eff. 1-1-00; 91-357, eff. 7-29-99;
17 91-924, eff. 1-1-01.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.