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In re County Treasurer and Ex Officio County Collector of Lake County

Appellate Court of Illinois, Second District - December 28, 2022 - N.E.3d - 2022 IL App (2d) 210689 - 2022 WL 17971697

Financial company, as assignee of entity that had purchased property tax debtor's delinquent taxes, petitioned for a tax deed on the property. Debtor subsequently filed for bankruptcy.

After the bankruptcy court lifted the automatic stay on financial company's claim, the Circuit Court granted the petition, and denied debtor's motion to reconsider. Debtor appealed.

The Appellate Court held that:

- Debtor did not effectively redeem real property by tendering delinquent taxes to county clerk more than three years after the extended redemption deadline had passed, and
- Neither the automatic bankruptcy stay nor the confirmation of the bankruptcy plan tolled the redemption period.

Property tax debtor did not effectively redeem real property by tendering delinquent taxes to county clerk more than three years after the extended redemption deadline had passed, and receiving a redemption receipt that was backdated to the redemption deadline; the tax code did not permit the county clerk to unilaterally alter the redemption deadline, accept untimely tender of delinquent taxes, and backdate the receipt, and thus the attempted redemption was a nullity.

Neither the automatic stay triggered by property tax debtor's bankruptcy petition nor the confirmation of his Chapter 13 plan tolled his redemption period for payment of delinquent property taxes; the treatment of tax purchaser's claim in debtor's bankruptcy plan had no tolling effect on debtor's redemption period under property tax code which provided a firm deadline by which the property must be redeemed, and tax purchaser was free to ask the bankruptcy court to lift the stay so it could proceed on its tax-deed claim.

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