

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 a court order transfers ownership of the mobile home.

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 and there is not an open scavenger
8 buy. The mobile home may be sold under the order of the
9 court by the person having authority to receive County taxes,
10 with notice to interested parties and right of redemption
11 from the sale, (except that the interest or any other amount
12 to be paid upon redemption in addition to the amount for
13 which the mobile home was sold shall be as provided herein),
14 as provided in Sections 290 through 310 and 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 or
27 violations of mobile home park rules and regulations make the
28 mobile home dangerous or hazardous, when taxes on the mobile
29 home are delinquent for 2 years or more, or when in the
30 judgment of the court it is to the best interest of the
31 parties, the court may, upon the verified petition of any
32 party to the proceeding, or the holder of the certificate of
33 purchase, appoint a receiver for the mobile home with like

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

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

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

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

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

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

31 Section 40. Tax abatement after acquisition by a
32 governmental unit. When any county or municipality acquires
33 a mobile home through the foreclosure of a lien, through a

1 judicial order, through the foreclosure of receivership
2 certificate lien, or by acceptance of a certificate of title
3 in lieu of foreclosing any lien against the mobile home, or
4 when any county or other taxing district acquires a
5 certificate of title for a mobile home under Section 35 or
6 Sections 90 and 200, all due or unpaid mobile home taxes and
7 existing liens for unpaid mobile home taxes imposed or
8 pending under any law or ordinance of this State or any of
9 its political subdivisions shall become null and void.

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

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

32 Section 50. Liability of owner; rights of tax purchaser.

1 Nothing in Sections 40 and 45 shall relieve any owner liable
2 for delinquent mobile home taxes under the Mobile Home Local
3 Services Tax Act from the payment of any delinquent taxes or
4 liens which have become null and void under those Sections.

5 Sections 45 and 50 shall not adversely affect the rights
6 or interests of the holder of any bona fide certificate of
7 purchase of the mobile home for delinquent taxes. However,
8 upon acquisition of a mobile home by a governmental unit as
9 set forth in Section 40, the rights and interests of the
10 holder of any bona fide certificate of purchase of the mobile
11 home for delinquent taxes shall be limited to a sale in error
12 and a refund as provided under Section 255.

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

29 Section 60. Times of publication of notice. The
30 advertisement shall be published once at least 10 days before
31 the day on which judgment is to be applied for, and shall
32 contain a list of the delinquent mobile homes upon which the

1 taxes or any part thereof remain due and unpaid, the names of
2 owners, and the street, common address, and mobile home park
3 where the mobile home is sited, if known, the vehicle
4 identification number, the model year of the home, the square
5 footage of the home, the total amount due, and the year or
6 years for which they are due. In counties of less than
7 3,000,000 inhabitants, advertisement shall include notice of
8 the registration requirement for persons bidding at the sale.

9 The collector shall give notice that he or she will apply
10 to the circuit court on a specified day for judgment against
11 the mobile homes for the taxes, and costs, and for an order
12 to sell the mobile homes for the satisfaction of the amount
13 due.

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

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

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

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

1 Section 70. Sale of mobile homes previously ordered
2 sold. A mobile home ordered sold by unexecuted judgments and
3 orders of sale, previously entered, shall be included in the
4 advertisement for sale only under the previous orders, and
5 shall be sold in the order in which they appear in the
6 delinquent list contained in the advertisement. At any time
7 between annual sales the county collector also may advertise
8 for sale any mobile homes subject to sale under orders
9 previously entered and not executed for any reason. The
10 advertisement and sale shall be regulated by the provisions
11 regulating the annual advertisement and sale of delinquent
12 mobile homes, as far as applicable.

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

23 Division 3. Notice and publication provisions

24 Section 80. Mailed notice of application for judgment
25 and sale. Not less than 15 days before the date of
26 application for judgment and sale of delinquent mobile homes,
27 the county collector shall mail, by registered or certified
28 mail, a notice of the forthcoming application for judgment
29 and sale to the person shown by the current collector's
30 warrant book to be the party in whose name the taxes were
31 last computed. The notice shall include the intended dates

1 of application for judgment and sale and commencement of the
2 sale, and a description of the mobile homes. The county
3 collector must present proof of the mailing to the court
4 along with the application for judgement.

5 In counties with less than 3,000,000 inhabitants, a copy
6 of this notice shall also be mailed by the county collector
7 by registered or certified mail to any lienholder of record
8 who annually requests a copy of the notice. The failure of
9 the county collector to mail a notice or its non-delivery to
10 the lienholder shall not affect the validity of the judgment.

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

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

28 Section 90. Scavenger sale. At the same time the county
29 collector annually publishes the collector's annual sale
30 advertisement under Sections 55 and 60, the collector, if the
31 county board so orders by resolution, must publish an
32 advertisement giving notice of the intended application for

1 judgment and sale of all mobile homes upon which all or a
2 part of the taxes for each of 2 or more years, including the
3 current tax year, are delinquent as of the date of the
4 advertisement. In no event may there be more than 2
5 consecutive years without a sale under this Section. The term
6 delinquent also includes forfeitures. The county collector
7 shall include in the advertisement and in the application for
8 judgment and sale under this Section and Section 200 the
9 total amount of all taxes upon those mobile homes which are
10 delinquent as of the date of the advertisement. In lieu of a
11 single annual advertisement and application for judgment and
12 sale under this Section and Section 200, the county collector
13 may, from time to time, beginning on the date of the
14 publication of the annual sale advertisement and before
15 August 1 of the next year, publish separate advertisements
16 and make separate applications on eligible mobile homes
17 described in one or more volumes of the delinquent list. The
18 separate advertisements and applications shall, in the
19 aggregate, include all the mobile homes which otherwise would
20 have been included in the single annual advertisement and
21 application for judgment and sale under this Section. The
22 advertisement and application for judgment and sale shall be
23 in the manner prescribed by this Act relating to the annual
24 advertisement and application for judgment and sale of
25 delinquent mobile homes.

26 Division 3.5. Judgments and Sales

27 Section 95. Time of applying for judgment. Except as
28 otherwise provided in this Section, all applications for
29 judgment and order of sale for taxes on delinquent mobile
30 homes shall be made during the month of October.

31 Within 30 days after the day specified for the
32 application for judgment the court shall hear and determine

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

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

21 The record shall set forth the name of the owner and the
22 street, common address, and mobile home park where the mobile
23 home is sited, if known; a description of the mobile home,
24 including the vehicle identification number, model year, and
25 square footage; the year or years for which the tax is due;
26 the valuation on which the tax is extended; the amount of the
27 consolidated and other taxes; the costs; and the total amount
28 of charges against the mobile home.

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

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

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

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

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

20 State of Illinois)
 21) ss.
 22 County of)

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

31 Dated

32 The affidavit shall be entered at the end of the list,

1 and signed by the collector.

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

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

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

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

28 The order shall be signed by the judge. In all judicial
29 proceedings of any kind, for the collection of taxes, all
30 amendments may be made which, by law, could be made in any
31 personal action pending in that court.

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

21 Division 4. Annual tax sale procedure

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

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

15 State of Illinois County of

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

25 Dated (insert date).

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

29 Section 145. Tax sale procedures. The collector, in
30 person or by deputy, shall attend, on the day and in the
31 place specified in the notice for the sale of mobile homes
32 for taxes, and shall, between 9:00 a.m. and 4:00 p.m., or

1 later at the collector's discretion, proceed to offer for
2 sale, separately and in consecutive order, all mobile homes
3 in the list on which the taxes, interest, or costs have not
4 been paid. The collector's office shall be kept open during
5 all hours in which the sale is in progress. The sale shall be
6 continued from day to day, until all mobile homes in the
7 delinquent list have been offered for sale.

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

13 Section 155. Registration. In counties with less than
14 3,000,000 inhabitants, unless the county board provides
15 otherwise, no person shall be eligible to bid who did not
16 register with the county collector at least 10 business days
17 prior to the first day of sale authorized under Section 60.

18 Section 160. Forfeited mobile home. Every mobile home
19 offered at public sale, and not sold for want of bidders,
20 shall be forfeited to the State of Illinois. However, when
21 the court, county clerk, and county treasurer certify that
22 the taxes on a forfeited mobile home equal or exceed the
23 actual value of the mobile home, the county collector shall,
24 on the receipt of such certificate, offer the mobile home for
25 sale to the highest bidder, after first giving 10 days'
26 notice, in the manner described in Sections 55 and 60, of the
27 time and place of sale, together with a description of the
28 mobile home to be offered. A certificate of purchase shall be
29 issued to the purchaser at the sale as in other cases
30 provided in this Act. The county collector shall receive
31 credit in the settlement with the taxing bodies for which the

1 tax was levied for the amount not realized by the sale. The
2 amount received from the sale shall be paid by the collector,
3 pro rata, to the taxing bodies entitled to it.

4 Section 165. Record of sales and redemptions. When any
5 mobile home is sold, the county clerk shall enter on the Tax
6 Judgment, Sale, Redemption and Forfeiture Record, in the
7 blank columns provided for that purpose, the name of the
8 purchaser and the final bid. When any mobile home is redeemed
9 from sale, the county clerk shall enter the name of the
10 person redeeming, the redemption date, and the amount of
11 redemption, in the proper column.

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

15 Section 175. Payment for mobile homes purchased at tax
16 sale; reoffering for sale. Except as otherwise provided
17 below, the person purchasing any mobile home shall be liable
18 to the county for the amount due and shall forthwith pay to
19 the county collector the amount charged on the mobile home.
20 Upon failure to do so, the amount due shall be recoverable in
21 a civil action brought in the name of the People of the State
22 of Illinois in any court of competent jurisdiction. The
23 person so purchasing shall be relieved of liability only by
24 payment of the amount due together with interest and costs
25 thereon, or if the mobile home is reoffered at the sale,
26 purchased, and paid for. Reoffering of the mobile home for
27 sale shall be at the discretion of the collector. The sale
28 shall not be closed until payment is made or the mobile home
29 again offered for sale. The purchaser then shall be entitled
30 to a certificate of purchase. If a purchaser fails to
31 complete his or her purchase as provided in this Section, the

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

16 Section 180. Automation fee. The county collector may
17 assess to the purchaser of a mobile home for delinquent taxes
18 an automation fee of not more than \$10 per mobile home. In
19 counties with less than 3,000,000 inhabitants:

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

25 (b) Fees collected under this Section shall be retained
26 by the county treasurer in a fund designated as the Tax Sale
27 Automation Fund. The fund shall be audited by the county
28 auditor. The county board shall make expenditures from the
29 fund to pay any costs related to the automation of mobile
30 home tax collections and delinquent mobile home tax sales,
31 including the cost of hardware, software, research and
32 development, and personnel.

1 Section 185. Certificate of purchase. The county clerk
2 shall make out and deliver to the purchaser of any mobile
3 home sold under Section 145, a certificate of purchase
4 countersigned by the collector, describing the mobile home
5 sold, including the vehicle identification number, the model
6 year, and the square footage, the date of sale, the amount of
7 taxes, interest, and cost for which it was sold, and that
8 payment of the sale price has been made. If any person
9 becomes the purchaser of more than one mobile home owned by
10 one party or person, the purchaser may have the whole or one
11 or more of them included in one certificate, but separate
12 certificates shall be issued in all other cases. A
13 certificate of purchase shall be assignable by endorsement.
14 An assignment shall vest in the assignee or his or her legal
15 representatives, all the right and title of the original
16 purchaser.

17 If the tax certificate is lost or destroyed, the county
18 clerk shall issue a duplicate certificate upon written
19 request and a sworn affidavit by the tax sale purchaser, or
20 his or her assignee, that the tax certificate is lost or
21 destroyed. The county clerk shall cause a notation to be made
22 in the tax sale and judgment book that a duplicate
23 certificate has been issued, and redemption payments shall be
24 made only to the holder of the duplicate certificate.

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

29 Section 195. County clerk's books and records; prima
30 facie evidence. The books and records of the county clerk, or
31 copies thereof, certified by the clerk, shall be prima facie
32 evidence to prove the sale of any mobile home for taxes, the

1 redemption of the mobile home, or payment of taxes thereon.

2 Division 5. Scavenger sales; procedures

3 Section 200. Collector's scavenger sale. Upon the
4 county collector's application under Section 90, to be known
5 as the Scavenger Sale Application, the Court shall enter
6 judgment for the taxes, interest, penalties, and costs as are
7 included in the advertisement and appear to be due thereon
8 after allowing an opportunity to object and a hearing upon
9 the objections as provided in Section 115, and order those
10 mobile homes sold by the county collector at public sale to
11 the highest bidder for cash, notwithstanding the bid may be
12 less than the full amount of taxes, interest, penalties, and
13 costs for which judgment has been entered.

14 (a) Conducting the sale; bidding. All mobile homes
15 shall be offered for sale in consecutive order as they appear
16 in the delinquent list. The minimum bid for any mobile home
17 shall be \$250 or one-half of the tax if the total liability
18 is less than \$500. The successful bidder shall immediately
19 pay the amount of minimum bid to the County Collector in
20 cash, by certified or cashier's check, by money order, or, if
21 the successful bidder is a governmental unit, by a check
22 issued by that governmental unit. If the bid exceeds the
23 minimum bid, the successful bidder shall pay the balance of
24 the bid to the county collector in cash, by certified or
25 cashier's check, by money order, or, if the successful bidder
26 is a governmental unit, by a check issued by that
27 governmental unit by the close of the next business day. If
28 the minimum bid is not paid at the time of sale or if the
29 balance is not paid by the close of the next business day,
30 then the sale is void and the minimum bid, if paid, is
31 forfeited to the county general fund. In that event, the
32 mobile home shall be reoffered for sale within 30 days of the

1 last offering of mobile homes in regular order. The
2 collector shall make available to the public a list of all
3 mobile homes to be included in any reoffering due to the
4 voiding of the original sale. The collector is not required
5 to serve or publish any other notice of the reoffering of
6 those mobile homes. In the event that any of the mobile homes
7 are not sold upon reoffering, or are sold for less than the
8 amount of the original voided sale, the original bidder who
9 failed to pay the bid amount shall remain liable for the
10 unpaid balance of the bid in an action under Section 175.
11 Liability shall not be reduced where the bidder upon
12 reoffering also fails to pay the bid amount, and in that
13 event both bidders shall remain liable for the unpaid balance
14 of their respective bids. A sale of mobile homes under this
15 Section shall not be final until confirmed by the court.

16 (b) Confirmation of sales. The county collector shall
17 file his or her report of sale in the court within 30 days
18 after the date of sale of each mobile home. No notice of the
19 county collector's application to confirm the sales shall be
20 required except as prescribed by rule of the court. Upon
21 confirmation, except in cases where the sale becomes void
22 under Section 430, or in cases where the order of
23 confirmation is vacated by the court, a sale under this
24 Section shall extinguish the in rem lien of the taxes, for
25 which judgment has been entered and a redemption shall not
26 revive the lien. Confirmation of the sale shall in no event
27 affect the owner's personal liability to pay the taxes,
28 interest, and penalties as provided in this Act or prevent
29 institution of a proceeding under Section 355 to collect any
30 amount that may remain due after the sale.

31 (c) Issuance of tax sale certificates. Upon confirmation
32 of the sale, the county clerk and the county collector shall
33 issue to the purchaser a certificate of purchase in the form
34 prescribed by Section 185 as near as may be. A certificate

1 of purchase shall not be issued to any person who is
2 ineligible to bid at the sale or to receive a certificate of
3 purchase under Section 205.

4 (d) Scavenger Tax Judgment, Sale and Redemption Record;
5 sale of parcels not sold. The county collector shall prepare
6 a Scavenger Tax Judgment, Sale and Redemption Record. The
7 county clerk shall write or stamp on the scavenger tax
8 judgment, sale, forfeiture and redemption record opposite the
9 description of any mobile home offered for sale and not sold,
10 or not confirmed for any reason, the words "offered but not
11 sold". The mobile homes that are offered for sale under this
12 Section and not sold or not confirmed shall be offered for
13 sale annually thereafter in the manner provided in this
14 Section until sold. At any time between annual sales the
15 county collector may advertise for sale any mobile homes
16 subject to sale under judgments for sale previously entered
17 under this Section and not executed for any reason. The
18 advertisement and sale shall be regulated by the provisions
19 of this Act as far as applicable.

20 (e) Proceeding to tax certificate of title. The owner of
21 the certificate of purchase shall give notice as required by
22 Sections 365 through 390, and may extend the period of
23 redemption as provided by Section 330. At any time within 5
24 months prior to expiration of the period of redemption from a
25 sale under this Act, the owner of a certificate of purchase
26 may file a petition and may obtain a tax certificate of title
27 under Sections 390 through 410. All proceedings for the
28 issuance of a tax certificate of title and all tax
29 certificates of title for mobile homes sold under this
30 Section shall be subject to Sections 390 through 410. This
31 Section shall be liberally construed so that the certificates
32 of title provided for in this Section convey merchantable
33 title.

34 (f) Redemptions from scavenger sales. Redemptions may be

1 made from sales under this Section in the same manner and
2 upon the same terms and conditions as redemptions from sales
3 made under the county collector's annual application for
4 judgment and order of sale, except that in lieu of penalty
5 the person redeeming shall pay interest on that part of the
6 amount for which the mobile home was sold equal to or less
7 than the full amount of delinquent taxes, penalties,
8 interest, and costs, included in the judgment and order of
9 sale as follows:

10 (1) If redeemed within the first 2 months from the
11 date of the sale, 3% per month upon the amount of taxes,
12 penalties, interest, and costs due for each of the first
13 2 months, or fraction thereof.

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

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

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

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

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

30 The person redeeming shall not be required to pay any
31 interest on any part of the amount for which the mobile home
32 was sold that exceeds the full amount of delinquent taxes,
33 penalties, interest, and costs included in the judgment and
34 order of sale.

1 Notwithstanding any other provision of this Section, the
2 amount required to be paid for redemption shall also include
3 an amount equal to all delinquent taxes on the mobile home
4 which taxes were delinquent at the time of sale. The
5 delinquent taxes shall be apportioned by the county collector
6 among the taxing districts in which the mobile home is
7 situated in accordance with law. In the event that all moneys
8 received from any sale held under this Section exceed an
9 amount equal to all delinquent taxes on the mobile home sold,
10 which taxes were delinquent at the time of sale, together
11 with all publication and other costs associated with the
12 sale, then, upon redemption, the county collector and the
13 county clerk shall apply the excess amount to the cost of
14 redemption.

15 (g) Bidding by county or other taxing districts. Any
16 taxing district may bid at a scavenger sale. The county
17 board of the county in which mobile homes offered for sale
18 under this Section are located may bid as trustee for all
19 taxing districts having an interest in the taxes for the
20 nonpayment of which the mobile homes are offered. The county
21 shall apply on the bid the unpaid taxes due upon the mobile
22 home and no cash need be paid. The county or other taxing
23 district acquiring a tax sale certificate shall take all
24 steps necessary to acquire certificate of title to the mobile
25 home and may manage and operate the mobile home so acquired.

26 When a county, or other taxing district within the
27 county, is a petitioner for a tax certificate of title, no
28 filing fee shall be required on the petition. The county as a
29 tax creditor and as trustee for other tax creditors, or other
30 taxing district within the county shall not be required to
31 allege and prove that all taxes that become due and payable
32 after the sale to the county have been paid. The county shall
33 not be required to pay the subsequently accruing taxes at any
34 time. Upon the written request of the county board or its

1 designee, the county collector shall not offer the mobile
2 home for sale at any tax sale subsequent to the sale of the
3 mobile home to the county under this Section. The lien of
4 taxes that become due and payable after a sale to a county
5 shall merge in the certificate title of the county, or other
6 taxing district, on the issuance of a certificate of title.
7 The County may sell the mobile homes so acquired, or the
8 certificate of purchase thereto, and the proceeds of the sale
9 shall be distributed to the taxing districts in proportion to
10 their respective interests therein. The presiding officer of
11 the county board, with the advice and consent of the county
12 board, may appoint some officer or person to attend scavenger
13 sales and bid on its behalf.

14 (h) Miscellaneous provisions. In the event that a mobile
15 home sold at any such sale is not redeemed within the time
16 permitted by law and a tax certificate of title is issued,
17 all moneys that may be received from the sale of mobile homes
18 in excess of the delinquent taxes, together with all
19 publication and other costs associated with the sale, shall,
20 upon petition of any interested party to the court that
21 issued the tax certificate of title, be distributed by the
22 county collector pursuant to order of the court among the
23 persons having legal or equitable interests in the mobile
24 home according to the fair value of their interests in the
25 mobile home. Appeals may be taken from the orders and
26 judgments entered under this Section as in other civil cases.
27 The remedy herein provided is in addition to other remedies
28 for the collection of delinquent taxes.

29 Section 205. Scavenger sale; persons ineligible to bid
30 or purchase.

31 (a) No person, except a unit of local government, shall
32 be eligible to bid or receive a certificate of purchase at
33 any sale under Section 200 unless that person has completed

1 and delivered to the county clerk a true, accurate, and
2 complete application for certificate of purchase which shall
3 affirm that:

4 (1) the person has not bid upon or applied to
5 purchase any mobile home at the sale for a person who is
6 the party or agent of the party who owns the mobile home
7 or is responsible for the payment of the delinquent
8 taxes;

9 (2) the person is not, nor is he or she the agent
10 for, the owner or party responsible for payment of the
11 taxes on any mobile home which is located in the same
12 county in which the sale is held and which is tax
13 delinquent or forfeited for all or any part of each of 2
14 or more years; and

15 (3) the person, although otherwise eligible to bid,
16 has not either directly or through an agent twice during
17 the same sale failed to complete a purchase by the
18 immediate payment of the minimum bid or the payment of
19 the balance of a bid within the time provided by Section
20 200.

21 Section 210. Scavenger sale registration. No person,
22 except a unit of local government, shall be eligible to bid
23 or to receive a certificate of purchase who did not register
24 with the county collector at least 5 business days in advance
25 of the first day of the sale under Section 200. The collector
26 may charge, for each registration, a fee of not more than \$50
27 in counties with less than 3,000,000 inhabitants.
28 Registration shall be made upon such forms and according to
29 such regulations as the county collector deems necessary in
30 order to effect complete and accurate disclosure of the
31 identity of all persons beneficially interested, directly or
32 indirectly, in each sale under Section 200. The information
33 to be disclosed shall include, but not be limited to, the

1 name, address, and telephone number of the purchaser to whom
2 the clerk and collector will be requested to issue a
3 certificate of purchase; if the purchaser is a corporation,
4 the place of incorporation and the names and addresses of its
5 shareholders unless the corporation is publicly held; if the
6 purchaser is a partnership, the names and addresses of all
7 general and limited partners; if the purchaser is doing
8 business under an assumed business name, the county where
9 such name is registered and the names, addresses, and
10 telephone numbers of all persons having an ownership interest
11 in the business; and the identity and location of any other
12 tax delinquent mobile home owned by the bidder and purchaser.

13 Every application for certificate of purchase and form
14 for registration authorized and required by this Section and
15 Section 215 shall be executed under penalty of perjury as
16 though under oath or affirmation, but no acknowledgement is
17 required.

18 Section 215. Scavenger sale; application for certificate
19 of purchase. The application for certificate of purchase
20 shall be executed by the purchaser and by any individual
21 bidder acting in the purchaser's behalf. The application
22 shall be initially executed and delivered to the county clerk
23 at the time of registration for the sale as provided in this
24 Section. Before receiving any certificate of purchase, each
25 purchaser and individual bidder acting in the purchaser's
26 behalf shall sign and deliver to the county clerk a schedule
27 or schedules of the mobile homes for which that purchaser has
28 successfully bid and is applying to purchase, which schedule
29 or schedules shall be attached to and incorporated within the
30 application. The schedule or schedules shall be accompanied
31 by a fee, for each mobile home listed, of \$10 in counties
32 with less than 3,000,000 inhabitants. The application and
33 schedule or schedules shall be in substantially the following

1 form:

2 APPLICATION FOR CERTIFICATE OF PURCHASE

3 Date of Application:

4 Name of Purchaser:

5 Address:

6 Name of Bidder:

7 Address:

8 I (we) hereby apply to the County Clerk and County
9 Treasurer of County for issuance of a certificate of
10 purchase for each of the mobile homes on the attached
11 schedule(s), and state as follows:

12 1. I (we) made (or authorized) the successful bid on
13 each mobile home listed on the attached schedule or schedules
14 at the sale of delinquent mobile homes under Section 200 of
15 the Mobile Home Local Services Tax Enforcement Act conducted
16 by the County Treasurer of County, Illinois, on the
17 dates indicated for each mobile home on the schedule(s).

18 2. At least 5 business days before the first day of this
19 sale, I (we) submitted a truthful, accurate and complete
20 registration to the Treasurer of County on the form(s)
21 and according to the regulations prescribed by the
22 Treasurer's office.

23 3. Neither I (we) nor any person or firm identified in
24 the registration submitted to the Treasurer of County
25 was an owner or agent of an owner, lienholder or agent of a
26 lienholder (other than the mobile home park owner or his or
27 her agent), holder of beneficial interest or agent of a
28 holder of a beneficial interest in or of any mobile home
29 identified on the schedule(s) attached to this application on
30 January 1st of any years for which taxes were delinquent at
31 the time of my (our) bid(s) described in the schedule(s).

32 4. Neither I (we) nor any person or firm identified in
33 the registration submitted to the Treasurer of County
34 was an owner or agent of an owner, lienholder or agent of a

1 lienholder (other than the mobile home park owner or his or
2 her agent), holder of a beneficial interest or agent of a
3 holder of a beneficial interest in or of the mobile home
4 identified on the schedule(s) attached to this application at
5 the time of the bid(s) described in the schedule.

6 5. Neither I (we) nor any person or firm identified in
7 the registration submitted to the Treasurer of County
8 was an owner or agent for an owner, or party or agent for a
9 party responsible for the payment of delinquent taxes, on any
10 mobile home in the county that was tax delinquent or
11 forfeited for all or any part of each of 2 or more years when
12 the registration was submitted.

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

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

23 I (we) further understand that this application shall be
24 void unless the schedule(s) of mobile homes referred to in
25 the application is (are) completed and delivered to the
26 County Clerk.

27 Dated:
28 (Signature of Purchaser)

29 Dated:
30 (Signature of Bidder)

31 SCHEDULE OF PROPERTIES

32 Mobile home vehicle identification number
33 (or other identification) Date of Bid
34 (insert number or other identification) (insert date)

1 I (we) hereby affirm that I (we) successfully bid upon
 2 the above mobile homes at the sale conducted by the County
 3 Treasurer of County on the indicated dates, and I (we)
 4 request that the County Clerk of County attach this
 5 schedule to my (our) application for certificate of purchase
 6 dated

7 Signed under penalty of perjury as provided by law:

8 Dated:

9 (Signature of Purchaser)

10 Dated:

11 (Signature of Bidder)

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

13 (a) Any person who is ineligible under Section 205 to
 14 bid or to receive a certificate of purchase from a sale under
 15 Section 200, who nevertheless registers to bid or bids or
 16 receives or acquires ownership of a certificate of purchase
 17 from a sale, and any person who registers to bid or bids at a
 18 sale on behalf of an ineligible person, shall be personally
 19 liable, jointly and severally, in a sum equal to the full
 20 amount of delinquent or forfeited taxes, interest, penalties,
 21 and costs for which the judgment for sale under Section 200
 22 was entered.

23 (b) The State's Attorney of the county in which the sale
 24 under Section 200 was conducted may bring an action in the
 25 name of the People of the State of Illinois against the
 26 person and, upon a finding of liability under this Section,
 27 the court shall enter judgment against the person in a sum
 28 equal to the full amount of delinquent or forfeited taxes,
 29 interest, penalties, and costs for which judgment for sale
 30 under Section 200 was entered, together with the costs of the
 31 action and reasonable attorney's fees. The proceeds of any
 32 judgment under this Section shall be paid into the county
 33 general fund.

1 Section 225. Tax scavenger sale fraud; definitions. For
2 purposes of Section 230:

3 (1) "Ownership interest" means any title or other
4 interest in a mobile home, the holder of which is
5 considered to be the owner of the mobile home for
6 purposes of taxation under Section 3 of the Mobile Home
7 Local Services Tax Act. Mobile home park owners are not
8 deemed to have an ownership interest as defined in this
9 Section.

10 (2) "Nonownership interest" means any interest in a
11 mobile home other than a contingent interest and other
12 than an ownership interest as defined in this Section,
13 including without limitation an easement or lien.

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

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

18 (a) enters a bid or authorizes or procures the
19 entry of a bid on any mobile home offered for sale under
20 Section 200, when the person in whose behalf the bid is
21 made or authorized or procured has an ownership interest
22 or nonownership interest in the mobile home, or where
23 that person had such an interest on January 1 of any year
24 for which delinquent taxes were included within the
25 judgment for sale under Section 200;

26 (b) acquires, or attempts to acquire, ownership of
27 any certificate of purchase for a mobile home sold under
28 Section 200, when the person in whose behalf such
29 certificate of purchase is or would be acquired has an
30 ownership interest or nonownership interest in the mobile
31 home, or where that person had that interest on January 1
32 of any year for which delinquent taxes were included
33 within the judgment for sale under Section 200;

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

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

10 (e) forfeits 2 or more bids at any one sale under
11 Section 200 by failing to pay the minimum cash bid timely
12 or by failing to pay the balance of the bid timely as
13 required by Section 200.

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

17 Division 6. Indemnity fund; sales in error

18 Section 235. Creation of indemnity fund.

19 (a) Each person purchasing any mobile home at a sale
20 under this Act shall pay to the county collector, prior to
21 the issuance of any certificate of purchase, a fee of \$20 for
22 each item purchased. A like sum shall be paid for each year
23 that all or a portion of subsequent taxes are paid by the tax
24 purchaser and posted to the tax judgment, sale, redemption
25 and forfeiture record where the underlying certificate of
26 purchase is recorded.

27 (b) The amount paid prior to issuance of the certificate
28 of purchase pursuant to subsection (a) shall be included in
29 the purchase price of the mobile home in the certificate of
30 purchase and all amounts paid under this Section shall be
31 included in the amount required to redeem under Section 300.
32 Except as otherwise provided in subsection (b) of Section

1 240, all money received under subsection (a) shall be paid by
2 the collector to the county treasurer of the county in which
3 the mobile home is situated, for the purpose of an indemnity
4 fund. The county treasurer, as trustee of that fund, shall
5 invest all of that fund, principal and income, in his or her
6 hands from time to time, if not immediately required for
7 payments of indemnities under subsection (a) of Section 245,
8 in investments permitted by the Illinois State Board of
9 Investment under Article 22A of the Illinois Pension Act.
10 The county collector shall report annually to the circuit
11 court on the condition and income of the fund. The indemnity
12 fund shall be held to satisfy judgments obtained against the
13 county treasurer, as trustee of the fund. No payment shall be
14 made from the fund, except upon a judgment of the court which
15 ordered the issuance of a tax certificate of title.

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

17 (a) The county board in each county shall determine the
18 amount of the fund to be maintained in that county, which
19 amount shall not be less than \$50,000 and shall not be
20 greater than \$1,000,000 in counties with less than 3,000,000
21 inhabitants. Any moneys accumulated by the county treasurer
22 in excess of the amount so established, as trustee of the
23 fund, shall be paid by him or her annually to the general
24 fund of the county.

25 (b) In counties in which a Tort Liability Fund is
26 established, all sums of money received under subsection (a)
27 of Section 235 may be deposited in the general fund of the
28 county for general county governmental purposes, if the
29 county board provides by ordinance that the indemnity
30 required by this Section shall be provided by the Tort
31 Liability Fund.

32 Section 245. Payments from Indemnity Fund.

1 (a) Any owner of a mobile home sold under any provision
2 of this Act who sustains loss or damage by reason of the
3 issuance of a tax certificate of title under Section 360 or
4 400 and who is barred or is in any way precluded from
5 bringing an action for the recovery of the mobile home shall
6 have the right to indemnity for the loss or damage sustained,
7 limited as follows:

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

19 An owner of a mobile home who requests an award in
20 excess of \$99,000 must prove that the loss of his or her
21 mobile home was not attributable to his or her own fault
22 or negligence before an award in excess of \$99,000 will
23 be granted.

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

33 (3) In determining the fair cash value of a mobile
34 home less any liens on the mobile home, the fair cash

1 value shall be reduced by the principal amount of all
2 taxes paid by the tax purchaser or his or her assignee
3 before the issuance of the tax certificate of title.

4 (4) If an award made under paragraph (1) or (2) is
5 subject to a reduction by the amount of an outstanding
6 lien on the mobile home, other than the principal amount
7 of all taxes paid by the tax purchaser or his or her
8 assignee before the issuance of the tax certificate of
9 title and the petitioner would be personally liable to
10 the lienholder for all or part of that reduction amount,
11 the court shall order an additional indemnity award to be
12 paid directly to the lienholder sufficient to discharge
13 the petitioner's personal liability. The court, in its
14 discretion, may order the joinder of the lienholder as an
15 additional party to the indemnity action.

16 (b) Indemnity fund; subrogation.

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

30 (2) The county treasurer, as trustee of the
31 indemnity fund, shall be subrogated to all parties in
32 whose favor judgment may be rendered against him or her,
33 and by third party complaint may bring in as a defendant
34 any person, other than the tax certificate of title

1 grantee and its successors in title, not a party to the
2 action who is or may be liable to him or her, as
3 subrogee, for all or part of the petitioner's claim
4 against him or her.

5 (c) Any contract involving the proceeds of a judgment
6 for indemnity under this Section, between the tax certificate
7 of title grantee or its successors in title and the indemnity
8 petitioner or his or her successors, shall be in writing. In
9 any action brought under this Section, the Collector shall be
10 entitled to discovery regarding, but not limited to, the
11 following:

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

25 (2) the time period during which the contract was
26 negotiated and agreed upon, from the date of the first
27 direct or indirect contact between any of the contracting
28 parties to the date of its execution;

29 (3) the name and address of each natural person who
30 took part in negotiating the contract, and the identity
31 and relationship of the party that the person represented
32 in the negotiations; and

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

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

4 Section 250. Indemnity fund fraud.

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

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

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

14 (3) makes a deceptive misrepresentation during the
15 course of negotiating an agreement under subsection (c)
16 of Section 245; or

17 (4) conspires to violate any of the provisions of
18 this subsection.

19 (b) Commission of any one act described in subsection
20 (a) is a Class A misdemeanor. Commission of more than one act
21 described in subsection (a) during a single course of conduct
22 is a Class 4 felony. A second or subsequent conviction for
23 violation of any portion of this Section is a Class 4 felony.

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

1 Section 255. Sales in error.

2 (a) When, upon application of the county collector, the
3 owner of the certificate of purchase, or a municipality that
4 owns or has owned the mobile home ordered sold, it appears to
5 the satisfaction of the court that ordered the mobile home
6 sold that any of the following subsections are applicable,
7 the court shall declare the sale to be a sale in error:

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

9 (1.5) the mobile home has been moved to a different
10 location,

11 (2) the taxes had been paid prior to the sale of
12 the mobile home,

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

14 (4) the description is void for uncertainty,

15 (5) the assessor, chief county assessment officer,
16 board of review, board of appeals, or other county
17 official has made an error (other than an error of
18 judgment as to the value of any mobile home),

19 (5.5) the owner of the mobile home had tendered
20 timely and full payment to the county collector that the
21 owner reasonably believed was due and owing on the mobile
22 home, and the county collector did not apply the payment
23 to the mobile home; provided that this provision applies
24 only to mobile home owners, not their agents or
25 third-party payors, or

26 (6) prior to the tax sale a voluntary or
27 involuntary petition has been filed by or against the
28 legal or beneficial owner of the mobile home requesting
29 relief under the provisions of 11 U.S.C. Chapter 7, 11,
30 12, or 13.

31 (b) When, upon application of the owner of the
32 certificate of purchase only, it appears to the satisfaction
33 of the court that ordered the mobile home sold that any of
34 the following subsections are applicable, the court shall

1 declare the sale to be a sale in error:

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

6 (2) The mobile home sold has been substantially
7 destroyed or rendered uninhabitable or otherwise unfit
8 for occupancy subsequent to the tax sale and prior to the
9 issuance of the tax certificate of title.

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

20 Section 260. Interest on refund.

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

1 sale in error, whichever is less.

2 (b) Interest on the refund to the owner of the
3 certificate of purchase shall not be paid (i) in any case in
4 which the mobile home sold has been substantially destroyed
5 or rendered uninhabitable or otherwise unfit for occupancy,
6 (ii) when the sale in error is made pursuant to Section 395,
7 or (iii) in any other case where the court determines that
8 the tax purchaser had actual knowledge prior to the sale of
9 the grounds on which the sale is declared to be erroneous.

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

28 Section 265. Refund of other taxes paid by holder of
29 certificate of purchase. The court which orders a sale in
30 error shall order the refund of all other taxes paid by the
31 owner of the certificate of purchase or his or her assignor
32 which were validly posted to the tax judgment, sale
33 redemption and forfeiture record subsequent to the tax sale,

1 together with interest on the other taxes under the same
2 terms as interest is otherwise payable under Section 260. The
3 interest under this Section shall be calculated at the rate
4 of 1% per month from the date the other taxes were paid and
5 not from the date of sale. The collector shall take credit
6 in settlement of his or her accounts for the refund of the
7 other taxes as in other cases of sale in error under Section
8 255.

9 Section 270. Orders for payment of interest. The county
10 treasurer may determine in his or her discretion whether
11 payment of interest and costs shall be made as provided in
12 Section 275, 280, or 285. If the treasurer determines not to
13 make payment as provided in those Sections, the treasurer
14 shall pay any interest or costs awarded under this Section
15 pro rata from those accounts where the principal refund of
16 the tax sale purchase price under Section 275 is taken.

17 Section 275. Fund for payment of interest. In counties
18 of under 3,000,000 inhabitants, the county board may impose a
19 fee of up to \$10, which shall be paid to the county
20 collector, upon each person purchasing any mobile home at a
21 sale held under this Act, prior to the issuance of any
22 certificate of purchase. That amount shall be included in the
23 price paid for the certificate of purchase and the amount
24 required to redeem under Section 300.

25 All sums of money received under this Section shall be
26 paid by the collector to the county treasurer of the county
27 in which the mobile home is situated for deposit into a
28 special fund. It shall be the duty of the county treasurer,
29 as trustee of the fund, to invest the principal and income of
30 the fund from time to time, if not immediately required for
31 payments under this Section, in investments as are authorized
32 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 1 year from the date of sale. Notice of the
5 hearing on a petition to declare the mobile home abandoned
6 shall be given to the owner or owners of the mobile home and
7 to the person in whose name the taxes were last assessed, by
8 certified or registered mail sent to their last known
9 addresses at least 5 days before the date of the hearing.

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

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

30 (a) the certificate amount, which shall include all
31 tax principal, interest, and penalties paid by the tax
32 purchaser together with costs and fees of sale and fees
33 paid under Sections 235 and 260 through 280;

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

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

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

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

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

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

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

32 (c) The total of all taxes, accrued interest on
33 those taxes, and costs charged in connection with the
34 payment of those taxes, which have been paid by the tax

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

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

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

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

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

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

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

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

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

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

32 Section 310. Deficiency judgment. If the sold mobile

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

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

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

31 Section 320. Partial redemption of forfeited mobile
32 homes. In counties with less than 3,000,000 inhabitants, when

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

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

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

1 to the back or forfeited taxes.

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

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

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

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

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

1 petitioner named therein.

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

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

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

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

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

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

32 Section 340. County clerk to pay successor redemption

1 money collected. At the expiration of his or her term of
2 office, the county clerk shall pay over to the successor in
3 office all moneys in his or her hands received for redemption
4 from sale for taxes on a mobile home.

5 Section 345. Notice of order setting aside redemption.
6 The order shall provide that any person who was entitled to
7 redeem may pay to the county clerk within 30 days after the
8 entry of the order the amount necessary to redeem the mobile
9 home from the sale as of the last day of the period of
10 redemption. The county clerk shall make an entry in the
11 annual tax judgment, sale, redemption, and forfeiture record
12 reflecting the entry of the order and shall immediately upon
13 request provide an estimate of the amount required to effect
14 a redemption as of the last date of the period of redemption.
15 If the amount is paid within 30 days after entry of the
16 order, then the court shall enter an order declaring the
17 taxes to be paid as if the mobile home had been redeemed
18 within the time required by law and dismissing the petition
19 for tax certificate of title. A tax certificate of title
20 shall not be issued within the 30-day period. Upon surrender
21 of the certificate of purchase, the county clerk shall
22 distribute the funds deposited as if a timely redemption had
23 been made.

24 Division 8. Other procedures

25 Section 350. Waste; appointment of receiver. After any
26 sale of mobile homes under this Act and until a tax
27 certificate of title has been issued or until redemption has
28 been made, no waste shall be committed on any of the mobile
29 homes involved. The court which ordered the mobile home to be
30 sold may, upon verified petition of the holder of the
31 certificate of purchase, take such action as the court deems

1 necessary and desirable to prevent the commission of waste.

2 If the mobile home sold is abandoned or if any mobile
3 home park owner, municipality or other local governmental
4 body has legal action pending because the mobile home
5 violates local building, housing, or fire ordinances, or
6 mobile home park rules and regulations, or because the taxes
7 on the mobile home are delinquent for 2 or more years, the
8 court which ordered the mobile home to be sold may, upon
9 verified petition of the holder of the certificate of
10 purchase, enter an order for appointment of a receiver.
11 Notice of the hearing for appointment of the receiver shall
12 be given to the owner or owners of the mobile home and to the
13 person in whose name the taxes were last assessed, by
14 certified or registered mail sent to their last known
15 addresses, at least 5 days prior to the date of the hearing.

16 The receiver may take only that action, subject to court
17 approval, as is necessary for the preservation of the mobile
18 home or is necessary to correct conditions at the mobile home
19 that fail to conform to minimum standards of health and
20 safety, as set forth in local ordinances or mobile home park
21 rules and regulations. If a receiver is appointed, all costs
22 and expenses advanced by the receiver shall be repaid as
23 provided for in Section 300 before any redemption is
24 considered complete. The receiver shall be discharged upon
25 redemption from the tax sale or upon entry of an order
26 directing issuance of a tax certificate of title. Nothing
27 herein contained is intended to prevent a court from
28 appointing the holder of the certificate of purchase as
29 receiver. The holder of the certificate of purchase shall be
30 made a party to any action or proceeding to demolish or
31 destroy a mobile home where the mobile home has been sold for
32 failure to pay taxes and the period of redemption has not
33 expired.

1 Section 355. Action for collection of taxes. The county
2 board may, at any time after final judgment and order of sale
3 against a delinquent mobile home under Section 120, institute
4 a civil action in the name of the People of the State of
5 Illinois in the circuit court for the whole amount due for
6 taxes on the delinquent or forfeited mobile home. Any county,
7 city, village, incorporated town, school district or other
8 municipal corporation to which any tax is due, may, at any
9 time after final judgment under Section 120, institute a
10 civil action in its own name, in the circuit court, for the
11 amount of the tax due to it on the delinquent or forfeited
12 mobile home, and prosecute the same to final judgment. On the
13 sale of any mobile home following judgment in the civil
14 action, the county, city, village, incorporated town, school
15 district or other municipal corporation, interested in the
16 collection of the tax, may become purchaser at the sale. If
17 the mobile home so sold is not redeemed the purchaser may
18 acquire, hold, sell or dispose of the title thereto, the same
19 as individuals may do under the laws of this State. In any
20 action for delinquent or forfeited taxes, the fact that the
21 mobile home was assessed to a person shall be prima facie
22 evidence that the person was the owner thereof, and was
23 liable for the taxes for the year or years for which the
24 assessment was made. That fact may be proved by the
25 introduction in evidence of the proper assessment book or
26 roll, or other competent proof. Any judgment rendered for
27 delinquent or forfeited taxes under this Section shall
28 include the costs of the action and reasonable attorney's
29 fees.

30 Section 360. Tax foreclosure proceedings. In tax
31 foreclosure proceedings, the purchaser or assignee shall file
32 a petition for a certificate of title in the proceeding in
33 which the foreclosure order was entered. Notice of the

1 filing of the petition and of the hearing on the petition
2 shall be given in conformity with rule or practice of court
3 in regard to motions as in other civil actions.

4 Division 9. Tax certificates of title and procedures

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

13 TAKE NOTICE

14 County of
15 Date Premises Sold
16 Certificate No.
17 Sold for Taxes of (year)
18 Warrant No. Inst. No.

19 THIS PROPERTY HAS BEEN SOLD FOR

20 DELINQUENT TAXES

21 Property located at
22 Mobile Home Vehicle Identification No. (or other unique
23 description)
24
25

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

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

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

3 YOU ARE URGED TO REDEEM IMMEDIATELY TO
4 PREVENT LOSS OF PROPERTY

5 Redemption can be made at any time on or before by
6 applying to the County Clerk of County, Illinois at the
7 County Court House in, Illinois.

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

13 For further information contact the County Clerk.
14

15 Purchaser or Assignee

16 Dated (insert date).

17 Within 10 days after receipt of said notice, the county
18 clerk shall mail to the addresses supplied by the purchaser
19 or assignee, by registered or certified mail, copies of said
20 notice to the party in whose name the taxes are last assessed
21 as shown by the most recent tax collector's warrant books.
22 The purchaser or assignee shall pay to the clerk postage plus
23 the sum of \$10. The clerk shall write or stamp the date of
24 receiving the notices upon the copies of the notices, and
25 retain one copy.

26 Section 370. Notice of expiration of period of
27 redemption. A purchaser or assignee shall not be entitled to
28 a tax certificate of title to the mobile home sold unless,
29 not less than 3 months nor more than 5 months prior to the
30 expiration of the period of redemption, he or she gives
31 notice of the sale and the date of expiration of the period
32 of redemption to the owners, occupants, and parties
33 interested in the mobile home as provided below.

1 The Notice to be given to the parties shall be in at
2 least 10 point type in the following form completely filled
3 in:

4 TAX DEED NO. FILED

5 TAKE NOTICE

6 County of

7 Date Premises Sold

8 Certificate No.

9 Sold for Taxes of (year)

10 Warrant No. Inst. No.

11 THIS PROPERTY HAS BEEN SOLD FOR

12 DELINQUENT TAXES

13 Property located at

14 Mobile Home Vehicle Identification No. (or other unique
15 description)

16

17

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

21

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

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

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

34 You may be present at this hearing but your right to

1 redeem will already have expired at that time.

2 YOU ARE URGED TO REDEEM IMMEDIATELY

3 TO PREVENT LOSS OF PROPERTY

4 Redemption can be made at any time on or before by
5 applying to the County Clerk of County, Illinois at the
6 County Court House in, Illinois.

7 For further information contact the County Clerk.
8
9 Purchaser or Assignee.

10 Section 375. Service of notice. The purchaser or his or
11 her assignee shall give the notice required by Section 370 by
12 causing it to be published in a newspaper as set forth in
13 Section 380. In addition, the notice shall be served by a
14 process server or sheriff (or if he or she is disqualified,
15 by a coroner) of the county in which the mobile home is
16 located upon owners who reside in the mobile home sold by
17 leaving a copy of the notice with those owners personally.

18 The same form of notice shall also be served upon all
19 other owners and parties interested in the mobile home, if
20 upon diligent inquiry they can be found in the county, and
21 upon the occupants of the mobile home in the following
22 manner:

23 (a) as to individuals, by (1) leaving a copy of the
24 notice with the person personally or (2) by leaving a
25 copy at his or her usual place of residence with a person
26 of the family, of the age of 13 years or more, and
27 informing that person of its contents. The person making
28 the service shall cause a copy of the notice to be sent
29 by registered or certified mail, return receipt
30 requested, to that party at his or her usual place of
31 residence;

32 (b) as to public and private corporations,
33 municipal, governmental and quasi-municipal corporations,

1 partnerships, receivers and trustees of corporations, by
2 leaving a copy of the notice with the person designated
3 by the Civil Practice Law.

4 When a party interested in the mobile home is a trustee,
5 notice served upon the trustee shall be deemed to have been
6 served upon any beneficiary or note holder thereunder unless
7 the holder of the note is disclosed of record.

8 When a judgment is a lien upon the mobile home sold, the
9 holder of the lien shall be served with notice if the name of
10 the judgment debtor as shown in the transcript, certified
11 copy or memorandum of judgment filed of record is identical,
12 as to given name and surname, with the name of the party
13 interested as it appears of record.

14 If any owner or party interested, upon diligent inquiry
15 and effort, cannot be found or served with notice in the
16 county as provided in this Section, and the person in actual
17 occupancy and possession is tenant to, or in possession under
18 the owners or the parties interested in the mobile home, then
19 service of notice upon the tenant, occupant or person in
20 possession shall be deemed service upon the owners or parties
21 interested.

22 If any owner or party interested, upon diligent inquiry
23 and effort cannot be found or served with notice in the
24 county, then the person making the service shall cause a copy
25 of the notice to be sent by registered or certified mail,
26 return receipt requested, to that party at his or her
27 residence, if ascertainable.

28 Section 380. Proof of service of notice; publication of
29 notice. The sheriff or coroner serving notice under Section
30 375 shall endorse his or her return thereon and file it with
31 the clerk of the circuit court and it shall be a part of the
32 court record. A special process server appointed under
33 Section 375 shall make his or her return by affidavit and

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

16 If the mobile home is located in a municipality in a
17 county with less than 3,000,000 inhabitants, the purchaser or
18 his or her assignee shall also publish a notice as to the
19 owner or party interested, in some newspaper published in the
20 municipality. If the mobile home is not in a municipality in
21 a county with less than 3,000,000 inhabitants, or if no
22 newspaper is published therein, the notice shall be published
23 in some newspaper in the county. If no newspaper is
24 published in the county, then the notice shall be published
25 in the newspaper that is published nearest the county seat of
26 the county in which the mobile home is located. If the owners
27 and parties interested in the mobile home upon diligent
28 inquiry are unknown to the purchaser or his or her assignee,
29 the publication as to such owner or party interested, may be
30 made to unknown owners or parties interested. Any notice by
31 publication given under this Section shall be given 3 times
32 at any time after filing a petition for tax certificate of
33 title, but not less than 3 months nor more than 5 months
34 prior to the expiration of the period of redemption. The

1 publication shall contain (a) notice of the filing of the
2 petition for tax certificate of title, (b) the date on which
3 the petitioner intends to make application for an order on
4 the petition that a tax certificate of title issue, (c) a
5 description of the mobile home, (d) the date upon which the
6 mobile home was sold, (e) the taxes for which it was sold and
7 (f) the date on which the period of redemption will expire.
8 The publication shall not include more than one mobile home
9 listed and sold in one description, except as provided in
10 Section 35, and except that when more than one mobile home is
11 owned by one person, all of the mobile homes owned by that
12 person may be included in one notice.

13 Section 385. Mailed notice. In addition to the notice
14 required to be served not less than 3 months nor more than 5
15 months prior to the expiration of the period of redemption,
16 the purchaser or his or her assignee shall prepare and
17 deliver to the clerk of the circuit court of the county in
18 which the mobile home is located, the notice provided for in
19 this Section, together with the statutory costs for mailing
20 the notice by certified mail, return receipt requested. The
21 form of notice to be mailed by the clerk shall be identical
22 in form to that provided by Section 370 for service upon
23 owners residing in the mobile home sold, except that it shall
24 bear the signature of the clerk and shall designate the
25 parties to whom it is to be mailed. The clerk may furnish
26 the form. The clerk shall promptly mail the notices
27 delivered to him or her by certified mail, return receipt
28 requested. The certificate of the clerk that he or she has
29 mailed the notices, together with the return receipts, shall
30 be filed in and made a part of the court record. The notices
31 shall be mailed to the owners of the mobile home at their
32 last known addresses, and to those persons who are entitled
33 to service of notice as occupants.

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

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

22 Section 395. Reimbursement of municipality before
23 issuance of tax certificate of title. An order for the
24 issuance of a tax certificate of title under this Act shall
25 not be entered affecting the title to or interest in any
26 mobile home in which a city, village, or incorporated town
27 has an interest under the police and welfare power by
28 advancements made from public funds, until the purchaser or
29 assignee makes reimbursement to the city, village, or
30 incorporated town of the money so advanced or the city,
31 village, or town waives its lien on the mobile home for the
32 money so advanced. However, in lieu of reimbursement or
33 waiver, the purchaser or his or her assignee may make

1 application for and the court shall order that the tax
2 purchase be set aside as a sale in error. A filing or
3 appearance fee shall not be required of a city, village, or
4 incorporated town seeking to enforce its claim under this
5 Section in a tax certificate of title proceeding.

6 Section 400. Issuance of certificate of title;
7 possession.

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

28 (b) If taxes for years prior to the year sold remain
29 delinquent at the time of the tax certificate of title
30 hearing, those delinquent taxes may be merged into the tax
31 certificate of title if the court determines that all other
32 requirements for receiving an order directing the issuance of
33 the tax certificate of title are fulfilled and makes a

1 further determination under either paragraph (1) or (2).

2 (1) Incomplete estimate.

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

5 (B) the statement and estimate of forfeited
6 taxes furnished by the county clerk pursuant to
7 Section 175 failed to include all delinquent taxes
8 as of the date of that estimate's issuance.

9 (2) Vacating order.

10 (A) The petitioner furnishes the court with a
11 certified copy of an order vacating a prior sale for
12 the subject mobile home;

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

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

18 (D) the tax purchaser who received the sale in
19 error has no affiliation, direct or indirect, with
20 the petitioner in the present proceeding and that
21 petitioner has signed an affidavit attesting to the
22 lack of affiliation.

23 If delinquent taxes are merged into the tax certificate of
24 title pursuant to this subsection, a declaration to that
25 effect shall be included in the order directing issuance of
26 the tax certificate of title. Nothing contained in this
27 Section shall relieve any owner liable for delinquent mobile
28 home taxes under the Mobile Home Local Services Tax Act from
29 the payment of the taxes that have been merged into the title
30 upon issuance of the tax certificate of title.

31 (c) Upon application the court shall enter an order to
32 place the tax certificate of title grantee in possession of
33 the mobile home and may enter orders and grant relief as may
34 be necessary or desirable to maintain the grantee in

1 possession.

2 Section 402. Mobile homes located in manufactured home
3 community; requirements. The person who has a certificate of
4 purchase and obtains a court order directing the issuance of
5 a tax certificate of title under Section 400 for a mobile
6 home located on a lot in a manufactured home community is
7 liable for lot rent (at the prevailing rate) beginning on the
8 date of the entry of the court order and shall either (i)
9 qualify for tenancy in the manufactured home community in
10 accordance with the community's normal tenant qualification
11 and screening procedures or (ii) remove the mobile home from
12 the lot no later than 30 days after the date of the entry of
13 the court order.

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

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

1 his or her assignee did not make a diligent inquiry and
2 effort to serve that person or party with the notices
3 required by Sections 370 through 390.

4 The court hearing a petition filed under this Section or
5 Section 2-1401 of the Code of Civil Procedure may
6 concurrently hear a petition filed under Section 235 and may
7 grant relief under either Section.

8 Section 410. Denial of certificate of title. If the court
9 refuses to enter an order directing the Secretary of State to
10 execute and deliver the tax certificate of title, because of
11 the failure of the purchaser to fulfill any of the above
12 provisions, and if the purchaser, or his or her assignee has
13 made a bona fide attempt to comply with the statutory
14 requirements for the issuance of the tax certificate of
15 title, it shall order the return of the purchase price, and
16 subsequent taxes and posted costs forthwith, as in case of
17 sales in error, except that no interest shall be paid.

18 Section 412. Tax certificate of titles to convey
19 merchantable title. This Section shall be liberally
20 construed so that tax certificate of titles shall convey
21 merchantable title.

22 Section 415. Form of certificate of title. A tax
23 certificate of title executed by the Secretary of State vests
24 in the grantee the certificate of title of the mobile home
25 therein described without further acknowledgment or evidence
26 of the conveyance. The conveyance shall be substantially in
27 the following form:

28 At a public sale of mobile homes for the nonpayment of
29 taxes, held in the County, on (insert date), the
30 following described mobile home was sold: (here place
31 description of mobile home conveyed). The mobile home not

1 having been redeemed from the sale, and it appearing that the
 2 holder of the certificate of purchase of the mobile home has
 3 complied with the laws of the State of Illinois necessary to
 4 entitle (insert him, her or them) to a certificate of title
 5 of the mobile home: I, (Secretary of State official)
 6, in consideration of the mobile home and by virtue of
 7 the statutes of the State of Illinois in such cases provided,
 8 issue a certificate of title to for the mobile home
 9 described above.

10 Dated (insert date).

11 Signature of
 12 (Secretary of State)

13 Section 420. Certificate of title; prima facie evidence
 14 of regularity of sale.

15 (a) As to the mobile home conveyed therein, tax
 16 certificates of title executed by the Secretary of State are
 17 prima facie evidence of the following facts in all
 18 controversies and suits in relation to the rights of the tax
 19 certificate of title grantee and his or her heirs or assigns:

20 (1) the mobile home conveyed was subject to
 21 taxation at the time the tax was charged and was listed
 22 and charged in the time and manner required by law;

23 (2) the taxes were not paid at any time before the
 24 sale;

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

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

29 (5) the sale was conducted in the manner required
 30 by law;

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

33 (7) the grantee in the certificate of title was the

1 purchaser or assignee of the purchaser.

2 (b) Any order for the sale of a mobile home for
3 delinquent taxes, except as otherwise provided in this
4 Section, shall estop all parties from raising any objections
5 to the order or to a tax certificate of title based thereon,
6 which existed at or before the rendition of the order, and
7 which could have been presented as a defense to the
8 application for the order. The order itself is conclusive
9 evidence of its regularity and validity in all collateral
10 proceedings, except in cases where the tax was paid prior to
11 the sale or the mobile home was exempt from taxes.

12 Section 425. Order of court setting aside tax
13 certificate of title; payments to holder of certificate of
14 title.

15 (a) Any order of court vacating an order directing the
16 Secretary of State to issue a tax certificate of title based
17 upon a finding that the mobile home was not subject to
18 taxation, or that the taxes had been paid prior to the sale
19 of the mobile home, or that the tax sale was otherwise void,
20 shall declare the tax sale to be a sale in error pursuant to
21 Section 255 of this Act. The order shall direct the county
22 collector to refund to the tax certificate of title grantee
23 or his or her successors and assigns (or, if a tax
24 certificate of title has not yet issued, the holder of the
25 certificate of purchase) the following amounts:

26 (1) all taxes purchased, paid, or redeemed by the
27 tax purchaser or his or her assignee, or by the tax
28 certificate of title grantee or his or her successors and
29 assigns, whether before or after entry of the order for
30 tax certificate of title, with interest at the rate of 1%
31 per month from the date each amount was paid until the
32 date of payment pursuant to this Section;

33 (2) all costs paid and posted to the judgment

1 record and not included in paragraph (1) of this
2 subsection (a); and

3 (3) court reporter fees for the hearing on the
4 application for tax certificate of title and transcript
5 thereof, cost of certification of tax certificate of
6 title order, cost of issuance of tax certificate of
7 title, and cost of transferring certificate of title to
8 the tax purchaser.

9 (b) Except in those cases described in subsection (a) of
10 this Section, and unless the court on motion of the tax
11 certificate of title petitioner extends the redemption period
12 to a date not later than 3 years from the date of sale, any
13 order of court finding that an order directing the Secretary
14 of State to issue a tax certificate of title should be
15 vacated shall direct the party who successfully contested the
16 entry of the order to pay to the tax certificate of title
17 grantee or his or her successors and assigns (or, if a tax
18 certificate of title has not yet issued, the holder of the
19 certificate) within 90 days after the date of the finding:

20 (1) the amount necessary to redeem the mobile home
21 from the sale as of the last day of the period of
22 redemption, except that, if the sale is a scavenger sale
23 pursuant to Section 200 of this Act, the redemption
24 amount shall not include an amount equal to all
25 delinquent taxes on such mobile home which taxes were
26 delinquent at the time of sale; and

27 (2) amounts in satisfaction of municipal liens paid
28 by the tax purchaser or his or her assignee, and the
29 amounts specified in paragraphs (1) and (3) of subsection
30 (a) of this Section, to the extent the amounts are not
31 included in paragraph (1) of this subsection (b).

32 If the payment is not made within the 90-day period, the
33 petition to vacate the order directing the Secretary of State
34 to issue a tax certificate of title shall be denied with

1 prejudice, and the order directing the Secretary of State to
2 issue a tax certificate of title shall remain in full force
3 and effect. No final order vacating any order directing the
4 Secretary of State to issue a tax certificate of title shall
5 be entered pursuant to this subsection (b) until the payment
6 has been made.

7 Section 430. Failure to timely transfer certificate of
8 title; tax certificate of title is void. Unless the holder
9 of the certificate purchased at any tax sale under this Act
10 transfers the certificate of title within one year from and
11 after the time for redemption expires, the certificate of
12 purchase or order for tax certificate of title, and the sale
13 on which it is based, shall, after the expiration of the one
14 year period, be absolutely void with no right to
15 reimbursement. If the holder of the certificate of purchase
16 is prevented from obtaining a certificate of title by
17 injunction or order of any court, or by the refusal or
18 inability of any court to act upon the application for a tax
19 certificate of title, or by the refusal of the Secretary of
20 State to execute the same certificate of title, the time he
21 or she is so prevented shall be excluded from computation of
22 the one year period. Certificates of purchase and orders for
23 tax certificates of title executed by the court shall recite
24 the qualifications required in this Section.

25 Division 900. Amendatory provisions

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

28 (35 ILCS 515/6) (from Ch. 120, par. 1206)

29 Sec. 6. Computation, certification, and distribution of
30 tax. Except as otherwise provided in this Section, within 60

1 days of receipt of each registration form, the county clerk
2 or, in counties in which a county assessor is elected
3 pursuant to Section 3-45 of the Property Tax Code, the county
4 assessor shall compute the tax due, as provided in Section 3,
5 and certify the tax to the county treasurer who shall mail
6 the tax bill to the owner of such mobile home at the time he
7 receives the certification or on the annual billing date,
8 whichever occurs later. If the registration form is
9 accompanied by a receipt for privilege taxes paid in Illinois
10 for the current tax year, no further privilege tax shall be
11 imposed for the remainder of the current tax year. If the
12 mobile home is initially harbored after the annual liability
13 date, as provided in Section 3 of this Act, the county clerk
14 or county assessor shall reduce such tax 1/12 for each month
15 that has passed since such annual liability date. A mobile
16 home harbored after the first day of such month shall be
17 considered to have been harbored for the entire month for the
18 purposes of this Section. Thereafter, for taxable years
19 prior to taxable year 2003, except for the year 1976, the
20 county clerk or county assessor shall compute such tax as of
21 the first day of June of each year and certify the tax to the
22 county treasurer. For taxable year 2003 and thereafter, the
23 county clerk or county assessor shall compute the tax as of
24 the first day of March of each year and certify the tax to
25 the county treasurer. Such tax shall be due and payable to
26 the county treasurer within 60 days after the treasurer mails
27 the tax bill to the address of record. The first tax bill
28 mailed for taxable year 2003 shall include the following
29 notice: "The manner in which delinquent taxes on mobile homes
30 are collected has been changed by the enactment of the Mobile
31 Home Local Services Tax Enforcement Act. Failure to pay this
32 tax can result in a penalty of \$25 per month." The county
33 treasurer shall distribute such taxes to the local taxing
34 districts within the boundaries of which such mobile homes

1 are located, in the same proportion as the property taxes
2 collectible for each such taxing district in the prior year.

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

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

15 (35 ILCS 515/8) (from Ch. 120, par. 1208)

16 Sec. 8. Failure to pay tax; lien. If any local services
17 tax imposed by this Act is not paid when due, the county
18 treasurer of the county in which the mobile home is located
19 shall have a lien on the mobile home for the amount of the
20 tax, addition to the tax, penalty and interest due. The
21 treasurer shall notify the taxpayer in writing of the
22 existence of the lien. Such lien shall terminate (i) unless
23 the county treasurer files with the county recorder of the
24 county in which the mobile home is located a notice of lien,
25 within one year of such tax due date or (ii) if the county
26 treasurer applies for judgment and order of sale for
27 delinquent taxes on mobile homes pursuant to the provisions
28 of the Mobile Home Local Services Tax Enforcement Act and the
29 taxes are sold. From the time of the filing, the amount set
30 forth in the certificate also constitutes a lien upon all
31 property of the taxpayer then owned by him or thereafter
32 acquired by him in the period before the expiration of the
33 lien. Such liens have the same force, effect and priority as

1 a judgment lien and continue for 10 years from the date of
2 the recording unless sooner released or otherwise discharged.
3 The county treasurer may, at any time, release all or any
4 portion of the property subject to any lien provided for in
5 this Act or subordinate the lien to other liens if he
6 determines that the taxes are sufficiently secured by a lien
7 or other property of the taxpayer or that the release or
8 subordination of the lien will not endanger or jeopardize the
9 collection of the taxes.

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

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

20 (35 ILCS 515/9) (from Ch. 120, par. 1209)

21 Sec. 9. Additional charge for delinquent taxes; penalty
22 for fraud. For taxable years prior to 2003, if any local
23 services tax, or part thereof, imposed by this Act is not
24 paid on or before the due date for such tax, interest on such
25 amount at the rate of 1 1/2% per month shall be paid for the
26 period from such due date to the date of payment of such
27 amount. For taxable year 2003 and thereafter, if any local
28 services tax, or part thereof, imposed by this Act is not
29 paid on or before the due date for such tax, the taxpayer
30 shall be required to pay a penalty of \$25 per month, or any
31 portion thereof, not to exceed \$100. If such failure to pay
32 such tax is the result of fraud, there shall be added to the
33 tax as a penalty an amount equal to 50% of the deficiency.

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

2 (35 ILCS 515/10.1) (from Ch. 120, par. 1210.1)

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

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

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

22 (625 ILCS 5/3-114) (from Ch. 95 1/2, par. 3-114)

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

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

25 (a) If the interest of an owner in a vehicle passes to
 26 another other than by voluntary transfer, the transferee
 27 shall, except as provided in paragraph (b), promptly mail or
 28 deliver within 20 days to the Secretary of State the last
 29 certificate of title, if available, proof of the transfer,
 30 and his application for a new certificate in the form the
 31 Secretary of State prescribes. It shall be unlawful for any

1 person having possession of a certificate of title for a
2 motor vehicle, semi-trailer, or house car by reason of his
3 having a lien or encumbrance on such vehicle, to fail or
4 refuse to deliver such certificate to the owner, upon the
5 satisfaction or discharge of the lien or encumbrance,
6 indicated upon such certificate of title.

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

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

27 (d) If the interest of an owner in joint tenancy passes
28 to the other joint tenant with survivorship rights as
29 provided by law, the transferee shall promptly mail or
30 deliver to the Secretary of State, the last certificate of
31 title, if available, proof of death of the one joint tenant
32 and survivorship of the surviving joint tenant, and an
33 application for certificate of title. Such application shall
34 be made within 120 days after the death of the joint tenant.

1 The transfer may be to the transferee or to the nominee of
2 the transferee.

3 (e) The Secretary of State shall transfer a decedent's
4 vehicle title to any legatee, representative or heir of the
5 decedent who submits to the Secretary a death certificate and
6 an affidavit by an attorney at law on the letterhead
7 stationery of the attorney at law stating the facts of the
8 transfer.

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

1 title for a dealer reassignment, notwithstanding that the
2 lienholder is not a licensed dealer. Nothing herein shall be
3 construed to mean that the lienholder is taking title to the
4 repossessed vehicle for purposes of liability for retailer
5 occupation, vehicle use, or other tax with respect to the
6 proceeds from the repossession sale. Delivery of the
7 existing certificate of title to the purchaser shall be
8 deemed disclosure to the purchaser of the owner of the
9 vehicle.

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

16 (1) Prior to sale, the lienholder shall deliver or
17 mail to the owner at the owner's last known address and
18 to any other lienholder of record, a notice of redemption
19 setting forth the following information: (i) the name of
20 the owner of record and in bold type at or near the top
21 of the notice a statement that the owner's vehicle was
22 repossessed on a specified date for failure to make
23 payments on the loan (or other reason), (ii) a
24 description of the vehicle subject to the lien sufficient
25 to identify it, (iii) the right of the owner to redeem
26 the vehicle, (iv) the lienholder's intent to sell or
27 otherwise dispose of the vehicle after the expiration of
28 21 days from the date of mailing or delivery of the
29 notice, and (v) the name, address, and telephone number
30 of the lienholder from whom information may be obtained
31 concerning the amount due to redeem the vehicle and from
32 whom the vehicle may be redeemed under Section 9-506 of
33 the Uniform Commercial Code. At the lienholder's option,
34 the information required to be set forth in this notice

1 of redemption may be made a part of or accompany the
2 notification of sale or other disposition required under
3 subsection (3) of Section 9-504 of the Uniform Commercial
4 Code, but none of the information required by this notice
5 shall be construed to impose any requirement under
6 Article 9 of the Uniform Commercial Code.

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

29 (3) Upon selling the vehicle to another person, the
30 lienholder need not send the certificate of title to the
31 Secretary of State, but shall promptly and within 20 days
32 mail or deliver to the purchaser as transferee (i) the
33 existing certificate of title for the repossessed
34 vehicle, reflecting the release of the lienholder's

1 security interest in the vehicle; and (ii) an affidavit
2 of repossession made by or on behalf of the lienholder
3 which provides the following information: that the
4 vehicle was repossessed, a description of the vehicle
5 sufficient to identify it, whether the vehicle has been
6 damaged in excess of 33 1/3% of its fair market value as
7 required under subdivision (b)(3) of Section 3-117.1,
8 that the owner and any other lienholder of record were
9 given the notice required in subdivision (f-5)(1) of this
10 Section, that the owner of record was given the affidavit
11 of defense required in subdivision (f-5)(2) of this
12 Section, that the interest of the owner was lawfully
13 terminated or sold pursuant to the terms of the security
14 agreement, and the purchaser's name and address. If the
15 vehicle is damaged in excess of 33 1/3% of its fair
16 market value, the lienholder shall make application for a
17 salvage certificate under Section 3-117.1 and transfer
18 the vehicle to a person eligible to receive assignments
19 of salvage certificates identified in Section 3-118.

20 (4) The application for a certificate of title made
21 by the purchaser shall comply with subsection (a) of
22 Section 3-104 and be accompanied by the affidavit of
23 repossession furnished by the lienholder and the existing
24 certificate of title for the repossessed vehicle. The
25 lienholder shall execute the assignment and warranty of
26 title showing the name and address of the purchaser in
27 the spaces provided therefor on the certificate of title
28 or as the Secretary of State prescribes. The lienholder
29 shall complete the assignment of title in the certificate
30 of title to reflect the transfer of the vehicle to the
31 lienholder and also a reassignment to reflect the
32 transfer from the lienholder to the purchaser. For this
33 purpose, the lienholder is specifically authorized to
34 execute the assignment on behalf of the owner as seller

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

23 (5) Neither the lienholder nor the owner shall file
24 with the Office of the Secretary of State the notice of
25 redemption or affidavit of defense described in
26 subdivisions (f-5)(1) and (f-5)(2) of this Section. The
27 Office of the Secretary of State shall not determine the
28 merits of an owner's affidavit of defense, nor consider
29 any allegations or assertions regarding the validity or
30 invalidity of a lienholder's claim to the vehicle or an
31 owner's asserted defenses to the repossession action.

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

33 (1) If, at the time of repossession by a lienholder
34 that is seeking to transfer title pursuant to subsection

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

18 (2) Tender of payment and performance pursuant to
19 this limited right of reinstatement restores to the owner
20 his rights under the contract or loan agreement as though
21 no default had occurred. The owner has the right to
22 reinstate the contract or loan agreement and recover the
23 vehicle from the lienholder only once under this
24 subsection. The lienholder may, in the lienholder's sole
25 discretion, extend the period during which the owner may
26 reinstate the contract or loan agreement and recover the
27 vehicle beyond the 21 days allowed under this subsection,
28 and the extension shall not subject the lienholder to
29 liability to the owner under the laws of this State.

30 (3) The lienholder shall deliver or mail written
31 notice to the owner at the owner's last known address,
32 within 3 business days of the date of repossession, of
33 the owner's right to reinstate the contract or loan
34 agreement and recover the vehicle pursuant to the limited

1 right of reinstatement described in this subsection. At
2 the lienholder's option, the information required to be
3 set forth in this notice of reinstatement may be made
4 part of or accompany the notice of redemption required in
5 subdivision (f-5)(1) of this Section and the notification
6 of sale or other disposition required under subsection
7 (3) of Section 9-504 of the Uniform Commercial Code, but
8 none of the information required by this notice of
9 reinstatement shall be construed to impose any
10 requirement under Article 9 of the Uniform Commercial
11 Code.

12 (4) The reinstatement period, if applicable, and
13 the redemption period described in subdivision (f-5)(1)
14 of this Section, shall run concurrently if the
15 information required to be set forth in the notice of
16 reinstatement is part of or accompanies the notice of
17 redemption. In any event, the 21 day redemption period
18 described in subdivision (f-5)(1) of this Section shall
19 commence on the date of mailing or delivery to the owner
20 of the information required to be set forth in the notice
21 of redemption, and the 21 day reinstatement period
22 described in this subdivision, if applicable, shall
23 commence on the date of mailing or delivery to the owner
24 of the information required to be set forth in the notice
25 of reinstatement.

26 (5) The Office of the Secretary of State shall not
27 determine the merits of an owner's claim of right to
28 reinstatement, nor consider any allegations or assertions
29 regarding the validity or invalidity of a lienholder's
30 claim to the vehicle or an owner's asserted right to
31 reinstatement. Where a lienholder is subject to
32 licensing and regulatory supervision by the State of
33 Illinois, the lienholder shall be subject to all of the
34 powers and authority of the lienholder's primary State

1 regulator to enforce compliance with the procedures set
2 forth in this subsection (f-7).

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

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

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

28 (f-20) If applying for a salvage certificate or a
29 junking certificate, the lienholder shall within 20 days make
30 an application to the Secretary of State for a salvage
31 certificate or a junking certificate, as set forth in this
32 Code. The Secretary of State shall not issue a salvage
33 certificate or a junking certificate to such lienholder
34 unless the person from whom such vehicle has been repossessed

1 is shown to be the last registered owner of such motor
2 vehicle and such lienholder establishes to the satisfaction
3 of the Secretary of State that he is entitled to such salvage
4 certificate or junking certificate. The Secretary of State
5 may provide by rule for the standards to be followed by a
6 lienholder in order to obtain a salvage certificate or
7 junking certificate for a repossessed vehicle.

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

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

23 (i) The Secretary of State shall not be held civilly or
24 criminally liable to any person because any purported
25 transferor may not have had the power or authority to make a
26 transfer of any interest in any vehicle or because a
27 certificate of title issued in error is subsequently used to
28 commit a fraudulent act.

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

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

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

32 (a) If the interest of an owner in a vehicle passes to
33 another other than by voluntary transfer, the transferee
34 shall, except as provided in paragraph (b), promptly mail or

1 deliver within 20 days to the Secretary of State the last
2 certificate of title, if available, proof of the transfer,
3 and his application for a new certificate in the form the
4 Secretary of State prescribes. It shall be unlawful for any
5 person having possession of a certificate of title for a
6 motor vehicle, semi-trailer, or house car by reason of his
7 having a lien or encumbrance on such vehicle, to fail or
8 refuse to deliver such certificate to the owner, upon the
9 satisfaction or discharge of the lien or encumbrance,
10 indicated upon such certificate of title.

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

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

31 (d) If the interest of an owner in joint tenancy passes
32 to the other joint tenant with survivorship rights as
33 provided by law, the transferee shall promptly mail or
34 deliver to the Secretary of State, the last certificate of

1 title, if available, proof of death of the one joint tenant
2 and survivorship of the surviving joint tenant, and an
3 application for certificate of title. Such application shall
4 be made within 120 days after the death of the joint tenant.
5 The transfer may be to the transferee or to the nominee of
6 the transferee.

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

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

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

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

20 (1) Prior to sale, the lienholder shall deliver or
21 mail to the owner at the owner's last known address and
22 to any other lienholder of record, a notice of redemption
23 setting forth the following information: (i) the name of
24 the owner of record and in bold type at or near the top
25 of the notice a statement that the owner's vehicle was
26 repossessed on a specified date for failure to make
27 payments on the loan (or other reason), (ii) a
28 description of the vehicle subject to the lien sufficient
29 to identify it, (iii) the right of the owner to redeem
30 the vehicle, (iv) the lienholder's intent to sell or
31 otherwise dispose of the vehicle after the expiration of
32 21 days from the date of mailing or delivery of the
33 notice, and (v) the name, address, and telephone number
34 of the lienholder from whom information may be obtained

1 concerning the amount due to redeem the vehicle and from
2 whom the vehicle may be redeemed under Section 9-623 of
3 the Uniform Commercial Code. At the lienholder's option,
4 the information required to be set forth in this notice
5 of redemption may be made a part of or accompany the
6 notification of sale or other disposition required under
7 Section 9-611 of the Uniform Commercial Code, but none of
8 the information required by this notice shall be
9 construed to impose any requirement under Article 9 of
10 the Uniform Commercial Code.

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

33 (3) Upon selling the vehicle to another person, the
34 lienholder need not send the certificate of title to the

1 Secretary of State, but shall promptly and within 20 days
2 mail or deliver to the purchaser as transferee (i) the
3 existing certificate of title for the repossessed
4 vehicle, reflecting the release of the lienholder's
5 security interest in the vehicle; and (ii) an affidavit
6 of repossession made by or on behalf of the lienholder
7 which provides the following information: that the
8 vehicle was repossessed, a description of the vehicle
9 sufficient to identify it, whether the vehicle has been
10 damaged in excess of 33 1/3% of its fair market value as
11 required under subdivision (b)(3) of Section 3-117.1,
12 that the owner and any other lienholder of record were
13 given the notice required in subdivision (f-5)(1) of this
14 Section, that the owner of record was given the affidavit
15 of defense required in subdivision (f-5)(2) of this
16 Section, that the interest of the owner was lawfully
17 terminated or sold pursuant to the terms of the security
18 agreement, and the purchaser's name and address. If the
19 vehicle is damaged in excess of 33 1/3% of its fair
20 market value, the lienholder shall make application for a
21 salvage certificate under Section 3-117.1 and transfer
22 the vehicle to a person eligible to receive assignments
23 of salvage certificates identified in Section 3-118.

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

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

27 (5) Neither the lienholder nor the owner shall file
28 with the Office of the Secretary of State the notice of
29 redemption or affidavit of defense described in
30 subdivisions (f-5)(1) and (f-5)(2) of this Section. The
31 Office of the Secretary of State shall not determine the
32 merits of an owner's affidavit of defense, nor consider
33 any allegations or assertions regarding the validity or
34 invalidity of a lienholder's claim to the vehicle or an

1 owner's asserted defenses to the repossession action.

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

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

22 (2) Tender of payment and performance pursuant to
23 this limited right of reinstatement restores to the owner
24 his rights under the contract or loan agreement as though
25 no default had occurred. The owner has the right to
26 reinstate the contract or loan agreement and recover the
27 vehicle from the lienholder only once under this
28 subsection. The lienholder may, in the lienholder's sole
29 discretion, extend the period during which the owner may
30 reinstate the contract or loan agreement and recover the
31 vehicle beyond the 21 days allowed under this subsection,
32 and the extension shall not subject the lienholder to
33 liability to the owner under the laws of this State.

34 (3) The lienholder shall deliver or mail written

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

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

29 (5) The Office of the Secretary of State shall not
30 determine the merits of an owner's claim of right to
31 reinstatement, nor consider any allegations or assertions
32 regarding the validity or invalidity of a lienholder's
33 claim to the vehicle or an owner's asserted right to
34 reinstatement. Where a lienholder is subject to

1 licensing and regulatory supervision by the State of
2 Illinois, the lienholder shall be subject to all of the
3 powers and authority of the lienholder's primary State
4 regulator to enforce compliance with the procedures set
5 forth in this subsection (f-7).

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

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

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

31 (f-20) If applying for a salvage certificate or a
32 junking certificate, the lienholder shall within 20 days make
33 an application to the Secretary of State for a salvage
34 certificate or a junking certificate, as set forth in this

1 Code. The Secretary of State shall not issue a salvage
2 certificate or a junking certificate to such lienholder
3 unless the person from whom such vehicle has been repossessed
4 is shown to be the last registered owner of such motor
5 vehicle and such lienholder establishes to the satisfaction
6 of the Secretary of State that he is entitled to such salvage
7 certificate or junking certificate. The Secretary of State
8 may provide by rule for the standards to be followed by a
9 lienholder in order to obtain a salvage certificate or
10 junking certificate for a repossessed vehicle.

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

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

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

34 (i) The Secretary of State shall not be held civilly or

1 criminally liable to any person because any purported
2 transferor may not have had the power or authority to make a
3 transfer of any interest in any vehicle or because a
4 certificate of title issued in error is subsequently used to
5 commit a fraudulent act.

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

8 Section 995. No acceleration or delay. Where this Act
9 makes changes in a statute that is represented in this Act by
10 text that is not yet or no longer in effect (for example, a
11 Section represented by multiple versions), the use of that
12 text does not accelerate or delay the taking effect of (i)
13 the changes made by this Act or (ii) provisions derived from
14 any other Public Act.

15 Division 999. Effective date

16 Section 999. Effective date. This Act takes effect on
17 January 1, 2003.