

1 AN ACT concerning taxes.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Division 1. General provisions

5 Section 1. Short title. This Act may be cited as the
6 Mobile Home Local Services Tax Enforcement Act.

7 Section 5. Definitions. As used in this Act:

8 "Mobile home" means that term as defined in the Mobile
9 Home Local Services Tax Act.

10 Section 10. Application. This Act applies to
11 delinquencies in payment of the tax imposed by the Mobile
12 Home Local Services Tax Act.

13 Division 2. Enforcement actions

14 Section 15. Lien; payments by representative or agent.
15 When a mobile home is taxed to any person as agent for
16 another, or in a representative capacity, the agent or
17 representative shall have a lien on the mobile home, or any
18 mobile home of his or her principal in the agent's
19 possession, until he or she is indemnified against the
20 payment thereof, or, if he or she has paid the tax, until he
21 or she is reimbursed for the payment.

22 Section 20. Lien for taxes. The taxes upon a mobile
23 home, together with all penalties, interests, and costs that
24 may accrue thereon, shall be a prior and first lien on the
25 mobile home, superior to all other liens and encumbrances,
26 from and including the first day of January in the year in

1 which the taxes are imposed until the taxes are paid or until
2 the mobile home is sold under this Act.

3 (a) Foreclosure; mobile home forfeited for 2 or more
4 years. A lien may be foreclosed, in the circuit court in the
5 name of the People of the State of Illinois, whenever the
6 taxes for 2 or more years on the same mobile home have been
7 forfeited to the State. The mobile home may be sold under
8 the order of the court by the person having authority to
9 receive County taxes, with notice to interested parties and
10 right of redemption from the sale, (except that the interest
11 or any other amount to be paid upon redemption in addition to
12 the amount for which the mobile home was sold shall be as
13 provided herein), as provided in Sections 290 through 310 and
14 325.

15 In any action to foreclose the lien for delinquent taxes
16 brought by the People of the State of Illinois when the taxes
17 for 2 or more years on the same mobile home have been
18 forfeited to the State, service of process shall be made in
19 the manner now prescribed by law. All owners, parties
20 interested, and occupants of any mobile home against which
21 tax liens are sought to be foreclosed shall be named as
22 parties defendant, and shall be served in the manner and form
23 as provided by law for the service of defendants in
24 foreclosures of lien or encumbrances upon real estate. In
25 case there are other parties with ownership interests in the
26 mobile home, they shall be named in the notice under the
27 designation "unknown owners".

28 (b) Redemption interest. The interest to be paid upon
29 redemption from all tax foreclosure sales held under this
30 Section shall be:

31 (1) If redeemed within 2 months from the date of
32 the sale, 3% per month upon the amount for which the
33 mobile home was sold for each of the first 2 months, or
34 fraction thereof;

1 (2) If redeemed between 2 and 6 months from the
2 date of the sale, 12% of the amount of sale;

3 (3) If redeemed between 6 and 12 months from the
4 date of the sale, 24% of the amount of sale;

5 (4) If redeemed between 12 and 18 months from the
6 date of the sale, 36% of the amount of sale;

7 (5) If redeemed between 18 and 24 months from the
8 date of the sale, 48% of the amount of sale;

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

12 (c) Enforcement of lien from rents and profits. A lien
13 under this Section may be enforced at any time after 6 months
14 from the day the tax becomes delinquent out of the rents and
15 profits of the mobile home accruing, or accrued and under the
16 control or jurisdiction of a court. This process may be
17 initiated by the county board of the county or by the
18 corporate authorities of any taxing body entitled to receive
19 any part of the delinquent tax, by petition in any pending
20 suit having jurisdiction of the mobile home, or in any
21 application for judgment and order of sale of mobile homes
22 for delinquent taxes in which the mobile home is included, in
23 the name of the People of the State of Illinois.

24 The process, practice, and procedure under this
25 subsection shall be the same as provided in the Civil
26 Practice Law and the Supreme Court Rules adopted in relation
27 to that Law, except that receivers may be appointed on not
28 less than 3 days' written notice to holders of certificate of
29 title or persons in possession. In all petitions the court
30 shall have power to appoint the county collector to take
31 possession of the mobile home only for the purpose of
32 collecting the rents, issues and profits therefrom, and to
33 apply them in satisfaction of the tax lien. When the taxes
34 set forth in the petition are paid in full, the receiver

1 shall be discharged. If the taxes described in the petition
2 are reduced by the final judgment of a court, the county
3 collector shall immediately refund all moneys collected by
4 him or her as receiver over and above the taxes as reduced,
5 and shall deduct that amount from the moneys thereafter
6 distributed to the taxing bodies which received the tax
7 revenue.

8 In proceedings to foreclose the tax lien, or in petitions
9 to enforce the lien, the amount due on the collector's books
10 against the mobile home shall be prima facie evidence of the
11 amount of taxes against the mobile home. When any taxes are
12 collected, they shall be paid to the county collector, to be
13 distributed by him or her to the authorities entitled to
14 them. All sales made under this Section shall be conducted
15 under the order and supervision of the court by the county
16 collector.

17 An action to foreclose the lien for delinquent taxes
18 under this Act is an action in rem.

19 Section 25. Preventing waste to mobile homes; receiver.
20 During the pendency of any tax foreclosure proceeding and
21 until the time to redeem the mobile home sold expires, or
22 redemption is made, from any sale made under any judgment
23 foreclosing the lien of taxes, no waste shall be committed or
24 suffered on any of the mobile homes involved. The mobile home
25 shall be maintained in good condition and repair. When
26 violations of local building, health, or safety codes make
27 the mobile home dangerous or hazardous, when taxes on the
28 mobile home are delinquent for 2 years or more, or when in
29 the judgment of the court it is to the best interest of the
30 parties, the court may, upon the verified petition of any
31 party to the proceeding, or the holder of the certificate of
32 purchase, appoint a receiver for the mobile home with like
33 powers and duties of receivers as in cases of foreclosure of

1 mortgages or trust deeds. The court, in its discretion, may
2 take any other action as may be necessary or desirable to
3 prevent waste and maintain the mobile home in good condition
4 and repair.

5 Section 30. No receiver for homestead dwelling. No
6 receiver shall be appointed under the provisions of Section
7 25 for mobile homes used as a family dwelling and occupied by
8 the owner as a residence at the time the unpaid taxes became
9 a lien and continuously thereafter.

10 Section 35. Purchase and sale by county; distribution of
11 proceeds. When any mobile home is delinquent, or is forfeited
12 for each of 2 or more years, and is offered for sale under
13 any of the provisions of this Act, the county board of the
14 county in which the mobile home is located, in its
15 discretion, may bid, or, in the case of a forfeited mobile
16 home, may apply to purchase it, in the name of the county as
17 trustee for all taxing districts having an interest in the
18 mobile home's taxes for the nonpayment of which the mobile
19 home is sold. The presiding officer of the county board, with
20 the advice and consent of the board, may appoint on its
21 behalf some officer or person to attend such sales and bid
22 or, in the case of a forfeited mobile home, to apply to the
23 county clerk to purchase. The county shall apply on the bid
24 or purchase the unpaid taxes due upon the mobile home. No
25 cash need be paid. The county shall take all steps necessary
26 to acquire certificate of title to the mobile home and may
27 manage and operate the mobile home. When a county, or other
28 taxing district within the county, is a petitioner for a tax
29 certificate of title, no filing fee shall be required. When a
30 county or other taxing district within the county is the
31 petitioner for a tax certificate of title, one petition may
32 be filed including all mobile homes that are tax delinquent

1 within the county or taxing district, and any publication
2 made under Section 380 of this Act may combine all such
3 mobile homes within a single notice. The notice shall list
4 the street or common address, if known, of the mobile homes
5 for informational purposes. The county, as tax creditor and
6 as trustee for other tax creditors, or other taxing district
7 within the county, shall not be required to allege and prove
8 that all taxes that become due and payable after the sale to
9 the county have been paid nor shall the county be required to
10 pay the subsequently accruing taxes at any time. The county
11 board or its designee may prohibit the county collector from
12 including the mobile home in the tax sale of one or more
13 subsequent years. The lien of taxes that become due and
14 payable after a sale to a county shall merge in the
15 certificate of title of the county, or other taxing district
16 within the county, on the issuance of a certificate of title.

17 The County may sell or assign the mobile home so
18 acquired, or the certificate of purchase to it, to any party,
19 including taxing districts. The proceeds of that sale or
20 assignment, less all costs of the county incurred in the
21 acquisition and sale or assignment of the mobile home, shall
22 be distributed to the taxing districts in proportion to their
23 respective interests therein.

24 Under Sections 55 and 60, a County may bid or purchase
25 only in the absence of other bidders.

26 Section 40. Tax abatement after acquisition by a
27 governmental unit. When any county or municipality acquires
28 a mobile home through the foreclosure of a lien, through a
29 judicial order, through the foreclosure of receivership
30 certificate lien, or by acceptance of a certificate of title
31 in lieu of foreclosing any lien against the mobile home, or
32 when any county or other taxing district acquires a
33 certificate of title for a mobile home under Section 35 or

1 Sections 90 and 200, all due or unpaid mobile home taxes and
2 existing liens for unpaid mobile home taxes imposed or
3 pending under any law or ordinance of this State or any of
4 its political subdivisions shall become null and void.

5 Section 45. Notice to county officials; voiding of tax
6 bills. The county board or corporate authorities of the
7 county, or other taxing district acquiring a mobile home
8 under Section 35 shall give written notice of the acquisition
9 to the chief county assessment officer and the county
10 collector and the county clerk of the county in which the
11 mobile home is located, and request the voiding of the tax
12 liens as provided in this Section. The notice shall describe
13 the acquired mobile home by the vehicle identification number
14 of the mobile home, if there is one.

15 Upon receipt of the notice, the county collector and
16 county clerk or county assessor, as appropriate shall void
17 the current and all prior unpaid taxes on the records in
18 their respective offices by entering the following statement
19 upon their records for the mobile home: "Acquired by ...
20 (name of county or municipality acquiring the mobile home
21 under Section 35). Taxes due and unpaid on this mobile home
22 ... (give vehicle identification number, if any, and location
23 of the mobile home) ... are waived and null and void under
24 Section 45 of the Mobile Home Local Services Tax Enforcement
25 Act. The tax bills of this mobile home are hereby voided and
26 liens for the taxes are extinguished."

27 Section 50. Liability of owner; rights of tax purchaser.
28 Nothing in Sections 40 and 45 shall relieve any owner liable
29 for delinquent mobile home taxes under the Mobile Home Local
30 Services Tax Act from the payment of any delinquent taxes or
31 liens which have become null and void under those Sections.

32 Sections 45 and 50 shall not adversely affect the rights

1 or interests of the holder of any bona fide certificate of
2 purchase of the mobile home for delinquent taxes. However,
3 upon acquisition of a mobile home by a governmental unit as
4 set forth in Section 40, the rights and interests of the
5 holder of any bona fide certificate of purchase of the mobile
6 home for delinquent taxes shall be limited to a sale in error
7 and a refund as provided under Section 255.

8 Section 55. Published notice of annual application for
9 judgment and sale; delinquent taxes. At any time after all
10 taxes have become delinquent in any year, the Collector shall
11 publish an advertisement, giving notice of the intended
12 application for judgment and sale of the delinquent mobile
13 homes. Except as provided below, the advertisement shall be
14 in a newspaper published in the township or road district in
15 which the mobile homes are located. If there is no newspaper
16 published in the township or road district, then the notice
17 shall be published in some newspaper in the same county as
18 the township or road district, to be selected by the county
19 collector. When the mobile home is in a city with more than
20 1,000,000 inhabitants, the advertisement may be in any
21 newspaper published in the same county. When the mobile home
22 is in an incorporated town which has superseded a civil
23 township, the advertisement shall be in a newspaper published
24 in the incorporated town or if there is no such newspaper,
25 then in a newspaper published in the county.

26 Section 60. Times of publication of notice. The
27 advertisement shall be published once at least 10 days before
28 the day on which judgment is to be applied for, and shall
29 contain a list of the delinquent mobile homes upon which the
30 taxes or any part thereof remain due and unpaid, the names of
31 owners, if known, the total amount due, and the year or years
32 for which they are due. In counties of less than 3,000,000

1 inhabitants, advertisement shall include notice of the
2 registration requirement for persons bidding at the sale.

3 The collector shall give notice that he or she will apply
4 to the circuit court on a specified day for judgment against
5 the mobile homes for the taxes, and costs, and for an order
6 to sell the mobile homes for the satisfaction of the amount
7 due.

8 The collector shall also give notice of a date within the
9 next 5 business days after the date of application on which
10 all the mobile homes for the sale of which an order is made
11 will be exposed to public sale at a location within the
12 county designated by the county collector, for the amount of
13 taxes and cost due. The advertisement published according to
14 the provisions of this Section shall be deemed to be
15 sufficient notice of the intended application for judgment
16 and of the sale of mobile homes under the order of the court.

17 Section 65. Costs of publishing delinquent list. A county
18 shall pay for the printer for advertising delinquent lists
19 for mobile homes, \$0.40 per column line, to be taxed and
20 collected as costs.

21 The printer shall receive for printing the preamble, the
22 descriptive headings, the affidavit, and any other matter
23 accompanying the delinquent list, the sum of \$0.40 per line,
24 to be paid by the county.

25 No costs except printer's fee shall be charged on any
26 mobile homes forfeited to the State.

27 Section 70. Sale of mobile homes previously ordered
28 sold. A mobile home ordered sold by unexecuted judgments and
29 orders of sale, previously entered, shall be included in the
30 advertisement for sale only under the previous orders, and
31 shall be sold in the order in which they appear in the
32 delinquent list contained in the advertisement. At any time

1 between annual sales the county collector also may advertise
2 for sale any mobile homes subject to sale under orders
3 previously entered and not executed for any reason. The
4 advertisement and sale shall be regulated by the provisions
5 regulating the annual advertisement and sale of delinquent
6 mobile homes, as far as applicable.

7 Section 75. Use of figures and letters in advertisement
8 and other lists. In all advertisements for the sale of mobile
9 homes for taxes, and in entries required to be made by the
10 clerk of the court or other officer, letters, figures, or
11 characters may be used to denote the year or the years for
12 which the taxes were due and the amount of taxes, interest,
13 and costs. The county collector may subsequently advertise
14 and obtain judgment on mobile homes that have been omitted,
15 or that have been erroneously advertised or described in the
16 first advertisement.

17 Division 3. Notice and publication provisions

18 Section 80. Mailed notice of application for judgment
19 and sale. Not less than 15 days before the date of
20 application for judgment and sale of delinquent mobile homes,
21 the county collector shall mail, by registered or certified
22 mail, a notice of the forthcoming application for judgment
23 and sale to the person shown by the current collector's
24 warrant book to be the party in whose name the taxes were
25 last computed. The notice shall include the intended dates
26 of application for judgment and sale and commencement of the
27 sale, and a description of the mobile homes. The county
28 collector must present proof of the mailing to the court
29 along with the application for judgement.

30 In counties with less than 3,000,000 inhabitants, a copy
31 of this notice shall also be mailed by the county collector

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

5 The collector shall collect \$10 from the proceeds of each
6 sale to cover the costs of registered or certified mailing
7 and the costs of advertisement and publication. If a taxpayer
8 pays the taxes on the mobile home after the notice of the
9 forthcoming application for judgment and sale is mailed but
10 before the sale is made, then the collector shall collect \$10
11 from the taxpayer to cover the costs of registered or
12 certified mailing and the costs of advertisement and
13 publication.

14 Section 85. Printer's error in advertisement. In all
15 cases where there is a printer's error in the advertised list
16 which prevents judgment from being obtained against any
17 mobile home, or against all of the delinquent list, at the
18 time stated in the advertisement, the printer shall lose the
19 compensation allowed by this Act for those mobile homes
20 containing errors, or for the entire list, as the case may
21 be.

22 Section 90. Scavenger sale. At the same time the county
23 collector annually publishes the collector's annual sale
24 advertisement under Sections 55 and 60, it is mandatory for
25 the collector in counties with 3,000,000 or more inhabitants,
26 and in other counties if the county board so orders by
27 resolution, to publish an advertisement giving notice of the
28 intended application for judgment and sale of all mobile
29 homes upon which all or a part of the taxes for each of 2 or
30 more years, including the current tax year, are delinquent as
31 of the date of the advertisement. In no event may there be
32 more than 2 consecutive years without a sale under this

1 Section. The term delinquent also includes forfeitures. The
2 county collector shall include in the advertisement and in
3 the application for judgment and sale under this Section and
4 Section 200 the total amount of all taxes upon those mobile
5 homes which are delinquent as of the date of the
6 advertisement. In lieu of a single annual advertisement and
7 application for judgment and sale under this Section and
8 Section 200, the county collector may, from time to time,
9 beginning on the date of the publication of the annual sale
10 advertisement and before August 1 of the next year, publish
11 separate advertisements and make separate applications on
12 eligible mobile homes described in one or more volumes of the
13 delinquent list. The separate advertisements and applications
14 shall, in the aggregate, include all the mobile homes which
15 otherwise would have been included in the single annual
16 advertisement and application for judgment and sale under
17 this Section. The advertisement and application for judgment
18 and sale shall be in the manner prescribed by this Act
19 relating to the annual advertisement and application for
20 judgment and sale of delinquent mobile homes.

21 Division 3.5. Judgments and Sales

22 Section 95. Time of applying for judgment. Except as
23 otherwise provided in this Section, all applications for
24 judgment and order of sale for taxes on delinquent mobile
25 homes shall be made during the month of October. In the 10
26 years next following the completion of a general reassessment
27 of property in any county with 3,000,000 or more inhabitants,
28 made under an order of the Department, applications for
29 judgment and order of sale shall be made as soon as may be
30 and on the day specified in the advertisement required by
31 Section 55 and 60. If for any cause the court is not held on
32 the day specified, the cause shall stand continued, and it

1 shall be unnecessary to re-advertise the list or notice.

2 Within 30 days after the day specified for the
3 application for judgment the court shall hear and determine
4 the matter. If judgment is rendered, the sale shall begin on
5 the date within 5 business days specified in the notice as
6 provided in Section 60. If the collector is prevented from
7 advertising and obtaining judgment during the month of
8 October, the collector may obtain judgment at any time
9 thereafter; but if the failure arises by the county
10 collector's not complying with any of the requirements of
11 this Act, he or she shall be held on his or her official bond
12 for the full amount of all taxes charged against him or her.
13 Any failure on the part of the county collector shall not be
14 allowed as a valid objection to the collection of any tax, or
15 to entry of a judgment against any delinquent mobile homes
16 included in the application of the county collector.

17 Section 100. Annual tax judgment, sale, redemption, and
18 forfeiture record. The collector shall transcribe into a
19 record prepared for that purpose, and known as the annual tax
20 judgment, sale, redemption, and forfeiture record, the list
21 of delinquent mobile homes. The record shall contain all the
22 information necessary to be recorded, at least 5 days before
23 the day on which application for judgment is to be made.

24 The record shall set forth the name of the owner, if
25 known; the description of the mobile home; the year or years
26 for which the tax is due; the valuation on which the tax is
27 extended; the amount of the consolidated and other taxes; the
28 costs; and the total amount of charges against the mobile
29 home.

30 The record shall also be ruled in columns to show the
31 amount paid before entry of judgment; the amount of judgment
32 and a column for remarks; the amount paid before sale and
33 after entry of judgment; the amount of the sale; amount of

1 interest or penalty; amount of cost; amount forfeited to the
 2 State; date of sale; name of purchaser; amount of sale and
 3 penalty; taxes of succeeding years; interest and when paid,
 4 interest and cost; total amount of redemption; date of
 5 redemption; when certificate of title executed; by whom
 6 redeemed; and a column for remarks or receipt of redemption
 7 money.

8 The record shall be kept in the office of the county
 9 clerk.

10 Section 105. Payment of delinquent tax before sale. Any
 11 person owning or claiming mobile homes upon which application
 12 for judgment is applied for may, in person or by agent, pay
 13 the taxes, and costs due, or in counties with 3,000,000 or
 14 more inhabitants, the taxes, interest, and costs due, to the
 15 county collector at any time before sale.

16 Section 110. Report of payments and corrections. On the
 17 day on which application for judgment on a delinquent mobile
 18 home is applied for, the collector, assisted by the county
 19 clerk, shall post all payments, compare and correct the list,
 20 and shall make and subscribe an affidavit, which shall be
 21 substantially in the following form:

22 State of Illinois)

23) ss.

24 County of)

25 I, collector of the county of, do solemnly
 26 swear (or affirm, as the case may be), that the foregoing is
 27 a true and correct list of the delinquent mobile homes within
 28 the county of, upon which I have been unable to collect
 29 the taxes (and interest and printer's fees, if any), charged
 30 thereon, as required by law, for the year or years therein
 31 set forth; and that the taxes, now remain due and unpaid, to
 32 the best of my knowledge and belief.

1 Dated

2 The affidavit shall be entered at the end of the list,
3 and signed by the collector.

4 Section 115. Proceedings by court. Defenses to the
5 entry of judgment against mobile homes included in the
6 delinquent list shall be entertained by the court only when
7 the defense includes a writing specifying the particular
8 grounds for the objection.

9 If any party objecting is entitled to a refund of all or
10 any part of a tax paid, the court shall enter judgment
11 accordingly, and also shall enter judgment for the taxes,
12 interest, and penalties as appear to be due. The judgment
13 shall be considered as a several judgment against each mobile
14 home, for each kind of tax included therein. The court shall
15 direct the clerk to prepare and enter an order for the sale
16 of the mobile home against which judgment is entered.

17 Section 120. Form of court order. A judgment and order
18 of sale shall be substantially in the following form:

19 Whereas, due notice has been given of the intended
20 application for a judgment against mobile homes, and no
21 sufficient defense having been made or cause shown why
22 judgment should not be entered against the mobile homes, for
23 taxes, interest, penalties, and costs due and unpaid thereon
24 for the year or years herein set forth, therefore the court
25 hereby enters judgment against the above stated mobile homes,
26 in favor of the People of the State of Illinois, for the
27 amount of taxes, interest, penalties and costs due thereon.
28 It is ordered by the court that the mobile homes be sold as
29 the law directs.

30 The order shall be signed by the judge. In all judicial
31 proceedings of any kind, for the collection of taxes, all
32 amendments may be made which, by law, could be made in any

1 personal action pending in that court.

2 Section 125. Cure of error or informality in computation
3 of tax or collection of the taxes. No computation of the tax
4 on a mobile home or charge for any of the taxes shall be
5 considered illegal on account of any irregularity in the
6 computation, or on account of the computation not having been
7 made within the time required by law, or on account of the
8 mobile home having been charged without name, or in any other
9 name than that of the rightful owner. No error or informality
10 in the proceedings of any of the officers connected with the
11 computation or collection of the taxes, not affecting the
12 substantial justice of the tax itself, shall vitiate or in
13 any manner affect the tax or the computation thereof. Any
14 irregularity or informality in the computation of the tax, or
15 in any of the proceedings connected with the computation of
16 the taxes, or any omission or defective act of any other
17 officer or officers connected with the computation of the
18 taxes, may be, in the discretion of the court, corrected,
19 supplied and made to conform to law by the court, or by the
20 person (in the presence of the court) from whose neglect or
21 default it was occasioned.

22 Division 4. Annual tax sale procedure

23 Section 130. Entry of judgment for sale. If judgment is
24 rendered against any mobile home for any tax, the county
25 collector shall, after publishing a notice for sale in
26 compliance with the requirements of Sections 55 or 60,
27 proceed to offer the mobile home for sale pursuant to the
28 judgment. However, in the case of an appeal from the
29 judgment, if the party, when filing notice of appeal deposits
30 with the county collector the amount of the judgment and
31 costs, the collector shall not sell the mobile home until the

1 appeal is disposed of.

2 Section 135. Examination of record; certificate of
3 correctness. On the day advertised for sale, the county
4 clerk, assisted by the collector, shall examine the list upon
5 which judgment has been entered and ascertain that all
6 payments have been properly noted thereon. The county clerk
7 shall make a certificate to be entered on the record,
8 following the order of court that the record is correct, and
9 that judgment was entered upon the mobile home therein
10 mentioned for the taxes, interest, and costs due thereon.
11 The certificate shall be attested by the circuit court clerk
12 under seal of the court and shall be the process on which the
13 mobile home or any interest therein shall be sold for taxes,
14 interest, and costs due thereon, and may be substantially in
15 the following form:

16 State of Illinois County of

17 I,, clerk of the circuit court, in and for the
18 county of, do hereby certify that the foregoing is a
19 true and correct record of the delinquent mobile home in the
20 county, against which judgment and order of sale was duly
21 entered in the circuit court for the county, on (insert
22 date), for the amount of the taxes, interest, and costs due
23 severally thereon as therein set forth, and that the judgment
24 and order of court in relation thereto fully appears on the
25 record.

26 Dated (insert date).

27 Section 140. County clerk assistance at sale. The county
28 clerk, in person or by deputy, shall attend all sales for
29 taxes, made by the collector, and shall assist at the sales.

30 Section 145. Tax sale procedures. The collector, in
31 person or by deputy, shall attend, on the day and in the

1 place specified in the notice for the sale of mobile homes
2 for taxes, and shall, between 9:00 a.m. and 4:00 p.m., or
3 later at the collector's discretion, proceed to offer for
4 sale, separately and in consecutive order, all mobile homes
5 in the list on which the taxes, interest, or costs have not
6 been paid. However, in any county with 3,000,000 or more
7 inhabitants, the offer for sale shall be made between 8:00
8 a.m. and 8:00 p.m. The collector's office shall be kept open
9 during all hours in which the sale is in progress. The sale
10 shall be continued from day to day, until all mobile homes in
11 the delinquent list have been offered for sale.

12 Section 150. Penalty bids. The person at the sale
13 offering to pay the amount due on each mobile home for the
14 least penalty percentage shall be the purchaser of that
15 mobile home. No bid shall be accepted for a penalty exceeding
16 18% of the amount of the tax on a mobile home.

17 Section 155. Letter of credit or bond in counties of
18 3,000,000 or more; registration in other counties. In
19 counties with 3,000,000 or more inhabitants, no person shall
20 make an offer to pay the amount due on any mobile home and
21 the collector shall not accept or acknowledge an offer from
22 any person who has not deposited with the collector, not less
23 than 10 days prior to making such offer, an irrevocable and
24 unconditional letter of credit or such other unconditional
25 bond payable to the order of the collector in an amount not
26 less than 1.5 times the amount of any tax due upon the mobile
27 home. The collector may without notice draw upon the letter
28 of credit or bond in the event payment of the amount due
29 together with interest and costs thereon is not made
30 forthwith by the person purchasing any mobile home. At all
31 times during the sale, any person making an offer or offers
32 to pay the amount or amounts due on any mobile homes shall

1 maintain the letter of credit or bond with the collector in
2 an amount not less than 1.5 times the amount due on the
3 mobile homes which he or she has purchased and for which he
4 or she has not paid.

5 In counties with less than 3,000,000 inhabitants, unless
6 the county board provides otherwise, no person shall be
7 eligible to bid who did not register with the county
8 collector at least 10 business days prior to the first day of
9 sale authorized under Section 60.

10 Section 160. Forfeited mobile home. Every mobile home
11 offered at public sale, and not sold for want of bidders,
12 shall be forfeited to the State of Illinois. However, when
13 the court, county clerk, and county treasurer certify that
14 the taxes on a forfeited mobile home equal or exceed the
15 actual value of the mobile home, the county collector shall,
16 on the receipt of such certificate, offer the mobile home for
17 sale to the highest bidder, after first giving 10 days'
18 notice, in the manner described in Sections 55 and 60, of the
19 time and place of sale, together with a description of the
20 mobile home to be offered. A certificate of purchase shall be
21 issued to the purchaser at the sale as in other cases
22 provided in this Act. The county collector shall receive
23 credit in the settlement with the taxing bodies for which the
24 tax was levied for the amount not realized by the sale. The
25 amount received from the sale shall be paid by the collector,
26 pro rata, to the taxing bodies entitled to it.

27 Section 165. Record of sales and redemptions. When any
28 mobile home is sold, the county clerk shall enter on the Tax
29 Judgment, Sale, Redemption and Forfeiture Record, in the
30 blank columns provided for that purpose, the name of the
31 purchaser and the final bid. When any mobile home is redeemed
32 from sale, the county clerk shall enter the name of the

1 person redeeming, the redemption date, and the amount of
2 redemption, in the proper column.

3 Section 170. Record of forfeitures. All mobile homes
4 forfeited to the State at the sale shall be noted on the Tax
5 Judgment, Sale, Redemption and Forfeiture Record.

6 Section 175. Payment for mobile homes purchased at tax
7 sale; reoffering for sale. Except as otherwise provided
8 below, the person purchasing any mobile home shall be liable
9 to the county for the amount due and shall forthwith pay to
10 the county collector the amount charged on the mobile home.
11 Upon failure to do so, the amount due shall be recoverable in
12 a civil action brought in the name of the People of the State
13 of Illinois in any court of competent jurisdiction. The
14 person so purchasing shall be relieved of liability only by
15 payment of the amount due together with interest and costs
16 thereon, or if the mobile home is reoffered at the sale,
17 purchased, and paid for. Reoffering of the mobile home for
18 sale shall be at the discretion of the collector. The sale
19 shall not be closed until payment is made or the mobile home
20 again offered for sale. In counties with 3,000,000 or more
21 inhabitants, only the taxes, interest, and costs as
22 advertised in the sale shall be required to be paid
23 forthwith. The taxes charged on the mobile home remaining due
24 and unpaid, not included in the advertisement, shall be paid
25 by the purchaser within 10 days after the sale, except that
26 upon payment of the fee provided by law to the county clerk
27 (which fee shall be deemed part of the costs of sale) the
28 purchaser may make written application, within the 10 day
29 period, to the county clerk for a statement of all taxes,
30 interest, and costs due and an estimate of the cost of
31 redemption of all forfeited taxes, which were not included in
32 the advertisement. After obtaining such statement and

1 estimate and an order on the county collector to receive the
2 amount of forfeited taxes, if any, the purchaser shall pay to
3 the county collector all the remaining taxes, interest, and
4 costs, and the amount necessary to redeem the forfeited
5 taxes. The county collector shall issue the purchaser a
6 receipt therefor. Any delay in providing the statement or in
7 accepting payment, and delivering receipt therefor, shall not
8 be counted as a part of the 10 days. When the receipt of the
9 collector is issued, a copy shall be filed with the county
10 clerk and the county clerk shall include the amount shown in
11 such receipt in the amount of the purchase price of the
12 mobile home in the certificate of purchase. The purchaser
13 then shall be entitled to a certificate of purchase. If a
14 purchaser fails to complete his or her purchase as provided
15 in this Section, the purchase shall become void, and be of no
16 effect, but the collector shall not refund the amount paid in
17 cash at the time of the sale, except in cases of sale in
18 error. That amount shall be treated as a payment and
19 distributed to the taxing bodies as other collections are
20 distributed. The lien for taxes for the amount paid shall
21 remain on the mobile home, in favor of the purchaser, his or
22 her heirs or assigns, until paid with 5% interest per year on
23 that amount from the date the purchaser paid it. The amount
24 and fact of such ineffective purchase shall be entered in the
25 tax judgment, sale, redemption and forfeiture record opposite
26 the mobile home upon which the lien remains. No redemption
27 shall be made without payment of this amount for the benefit
28 of the purchaser, and no future sale of the mobile home shall
29 be made except subject to the lien of such purchaser.

30 Section 180. Automation fee. The county collector in
31 all counties may assess to the purchaser of a mobile home for
32 delinquent taxes an automation fee of not more than \$10 per
33 mobile home. In counties with less than 3,000,000

1 inhabitants:

2 (a) The fee shall be paid at the time of the purchase if
3 the record keeping system used for processing the delinquent
4 mobile home tax sales is automated or has been approved for
5 automation by the county board. The fee shall be collected in
6 the same manner as other fees or costs.

7 (b) Fees collected under this Section shall be retained
8 by the county treasurer in a fund designated as the Tax Sale
9 Automation Fund. The fund shall be audited by the county
10 auditor. The county board shall make expenditures from the
11 fund to pay any costs related to the automation of mobile
12 home tax collections and delinquent mobile home tax sales,
13 including the cost of hardware, software, research and
14 development, and personnel.

15 Section 185. Certificate of purchase. The county clerk
16 shall make out and deliver to the purchaser of any mobile
17 home sold under Section 145, a certificate of purchase
18 countersigned by the collector, describing the mobile home
19 sold, the date of sale, the amount of taxes, interest, and
20 cost for which it was sold and that payment of the sale price
21 has been made. If any person becomes the purchaser of more
22 than one mobile home owned by one party or person, the
23 purchaser may have the whole or one or more of them included
24 in one certificate, but separate certificates shall be issued
25 in all other cases. A certificate of purchase shall be
26 assignable by endorsement. An assignment shall vest in the
27 assignee or his or her legal representatives, all the right
28 and title of the original purchaser.

29 If the tax certificate is lost or destroyed, the county
30 clerk shall issue a duplicate certificate upon written
31 request and a sworn affidavit by the tax sale purchaser, or
32 his or her assignee, that the tax certificate is lost or
33 destroyed. The county clerk shall cause a notation to be made

1 in the tax sale and judgment book that a duplicate
2 certificate has been issued, and redemption payments shall be
3 made only to the holder of the duplicate certificate.

4 Section 190. Index of tax sale records. The county clerk
5 may make an index of tax-sale records. The index shall be
6 kept in the county clerk's office as a public record, open to
7 inspection during office hours.

8 Section 195. County clerk's books and records; prima
9 facie evidence. The books and records of the county clerk, or
10 copies thereof, certified by the clerk, shall be prima facie
11 evidence to prove the sale of any mobile home for taxes, the
12 redemption of the mobile home, or payment of taxes thereon.

13 Division 5. Scavenger sales; procedures

14 Section 200. Collector's scavenger sale. Upon the
15 county collector's application under Section 90, to be known
16 as the Scavenger Sale Application, the Court shall enter
17 judgment for the taxes, interest, penalties, and costs as are
18 included in the advertisement and appear to be due thereon
19 after allowing an opportunity to object and a hearing upon
20 the objections as provided in Section 115, and order those
21 mobile homes sold by the county collector at public sale to
22 the highest bidder for cash, notwithstanding the bid may be
23 less than the full amount of taxes, interest, penalties, and
24 costs for which judgment has been entered.

25 (a) Conducting the sale; bidding. All mobile homes
26 shall be offered for sale in consecutive order as they appear
27 in the delinquent list. The minimum bid for any mobile home
28 shall be \$250 or one-half of the tax if the total liability
29 is less than \$500. The successful bidder shall immediately
30 pay the amount of minimum bid to the County Collector in

1 cash, by certified or cashier's check, by money order, or, if
2 the successful bidder is a governmental unit, by a check
3 issued by that governmental unit. If the bid exceeds the
4 minimum bid, the successful bidder shall pay the balance of
5 the bid to the county collector in cash, by certified or
6 cashier's check, by money order, or, if the successful bidder
7 is a governmental unit, by a check issued by that
8 governmental unit by the close of the next business day. If
9 the minimum bid is not paid at the time of sale or if the
10 balance is not paid by the close of the next business day,
11 then the sale is void and the minimum bid, if paid, is
12 forfeited to the county general fund. In that event, the
13 mobile home shall be reoffered for sale within 30 days of the
14 last offering of mobile homes in regular order. The
15 collector shall make available to the public a list of all
16 mobile homes to be included in any reoffering due to the
17 voiding of the original sale. The collector is not required
18 to serve or publish any other notice of the reoffering of
19 those mobile homes. In the event that any of the mobile homes
20 are not sold upon reoffering, or are sold for less than the
21 amount of the original voided sale, the original bidder who
22 failed to pay the bid amount shall remain liable for the
23 unpaid balance of the bid in an action under Section 175.
24 Liability shall not be reduced where the bidder upon
25 reoffering also fails to pay the bid amount, and in that
26 event both bidders shall remain liable for the unpaid balance
27 of their respective bids. A sale of mobile homes under this
28 Section shall not be final until confirmed by the court.

29 (b) Confirmation of sales. The county collector shall
30 file his or her report of sale in the court within 30 days
31 after the date of sale of each mobile home. No notice of the
32 county collector's application to confirm the sales shall be
33 required except as prescribed by rule of the court. Upon
34 confirmation, except in cases where the sale becomes void

1 under Section 430, or in cases where the order of
2 confirmation is vacated by the court, a sale under this
3 Section shall extinguish the in rem lien of the taxes, for
4 which judgment has been entered and a redemption shall not
5 revive the lien. Confirmation of the sale shall in no event
6 affect the owner's personal liability to pay the taxes,
7 interest, and penalties as provided in this Act or prevent
8 institution of a proceeding under Section 355 to collect any
9 amount that may remain due after the sale.

10 (c) Issuance of tax sale certificates. Upon confirmation
11 of the sale, the county clerk and the county collector shall
12 issue to the purchaser a certificate of purchase in the form
13 prescribed by Section 185 as near as may be. A certificate
14 of purchase shall not be issued to any person who is
15 ineligible to bid at the sale or to receive a certificate of
16 purchase under Section 205.

17 (d) Scavenger Tax Judgment, Sale and Redemption Record;
18 sale of parcels not sold. The county collector shall prepare
19 a Scavenger Tax Judgment, Sale and Redemption Record. The
20 county clerk shall write or stamp on the scavenger tax
21 judgment, sale, forfeiture and redemption record opposite the
22 description of any mobile home offered for sale and not sold,
23 or not confirmed for any reason, the words "offered but not
24 sold". The mobile homes that are offered for sale under this
25 Section and not sold or not confirmed shall be offered for
26 sale annually thereafter in the manner provided in this
27 Section until sold. At any time between annual sales the
28 county collector may advertise for sale any mobile homes
29 subject to sale under judgments for sale previously entered
30 under this Section and not executed for any reason. The
31 advertisement and sale shall be regulated by the provisions
32 of this Act as far as applicable.

33 (e) Proceeding to tax certificate of title. The owner of
34 the certificate of purchase shall give notice as required by

1 Sections 365 through 390, and may extend the period of
2 redemption as provided by Section 330. At any time within 5
3 months prior to expiration of the period of redemption from a
4 sale under this Act, the owner of a certificate of purchase
5 may file a petition and may obtain a tax certificate of title
6 under Sections 390 through 410. All proceedings for the
7 issuance of a tax certificate of title and all tax
8 certificates of title for mobile homes sold under this
9 Section shall be subject to Sections 390 through 410. This
10 Section shall be liberally construed so that the certificates
11 of title provided for in this Section convey merchantable
12 title.

13 (f) Redemptions from scavenger sales. Redemptions may be
14 made from sales under this Section in the same manner and
15 upon the same terms and conditions as redemptions from sales
16 made under the county collector's annual application for
17 judgment and order of sale, except that in lieu of penalty
18 the person redeeming shall pay interest on that part of the
19 amount for which the mobile home was sold equal to or less
20 than the full amount of delinquent taxes, penalties,
21 interest, and costs, included in the judgment and order of
22 sale as follows:

23 (1) If redeemed within the first 2 months from the
24 date of the sale, 3% per month upon the amount of taxes,
25 penalties, interest, and costs due for each of the first
26 2 months, or fraction thereof.

27 (2) If redeemed at any time between 2 and 6 months
28 from the date of the sale, 12% of the amount of taxes,
29 penalties, interest, and costs due.

30 (3) If redeemed at any time between 6 and 12 months
31 from the date of the sale, 24% of the amount of taxes,
32 penalties, interest, and costs due.

33 (4) If redeemed at any time between 12 and 18
34 months from the date of the sale, 36% of the amount of

1 taxes, penalties, interest, and costs due.

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

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

9 The person redeeming shall not be required to pay any
10 interest on any part of the amount for which the mobile home
11 was sold that exceeds the full amount of delinquent taxes,
12 penalties, interest, and costs included in the judgment and
13 order of sale.

14 Notwithstanding any other provision of this Section, the
15 amount required to be paid for redemption shall also include
16 an amount equal to all delinquent taxes on the mobile home
17 which taxes were delinquent at the time of sale. The
18 delinquent taxes shall be apportioned by the county collector
19 among the taxing districts in which the mobile home is
20 situated in accordance with law. In the event that all moneys
21 received from any sale held under this Section exceed an
22 amount equal to all delinquent taxes on the mobile home sold,
23 which taxes were delinquent at the time of sale, together
24 with all publication and other costs associated with the
25 sale, then, upon redemption, the county collector and the
26 county clerk shall apply the excess amount to the cost of
27 redemption.

28 (g) Bidding by county or other taxing districts. Any
29 taxing district may bid at a scavenger sale. The county
30 board of the county in which mobile homes offered for sale
31 under this Section are located may bid as trustee for all
32 taxing districts having an interest in the taxes for the
33 nonpayment of which the mobile homes are offered. The county
34 shall apply on the bid the unpaid taxes due upon the mobile

1 home and no cash need be paid. The county or other taxing
2 district acquiring a tax sale certificate shall take all
3 steps necessary to acquire certificate of title to the mobile
4 home and may manage and operate the mobile home so acquired.

5 When a county, or other taxing district within the
6 county, is a petitioner for a tax certificate of title, no
7 filing fee shall be required on the petition. The county as a
8 tax creditor and as trustee for other tax creditors, or other
9 taxing district within the county shall not be required to
10 allege and prove that all taxes that become due and payable
11 after the sale to the county have been paid. The county shall
12 not be required to pay the subsequently accruing taxes at any
13 time. Upon the written request of the county board or its
14 designee, the county collector shall not offer the mobile
15 home for sale at any tax sale subsequent to the sale of the
16 mobile home to the county under this Section. The lien of
17 taxes that become due and payable after a sale to a county
18 shall merge in the certificate title of the county, or other
19 taxing district, on the issuance of a certificate of title.
20 The County may sell the mobile homes so acquired, or the
21 certificate of purchase thereto, and the proceeds of the sale
22 shall be distributed to the taxing districts in proportion to
23 their respective interests therein. The presiding officer of
24 the county board, with the advice and consent of the county
25 board, may appoint some officer or person to attend scavenger
26 sales and bid on its behalf.

27 (h) Miscellaneous provisions. In the event that a mobile
28 home sold at any such sale is not redeemed within the time
29 permitted by law and a tax certificate of title is issued,
30 all moneys that may be received from the sale of mobile homes
31 in excess of the delinquent taxes, together with all
32 publication and other costs associated with the sale, shall,
33 upon petition of any interested party to the court that
34 issued the tax certificate of title, be distributed by the

1 county collector pursuant to order of the court among the
2 persons having legal or equitable interests in the mobile
3 home according to the fair value of their interests in the
4 mobile home. Appeals may be taken from the orders and
5 judgments entered under this Section as in other civil cases.
6 The remedy herein provided is in addition to other remedies
7 for the collection of delinquent taxes.

8 Section 205. Scavenger sale; persons ineligible to bid
9 or purchase.

10 (a) No person, except a unit of local government, shall
11 be eligible to bid or receive a certificate of purchase at
12 any sale under Section 200 unless that person has completed
13 and delivered to the county clerk a true, accurate, and
14 complete application for certificate of purchase which shall
15 affirm that:

16 (1) the person has not bid upon or applied to
17 purchase any mobile home at the sale for a person who is
18 the party or agent of the party who owns the mobile home
19 or is responsible for the payment of the delinquent
20 taxes;

21 (2) the person is not, nor is he or she the agent
22 for, the owner or party responsible for payment of the
23 taxes on any mobile home which is located in the same
24 county in which the sale is held and which is tax
25 delinquent or forfeited for all or any part of each of 2
26 or more years; and

27 (3) the person, although otherwise eligible to bid,
28 has not either directly or through an agent twice during
29 the same sale failed to complete a purchase by the
30 immediate payment of the minimum bid or the payment of
31 the balance of a bid within the time provided by Section
32 200.

1 Section 210. Scavenger sale registration. No person,
2 except a unit of local government, shall be eligible to bid
3 or to receive a certificate of purchase who did not register
4 with the county collector at least 5 business days in advance
5 of the first day of the sale under Section 200. The collector
6 may charge, for each registration, a fee of not more than \$50
7 in counties with less than 3,000,000 inhabitants and not more
8 than \$100 in counties of 3,000,000 or more inhabitants.
9 Registration shall be made upon such forms and according to
10 such regulations as the county collector deems necessary in
11 order to effect complete and accurate disclosure of the
12 identity of all persons beneficially interested, directly or
13 indirectly, in each sale under Section 200. The information
14 to be disclosed shall include, but not be limited to, the
15 name, address, and telephone number of the purchaser to whom
16 the clerk and collector will be requested to issue a
17 certificate of purchase; if the purchaser is a corporation,
18 the place of incorporation and the names and addresses of its
19 shareholders unless the corporation is publicly held; if the
20 purchaser is a partnership, the names and addresses of all
21 general and limited partners; if the purchaser is doing
22 business under an assumed business name, the county where
23 such name is registered and the names, addresses, and
24 telephone numbers of all persons having an ownership interest
25 in the business; and the identity and location of any other
26 tax delinquent mobile home owned by the bidder and purchaser.

27 Every application for certificate of purchase and form
28 for registration authorized and required by this Section and
29 Section 215 shall be executed under penalty of perjury as
30 though under oath or affirmation, but no acknowledgement is
31 required.

32 Section 215. Scavenger sale; application for certificate
33 of purchase. The application for certificate of purchase

1 shall be executed by the purchaser and by any individual
 2 bidder acting in the purchaser's behalf. The application
 3 shall be initially executed and delivered to the county clerk
 4 at the time of registration for the sale as provided in this
 5 Section. Before receiving any certificate of purchase, each
 6 purchaser and individual bidder acting in the purchaser's
 7 behalf shall sign and deliver to the county clerk a schedule
 8 or schedules of the mobile homes for which that purchaser has
 9 successfully bid and is applying to purchase, which schedule
 10 or schedules shall be attached to and incorporated within the
 11 application. The schedule or schedules shall be accompanied
 12 by a fee, for each mobile home listed, of \$10 in counties
 13 with less than 3,000,000 inhabitants and \$20 in counties with
 14 3,000,000 or more inhabitants. The application and schedule
 15 or schedules shall be in substantially the following form:

16 APPLICATION FOR CERTIFICATE OF PURCHASE

17 Date of Application:
 18 Name of Purchaser:
 19 Address:
 20 Name of Bidder:
 21 Address:

22 I (we) hereby apply to the County Clerk and County
 23 Treasurer of County for issuance of a certificate of
 24 purchase for each of the mobile homes on the attached
 25 schedule(s), and state as follows:

26 1. I (we) made (or authorized) the successful bid on
 27 each mobile home listed on the attached schedule or schedules
 28 at the sale of delinquent mobile homes under Section 200 of
 29 the Mobile Home Local Services Tax Enforcement Act conducted
 30 by the County Treasurer of County, Illinois, on the
 31 dates indicated for each mobile home on the schedule(s).

32 2. At least 5 business days before the first day of this
 33 sale, I (we) submitted a truthful, accurate and complete
 34 registration to the Treasurer of County on the form(s)

1 and according to the regulations prescribed by the
2 Treasurer's office.

3 3. Neither I (we) nor any person or firm identified in
4 the registration submitted to the Treasurer of County
5 was an owner or agent of an owner, lienholder or agent of a
6 lienholder, holder of beneficial interest or agent of a
7 holder of a beneficial interest in or of any mobile home
8 identified on the schedule(s) attached to this application on
9 January 1st of any years for which taxes were delinquent at
10 the time of my (our) bid(s) described in the schedule(s).

11 4. Neither I (we) nor any person or firm identified in
12 the registration submitted to the Treasurer of County
13 was an owner or agent of an owner, lienholder or agent of a
14 lienholder, holder of a beneficial interest or agent of a
15 holder of a beneficial interest in or of the mobile home
16 identified on the schedule(s) attached to this application at
17 the time of the bid(s) described in the schedule.

18 5. Neither I (we) nor any person or firm identified in
19 the registration submitted to the Treasurer of County
20 was an owner or agent for an owner, or party or agent for a
21 party responsible for the payment of delinquent taxes, on any
22 mobile home in the county that was tax delinquent or
23 forfeited for all or any part of each of 2 or more years when
24 the registration was submitted.

25 6. Neither I (we) nor any person acting in my (our)
26 behalf has twice failed to complete a purchase at the sale
27 during which the mobile homes on the attached schedule(s)
28 were offered by failing to immediately pay a minimum bid or
29 by failing to pay the balance of a bid for any mobile home
30 within one business day thereafter.

31 I (we) hereby affirm that I (we) have read this
32 application and that the statements made in it are personally
33 known by me (us) to be true, accurate and complete, under
34 penalty of perjury as provided by law.

1 I (we) further understand that this application shall be
2 void unless the schedule(s) of mobile homes referred to in
3 the application is (are) completed and delivered to the
4 County Clerk.

5 Dated:
6 (Signature of Purchaser)

7 Dated:
8 (Signature of Bidder)

9 SCHEDULE OF PROPERTIES

10 Mobile home vehicle identification number
11 (or other identification) Date of Bid
12 (insert number or other identification) (insert date)

13 I (we) hereby affirm that I (we) successfully bid upon
14 the above mobile homes at the sale conducted by the County
15 Treasurer of County on the indicated dates, and I (we)
16 request that the County Clerk of County attach this
17 schedule to my (our) application for certificate of purchase
18 dated

19 Signed under penalty of perjury as provided by law:

20 Dated:
21 (Signature of Purchaser)

22 Dated:
23 (Signature of Bidder)

24 Section 220. Scavenger sale; ineligible bid; liability.

25 (a) Any person who is ineligible under Section 205 to
26 bid or to receive a certificate of purchase from a sale under
27 Section 200, who nevertheless registers to bid or bids or
28 receives or acquires ownership of a certificate of purchase
29 from a sale, and any person who registers to bid or bids at a
30 sale on behalf of an ineligible person, shall be personally
31 liable, jointly and severally, in a sum equal to the full
32 amount of delinquent or forfeited taxes, interest, penalties,
33 and costs for which the judgment for sale under Section 200

1 was entered.

2 (b) The State's Attorney of the county in which the sale
3 under Section 200 was conducted may bring an action in the
4 name of the People of the State of Illinois against the
5 person and, upon a finding of liability under this Section,
6 the court shall enter judgment against the person in a sum
7 equal to the full amount of delinquent or forfeited taxes,
8 interest, penalties, and costs for which judgment for sale
9 under Section 200 was entered, together with the costs of the
10 action and reasonable attorney's fees. The proceeds of any
11 judgment under this Section shall be paid into the county
12 general fund.

13 Section 225. Tax scavenger sale fraud; definitions. For
14 purposes of Section 230:

15 (1) "Ownership interest" means any title or other
16 interest in a mobile home, the holder of which is
17 considered to be the owner of the mobile home for
18 purposes of taxation under Section 3 of the Mobile Home
19 Local Services Tax Act.

20 (2) "Nonownership interest" means any interest in a
21 mobile home other than a contingent interest and other
22 than an ownership interest as defined in this Section,
23 including without limitation an easement or lien.

24 (3) "Mobile home" has the same meaning as defined
25 in Section 1 of the mobile Home Local Services Tax Act.

26 Section 230. Offense of scavenger sale fraud. A person
27 commits the offense of tax sale fraud who knowingly:

28 (a) enters a bid or authorizes or procures the
29 entry of a bid on any mobile home offered for sale under
30 Section 200, when the person in whose behalf the bid is
31 made or authorized or procured has an ownership interest
32 or nonownership interest in the mobile home, or where

1 that person had such an interest on January 1 of any year
2 for which delinquent taxes were included within the
3 judgment for sale under Section 200;

4 (b) acquires, or attempts to acquire, ownership of
5 any certificate of purchase for a mobile home sold under
6 Section 200, when the person in whose behalf such
7 certificate of purchase is or would be acquired has an
8 ownership interest or nonownership interest in the mobile
9 home, or where that person had that interest on January 1
10 of any year for which delinquent taxes were included
11 within the judgment for sale under Section 200;

12 (c) conveys or assigns any certificate of purchase
13 for a mobile home sold under Section 200 to any person
14 who has an ownership interest or nonownership interest in
15 the mobile home, or who had that interest on January 1 of
16 any year for which delinquent taxes were included within
17 the judgment for sale under Section 200;

18 (d) makes a false statement in any application for
19 certificate of purchase or registration form submitted
20 under Sections 210 and 215; or

21 (e) forfeits 2 or more bids at any one sale under
22 Section 200 by failing to pay the minimum cash bid timely
23 or by failing to pay the balance of the bid timely as
24 required by Section 200.

25 Tax sale fraud is a Class A misdemeanor. A subsequent
26 conviction for tax sale fraud as defined in subsections (a)
27 through (d) of this Section is a Class 4 felony.

28 Division 6. Indemnity fund; sales in error

29 Section 235. Creation of indemnity fund.

30 (a) In counties of less than 3,000,000 inhabitants, each
31 person purchasing any mobile home at a sale under this Act
32 shall pay to the county collector, prior to the issuance of

1 any certificate of purchase, a fee of \$20 for each item
2 purchased. A like sum shall be paid for each year that all
3 or a portion of subsequent taxes are paid by the tax
4 purchaser and posted to the tax judgment, sale, redemption
5 and forfeiture record where the underlying certificate of
6 purchase is recorded.

7 (a-5) In counties of 3,000,000 or more inhabitants, each
8 person purchasing a mobile home at a sale under this Act
9 shall pay to the county collector a fee of \$80 for each item
10 purchased plus an additional sum equal to 5% of taxes,
11 interest, and penalties paid by the purchaser, including the
12 taxes, interest, and penalties paid under Section 175. In
13 these counties, the certificate holder shall also pay to the
14 county collector a fee of \$80 for each year that all or a
15 portion of subsequent taxes are paid by the tax purchaser and
16 posted to the tax judgment, sale, redemption, and forfeiture
17 record, plus an additional sum equal to 5% of all subsequent
18 taxes, interest, and penalties. The additional 5% fees are
19 not required after December 31, 2006.

20 (b) The amount paid prior to issuance of the certificate
21 of purchase pursuant to subsection (a) or (a-5) shall be
22 included in the purchase price of the mobile home in the
23 certificate of purchase and all amounts paid under this
24 Section shall be included in the amount required to redeem
25 under Section 300. Except as otherwise provided in subsection
26 (b) of Section 240, all money received under subsection (a)
27 or (a-5) shall be paid by the collector to the county
28 treasurer of the county in which the mobile home is situated,
29 for the purpose of an indemnity fund. The county treasurer,
30 as trustee of that fund, shall invest all of that fund,
31 principal and income, in his or her hands from time to time,
32 if not immediately required for payments of indemnities under
33 subsection (a) of Section 245, in investments permitted by
34 the Illinois State Board of Investment under Article 22A of

1 the Illinois Pension Act. The county collector shall report
2 annually to the circuit court on the condition and income of
3 the fund. The indemnity fund shall be held to satisfy
4 judgments obtained against the county treasurer, as trustee
5 of the fund. No payment shall be made from the fund, except
6 upon a judgment of the court which ordered the issuance of a
7 tax certificate of title.

8 Section 240. Amount to be retained in indemnity fund.

9 (a) The county board in each county shall determine the
10 amount of the fund to be maintained in that county, which
11 amount shall not be less than \$50,000 and shall not be
12 greater than \$1,000,000 in counties with less than 3,000,000
13 inhabitants, and not greater than \$2,000,000 in counties with
14 3,000,000 or more inhabitants. Any moneys accumulated by the
15 county treasurer in excess of the amount so established, as
16 trustee of the fund, shall be paid by him or her annually to
17 the general fund of the county.

18 (b) In counties in which a Tort Liability Fund is
19 established, all sums of money received under subsection (a)
20 of Section 235 may be deposited in the general fund of the
21 county for general county governmental purposes, if the
22 county board provides by ordinance that the indemnity
23 required by this Section shall be provided by the Tort
24 Liability Fund.

25 Section 245. Payments from Indemnity Fund.

26 (a) Any owner of a mobile home sold under any provision
27 of this Act who sustains loss or damage by reason of the
28 issuance of a tax certificate of title under Section 360 or
29 400 and who is barred or is in any way precluded from
30 bringing an action for the recovery of the mobile home shall
31 have the right to indemnity for the loss or damage sustained,
32 limited as follows:

1 (1) An owner who resided in a mobile home on the
2 last day of the period of redemption and who is equitably
3 entitled to compensation for the loss or damage sustained
4 has the right to indemnity. An equitable indemnity award
5 shall be limited to the fair cash value of the mobile
6 home as of the date the tax certificate of title was
7 issued less any liens on the mobile home, and the award
8 will not exceed \$99,000. The court shall liberally
9 construe this equitable entitlement standard to provide
10 compensation wherever, in the discretion of the court,
11 the equities warrant the action.

12 An owner of a mobile home who requests an award in
13 excess of \$99,000 must prove that the loss of his or her
14 mobile home was not attributable to his or her own fault
15 or negligence before an award in excess of \$99,000 will
16 be granted.

17 (2) An owner who sustains the loss or damage of any
18 mobile home occasioned by reason of the issuance of a tax
19 certificate of title, without fault or negligence of his
20 or her own, has the right to indemnity limited to the
21 fair cash value of the mobile home less any liens on the
22 mobile home. In determining the existence of fault or
23 negligence, the court shall consider whether the owner
24 exercised ordinary reasonable diligence under all of the
25 relevant circumstances.

26 (3) In determining the fair cash value of a mobile
27 home less any liens on the mobile home, the fair cash
28 value shall be reduced by the principal amount of all
29 taxes paid by the tax purchaser or his or her assignee
30 before the issuance of the tax certificate of title.

31 (4) If an award made under paragraph (1) or (2) is
32 subject to a reduction by the amount of an outstanding
33 lien on the mobile home, other than the principal amount
34 of all taxes paid by the tax purchaser or his or her

1 assignee before the issuance of the tax certificate of
2 title and the petitioner would be personally liable to
3 the lienholder for all or part of that reduction amount,
4 the court shall order an additional indemnity award to be
5 paid directly to the lienholder sufficient to discharge
6 the petitioner's personal liability. The court, in its
7 discretion, may order the joinder of the lienholder as an
8 additional party to the indemnity action.

9 (b) Indemnity fund; subrogation.

10 (1) Any person claiming indemnity hereunder shall
11 petition the court which ordered the tax certificate of
12 title to issue, shall name the county treasurer, as
13 trustee of the indemnity fund, as defendant to the
14 petition, and shall ask that judgment be entered against
15 the county treasurer, as trustee, in the amount of the
16 indemnity sought. The provisions of the Civil Practice
17 Law shall apply to proceedings under the petition, except
18 that neither the petitioner nor county treasurer shall be
19 entitled to trial by jury on the issues presented in the
20 petition. The court shall liberally construe this Section
21 to provide compensation wherever in the discretion of the
22 Court the equities warrant such action.

23 (2) The county treasurer, as trustee of the
24 indemnity fund, shall be subrogated to all parties in
25 whose favor judgment may be rendered against him or her,
26 and by third party complaint may bring in as a defendant
27 any person, other than the tax certificate of title
28 grantee and its successors in title, not a party to the
29 action who is or may be liable to him or her, as
30 subrogee, for all or part of the petitioner's claim
31 against him or her.

32 (c) Any contract involving the proceeds of a judgment
33 for indemnity under this Section, between the tax certificate
34 of title grantee or its successors in title and the indemnity

1 petitioner or his or her successors, shall be in writing. In
2 any action brought under this Section, the Collector shall be
3 entitled to discovery regarding, but not limited to, the
4 following:

5 (1) the identity of all persons beneficially
6 interested in the contract, directly or indirectly,
7 including at least the following information: the names
8 and addresses of any natural persons; the place of
9 incorporation of any corporation and the names and
10 addresses of its shareholders unless it is publicly held;
11 the names and addresses of all general and limited
12 partners of any partnership; the names and addresses of
13 all persons having an ownership interest in any entity
14 doing business under an assumed name, and the county in
15 which the assumed business name is registered; and the
16 nature and extent of the interest in the contract of each
17 person identified;

18 (2) the time period during which the contract was
19 negotiated and agreed upon, from the date of the first
20 direct or indirect contact between any of the contracting
21 parties to the date of its execution;

22 (3) the name and address of each natural person who
23 took part in negotiating the contract, and the identity
24 and relationship of the party that the person represented
25 in the negotiations; and

26 (4) the existence of an agreement for payment of
27 attorney's fees by or on behalf of each party.

28 Any information disclosed during discovery may be subject
29 to protective order as deemed appropriate by the court. The
30 terms of the contract shall not be used as evidence of value.

31 Section 250. Indemnity fund fraud.

32 (a) A person commits the offense of indemnity fund fraud
33 when that person knowingly:

1 (1) offers or agrees to become a party to, or to
2 acquire an interest in, a contract involving the proceeds
3 of a judgment for indemnity under Section 245 before the
4 end of the period of redemption from the tax sale to
5 which the judgment relates;

6 (2) fraudulently induces a party to forego bringing
7 an action for the recovery of the mobile home;

8 (3) makes a deceptive misrepresentation during the
9 course of negotiating an agreement under subsection (c)
10 of Section 245; or

11 (4) conspires to violate any of the provisions of
12 this subsection.

13 (b) Commission of any one act described in subsection
14 (a) is a Class A misdemeanor. Commission of more than one act
15 described in subsection (a) during a single course of conduct
16 is a Class 4 felony. A second or subsequent conviction for
17 violation of any portion of this Section is a Class 4 felony.

18 (c) The State's Attorney of the county in which a
19 judgment for indemnity under Section 245 is entered may bring
20 a civil action in the name of the People of the State of
21 Illinois against a person who violates paragraph (1), (2), or
22 (3) of subsection (a). Upon a finding of liability in the
23 action the court shall enter judgment in favor of the People
24 in a sum equal to 3 times the amount of the judgment for
25 indemnity, together with costs of the action and reasonable
26 attorney's fees. The proceeds of any judgment under this
27 subsection shall be paid into the general fund of the county.

28 Section 255. Sales in error.

29 (a) When, upon application of the county collector, the
30 owner of the certificate of purchase, or a municipality that
31 owns or has owned the mobile home ordered sold, it appears to
32 the satisfaction of the court that ordered the mobile home
33 sold that any of the following subsections are applicable,

1 the court shall declare the sale to be a sale in error:

2 (1) the mobile home was not subject to taxation,

3 (2) the taxes had been paid prior to the sale of
4 the mobile home,

5 (3) there is a double computation of the tax,

6 (4) the description is void for uncertainty,

7 (5) the assessor, chief county assessment officer,
8 board of review, board of appeals, or other county
9 official has made an error (other than an error of
10 judgment as to the value of any mobile home),

11 (5.5) the owner of the mobile home had tendered
12 timely and full payment to the county collector that the
13 owner reasonably believed was due and owing on the mobile
14 home, and the county collector did not apply the payment
15 to the mobile home; provided that this provision applies
16 only to mobile home owners, not their agents or
17 third-party payors, or

18 (6) prior to the tax sale a voluntary or
19 involuntary petition has been filed by or against the
20 legal or beneficial owner of the mobile home requesting
21 relief under the provisions of 11 U.S.C. Chapter 7, 11,
22 12, or 13.

23 (b) When, upon application of the owner of the
24 certificate of purchase only, it appears to the satisfaction
25 of the court that ordered the mobile home sold that any of
26 the following subsections are applicable, the court shall
27 declare the sale to be a sale in error:

28 (1) A voluntary or involuntary petition under the
29 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
30 filed subsequent to the tax sale and prior to the
31 issuance of the tax certificate of title.

32 (2) The mobile home sold has been substantially
33 destroyed or rendered uninhabitable or otherwise unfit
34 for occupancy subsequent to the tax sale and prior to the

1 issuance of the tax certificate of title.

2 If a sale is declared to be a sale in error, the county
3 clerk shall make entry in the tax judgment, sale, redemption
4 and forfeiture record, that the mobile home was erroneously
5 sold, and the county collector shall, on demand of the owner
6 of the certificate of purchase, refund the amount paid, pay
7 any interest and costs as may be ordered under Sections 260
8 through 280, and cancel the certificate so far as it relates
9 to the mobile home. The county collector shall deduct from
10 the accounts of the appropriate taxing bodies their pro rata
11 amounts paid.

12 Section 260. Interest on refund.

13 (a) In those cases which arise solely under grounds set
14 forth in Section 255 or 395, and in no other cases, the court
15 which orders a sale in error shall also award interest on the
16 refund of the amount paid for the certificate of purchase,
17 together with all costs paid by the owner of the certificate
18 of purchase or his or her assignor which were posted to the
19 tax judgment, sale, redemption and forfeiture record, except
20 as otherwise provided in this Section. Except as otherwise
21 provided in this Section, interest shall be awarded and paid
22 at the rate of 1% per month from the date of sale to the date
23 of payment to the tax purchaser, or in an amount equivalent
24 to the penalty interest which would be recovered on a
25 redemption at the time of payment pursuant to the order for
26 sale in error, whichever is less.

27 (b) Interest on the refund to the owner of the
28 certificate of purchase shall not be paid (i) in any case in
29 which the mobile home sold has been substantially destroyed
30 or rendered uninhabitable or otherwise unfit for occupancy,
31 (ii) when the sale in error is made pursuant to Section 395,
32 or (iii) in any other case where the court determines that
33 the tax purchaser had actual knowledge prior to the sale of

1 the grounds on which the sale is declared to be erroneous.

2 (c) When the county collector files a petition for sale
3 in error under Section 255 and mails a notice thereof by
4 certified or registered mail to the tax purchaser, any
5 interest otherwise payable under this Section shall cease to
6 accrue as of the date the petition is filed, unless the tax
7 purchaser agrees to an order for sale in error upon the
8 presentation of the petition to the court. Notices under
9 this subsection may be mailed to the original owner of the
10 certificate of purchase, or to the latest assignee, if known.
11 When the owner of the certificate of purchase contests the
12 collector's petition solely to determine whether the grounds
13 for sale in error are such as to support a claim for
14 interest, the court may direct that the principal amount of
15 the refund be paid to the owner of the certificate of
16 purchase forthwith. If the court thereafter determines that a
17 claim for interest lies under this Section, it shall award
18 such interest from the date of sale to the date the principal
19 amount was paid.

20 Section 265. Refund of other taxes paid by holder of
21 certificate of purchase. The court which orders a sale in
22 error shall order the refund of all other taxes paid by the
23 owner of the certificate of purchase or his or her assignor
24 which were validly posted to the tax judgment, sale
25 redemption and forfeiture record subsequent to the tax sale,
26 together with interest on the other taxes under the same
27 terms as interest is otherwise payable under Section 260. The
28 interest under this Section shall be calculated at the rate
29 of 1% per month from the date the other taxes were paid and
30 not from the date of sale. The collector shall take credit
31 in settlement of his or her accounts for the refund of the
32 other taxes as in other cases of sale in error under Section
33 255.

1 Section 270. Orders for payment of interest; counties of
2 3,000,000 or more. In counties with 3,000,000 or more
3 inhabitants, all orders for payment of interest or costs
4 under Sections 260 and 265 shall be paid as provided in
5 Sections 275, 280, and 285. In all other counties, the
6 county treasurer may determine in his or her discretion
7 whether payment of interest and costs shall be made as
8 provided in Sections 275, 280, and 285. In the other
9 counties, where the treasurer determines not to make payment
10 as provided in those Sections, the treasurer shall pay any
11 interest or costs awarded under this Section pro rata from
12 those accounts where the principal refund of the tax sale
13 purchase price under Section 255 is taken.

14 Section 275. Fund for payment of interest. In counties
15 of under 3,000,000 inhabitants, the county board may impose a
16 fee of up to \$60, which shall be paid to the county
17 collector, upon each person purchasing any mobile home at a
18 sale held under this Act, prior to the issuance of any
19 certificate of purchase. Each person purchasing any mobile
20 home at a sale held under this Act in a county with 3,000,000
21 or more inhabitants shall pay to the county collector, prior
22 to the issuance of any certificate of purchase, a fee of \$100
23 for each item purchased. That amount shall be included in
24 the price paid for the certificate of purchase and the amount
25 required to redeem under Section 300.

26 All sums of money received under this Section shall be
27 paid by the collector to the county treasurer of the county
28 in which the mobile home is situated for deposit into a
29 special fund. It shall be the duty of the county treasurer,
30 as trustee of the fund, to invest the principal and income of
31 the fund from time to time, if not immediately required for
32 payments under this Section, in investments as are authorized
33 by Sections 3-10009 and 3-11002 of the Counties Code. The

1 fund shall be held to satisfy orders for payment of interest
2 and costs obtained against the county treasurer as trustee of
3 the fund. No payment shall be made from the fund except by
4 order of the court declaring a sale in error under Section
5 255. Any moneys accumulated in the fund by the county
6 treasurer in excess of \$500,000 shall be paid each year prior
7 to the commencement of the annual tax sale, first to satisfy
8 any existing unpaid judgments entered pursuant to Section
9 235, and any funds remaining thereafter shall be paid to the
10 general fund of the county.

11 Section 280. Claims for interest and costs. Any person
12 claiming interest or costs under Sections 260 through 275
13 shall include the claim in his or her petition for sale in
14 error under Section 255. Any claim for interest or costs
15 which is not included in the petition is waived, except
16 interest or costs may be awarded to the extent permitted by
17 this Section upon a sale in error petition filed by the
18 county collector, without requiring a separate filing by the
19 claimant. Any order for interest or costs upon the petition
20 for sale in error shall be deemed to be entered against the
21 county treasurer as trustee of the fund created by Section
22 275. The fund shall be the sole source for payment and
23 satisfaction of orders for interest or costs, except as
24 otherwise provided in this Section. If the court determines
25 that the fund has been depleted and will not be restored in
26 time to pay an award with reasonable promptness, the court
27 may authorize the collector to pay the interest portion of
28 the award pro rata from those accounts where the principal
29 refund of the tax sale purchase price under Section 255 is
30 taken.

31 Section 285. Recovery of amount of tax paid by purchaser
32 at erroneous sale. In addition to all other remedies, when

1 the purchaser or assignee of a certificate of purchase that
2 has been declared an erroneous sale, has paid any tax upon
3 the mobile home sold, which was not paid by the owner of the
4 mobile home and was not refunded to the tax purchaser or
5 assignee by the county, the purchaser or assignee may recover
6 from the owner the amount he or she paid, with 10% interest,
7 as money paid for the owner's use.

8 Division 7. Redemption procedures and notice requirements

9 Section 290. Right of redemption.

10 (a) Mobile homes sold under this Act may be redeemed
11 only by those persons having a right of redemption as defined
12 in this Section and only in accordance with this Act.

13 A right to redeem a mobile home from any sale under this
14 Act shall exist in any owner or person interested in that
15 mobile home whether or not the interest in the mobile home
16 sold is recorded or filed. Any redemption shall be presumed
17 to have been made by or on behalf of the owners and persons
18 interested in the mobile home and shall inure to the benefit
19 of the persons having the certificate of title to the mobile
20 home redeemed, subject to the right of the person making the
21 redemption to be reimbursed by the persons benefited.

22 (b) Any person who desires to redeem and does not desire
23 to contest the validity of a petition for tax certificate of
24 title may redeem pursuant to this Section and related
25 Sections of this Act without submitting a written protest
26 under Section 21-380.

27 Section 295. Period of redemption. Mobile homes sold
28 under this Act may be redeemed on or before the expiration of
29 2 years and 6 months from the date of sale. If, however, the
30 court that ordered the mobile home sold, upon the verified
31 petition of the holder of the certificate of purchase brought

1 within 4 months from the date of sale, finds and declares
2 that the mobile home is abandoned, then the court may order
3 that the mobile home may be redeemed at any time on or before
4 the expiration of 2 years from the date of sale. Notice of
5 the hearing on a petition to declare the mobile home
6 abandoned shall be given to the owner or owners of the mobile
7 home and to the person in whose name the taxes were last
8 assessed, by certified or registered mail sent to their last
9 known addresses at least 5 days before the date of the
10 hearing.

11 If the period of redemption has been extended by the
12 certificate holder as provided in Section 330, the mobile
13 home may be redeemed on or before the extended redemption
14 date.

15 Section 300. Amount of redemption. Any person desiring
16 to redeem shall deposit an amount specified in this Section
17 with the county clerk of the county in which the mobile home
18 is situated, in legal money of the United States, or by
19 cashier's check, certified check, post office money order or
20 money order, issued by a financial institution insured by an
21 agency or instrumentality of the United States, payable to
22 the county clerk of the proper county. The deposit shall be
23 deemed timely only if actually received in person at the
24 county clerk's office prior to the close of business as
25 defined in Section 3-2007 of the Counties Code on or before
26 the expiration of the period of redemption or by United
27 States mail with a post office cancellation mark dated not
28 less than one day prior to the expiration of the period of
29 redemption. The deposit shall be in an amount equal to the
30 total of the following:

31 (a) the certificate amount, which shall include all
32 tax principal, interest, and penalties paid by the tax
33 purchaser together with costs and fees of sale and fees

1 paid under Sections 235 and 260 through 280;

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

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

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

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

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

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

28 (6) if the redemption occurs after 30 months
29 from the date of sale and on or before the
30 expiration of 36 months from the date of sale, the
31 certificate amount times 6 times the penalty bid at
32 sale.

33 (c) The total of all taxes, accrued interest on
34 those taxes, and costs charged in connection with the

1 payment of those taxes, which have been paid by the tax
2 certificate holder on or after the date those taxes
3 became delinquent together with 12% penalty on each
4 amount so paid for each year or portion thereof
5 intervening between the date of that payment and the date
6 of redemption. In counties with less than 3,000,000
7 inhabitants, however, a tax certificate holder may not
8 pay the subsequent tax for any year, nor shall any tender
9 of such a payment be accepted, until the subsequent tax
10 has become delinquent or until after the holder of the
11 certificate of purchase has filed a petition for a tax
12 certificate of title under Section 390. The person
13 redeeming shall also pay the amount of interest charged
14 on the subsequent tax and paid as a penalty by the tax
15 certificate holder.

16 (d) Any amount paid to redeem a forfeiture
17 occurring subsequent to the tax sale together with 12%
18 penalty thereon for each year or portion thereof
19 intervening between the date of the forfeiture redemption
20 and the date of redemption from the sale.

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

23 (f) All fees paid to the county clerk under Section
24 22-5.

25 (g) All fees paid to the circuit clerk and the
26 sheriff or coroner in connection with the filing of the
27 petition for tax certificate of title and service of
28 notices under Sections 375 through 390 and 400 in
29 addition to (1) a fee of \$35 if a petition for tax
30 certificate of title has been filed, which fee shall be
31 posted to the tax judgement, sale, redemption, and
32 forfeiture record, to be paid to the purchaser or his or
33 her assignee; (2) a fee of \$4 if a notice under Section
34 365 has been filed, which fee shall be posted to the tax

1 judgment, sale, redemption, and forfeiture record, to be
2 paid to the purchaser or his or her assignee; and (3) all
3 costs paid to record a lis pendens notice in connection
4 with filing a petition under this Act. The fees in (1)
5 and (2) of this paragraph (g) shall be exempt from the
6 posting requirements of Section 305.

7 (h) All fees paid for publication of notice of the
8 tax sale in accordance with Section 380.

9 (i) All sums paid to any city, village or
10 incorporated town for reimbursement under Section 395.

11 (j) All costs and expenses of receivership under
12 Section 350, to the extent that these costs and expenses
13 exceed any income from the mobile home in question, if
14 the costs and expenditures have been approved by the
15 court appointing the receiver and a certified copy of the
16 order or approval is filed and posted by the certificate
17 holder with the county clerk. Only actual costs expended
18 may be posted on the tax judgment, sale, redemption and
19 forfeiture record.

20 Section 305. Posting requirements. Except as otherwise
21 provided in Section 300, the county clerk shall not be
22 required to include amounts described in paragraphs (c)
23 through (j) of Section 300 in the payment for redemption or
24 the amount received for redemption, nor shall payment
25 thereof be a charge on the mobile home sold for taxes, unless
26 the tax certificate holder has filed and posted with the
27 county clerk prior to redemption and in any event not less
28 than 30 days prior to the expiration of the period of
29 redemption or extended period of redemption an official,
30 original or duplicate receipt for payment of those fees,
31 costs, and expenses permitted under paragraphs (c) through
32 (j) of Section 300.

1 Section 310. Deficiency judgment. If the sold mobile
2 home is not redeemed, a deficiency judgment shall not be
3 taken on account of the receivership proceedings against the
4 owner or owners of the mobile home. In the event that income
5 to the receiver exceeds expenditures, net income is to be
6 deposited with the clerk of the court ordering the tax sale
7 and shall be distributed as determined by the court ordering
8 the appointment of the receiver.

9 Section 315. Redemption of a forfeited mobile home.
10 Except as otherwise provided in Section 320, any mobile home
11 forfeited to the State may be redeemed or sold in the
12 following manner:

13 When a mobile home has been forfeited for delinquent
14 taxes, the person desiring to redeem shall apply to the
15 county clerk who shall order the county collector to receive
16 from the person the amount of the forfeited taxes, statutory
17 costs, interest prior to forfeiture, printer's fees due
18 thereon and, in addition, forfeiture interest at a rate of
19 12% per year or fraction thereof. Upon presentation of the
20 county clerk's order to the county collector, the collector
21 shall receive the amount due on account of forfeited taxes
22 and give the person duplicate receipts, setting forth a
23 description of the mobile home and amount received. One of
24 the receipts shall be countersigned by the county clerk and,
25 when so countersigned, shall be evidence of the redemption of
26 the mobile home. The receipt shall not be valid until it is
27 countersigned by the county clerk. The other receipt shall be
28 filed by the county clerk in his or her office, and the clerk
29 shall make a proper entry of the redemption of the mobile
30 home on the appropriate books in his or her office and charge
31 the amount of the redemption to the county collector.

32 Section 320. Partial redemption of forfeited mobile

1 homes. In counties with less than 3,000,000 inhabitants, when
2 forfeited taxes on a mobile home remain unpaid for one or
3 more years, it is permissible to pay to the county or
4 township collector, one or more full years of back or
5 forfeited taxes, interest prior to forfeiture, statutory
6 costs, printers' fees, and forfeiture interest or penalties,
7 attaching thereto beginning with the earliest year for which
8 the taxes are unpaid. In no case shall payment on account of
9 a designated years' taxes be accepted unless the sums due for
10 prior years have first been paid or are tendered at the same
11 time.

12 Any person seeking to make payments under this Section
13 shall notify the county clerk of his or her intention in
14 person or by agent or in writing. If notice is given while
15 the collector has possession of the collector's books, the
16 county clerk shall prepare an addendum to be presented to the
17 collector and attached, by the collector, to the collector's
18 books on which the description of the mobile home involved
19 appears, which addendum shall become a part of the
20 collector's books. If notice is given after the tax sale,
21 but before receipt by the county collector of the current
22 collector's books, the county clerk shall prepare an addendum
23 and attach it to the Tax Judgment, Sale, Redemption, and
24 Forfeiture record, on which the mobile home involved appears,
25 which addendum shall become a part of that record.

26 The addendum shall show separately, for the year or years
27 to be paid, (a) the amount of back or forfeited taxes, (b)
28 interest prior to forfeiture, (c) statutory costs and
29 printers' fees, and (d) forfeiture interest or penalties
30 attaching thereto. The county clerk shall, at the same time,
31 order the county or town collector to receive from the person
32 the amount due on account of the taxes, for the year or years
33 determined as provided above, of the back or forfeited taxes,
34 interest prior to forfeiture, statutory costs, printers'

1 fees, and forfeiture interest or penalties to date attaching
2 to the back or forfeited taxes.

3 Upon presentation of the order from the county clerk, and
4 receipt of the addendum if the books are in the collector's
5 possession, the collector shall receive the sum tendered on
6 account of the taxes for the year or years designated, and
7 make out duplicate receipts therefor. The receipts shall set
8 forth a description of the mobile home, the year or years
9 paid, and the total amount received. One copy of the receipt
10 shall be given the person making payment and, when
11 countersigned by the county clerk, shall be evidence of the
12 payment therein set forth. The second copy shall be filed by
13 the county clerk in his or her office.

14 If the collector's books are in the collector's
15 possession, he or she shall enter the payment on the current
16 collector's books or addendum, and he or she shall also enter
17 any unpaid balance on the Tax Judgment, Sale, Redemption and
18 Forfeiture record at the proper time.

19 After the tax sale and before receipt by the county
20 collector of the current collector's books, the county clerk
21 shall make a proper entry on the Tax Judgment, Sale,
22 Redemption and Forfeiture record, and shall charge the county
23 collector with the sum received. The county clerk shall also
24 enter any unpaid balance on the county collector's books at
25 the proper time.

26 The county collector shall distribute all sums received
27 as required by law.

28 Section 325. Redemption under protest. Any person
29 redeeming under this Section at a time subsequent to the
30 filing of a petition under Section 390 or 360, who desires to
31 preserve his or her right to defend against the petition for
32 a tax certificate of title, shall accompany the deposit for
33 redemption with a writing substantially in the following

1 form:

2 Redemption Under Protest

3 Tax Deed Case No.

4 Vol. No.

5 Mobile Home Vehicle Identification No.

6 (or other unique description).....

7 Original Amount of Tax \$.....

8 Amount Deposited for Redemption \$.....

9 Name of Petitioner.....

10 Tax Year Included in Judgment.....

11 Date of Sale.....

12 Expiration Date of the Period of Redemption.....

13 To the county clerk of County:

14 This redemption is made under protest for the following
15 reasons: (here set forth and specify the grounds relied upon
16 for the objection)

17 Name of party redeeming.....

18 Address.....

19 Any grounds for the objection not specified at the time
20 of the redemption under protest shall not be considered by
21 the court. The specified grounds for the objections shall be
22 limited to those defenses as would provide sufficient basis
23 to deny entry of an order for issuance of a tax certificate
24 of title. Nothing in this Section shall be construed to
25 authorize or revive any objection to the tax sale or
26 underlying taxes which was estopped by entry of the order for
27 sale as set forth in Section 420.

28 The person protesting shall present to the county clerk 3
29 copies of the written protest signed by himself or herself.
30 The clerk shall write or stamp the date of receipt upon the
31 copies and sign them. He or she shall retain one of the
32 copies, another he or she shall deliver to the person making
33 the redemption, who shall file the copy with the clerk of the
34 court in which the tax certificate of title petition is

1 pending, and the third he or she shall forward to the
2 petitioner named therein.

3 The county clerk shall enter the redemption as provided
4 in Section 165 and shall note the redemption under protest.
5 The redemption money so deposited shall not be distributed to
6 the holder of the certificate of purchase but shall be
7 retained by the county clerk pending disposition of the
8 petition filed under Section 390.

9 Redemption under protest constitutes the appearance of
10 the person protesting in the proceedings under Sections 390
11 through 412 and that person shall present a defense to the
12 petition for tax certificate of title at the time which the
13 court directs. Failure to appear and defend shall constitute
14 a waiver of the protest and the court shall order the
15 redemption money distributed to the holder of the certificate
16 of purchase upon surrender of that certificate and shall
17 dismiss the proceedings.

18 When the party redeeming appears and presents a defense,
19 the court shall hear and determine the matter. If the
20 defense is not sustained, the court shall order the protest
21 stricken and direct the county clerk to distribute the
22 redemption money upon surrender of the certificate of
23 purchase and shall order the party redeeming to pay the
24 petitioner reasonable expenses, actually incurred, including
25 the cost of withheld redemption money, together with a
26 reasonable attorneys fee. Upon a finding sustaining the
27 protest in whole or in part, the court may declare the sale
28 to be a sale in error under Section 255 or Section 405, and
29 shall direct the county clerk to return all or part of the
30 redemption money or deposit to the party redeeming.

31 Section 330. Extension of period of redemption. The
32 purchaser or his or her assignee of a mobile home sold for
33 nonpayment of taxes may extend the period of redemption at

1 any time before the expiration of the original period of
2 redemption, or thereafter prior to the expiration of any
3 extended period of redemption, for a period which will expire
4 not later than 3 years from the date of sale, by filing with
5 the county clerk of the county in which the mobile home is
6 located a written notice to that effect describing the mobile
7 home, stating the date of the sale and specifying the
8 extended period of redemption. If prior to the expiration of
9 the period of redemption or extended period of redemption a
10 petition for tax certificate of title has been filed under
11 Section 390, upon application of the petitioner, the court
12 shall allow the purchaser or his or her assignee to extend
13 the period of redemption after expiration of the original
14 period or any extended period of redemption, provided that
15 any extension allowed will expire not later than 3 years from
16 the date of sale. If the period of redemption is extended,
17 the purchaser or his or her assignee must give the notices
18 provided for in Section 370 at the specified times prior to
19 the expiration of the extended period of redemption by
20 causing a sheriff (or if he or she is disqualified, a
21 coroner) of the county in which the mobile home, or any part
22 thereof, is located to serve the notices as provided in
23 Sections 375 and 380. The notices may also be served as
24 provided in Sections 375 and 380 by a special process server
25 appointed by the court under Section 375.

26 Section 335. Effect of receipt of redemption money,
27 forfeiture, withdrawal, or return of certificate. The receipt
28 of the redemption money on any mobile home by any purchaser
29 or assignee, on account of any forfeiture or withdrawal, or
30 the return of the certificate of purchase, withdrawal or
31 forfeiture for cancellation, shall operate as a release of
32 the claim to the mobile home under, or by virtue of, the
33 purchase, withdrawal, or forfeiture. However, when a

1 certificate of purchase has been recorded in the office of
2 the county recorder by any city, incorporated town, or
3 village with 1,000,000 or more inhabitants in which the
4 mobile home is situated, the recording of a certificate by
5 the county clerk, reciting the cancellation of the
6 certificate of purchase on the tax judgment, sale, redemption
7 and forfeiture record, shall operate as a release of the lien
8 of the city, incorporated town, or village under the
9 certificate of purchase.

10 Section 340. County clerk to pay successor redemption
11 money collected. At the expiration of his or her term of
12 office, the county clerk shall pay over to the successor in
13 office all moneys in his or her hands received for redemption
14 from sale for taxes on a mobile home.

15 Section 345. Notice of order setting aside redemption.
16 In counties with 3,000,000 or more inhabitants, if an order
17 is entered setting aside a redemption made within the time
18 allowed by law after a petition for tax certificate of title
19 has been filed, the holder of the certificate of purchase
20 shall mail a copy of the order within 7 days of entry of the
21 order by registered or certified mail to the county clerk, to
22 the person who made the redemption, and to all parties
23 entitled to notice of the petition under Section 370, 375, or
24 385. The order shall provide that any person who was entitled
25 to redeem may pay to the county clerk within 30 days after
26 the entry of the order the amount necessary to redeem the
27 mobile home from the sale as of the last day of the period of
28 redemption. The county clerk shall make an entry in the
29 annual tax judgment, sale, redemption, and forfeiture record
30 reflecting the entry of the order and shall immediately upon
31 request provide an estimate of the amount required to effect
32 a redemption as of the last date of the period of redemption.

1 If the amount is paid within 30 days after entry of the
2 order, then the court shall enter an order declaring the
3 taxes to be paid as if the mobile home had been redeemed
4 within the time required by law and dismissing the petition
5 for tax certificate of title. A tax certificate of title
6 shall not be issued within the 30-day period. Upon surrender
7 of the certificate of purchase, the county clerk shall
8 distribute the funds deposited as if a timely redemption had
9 been made.

10 Division 8. Other procedures

11 Section 350. Waste; appointment of receiver. After any
12 sale of mobile homes under this Act and until a tax
13 certificate of title has been issued or until redemption has
14 been made, no waste shall be committed on any of the mobile
15 homes involved. The court which ordered the mobile home to be
16 sold may, upon verified petition of the holder of the
17 certificate of purchase, take such action as the court deems
18 necessary and desirable to prevent the commission of waste.

19 If the mobile home sold is abandoned or if any
20 municipality or other local governmental body has legal
21 action pending because the mobile home violates local
22 building, housing, or fire ordinances, or because the taxes
23 on the mobile home are delinquent for 2 or more years, the
24 court which ordered the mobile home to be sold may, upon
25 verified petition of the holder of the certificate of
26 purchase, enter an order for appointment of a receiver.
27 Notice of the hearing for appointment of the receiver shall
28 be given to the owner or owners of the mobile home and to the
29 person in whose name the taxes were last assessed, by
30 certified or registered mail sent to their last known
31 addresses, at least 5 days prior to the date of the hearing.

32 The receiver may take only that action, subject to court

1 approval, as is necessary for the preservation of the mobile
2 home or is necessary to correct conditions at the mobile home
3 that fail to conform to minimum standards of health and
4 safety, as set forth in local ordinances. If a receiver is
5 appointed, all costs and expenses advanced by the receiver
6 shall be repaid as provided for in Section 300 before any
7 redemption is considered complete. The receiver shall be
8 discharged upon redemption from the tax sale or upon entry of
9 an order directing issuance of a tax certificate of title.
10 Nothing herein contained is intended to prevent a court from
11 appointing the holder of the certificate of purchase as
12 receiver. The holder of the certificate of purchase shall be
13 made a party to any action or proceeding to demolish or
14 destroy a mobile home where the mobile home has been sold for
15 failure to pay taxes and the period of redemption has not
16 expired.

17 Section 355. Action for collection of taxes. The county
18 board may, at any time after final judgment and order of sale
19 against a delinquent mobile home under Section 120, institute
20 a civil action in the name of the People of the State of
21 Illinois in the circuit court for the whole amount due for
22 taxes on the delinquent or forfeited mobile home. Any county,
23 city, village, incorporated town, school district or other
24 municipal corporation to which any tax is due, may, at any
25 time after final judgment under Section 120, institute a
26 civil action in its own name, in the circuit court, for the
27 amount of the tax due to it on the delinquent or forfeited
28 mobile home, and prosecute the same to final judgment. On the
29 sale of any mobile home following judgment in the civil
30 action, the county, city, village, incorporated town, school
31 district or other municipal corporation, interested in the
32 collection of the tax, may become purchaser at the sale. If
33 the mobile home so sold is not redeemed the purchaser may

1 acquire, hold, sell or dispose of the title thereto, the same
 2 as individuals may do under the laws of this State. In any
 3 action for delinquent or forfeited taxes, the fact that the
 4 mobile home was assessed to a person shall be prima facie
 5 evidence that the person was the owner thereof, and was
 6 liable for the taxes for the year or years for which the
 7 assessment was made. That fact may be proved by the
 8 introduction in evidence of the proper assessment book or
 9 roll, or other competent proof. Any judgment rendered for
 10 delinquent or forfeited taxes under this Section shall
 11 include the costs of the action and reasonable attorney's
 12 fees.

13 Section 360. Tax foreclosure proceedings. In tax
 14 foreclosure proceedings, the purchaser or assignee shall file
 15 a petition for a certificate of title in the proceeding in
 16 which the foreclosure order was entered. Notice of the
 17 filing of the petition and of the hearing on the petition
 18 shall be given in conformity with rule or practice of court
 19 in regard to motions as in other civil actions.

20 Division 9. Tax certificates of title and procedures

21 Section 365. Notice of sale and redemption rights. In
 22 order to be entitled to a tax certificate of title, within 4
 23 months and 15 days after any sale held under this Act, the
 24 purchaser or his or her assignee shall deliver to the county
 25 clerk a notice to be given to the party in whose name the
 26 taxes are last assessed as shown by the most recent tax
 27 collector's warrant books, in at least 10 point type in the
 28 following form completely filled in:

29 TAKE NOTICE

30 County of

31 Date Premises Sold

1 Certificate No.
 2 Sold for Taxes of (year)
 3 Warrant No. Inst. No.

4 THIS PROPERTY HAS BEEN SOLD FOR
 5 DELINQUENT TAXES

6 Property located at
 7 Mobile Home Vehicle Identification No. (or other unique
 8 description)
 9
 10

11 This notice is to advise you that the above mobile home
 12 has been sold for delinquent taxes and that the period of
 13 redemption from the sale will expire on

14 This notice is also to advise you that a petition will be
 15 filed for a tax certificate of title which will transfer
 16 certificate of title and the right to possession of this
 17 mobile home if redemption is not made on or before

18 At the date of this notice the total amount which you
 19 must pay in order to redeem the above mobile home is

20 YOU ARE URGED TO REDEEM IMMEDIATELY TO
 21 PREVENT LOSS OF PROPERTY

22 Redemption can be made at any time on or before by
 23 applying to the County Clerk of County, Illinois at the
 24 County Court House in, Illinois.

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

30 For further information contact the County Clerk.
 31

32 Purchaser or Assignee

33 Dated (insert date).

34 Within 10 days after receipt of said notice, the county

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

9 Section 370. Notice of expiration of period of
 10 redemption. A purchaser or assignee shall not be entitled to
 11 a tax certificate of title to the mobile home sold unless,
 12 not less than 3 months nor more than 5 months prior to the
 13 expiration of the period of redemption, he or she gives
 14 notice of the sale and the date of expiration of the period
 15 of redemption to the owners, occupants, and parties
 16 interested in the mobile home as provided below.

17 The Notice to be given to the parties shall be in at
 18 least 10 point type in the following form completely filled
 19 in:

20 TAX DEED NO. FILED

21 TAKE NOTICE

22 County of

23 Date Premises Sold

24 Certificate No.

25 Sold for Taxes of (year)

26 Warrant No. Inst. No.

27 THIS PROPERTY HAS BEEN SOLD FOR

28 DELINQUENT TAXES

29 Property located at

30 Mobile Home Vehicle Identification No. (or other unique
 31 description)

32

33

1 This notice is to advise you that the above mobile home
 2 has been sold for delinquent taxes and that the period of
 3 redemption from the sale will expire on
 4

5 The amount to redeem is subject to increase at 6 month
 6 intervals from the date of sale and may be further increased
 7 if the purchaser at the tax sale or his or her assignee pays
 8 any subsequently accruing taxes to redeem the mobile home
 9 from subsequent forfeitures or tax sales. Check with the
 10 county clerk as to the exact amount you owe before redeeming.

11 This notice is also to advise you that a petition has
 12 been filed for a tax certificate of title which will transfer
 13 certificate of title and the right to possession of this
 14 mobile home if redemption is not made on or before

15 This matter is set for hearing in the Circuit Court of
 16 this county in, Illinois on

17 You may be present at this hearing but your right to
 18 redeem will already have expired at that time.

19 YOU ARE URGED TO REDEEM IMMEDIATELY
 20 TO PREVENT LOSS OF PROPERTY

21 Redemption can be made at any time on or before by
 22 applying to the County Clerk of, County, Illinois at the
 23 County Court House in, Illinois.

24 For further information contact the County Clerk.
 25
 26 Purchaser or Assignee.

27 In counties with 3,000,000 or more inhabitants, the
 28 notice shall also state the address, room number and time at
 29 which the matter is set for hearing.

30 Section 375. Service of notice. The purchaser or his or
 31 her assignee shall give the notice required by Section 370 by
 32 causing it to be published in a newspaper as set forth in
 33 Section 380. In addition, the notice shall be served by a

1 sheriff (or if he or she is disqualified, by a coroner) of
2 the county in which the mobile home is located upon owners
3 who reside in the mobile home sold by leaving a copy of the
4 notice with those owners personally.

5 In counties of 3,000,000 or more inhabitants where a
6 taxing district is a petitioner for tax certificate of title
7 pursuant to Section 35, in lieu of service by the sheriff or
8 coroner the notice may be served by a special process server
9 appointed by the circuit court as provided in this Section.
10 The taxing district may move prior to filing one or more
11 petitions for tax certificate of title for appointment of
12 such a special process server. The court, upon being
13 satisfied that the person named in the motion is at least 18
14 years of age and is capable of serving notice as required
15 under this Act, shall enter an order appointing such person
16 as a special process server for a period of one year. The
17 appointment may be renewed for successive periods of one year
18 each by motion and order, and a copy of the original and any
19 subsequent order shall be filed in each tax certificate of
20 title case in which a notice is served by the appointed
21 person. Delivery of the notice to and service of the notice
22 by the special process server shall have the same force and
23 effect as its delivery to and service by the sheriff or
24 coroner.

25 The same form of notice shall also be served upon all
26 other owners and parties interested in the mobile home, if
27 upon diligent inquiry they can be found in the county, and
28 upon the occupants of the mobile home in the following
29 manner:

30 (a) as to individuals, by (1) leaving a copy of the
31 notice with the person personally or (2) by leaving a
32 copy at his or her usual place of residence with a person
33 of the family, of the age of 13 years or more, and
34 informing that person of its contents. The person making

1 the service shall cause a copy of the notice to be sent
2 by registered or certified mail, return receipt
3 requested, to that party at his or her usual place of
4 residence;

5 (b) as to public and private corporations,
6 municipal, governmental and quasi-municipal corporations,
7 partnerships, receivers and trustees of corporations, by
8 leaving a copy of the notice with the person designated
9 by the Civil Practice Law.

10 When a party interested in the mobile home is a trustee,
11 notice served upon the trustee shall be deemed to have been
12 served upon any beneficiary or note holder thereunder unless
13 the holder of the note is disclosed of record.

14 When a judgment is a lien upon the mobile home sold, the
15 holder of the lien shall be served with notice if the name of
16 the judgment debtor as shown in the transcript, certified
17 copy or memorandum of judgment filed of record is identical,
18 as to given name and surname, with the name of the party
19 interested as it appears of record.

20 If any owner or party interested, upon diligent inquiry
21 and effort, cannot be found or served with notice in the
22 county as provided in this Section, and the person in actual
23 occupancy and possession is tenant to, or in possession under
24 the owners or the parties interested in the mobile home, then
25 service of notice upon the tenant, occupant or person in
26 possession shall be deemed service upon the owners or parties
27 interested.

28 If any owner or party interested, upon diligent inquiry
29 and effort cannot be found or served with notice in the
30 county, then the person making the service shall cause a copy
31 of the notice to be sent by registered or certified mail,
32 return receipt requested, to that party at his or her
33 residence, if ascertainable.

1 Section 380. Proof of service of notice; publication of
2 notice. The sheriff or coroner serving notice under Section
3 375 shall endorse his or her return thereon and file it with
4 the clerk of the circuit court and it shall be a part of the
5 court record. A special process server appointed under
6 Section 375 shall make his or her return by affidavit and
7 shall file it with the clerk of the circuit court, where it
8 shall be a part of the court record. If a sheriff, special
9 process server, or coroner to whom any notice is delivered
10 for service, neglects or refuses to make the return, the
11 purchaser or his or her assignee may petition the court to
12 enter a rule requiring the sheriff, special process server,
13 or coroner to make return of the notice on a day to be fixed
14 by the court, or to show cause on that day why he or she
15 should not be attached for contempt of the court. The
16 purchaser or assignee shall cause a written notice of the
17 rule to be served upon the sheriff, special process server,
18 or coroner. If good and sufficient cause to excuse the
19 sheriff, special process server, or coroner is not shown, the
20 court shall adjudge him or her guilty of a contempt, and
21 shall proceed to punish him as in other cases of contempt.

22 If the mobile home is located in a municipality in a
23 county with less than 3,000,000 inhabitants, the purchaser or
24 his or her assignee shall also publish a notice as to the
25 owner or party interested, in some newspaper published in the
26 municipality. If the mobile home is not in a municipality in
27 a county with less than 3,000,000 inhabitants, or if no
28 newspaper is published therein, or if the mobile home is in a
29 county with 3,000,000 or more inhabitants, the notice shall
30 be published in some newspaper in the county. If no
31 newspaper is published in the county, then the notice shall
32 be published in the newspaper that is published nearest the
33 county seat of the county in which the mobile home is
34 located. If the owners and parties interested in the mobile

1 home upon diligent inquiry are unknown to the purchaser or
2 his or her assignee, the publication as to such owner or
3 party interested, may be made to unknown owners or parties
4 interested. Any notice by publication given under this
5 Section shall be given 3 times at any time after filing a
6 petition for tax certificate of title, but not less than 3
7 months nor more than 5 months prior to the expiration of the
8 period of redemption. The publication shall contain (a)
9 notice of the filing of the petition for tax certificate of
10 title, (b) the date on which the petitioner intends to make
11 application for an order on the petition that a tax
12 certificate of title issue, (c) a description of the mobile
13 home, (d) the date upon which the mobile home was sold, (e)
14 the taxes for which it was sold and (f) the date on which the
15 period of redemption will expire. The publication shall not
16 include more than one mobile home listed and sold in one
17 description, except as provided in Section 35, and except
18 that when more than one mobile home is owned by one person,
19 all of the mobile homes owned by that person may be included
20 in one notice.

21 Section 385. Mailed notice. In addition to the notice
22 required to be served not less than 3 months nor more than 5
23 months prior to the expiration of the period of redemption,
24 the purchaser or his or her assignee shall prepare and
25 deliver to the clerk of the circuit court of the county in
26 which the mobile home is located, the notice provided for in
27 this Section, together with the statutory costs for mailing
28 the notice by certified mail, return receipt requested. The
29 form of notice to be mailed by the clerk shall be identical
30 in form to that provided by Section 370 for service upon
31 owners residing in the mobile home sold, except that it shall
32 bear the signature of the clerk and shall designate the
33 parties to whom it is to be mailed. The clerk may furnish

1 the form. The clerk shall promptly mail the notices
2 delivered to him or her by certified mail, return receipt
3 requested. The certificate of the clerk that he or she has
4 mailed the notices, together with the return receipts, shall
5 be filed in and made a part of the court record. The notices
6 shall be mailed to the owners of the mobile home at their
7 last known addresses, and to those persons who are entitled
8 to service of notice as occupants.

9 Section 390. Petition for certificate of title. At any
10 time within 5 months but not less than 3 months prior to the
11 expiration of the redemption period for a mobile home sold
12 pursuant to judgment and order of sale under Sections 55
13 through 65 or 200, the purchaser or his or her assignee may
14 file a petition in the circuit court in the same proceeding
15 in which the judgment and order of sale were entered, asking
16 that the court direct the county clerk to issue a tax
17 certificate of title if the mobile home is not redeemed from
18 the sale. The petition shall be accompanied by the statutory
19 filing fee.

20 Notice of filing the petition and the date on which the
21 petitioner intends to apply for an order on the petition that
22 a certificate of title be issued if the mobile home is not
23 redeemed shall be given to occupants, owners, and persons
24 interested in the mobile home as part of the notice provided
25 in Sections 370 through 385, except that only one publication
26 is required. The county clerk shall be notified of the filing
27 of the petition and any person owning or interested in the
28 mobile home may, if he or she desires, appear in the
29 proceeding.

30 Section 395. Reimbursement of municipality before
31 issuance of tax certificate of title. An order for the
32 issuance of a tax certificate of title under this Act shall

1 not be entered affecting the title to or interest in any
2 mobile home in which a city, village, or incorporated town
3 has an interest under the police and welfare power by
4 advancements made from public funds, until the purchaser or
5 assignee makes reimbursement to the city, village, or
6 incorporated town of the money so advanced or the city,
7 village, or town waives its lien on the mobile home for the
8 money so advanced. However, in lieu of reimbursement or
9 waiver, the purchaser or his or her assignee may make
10 application for and the court shall order that the tax
11 purchase be set aside as a sale in error. A filing or
12 appearance fee shall not be required of a city, village, or
13 incorporated town seeking to enforce its claim under this
14 Section in a tax certificate of title proceeding.

15 Section 400. Issuance of certificate of title;
16 possession.

17 (a) If the redemption period expires and the mobile home
18 has not been redeemed and all taxes which became due and
19 payable subsequent to the sale have been paid and all
20 forfeitures and sales which occur subsequent to the sale have
21 been redeemed and the notices required by law have been given
22 and all advancements of public funds under the police power
23 made by a city, village, or town under Section 395 have been
24 paid and the petitioner has complied with all the provisions
25 of law entitling him or her to a certificate of title, the
26 court shall so find and shall enter an order directing the
27 Secretary of State on the production of the certificate of
28 purchase and a certified copy of the order, to issue to the
29 purchaser or his or her assignee a tax certificate of title.
30 The court shall insist on strict compliance with Section 370
31 through 385. Prior to the entry of an order directing the
32 issuance of a tax certificate of title, the petitioner shall
33 furnish the court with a report of proceedings of the

1 evidence received on the application for tax certificate of
2 title and the report of proceedings shall be filed and made a
3 part of the court record.

4 (b) If taxes for years prior to the year sold remain
5 delinquent at the time of the tax certificate of title
6 hearing, those delinquent taxes may be merged into the tax
7 certificate of title if the court determines that all other
8 requirements for receiving an order directing the issuance of
9 the tax certificate of title are fulfilled and makes a
10 further determination under either paragraph (1) or (2).

11 (1) Incomplete estimate.

12 (A) The mobile home in question was purchased
13 at an annual sale; and

14 (B) the statement and estimate of forfeited
15 taxes furnished by the county clerk pursuant to
16 Section 175 failed to include all delinquent taxes
17 as of the date of that estimate's issuance.

18 (2) Vacating order.

19 (A) The petitioner furnishes the court with a
20 certified copy of an order vacating a prior sale for
21 the subject mobile home;

22 (B) the order vacating the sale was entered
23 after the date of purchase for the subject taxes;

24 (C) the sale in error was granted pursuant to
25 paragraphs (1), (2), or (4) of subsection (b) of
26 Section 255 or Section 395; and

27 (D) the tax purchaser who received the sale in
28 error has no affiliation, direct or indirect, with
29 the petitioner in the present proceeding and that
30 petitioner has signed an affidavit attesting to the
31 lack of affiliation.

32 If delinquent taxes are merged into the tax certificate of
33 title pursuant to this subsection, a declaration to that
34 effect shall be included in the order directing issuance of

1 the tax certificate of title. Nothing contained in this
2 Section shall relieve any owner liable for delinquent mobile
3 home taxes under the Mobile Home Local Services Tax Act from
4 the payment of the taxes that have been merged into the title
5 upon issuance of the tax certificate of title.

6 (c) Upon application the court shall, enter an order to
7 place the tax certificate of title grantee in possession of
8 the mobile home and may enter orders and grant relief as may
9 be necessary or desirable to maintain the grantee in
10 possession.

11 Section 405. Tax certificate of title incontestable
12 unless order appealed or relief petitioned. Tax certificates
13 of title issued under Section 395 are incontestable except by
14 appeal from the order of the court directing the county clerk
15 to issue the tax certificate of title. However, relief from
16 such order may be had under Section 2-1401 of the Code of
17 Civil Procedure in the same manner and to the same extent as
18 may be had under that Section with respect to final orders
19 and judgments in other proceedings. The grounds for relief
20 under Section 2-1401 shall be limited to:

- 21 (1) proof that the taxes were paid prior to sale;
- 22 (2) proof that the mobile home was exempt from taxation;
- 23 (3) proof by clear and convincing evidence that the tax
24 certificate of title had been procured by fraud or deception
25 by the tax purchaser or his or her assignee; or
- 26 (4) proof by a person or party holding a recorded
27 ownership or other recorded interest in the mobile home that
28 he or she was not named as a party in the publication notice
29 as set forth in Section 380, and that the tax purchaser or
30 his or her assignee did not make a diligent inquiry and
31 effort to serve that person or party with the notices
32 required by Sections 370 through 390.

33 In cases of the sale of a mobile home in counties with

1 3,000,000 or more inhabitants, a tax certificate of title may
2 also be voided by the court upon petition, filed not more
3 than 3 months after an order for tax certificate of title was
4 entered, if the court finds that the mobile home was owner
5 occupied on the expiration date of the period of redemption
6 and that the order for certificate of title was effectuated
7 pursuant to a negligent or willful error made by an employee
8 of the county clerk or county collector during the period of
9 redemption from the sale that was reasonably relied upon to
10 the detriment of any person having a redeemable interest. In
11 such a case, the tax purchaser shall be entitled to the
12 original amount required to redeem the mobile home plus
13 interest from the sale as of the last date of redemption
14 together with costs actually expended subsequent to the
15 expiration of the period of redemption and reasonable
16 attorney's fees, all of which shall be dispensed from the
17 fund created by Section 235. In those cases of error where
18 the court vacates the tax certificate of title, it may award
19 the petitioner reasonable attorney's fees and court costs
20 actually expended, payable from that fund. The court hearing
21 a petition filed under this Section or Section 2-1401 of the
22 Act of Civil Procedure may concurrently hear a petition filed
23 under Section 235 and may grant relief under either Section.

24 Section 410. Denial of certificate of title. If the court
25 refuses to enter an order directing the Secretary of State to
26 execute and deliver the tax certificate of title, because of
27 the failure of the purchaser to fulfill any of the above
28 provisions, and if the purchaser, or his or her assignee has
29 made a bona fide attempt to comply with the statutory
30 requirements for the issuance of the tax certificate of
31 title, it shall order the return of the purchase price
32 forthwith, as in case of sales in error, except that no
33 interest shall be paid on the purchase price.

1 certificate of title grantee and his or her heirs or assigns:

2 (1) the mobile home conveyed was subject to
3 taxation at the time the tax was charged and was listed
4 and charged in the time and manner required by law;

5 (2) the taxes were not paid at any time before the
6 sale;

7 (3) the mobile home was advertised for sale in the
8 manner and for the length of time required by law;

9 (4) the mobile home was sold for taxes as stated in
10 the certificate of title;

11 (5) the sale was conducted in the manner required
12 by law;

13 (6) the mobile home conveyed was not redeemed from
14 the sale within the time permitted by law;

15 (7) the grantee in the certificate of title was the
16 purchaser or assignee of the purchaser.

17 (b) Any order for the sale of a mobile home for
18 delinquent taxes, except as otherwise provided in this
19 Section, shall estop all parties from raising any objections
20 to the order or to a tax certificate of title based thereon,
21 which existed at or before the rendition of the order, and
22 which could have been presented as a defense to the
23 application for the order. The order itself is conclusive
24 evidence of its regularity and validity in all collateral
25 proceedings, except in cases where the tax was paid prior to
26 the sale or the mobile home was exempt from taxes.

27 Section 425. Order of court setting aside tax
28 certificate of title; payments to holder of certificate of
29 title.

30 (a) Any order of court vacating an order directing the
31 Secretary of State to issue a tax certificate of title based
32 upon a finding that the mobile home was not subject to
33 taxation, or that the taxes had been paid prior to the sale

1 of the mobile home, or that the tax sale was otherwise void,
2 shall declare the tax sale to be a sale in error pursuant to
3 Section 255 of this Act. The order shall direct the county
4 collector to refund to the tax certificate of title grantee
5 or his or her successors and assigns (or, if a tax
6 certificate of title has not yet issued, the holder of the
7 certificate of purchase) the following amounts:

8 (1) all taxes purchased, paid, or redeemed by the
9 tax purchaser or his or her assignee, or by the tax
10 certificate of title grantee or his or her successors and
11 assigns, whether before or after entry of the order for
12 tax certificate of title, with interest at the rate of 1%
13 per month from the date each amount was paid until the
14 date of payment pursuant to this Section;

15 (2) all costs paid and posted to the judgment
16 record and not included in paragraph (1) of this
17 subsection (a); and

18 (3) court reporter fees for the hearing on the
19 application for tax certificate of title and transcript
20 thereof, cost of certification of tax certificate of
21 title order, cost of issuance of tax certificate of
22 title, and cost of transferring certificate of title to
23 the tax purchaser.

24 (b) Except in those cases described in subsection (a) of
25 this Section, and unless the court on motion of the tax
26 certificate of title petitioner extends the redemption period
27 to a date not later than 3 years from the date of sale, any
28 order of court finding that an order directing the Secretary
29 of State to issue a tax certificate of title should be
30 vacated shall direct the party who successfully contested the
31 entry of the order to pay to the tax certificate of title
32 grantee or his or her successors and assigns (or, if a tax
33 certificate of title has not yet issued, the holder of the
34 certificate) within 90 days after the date of the finding:

1 (1) the amount necessary to redeem the mobile home
2 from the sale as of the last day of the period of
3 redemption, except that, if the sale is a scavenger sale
4 pursuant to Section 200 of this Act, the redemption
5 amount shall not include an amount equal to all
6 delinquent taxes on such mobile home which taxes were
7 delinquent at the time of sale; and

8 (2) amounts in satisfaction of municipal liens paid
9 by the tax purchaser or his or her assignee, and the
10 amounts specified in paragraphs (1) and (3) of subsection
11 (a) of this Section, to the extent the amounts are not
12 included in paragraph (1) of this subsection (b).

13 If the payment is not made within the 90-day period, the
14 petition to vacate the order directing the Secretary of State
15 to issue a tax certificate of title shall be denied with
16 prejudice, and the order directing the Secretary of State to
17 issue a tax certificate of title shall remain in full force
18 and effect. No final order vacating any order directing the
19 Secretary of State to issue a tax certificate of title shall
20 be entered pursuant to this subsection (b) until the payment
21 has been made.

22 Section 430. Failure to timely transfer certificate of
23 title; tax certificate of title is void. Unless the holder
24 of the certificate purchased at any tax sale under this Act
25 transfers the certificate of title within one year from and
26 after the time for redemption expires, the certificate of
27 purchase or order for tax certificate of title, and the sale
28 on which it is based, shall, after the expiration of the one
29 year period, be absolutely void with no right to
30 reimbursement. If the holder of the certificate of purchase
31 is prevented from obtaining a certificate of title by
32 injunction or order of any court, or by the refusal or
33 inability of any court to act upon the application for a tax

1 certificate of title, or by the refusal of the Secretary of
2 State to execute the same certificate of title, the time he
3 or she is so prevented shall be excluded from computation of
4 the one year period. Certificates of purchase and orders for
5 tax certificates of title executed by the court shall recite
6 the qualifications required in this Section.

7 Section 905. The Mobile Home Local Services Tax Act is
8 amended by changing Sections 6, 8, 9, and 10.1 as follows:

9 (35 ILCS 515/6) (from Ch. 120, par. 1206)

10 Sec. 6. Computation, certification, and distribution of
11 tax. Except as otherwise provided in this Section, within 60
12 days of receipt of each registration form, the county clerk
13 or, in counties in which a county assessor is elected
14 pursuant to Section 3-45 of the Property Tax Code, the county
15 assessor shall compute the tax due, as provided in Section 3,
16 and certify the tax to the county treasurer who shall mail
17 the tax bill to the owner of such mobile home at the time he
18 receives the certification or on the annual billing date,
19 whichever occurs later. If the registration form is
20 accompanied by a receipt for privilege taxes paid in Illinois
21 for the current tax year, no further privilege tax shall be
22 imposed for the remainder of the current tax year. If the
23 mobile home is initially harbored after the annual liability
24 date, as provided in Section 3 of this Act, the county clerk
25 or county assessor shall reduce such tax 1/12 for each month
26 that has passed since such annual liability date. A mobile
27 home harbored after the first day of such month shall be
28 considered to have been harbored for the entire month for the
29 purposes of this Section. Thereafter, for taxable years
30 prior to taxable year 2002, except for the year 1976, the
31 county clerk or county assessor shall compute such tax as of
32 the first day of June of each year and certify the tax to the

1 county treasurer. For taxable year 2002 and thereafter, the
 2 county clerk or county assessor shall compute the tax as of
 3 the first day of March of each year and certify the tax to
 4 the county treasurer. Such tax shall be due and payable to
 5 the county treasurer within 60 days after the treasurer mails
 6 the tax bill to the address of record. The county treasurer
 7 shall distribute such taxes to the local taxing districts
 8 within the boundaries of which such mobile homes are located,
 9 in the same proportion as the property taxes collectible for
 10 each such taxing district in the prior year.

11 In order to effect the change of the annual billing date
 12 and the date of liability, provided for by this amendatory
 13 Act of 1975, the county clerk shall compute such tax as of
 14 July 1, 1976, for the 1/2 year period from July 1, 1976,
 15 through December 31, 1976, at 1/2 the amount of the annual
 16 tax. The tax for such period shall be certified, billed,
 17 collected and distributed in the same manner as is provided
 18 in this Section as taxes for a full year, and shall be
 19 subject to a proportionate reduction if the mobile home is
 20 initially harbored after July 1, 1976 and before January 1,
 21 1977.

22 (Source: P.A. 88-670, eff. 12-2-94.)

23 (35 ILCS 515/8) (from Ch. 120, par. 1208)

24 Sec. 8. Failure to pay tax; lien. This Section applies
 25 to taxable years prior to taxable year 2002. For taxable
 26 year 2002 and thereafter, delinquent taxes under this Act
 27 shall be enforced as provided in Mobile Home Local Services
 28 Tax Enforcement Act. If any local services tax imposed by
 29 this Act is not paid when due, the county treasurer of the
 30 county in which the mobile home is located shall have a lien
 31 on the mobile home for the amount of the tax, addition to the
 32 tax, penalty and interest due. The treasurer shall notify
 33 the taxpayer in writing of the existence of the lien. Such

1 lien shall terminate unless the county treasurer files with
2 the county recorder of the county in which the mobile home is
3 located a notice of lien, within one year of such tax due
4 date. From the time of the filing, the amount set forth in
5 the certificate also constitutes a lien upon all property of
6 the taxpayer then owned by him or thereafter acquired by him
7 in the period before the expiration of the lien. Such liens
8 have the same force, effect and priority as a judgment lien
9 and continue for 10 years from the date of the recording
10 unless sooner released or otherwise discharged. The county
11 treasurer may, at any time, release all or any portion of the
12 property subject to any lien provided for in this Act or
13 subordinate the lien to other liens if he determines that the
14 taxes are sufficiently secured by a lien or other property of
15 the taxpayer or that the release or subordination of the lien
16 will not endanger or jeopardize the collection of the taxes.

17 If the owner of a mobile home upon which the tax has not
18 been paid does not make payment within 6 months after a lien
19 has been filed, civil action may be instituted by the
20 collector for the amount of the tax, plus interest, penalties
21 and costs. If sale of the property is ordered, the court may
22 direct the sale to be made in cash or on such terms as it may
23 deem in the best interests of all parties. The court may
24 direct that such sale be held by the sheriff or in open
25 court.

26 (Source: P.A. 83-871.)

27 (35 ILCS 515/9) (from Ch. 120, par. 1209)

28 Sec. 9. Additional charge for delinquent taxes; penalty
29 for fraud. For taxable years prior to 2002, if any local
30 services tax, or part thereof, imposed by this Act is not
31 paid on or before the due date for such tax, interest on such
32 amount at the rate of 1 1/2% per month shall be paid for the
33 period from such due date to the date of payment of such

1 amount. For taxable year 2002 and thereafter, if any local
 2 services tax, or part thereof, imposed by this Act is not
 3 paid on or before the due date for such tax, the taxpayer
 4 shall be required to pay an additional \$100. If such failure
 5 to pay such tax is the result of fraud, there shall be added
 6 to the tax as a penalty an amount equal to 50% of the
 7 deficiency.

8 (Source: P.A. 83-546.)

9 (35 ILCS 515/10.1) (from Ch. 120, par. 1210.1)

10 Sec. 10.1. Notice to assessor of ownership change. An
 11 operator of a mobile home park licensed under the provisions
 12 of the Mobile Home Park Act and any land owner on which an
 13 inhabited mobile home is located ~~"An Act to provide for,~~
 14 ~~license and regulate mobile homes and mobile home--parks--and~~
 15 ~~to--repeal--an Act named herein", approved September 8, 1971,~~
 16 as amended, shall notify the township assessor, if any, or
 17 the Supervisor of Assessments or county assessor if there is
 18 no township assessor, or the county assessor in those
 19 counties in which a county assessor is elected pursuant to
 20 Section 3-45 of the Property Tax Code, when a change in
 21 ownership occurs in a mobile home located in such a park or
 22 on such land. Such notification shall include the same
 23 information for the new owner as that contained in the
 24 registration form required of mobile home park operators and
 25 mobile home owners by Section 4 of this Act.

26 (Source: P.A. 88-670, eff. 12-2-94.)

27 Section 910. The Illinois Vehicle Code is amended by
 28 changing Section 3-114 as follows:

29 (625 ILCS 5/3-114) (from Ch. 95 1/2, par. 3-114)

30 (Text of Section before amendment by P.A. 91-893)

31 Sec. 3-114. Transfer by operation of law.

1 (a) If the interest of an owner in a vehicle passes to
2 another other than by voluntary transfer, the transferee
3 shall, except as provided in paragraph (b), promptly mail or
4 deliver within 20 days to the Secretary of State the last
5 certificate of title, if available, proof of the transfer,
6 and his application for a new certificate in the form the
7 Secretary of State prescribes. It shall be unlawful for any
8 person having possession of a certificate of title for a
9 motor vehicle, semi-trailer, or house car by reason of his
10 having a lien or encumbrance on such vehicle, to fail or
11 refuse to deliver such certificate to the owner, upon the
12 satisfaction or discharge of the lien or encumbrance,
13 indicated upon such certificate of title.

14 (b) If the interest of an owner in a vehicle passes to
15 another under the provisions of the Small Estates provisions
16 of the Probate Act of 1975 the transferee shall promptly mail
17 or deliver to the Secretary of State, within 120 days, the
18 last certificate of title, if available, the documentation
19 required under the provisions of the Probate Act of 1975, and
20 an application for certificate of title. The Small Estate
21 Affidavit form shall be furnished by the Secretary of State.
22 The transfer may be to the transferee or to the nominee of
23 the transferee.

24 (c) If the interest of an owner in a vehicle passes to
25 another under other provisions of the Probate Act of 1975, as
26 amended, and the transfer is made by a representative or
27 guardian, such transferee shall promptly mail or deliver to
28 the Secretary of State, the last certificate of title, if
29 available, and a certified copy of the letters of office or
30 guardianship, and an application for certificate of title.
31 Such application shall be made before the estate is closed.
32 The transfer may be to the transferee or to the nominee of
33 the transferee.

34 (d) If the interest of an owner in joint tenancy passes

1 to the other joint tenant with survivorship rights as
2 provided by law, the transferee shall promptly mail or
3 deliver to the Secretary of State, the last certificate of
4 title, if available, proof of death of the one joint tenant
5 and survivorship of the surviving joint tenant, and an
6 application for certificate of title. Such application shall
7 be made within 120 days after the death of the joint tenant.
8 The transfer may be to the transferee or to the nominee of
9 the transferee.

10 (e) The Secretary of State shall transfer a decedent's
11 vehicle title to any legatee, representative or heir of the
12 decedent who submits to the Secretary a death certificate and
13 an affidavit by an attorney at law on the letterhead
14 stationery of the attorney at law stating the facts of the
15 transfer.

16 (f) Repossession with assignment of title. In all cases
17 wherein a lienholder has repossessed a vehicle by other than
18 judicial process and holds it for resale under a security
19 agreement, and the owner of record has executed an assignment
20 of the existing certificate of title after default, the
21 lienholder may proceed to sell or otherwise dispose of the
22 vehicle as authorized under the Uniform Commercial Code.
23 Upon selling the vehicle to another person, the lienholder
24 need not send the certificate of title to the Secretary of
25 State, but shall promptly and within 20 days mail or deliver
26 to the purchaser as transferee the existing certificate of
27 title for the repossessed vehicle, reflecting the release of
28 the lienholder's security interest in the vehicle. The
29 application for a certificate of title made by the purchaser
30 shall comply with subsection (a) of Section 3-104 and be
31 accompanied by the existing certificate of title for the
32 repossessed vehicle. The lienholder shall execute the
33 assignment and warranty of title showing the name and address
34 of the purchaser in the spaces provided therefor on the

1 certificate of title or as the Secretary of State prescribes.
2 The lienholder shall complete the assignment of title in the
3 certificate of title to reflect the transfer of the vehicle
4 to the lienholder and also a reassignment to reflect the
5 transfer from the lienholder to the purchaser. For this
6 purpose, the lienholder is specifically authorized to
7 complete and execute the space reserved in the certificate of
8 title for a dealer reassignment, notwithstanding that the
9 lienholder is not a licensed dealer. Nothing herein shall be
10 construed to mean that the lienholder is taking title to the
11 repossessed vehicle for purposes of liability for retailer
12 occupation, vehicle use, or other tax with respect to the
13 proceeds from the repossession sale. Delivery of the
14 existing certificate of title to the purchaser shall be
15 deemed disclosure to the purchaser of the owner of the
16 vehicle.

17 (f-5) Repossession without assignment of title. In all
18 cases wherein a lienholder has repossessed a vehicle by other
19 than judicial process and holds it for resale under a
20 security agreement, and the owner of record has not executed
21 an assignment of the existing certificate of title, the
22 lienholder shall comply with the following provisions:

23 (1) Prior to sale, the lienholder shall deliver or
24 mail to the owner at the owner's last known address and
25 to any other lienholder of record, a notice of redemption
26 setting forth the following information: (i) the name of
27 the owner of record and in bold type at or near the top
28 of the notice a statement that the owner's vehicle was
29 repossessed on a specified date for failure to make
30 payments on the loan (or other reason), (ii) a
31 description of the vehicle subject to the lien sufficient
32 to identify it, (iii) the right of the owner to redeem
33 the vehicle, (iv) the lienholder's intent to sell or
34 otherwise dispose of the vehicle after the expiration of

1 21 days from the date of mailing or delivery of the
2 notice, and (v) the name, address, and telephone number
3 of the lienholder from whom information may be obtained
4 concerning the amount due to redeem the vehicle and from
5 whom the vehicle may be redeemed under Section 9-506 of
6 the Uniform Commercial Code. At the lienholder's option,
7 the information required to be set forth in this notice
8 of redemption may be made a part of or accompany the
9 notification of sale or other disposition required under
10 subsection (3) of Section 9-504 of the Uniform Commercial
11 Code, but none of the information required by this notice
12 shall be construed to impose any requirement under
13 Article 9 of the Uniform Commercial Code.

14 (2) With respect to the repossession of a vehicle
15 used primarily for personal, family, or household
16 purposes, the lienholder shall also deliver or mail to
17 the owner at the owner's last known address an affidavit
18 of defense. The affidavit of defense shall accompany the
19 notice of redemption required in subdivision (f-5)(1) of
20 this Section. The affidavit of defense shall (i) identify
21 the lienholder, owner, and the vehicle; (ii) provide
22 space for the owner to state the defense claimed by the
23 owner; and (iii) include an acknowledgment by the owner
24 that the owner may be liable to the lienholder for fees,
25 charges, and costs incurred by the lienholder in
26 establishing the insufficiency or invalidity of the
27 owner's defense. To stop the transfer of title, the
28 affidavit of defense must be received by the lienholder
29 no later than 21 days after the date of mailing or
30 delivery of the notice required in subdivision (f-5)(1)
31 of this Section. If the lienholder receives the affidavit
32 from the owner in a timely manner, the lienholder must
33 apply to a court of competent jurisdiction to determine
34 if the lienholder is entitled to possession of the

1 vehicle.

2 (3) Upon selling the vehicle to another person, the
3 lienholder need not send the certificate of title to the
4 Secretary of State, but shall promptly and within 20 days
5 mail or deliver to the purchaser as transferee (i) the
6 existing certificate of title for the repossessed
7 vehicle, reflecting the release of the lienholder's
8 security interest in the vehicle; and (ii) an affidavit
9 of repossession made by or on behalf of the lienholder
10 which provides the following information: that the
11 vehicle was repossessed, a description of the vehicle
12 sufficient to identify it, whether the vehicle has been
13 damaged in excess of 33 1/3% of its fair market value as
14 required under subdivision (b)(3) of Section 3-117.1,
15 that the owner and any other lienholder of record were
16 given the notice required in subdivision (f-5)(1) of this
17 Section, that the owner of record was given the affidavit
18 of defense required in subdivision (f-5)(2) of this
19 Section, that the interest of the owner was lawfully
20 terminated or sold pursuant to the terms of the security
21 agreement, and the purchaser's name and address. If the
22 vehicle is damaged in excess of 33 1/3% of its fair
23 market value, the lienholder shall make application for a
24 salvage certificate under Section 3-117.1 and transfer
25 the vehicle to a person eligible to receive assignments
26 of salvage certificates identified in Section 3-118.

27 (4) The application for a certificate of title made
28 by the purchaser shall comply with subsection (a) of
29 Section 3-104 and be accompanied by the affidavit of
30 repossession furnished by the lienholder and the existing
31 certificate of title for the repossessed vehicle. The
32 lienholder shall execute the assignment and warranty of
33 title showing the name and address of the purchaser in
34 the spaces provided therefor on the certificate of title

1 or as the Secretary of State prescribes. The lienholder
2 shall complete the assignment of title in the certificate
3 of title to reflect the transfer of the vehicle to the
4 lienholder and also a reassignment to reflect the
5 transfer from the lienholder to the purchaser. For this
6 purpose, the lienholder is specifically authorized to
7 execute the assignment on behalf of the owner as seller
8 if the owner has not done so and to complete and execute
9 the space reserved in the certificate of title for a
10 dealer reassignment, notwithstanding that the lienholder
11 is not a licensed dealer. Nothing herein shall be
12 construed to mean that the lienholder is taking title to
13 the repossessed vehicle for purposes of liability for
14 retailer occupation, vehicle use, or other tax with
15 respect to the proceeds from the repossession sale.
16 Delivery of the existing certificate of title to the
17 purchaser shall be deemed disclosure to the purchaser of
18 the owner of the vehicle. In the event the lienholder
19 does not hold the certificate of title for the
20 repossessed vehicle, the lienholder shall make
21 application for and may obtain a new certificate of title
22 in the name of the lienholder upon furnishing information
23 satisfactory to the Secretary of State. Upon receiving
24 the new certificate of title, the lienholder may proceed
25 with the sale described in subdivision (f-5)(3), except
26 that upon selling the vehicle the lienholder shall
27 promptly and within 20 days mail or deliver to the
28 purchaser the new certificate of title reflecting the
29 assignment and transfer of title to the purchaser.

30 (5) Neither the lienholder nor the owner shall file
31 with the Office of the Secretary of State the notice of
32 redemption or affidavit of defense described in
33 subdivisions (f-5)(1) and (f-5)(2) of this Section. The
34 Office of the Secretary of State shall not determine the

1 merits of an owner's affidavit of defense, nor consider
2 any allegations or assertions regarding the validity or
3 invalidity of a lienholder's claim to the vehicle or an
4 owner's asserted defenses to the repossession action.

5 (f-7) Notice of reinstatement in certain cases.

6 (1) If, at the time of repossession by a lienholder
7 that is seeking to transfer title pursuant to subsection
8 (f-5), the owner has paid an amount equal to 30% or more
9 of the deferred payment price or total of payments due,
10 the owner may, within 21 days of the date of
11 repossession, reinstate the contract or loan agreement
12 and recover the vehicle from the lienholder by tendering
13 in a lump sum (i) the total of all unpaid amounts,
14 including any unpaid delinquency or deferral charges due
15 at the date of reinstatement, without acceleration; and
16 (ii) performance necessary to cure any default other than
17 nonpayment of the amounts due; and (iii) all reasonable
18 costs and fees incurred by the lienholder in retaking,
19 holding, and preparing the vehicle for disposition and in
20 arranging for the sale of the vehicle. Reasonable costs
21 and fees incurred by the lienholder include without
22 limitation repossession and storage expenses and, if
23 authorized by the contract or loan agreement, reasonable
24 attorneys' fees and collection agency charges.

25 (2) Tender of payment and performance pursuant to
26 this limited right of reinstatement restores to the owner
27 his rights under the contract or loan agreement as though
28 no default had occurred. The owner has the right to
29 reinstate the contract or loan agreement and recover the
30 vehicle from the lienholder only once under this
31 subsection. The lienholder may, in the lienholder's sole
32 discretion, extend the period during which the owner may
33 reinstate the contract or loan agreement and recover the
34 vehicle beyond the 21 days allowed under this subsection,

1 and the extension shall not subject the lienholder to
2 liability to the owner under the laws of this State.

3 (3) The lienholder shall deliver or mail written
4 notice to the owner at the owner's last known address,
5 within 3 business days of the date of repossession, of
6 the owner's right to reinstate the contract or loan
7 agreement and recover the vehicle pursuant to the limited
8 right of reinstatement described in this subsection. At
9 the lienholder's option, the information required to be
10 set forth in this notice of reinstatement may be made
11 part of or accompany the notice of redemption required in
12 subdivision (f-5)(1) of this Section and the notification
13 of sale or other disposition required under subsection
14 (3) of Section 9-504 of the Uniform Commercial Code, but
15 none of the information required by this notice of
16 reinstatement shall be construed to impose any
17 requirement under Article 9 of the Uniform Commercial
18 Code.

19 (4) The reinstatement period, if applicable, and
20 the redemption period described in subdivision (f-5)(1)
21 of this Section, shall run concurrently if the
22 information required to be set forth in the notice of
23 reinstatement is part of or accompanies the notice of
24 redemption. In any event, the 21 day redemption period
25 described in subdivision (f-5)(1) of this Section shall
26 commence on the date of mailing or delivery to the owner
27 of the information required to be set forth in the notice
28 of redemption, and the 21 day reinstatement period
29 described in this subdivision, if applicable, shall
30 commence on the date of mailing or delivery to the owner
31 of the information required to be set forth in the notice
32 of reinstatement.

33 (5) The Office of the Secretary of State shall not
34 determine the merits of an owner's claim of right to

1 reinstatement, nor consider any allegations or assertions
2 regarding the validity or invalidity of a lienholder's
3 claim to the vehicle or an owner's asserted right to
4 reinstatement. Where a lienholder is subject to
5 licensing and regulatory supervision by the State of
6 Illinois, the lienholder shall be subject to all of the
7 powers and authority of the lienholder's primary State
8 regulator to enforce compliance with the procedures set
9 forth in this subsection (f-7).

10 (f-10) Repossession by judicial process. In all cases
11 wherein a lienholder has repossessed a vehicle by judicial
12 process and holds it for resale under a security agreement,
13 order for replevin, or other court order establishing the
14 lienholder's right to possession of the vehicle, the
15 lienholder may proceed to sell or otherwise dispose of the
16 vehicle as authorized under the Uniform Commercial Code or
17 the court order. Upon selling the vehicle to another person,
18 the lienholder need not send the certificate of title to the
19 Secretary of State, but shall promptly and within 20 days
20 mail or deliver to the purchaser as transferee (i) the
21 existing certificate of title for the repossessed vehicle
22 reflecting the release of the lienholder's security interest
23 in the vehicle; (ii) a certified copy of the court order; and
24 (iii) a bill of sale identifying the new owner's name and
25 address and the year, make, model, and vehicle identification
26 number of the vehicle. The application for a certificate of
27 title made by the purchaser shall comply with subsection (a)
28 of Section 3-104 and be accompanied by the certified copy of
29 the court order furnished by the lienholder and the existing
30 certificate of title for the repossessed vehicle. The
31 lienholder shall execute the assignment and warranty of title
32 showing the name and address of the purchaser in the spaces
33 provided therefor on the certificate of title or as the
34 Secretary of State prescribes. The lienholder shall complete

1 the assignment of title in the certificate of title to
2 reflect the transfer of the vehicle to the lienholder and
3 also a reassignment to reflect the transfer from the
4 lienholder to the purchaser. For this purpose, the
5 lienholder is specifically authorized to execute the
6 assignment on behalf of the owner as seller if the owner has
7 not done so and to complete and execute the space reserved in
8 the certificate of title for a dealer reassignment,
9 notwithstanding that the lienholder is not a licensed dealer.
10 Nothing herein shall be construed to mean that the lienholder
11 is taking title to the repossessed vehicle for purposes of
12 liability for retailer occupation, vehicle use, or other tax
13 with respect to the proceeds from the repossession sale.
14 Delivery of the existing certificate of title to the
15 purchaser shall be deemed disclosure to the purchaser of the
16 owner of the vehicle. In the event the lienholder does not
17 hold the certificate of title for the repossessed vehicle,
18 the lienholder shall make application for and may obtain a
19 new certificate of title in the name of the lienholder upon
20 furnishing information satisfactory to the Secretary of
21 State. Upon receiving the new certificate of title, the
22 lienholder may proceed with the sale described in this
23 subsection, except that upon selling the vehicle the
24 lienholder shall promptly and within 20 days mail or deliver
25 to the purchaser the new certificate of title reflecting the
26 assignment and transfer of title to the purchaser.

27 (f-15) The Secretary of State shall not issue a
28 certificate of title to a purchaser under subsection (f),
29 (f-5), or (f-10) of this Section, unless the person from whom
30 the vehicle has been repossessed by the lienholder is shown
31 to be the last registered owner of the motor vehicle. The
32 Secretary of State may provide by rule for the standards to
33 be followed by a lienholder in assigning and transferring
34 certificates of title with respect to repossessed vehicles.

1 (f-20) If applying for a salvage certificate or a
2 junking certificate, the lienholder shall within 20 days make
3 an application to the Secretary of State for a salvage
4 certificate or a junking certificate, as set forth in this
5 Code. The Secretary of State shall not issue a salvage
6 certificate or a junking certificate to such lienholder
7 unless the person from whom such vehicle has been repossessed
8 is shown to be the last registered owner of such motor
9 vehicle and such lienholder establishes to the satisfaction
10 of the Secretary of State that he is entitled to such salvage
11 certificate or junking certificate. The Secretary of State
12 may provide by rule for the standards to be followed by a
13 lienholder in order to obtain a salvage certificate or
14 junking certificate for a repossessed vehicle.

15 (g) A person holding a certificate of title whose
16 interest in the vehicle has been extinguished or transferred
17 other than by voluntary transfer shall mail or deliver the
18 certificate, within 20 days upon request of the Secretary of
19 State. The delivery of the certificate pursuant to the
20 request of the Secretary of State does not affect the rights
21 of the person surrendering the certificate, and the action of
22 the Secretary of State in issuing a new certificate of title
23 as provided herein is not conclusive upon the rights of an
24 owner or lienholder named in the old certificate.

25 (h) The Secretary of State may decline to process any
26 application for a transfer of an interest in a vehicle
27 hereunder if any fees or taxes due under this Act from the
28 transferor or the transferee have not been paid upon
29 reasonable notice and demand.

30 (i) The Secretary of State shall not be held civilly or
31 criminally liable to any person because any purported
32 transferor may not have had the power or authority to make a
33 transfer of any interest in any vehicle or because a
34 certificate of title issued in error is subsequently used to

1 commit a fraudulent act.

2 (Source: P.A. 90-212, eff. 1-1-98; 90-665, eff. 1-1-99.)

3 (Text of Section after amendment by P.A. 91-893)

4 Sec. 3-114. Transfer by operation of law.

5 (a) If the interest of an owner in a vehicle passes to
6 another other than by voluntary transfer, the transferee
7 shall, except as provided in paragraph (b), promptly mail or
8 deliver within 20 days to the Secretary of State the last
9 certificate of title, if available, proof of the transfer,
10 and his application for a new certificate in the form the
11 Secretary of State prescribes. It shall be unlawful for any
12 person having possession of a certificate of title for a
13 motor vehicle, semi-trailer, or house car by reason of his
14 having a lien or encumbrance on such vehicle, to fail or
15 refuse to deliver such certificate to the owner, upon the
16 satisfaction or discharge of the lien or encumbrance,
17 indicated upon such certificate of title.

18 (b) If the interest of an owner in a vehicle passes to
19 another under the provisions of the Small Estates provisions
20 of the Probate Act of 1975 the transferee shall promptly mail
21 or deliver to the Secretary of State, within 120 days, the
22 last certificate of title, if available, the documentation
23 required under the provisions of the Probate Act of 1975, and
24 an application for certificate of title. The Small Estate
25 Affidavit form shall be furnished by the Secretary of State.
26 The transfer may be to the transferee or to the nominee of
27 the transferee.

28 (c) If the interest of an owner in a vehicle passes to
29 another under other provisions of the Probate Act of 1975, as
30 amended, and the transfer is made by a representative or
31 guardian, such transferee shall promptly mail or deliver to
32 the Secretary of State, the last certificate of title, if
33 available, and a certified copy of the letters of office or
34 guardianship, and an application for certificate of title.

1 Such application shall be made before the estate is closed.
2 The transfer may be to the transferee or to the nominee of
3 the transferee.

4 (d) If the interest of an owner in joint tenancy passes
5 to the other joint tenant with survivorship rights as
6 provided by law, the transferee shall promptly mail or
7 deliver to the Secretary of State, the last certificate of
8 title, if available, proof of death of the one joint tenant
9 and survivorship of the surviving joint tenant, and an
10 application for certificate of title. Such application shall
11 be made within 120 days after the death of the joint tenant.
12 The transfer may be to the transferee or to the nominee of
13 the transferee.

14 (e) The Secretary of State shall transfer a decedent's
15 vehicle title to any legatee, representative or heir of the
16 decedent who submits to the Secretary a death certificate and
17 an affidavit by an attorney at law on the letterhead
18 stationery of the attorney at law stating the facts of the
19 transfer.

20 (f) Repossession with assignment of title. In all cases
21 wherein a lienholder has repossessed a vehicle by other than
22 judicial process and holds it for resale under a security
23 agreement, and the owner of record has executed an assignment
24 of the existing certificate of title after default, the
25 lienholder may proceed to sell or otherwise dispose of the
26 vehicle as authorized under the Uniform Commercial Code.
27 Upon selling the vehicle to another person, the lienholder
28 need not send the certificate of title to the Secretary of
29 State, but shall promptly and within 20 days mail or deliver
30 to the purchaser as transferee the existing certificate of
31 title for the repossessed vehicle, reflecting the release of
32 the lienholder's security interest in the vehicle. The
33 application for a certificate of title made by the purchaser
34 shall comply with subsection (a) of Section 3-104 and be

1 accompanied by the existing certificate of title for the
2 repossessed vehicle. The lienholder shall execute the
3 assignment and warranty of title showing the name and address
4 of the purchaser in the spaces provided therefor on the
5 certificate of title or as the Secretary of State prescribes.
6 The lienholder shall complete the assignment of title in the
7 certificate of title to reflect the transfer of the vehicle
8 to the lienholder and also a reassignment to reflect the
9 transfer from the lienholder to the purchaser. For this
10 purpose, the lienholder is specifically authorized to
11 complete and execute the space reserved in the certificate of
12 title for a dealer reassignment, notwithstanding that the
13 lienholder is not a licensed dealer. Nothing herein shall be
14 construed to mean that the lienholder is taking title to the
15 repossessed vehicle for purposes of liability for retailer
16 occupation, vehicle use, or other tax with respect to the
17 proceeds from the repossession sale. Delivery of the
18 existing certificate of title to the purchaser shall be
19 deemed disclosure to the purchaser of the owner of the
20 vehicle.

21 (f-5) Repossession without assignment of title. In all
22 cases wherein a lienholder has repossessed a vehicle by other
23 than judicial process and holds it for resale under a
24 security agreement, and the owner of record has not executed
25 an assignment of the existing certificate of title, the
26 lienholder shall comply with the following provisions:

27 (1) Prior to sale, the lienholder shall deliver or
28 mail to the owner at the owner's last known address and
29 to any other lienholder of record, a notice of redemption
30 setting forth the following information: (i) the name of
31 the owner of record and in bold type at or near the top
32 of the notice a statement that the owner's vehicle was
33 repossessed on a specified date for failure to make
34 payments on the loan (or other reason), (ii) a

1 description of the vehicle subject to the lien sufficient
2 to identify it, (iii) the right of the owner to redeem
3 the vehicle, (iv) the lienholder's intent to sell or
4 otherwise dispose of the vehicle after the expiration of
5 21 days from the date of mailing or delivery of the
6 notice, and (v) the name, address, and telephone number
7 of the lienholder from whom information may be obtained
8 concerning the amount due to redeem the vehicle and from
9 whom the vehicle may be redeemed under Section 9-623 of
10 the Uniform Commercial Code. At the lienholder's option,
11 the information required to be set forth in this notice
12 of redemption may be made a part of or accompany the
13 notification of sale or other disposition required under
14 Section 9-611 of the Uniform Commercial Code, but none of
15 the information required by this notice shall be
16 construed to impose any requirement under Article 9 of
17 the Uniform Commercial Code.

18 (2) With respect to the repossession of a vehicle
19 used primarily for personal, family, or household
20 purposes, the lienholder shall also deliver or mail to
21 the owner at the owner's last known address an affidavit
22 of defense. The affidavit of defense shall accompany the
23 notice of redemption required in subdivision (f-5)(1) of
24 this Section. The affidavit of defense shall (i) identify
25 the lienholder, owner, and the vehicle; (ii) provide
26 space for the owner to state the defense claimed by the
27 owner; and (iii) include an acknowledgment by the owner
28 that the owner may be liable to the lienholder for fees,
29 charges, and costs incurred by the lienholder in
30 establishing the insufficiency or invalidity of the
31 owner's defense. To stop the transfer of title, the
32 affidavit of defense must be received by the lienholder
33 no later than 21 days after the date of mailing or
34 delivery of the notice required in subdivision (f-5)(1)

1 of this Section. If the lienholder receives the affidavit
2 from the owner in a timely manner, the lienholder must
3 apply to a court of competent jurisdiction to determine
4 if the lienholder is entitled to possession of the
5 vehicle.

6 (3) Upon selling the vehicle to another person, the
7 lienholder need not send the certificate of title to the
8 Secretary of State, but shall promptly and within 20 days
9 mail or deliver to the purchaser as transferee (i) the
10 existing certificate of title for the repossessed
11 vehicle, reflecting the release of the lienholder's
12 security interest in the vehicle; and (ii) an affidavit
13 of repossession made by or on behalf of the lienholder
14 which provides the following information: that the
15 vehicle was repossessed, a description of the vehicle
16 sufficient to identify it, whether the vehicle has been
17 damaged in excess of 33 1/3% of its fair market value as
18 required under subdivision (b)(3) of Section 3-117.1,
19 that the owner and any other lienholder of record were
20 given the notice required in subdivision (f-5)(1) of this
21 Section, that the owner of record was given the affidavit
22 of defense required in subdivision (f-5)(2) of this
23 Section, that the interest of the owner was lawfully
24 terminated or sold pursuant to the terms of the security
25 agreement, and the purchaser's name and address. If the
26 vehicle is damaged in excess of 33 1/3% of its fair
27 market value, the lienholder shall make application for a
28 salvage certificate under Section 3-117.1 and transfer
29 the vehicle to a person eligible to receive assignments
30 of salvage certificates identified in Section 3-118.

31 (4) The application for a certificate of title made
32 by the purchaser shall comply with subsection (a) of
33 Section 3-104 and be accompanied by the affidavit of
34 repossession furnished by the lienholder and the existing

1 certificate of title for the repossessed vehicle. The
2 lienholder shall execute the assignment and warranty of
3 title showing the name and address of the purchaser in
4 the spaces provided therefor on the certificate of title
5 or as the Secretary of State prescribes. The lienholder
6 shall complete the assignment of title in the certificate
7 of title to reflect the transfer of the vehicle to the
8 lienholder and also a reassignment to reflect the
9 transfer from the lienholder to the purchaser. For this
10 purpose, the lienholder is specifically authorized to
11 execute the assignment on behalf of the owner as seller
12 if the owner has not done so and to complete and execute
13 the space reserved in the certificate of title for a
14 dealer reassignment, notwithstanding that the lienholder
15 is not a licensed dealer. Nothing herein shall be
16 construed to mean that the lienholder is taking title to
17 the repossessed vehicle for purposes of liability for
18 retailer occupation, vehicle use, or other tax with
19 respect to the proceeds from the repossession sale.
20 Delivery of the existing certificate of title to the
21 purchaser shall be deemed disclosure to the purchaser of
22 the owner of the vehicle. In the event the lienholder
23 does not hold the certificate of title for the
24 repossessed vehicle, the lienholder shall make
25 application for and may obtain a new certificate of title
26 in the name of the lienholder upon furnishing information
27 satisfactory to the Secretary of State. Upon receiving
28 the new certificate of title, the lienholder may proceed
29 with the sale described in subdivision (f-5)(3), except
30 that upon selling the vehicle the lienholder shall
31 promptly and within 20 days mail or deliver to the
32 purchaser the new certificate of title reflecting the
33 assignment and transfer of title to the purchaser.

34 (5) Neither the lienholder nor the owner shall file

1 with the Office of the Secretary of State the notice of
2 redemption or affidavit of defense described in
3 subdivisions (f-5)(1) and (f-5)(2) of this Section. The
4 Office of the Secretary of State shall not determine the
5 merits of an owner's affidavit of defense, nor consider
6 any allegations or assertions regarding the validity or
7 invalidity of a lienholder's claim to the vehicle or an
8 owner's asserted defenses to the repossession action.

9 (f-7) Notice of reinstatement in certain cases.

10 (1) If, at the time of repossession by a lienholder
11 that is seeking to transfer title pursuant to subsection
12 (f-5), the owner has paid an amount equal to 30% or more
13 of the deferred payment price or total of payments due,
14 the owner may, within 21 days of the date of
15 repossession, reinstate the contract or loan agreement
16 and recover the vehicle from the lienholder by tendering
17 in a lump sum (i) the total of all unpaid amounts,
18 including any unpaid delinquency or deferral charges due
19 at the date of reinstatement, without acceleration; and
20 (ii) performance necessary to cure any default other than
21 nonpayment of the amounts due; and (iii) all reasonable
22 costs and fees incurred by the lienholder in retaking,
23 holding, and preparing the vehicle for disposition and in
24 arranging for the sale of the vehicle. Reasonable costs
25 and fees incurred by the lienholder include without
26 limitation repossession and storage expenses and, if
27 authorized by the contract or loan agreement, reasonable
28 attorneys' fees and collection agency charges.

29 (2) Tender of payment and performance pursuant to
30 this limited right of reinstatement restores to the owner
31 his rights under the contract or loan agreement as though
32 no default had occurred. The owner has the right to
33 reinstate the contract or loan agreement and recover the
34 vehicle from the lienholder only once under this

1 subsection. The lienholder may, in the lienholder's sole
2 discretion, extend the period during which the owner may
3 reinstate the contract or loan agreement and recover the
4 vehicle beyond the 21 days allowed under this subsection,
5 and the extension shall not subject the lienholder to
6 liability to the owner under the laws of this State.

7 (3) The lienholder shall deliver or mail written
8 notice to the owner at the owner's last known address,
9 within 3 business days of the date of repossession, of
10 the owner's right to reinstate the contract or loan
11 agreement and recover the vehicle pursuant to the limited
12 right of reinstatement described in this subsection. At
13 the lienholder's option, the information required to be
14 set forth in this notice of reinstatement may be made
15 part of or accompany the notice of redemption required in
16 subdivision (f-5)(1) of this Section and the notification
17 of sale or other disposition required under Section 9-611
18 of the Uniform Commercial Code, but none of the
19 information required by this notice of reinstatement
20 shall be construed to impose any requirement under
21 Article 9 of the Uniform Commercial Code.

22 (4) The reinstatement period, if applicable, and
23 the redemption period described in subdivision (f-5)(1)
24 of this Section, shall run concurrently if the
25 information required to be set forth in the notice of
26 reinstatement is part of or accompanies the notice of
27 redemption. In any event, the 21 day redemption period
28 described in subdivision (f-5)(1) of this Section shall
29 commence on the date of mailing or delivery to the owner
30 of the information required to be set forth in the notice
31 of redemption, and the 21 day reinstatement period
32 described in this subdivision, if applicable, shall
33 commence on the date of mailing or delivery to the owner
34 of the information required to be set forth in the notice

1 of reinstatement.

2 (5) The Office of the Secretary of State shall not
3 determine the merits of an owner's claim of right to
4 reinstatement, nor consider any allegations or assertions
5 regarding the validity or invalidity of a lienholder's
6 claim to the vehicle or an owner's asserted right to
7 reinstatement. Where a lienholder is subject to
8 licensing and regulatory supervision by the State of
9 Illinois, the lienholder shall be subject to all of the
10 powers and authority of the lienholder's primary State
11 regulator to enforce compliance with the procedures set
12 forth in this subsection (f-7).

13 (f-10) Repossession by judicial process. In all cases
14 wherein a lienholder has repossessed a vehicle by judicial
15 process and holds it for resale under a security agreement,
16 order for replevin, or other court order establishing the
17 lienholder's right to possession of the vehicle, the
18 lienholder may proceed to sell or otherwise dispose of the
19 vehicle as authorized under the Uniform Commercial Code or
20 the court order. Upon selling the vehicle to another person,
21 the lienholder need not send the certificate of title to the
22 Secretary of State, but shall promptly and within 20 days
23 mail or deliver to the purchaser as transferee (i) the
24 existing certificate of title for the repossessed vehicle
25 reflecting the release of the lienholder's security interest
26 in the vehicle; (ii) a certified copy of the court order; and
27 (iii) a bill of sale identifying the new owner's name and
28 address and the year, make, model, and vehicle identification
29 number of the vehicle. The application for a certificate of
30 title made by the purchaser shall comply with subsection (a)
31 of Section 3-104 and be accompanied by the certified copy of
32 the court order furnished by the lienholder and the existing
33 certificate of title for the repossessed vehicle. The
34 lienholder shall execute the assignment and warranty of title

1 showing the name and address of the purchaser in the spaces
2 provided therefor on the certificate of title or as the
3 Secretary of State prescribes. The lienholder shall complete
4 the assignment of title in the certificate of title to
5 reflect the transfer of the vehicle to the lienholder and
6 also a reassignment to reflect the transfer from the
7 lienholder to the purchaser. For this purpose, the
8 lienholder is specifically authorized to execute the
9 assignment on behalf of the owner as seller if the owner has
10 not done so and to complete and execute the space reserved in
11 the certificate of title for a dealer reassignment,
12 notwithstanding that the lienholder is not a licensed dealer.
13 Nothing herein shall be construed to mean that the lienholder
14 is taking title to the repossessed vehicle for purposes of
15 liability for retailer occupation, vehicle use, or other tax
16 with respect to the proceeds from the repossession sale.
17 Delivery of the existing certificate of title to the
18 purchaser shall be deemed disclosure to the purchaser of the
19 owner of the vehicle. In the event the lienholder does not
20 hold the certificate of title for the repossessed vehicle,
21 the lienholder shall make application for and may obtain a
22 new certificate of title in the name of the lienholder upon
23 furnishing information satisfactory to the Secretary of
24 State. Upon receiving the new certificate of title, the
25 lienholder may proceed with the sale described in this
26 subsection, except that upon selling the vehicle the
27 lienholder shall promptly and within 20 days mail or deliver
28 to the purchaser the new certificate of title reflecting the
29 assignment and transfer of title to the purchaser.

30 (f-15) The Secretary of State shall not issue a
31 certificate of title to a purchaser under subsection (f),
32 (f-5), or (f-10) of this Section, unless the person from whom
33 the vehicle has been repossessed by the lienholder is shown
34 to be the last registered owner of the motor vehicle. The

1 Secretary of State may provide by rule for the standards to
2 be followed by a lienholder in assigning and transferring
3 certificates of title with respect to repossessed vehicles.

4 (f-20) If applying for a salvage certificate or a
5 junking certificate, the lienholder shall within 20 days make
6 an application to the Secretary of State for a salvage
7 certificate or a junking certificate, as set forth in this
8 Code. The Secretary of State shall not issue a salvage
9 certificate or a junking certificate to such lienholder
10 unless the person from whom such vehicle has been repossessed
11 is shown to be the last registered owner of such motor
12 vehicle and such lienholder establishes to the satisfaction
13 of the Secretary of State that he is entitled to such salvage
14 certificate or junking certificate. The Secretary of State
15 may provide by rule for the standards to be followed by a
16 lienholder in order to obtain a salvage certificate or
17 junking certificate for a repossessed vehicle.

18 (f-25) If the interest of an owner in a mobile home, as
19 defined in the Mobile Home Local Services Tax Act, passes to
20 another under the provisions of the Mobile Home Local
21 Services Tax Enforcement Act, the transferee shall promptly
22 mail or deliver to the Secretary of State (i) the last
23 certificate of title, if available, (ii) a certified copy of
24 the court order ordering the transfer of title, and (iii) an
25 application for certificate of title.

26 (g) A person holding a certificate of title whose
27 interest in the vehicle has been extinguished or transferred
28 other than by voluntary transfer shall mail or deliver the
29 certificate, within 20 days upon request of the Secretary of
30 State. The delivery of the certificate pursuant to the
31 request of the Secretary of State does not affect the rights
32 of the person surrendering the certificate, and the action of
33 the Secretary of State in issuing a new certificate of title
34 as provided herein is not conclusive upon the rights of an

1 owner or lienholder named in the old certificate.

2 (h) The Secretary of State may decline to process any
3 application for a transfer of an interest in a vehicle
4 hereunder if any fees or taxes due under this Act from the
5 transferor or the transferee have not been paid upon
6 reasonable notice and demand.

7 (i) The Secretary of State shall not be held civilly or
8 criminally liable to any person because any purported
9 transferor may not have had the power or authority to make a
10 transfer of any interest in any vehicle or because a
11 certificate of title issued in error is subsequently used to
12 commit a fraudulent act.

13 (Source: P.A. 90-212, eff. 1-1-98; 90-665, eff. 1-1-99;
14 91-893, eff. 7-1-01.)

15 Section 995. No acceleration or delay. Where this Act
16 makes changes in a statute that is represented in this Act by
17 text that is not yet or no longer in effect (for example, a
18 Section represented by multiple versions), the use of that
19 text does not accelerate or delay the taking effect of (i)
20 the changes made by this Act or (ii) provisions derived from
21 any other Public Act.

22 Section 999. Effective date. This Act takes effect on
23 January 1, 2002.