

Chapter 7 - TAXATION

Sec. 7-1 Procedure to Obtain Reduction in Mobile Home Local Services Tax

- A. An applicant for reduction of the local services tax on mobile homes, pursuant to 35 ILCS 515/7, shall file an application for such reduction on a form to be supplied by the County, substantially conforming to the form specified in 35 ILCS 515/7.
- B. The filing of the form with the County Clerk by an otherwise qualified taxpayer shall be sufficient to entitle claimant to a reduction in the mobile home local services tax as provided by law.
- C. The County Clerk shall compute the reduction in the mobile home local services tax as provided by state statute.

(Code 1979, § 13-4)

State Law reference — Mobile home local services tax, 35 ILCS 515/1 et seq.; reduction of tax, 35 ILCS 515/7; Illinois Income Tax Act, 35 ILCS 5/101 et seq.

Sec. 7-2 Tax on Privilege of Transferring Real Estate

- A. A tax is imposed on the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and upon the privilege of transferring a beneficial interest in a land trust holding legal title to real estate located in such County as represented by the trust document that is filed for recordation, at the rate of \$0.25 for each \$500.00 of value or fraction thereof stated in the declaration provided for in this subsection. If, however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax. The recorder of deeds shall at the time of filing collect the tax. The valuation to be used for the collection of the County tax shall be the same as the valuation used for the collection and imposition of the state real estate transfer tax, as shown on the real estate transfer declaration required by provisions of 35 ILCS 200/31-25, as amended.
- B. Except as provided in subsection E below, no deed or trust document shall be accepted for filing by the recorder of deeds unless the tax imposed by subsection A above has been paid.
- C. The recorder of deeds may affix stamps whose design, denominations and form shall be prescribed by the recorder of deeds (to every deed or trust document which represents a transfer subject to the tax imposed by subsection A above). In lieu of the stamps described hereinabove, the recorder of deeds may use and affix any other writing or other indication that the tax imposed by subsection A has been paid.
- D. At such time as the tax levied by this section is paid, there shall be filed with the recorder of deeds a fully executed and completed copy of the real estate transfer declaration required by provisions of 35 ILCS 200/31-25, as amended.
- E. The following deeds or trust documents shall be exempt from the provisions of this section except as hereinafter provided:
 - 1. Deeds representing real estate transfers made before January 1, 1968, but recorded after that date, and trust documents executed before January 1, 1986, but recorded after that date.
 - 2. Deeds to or trust documents relating to (1) property acquired by any governmental body or from any governmental body, (2) property transferred between governmental bodies, or (3) property acquired by or from any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes. However, deeds or trust documents, other than those in which the Administrator of Veterans' Affairs of the United States is the grantee pursuant to a foreclosure proceeding, shall not be exempt from filing the declaration.
 - 3. Deeds or trust documents that secure debt or other obligation.

4. Deeds or trust documents that, without additional consideration, confirm, correct, modify or supplement a deed or trust document previously recorded.
5. Deeds or trust documents where the actual consideration is less than \$100.00.
6. Deeds or trust documents that release property that is security for a debt or other obligation.
7. Tax deeds.
8. Deeds or trust documents of partition.
9. Deeds or trust documents made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of corporations under plans of reorganization under the Federal Internal Revenue Code or Title 11 of the Federal Bankruptcy Act.
10. Deeds or trust documents made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.
11. Deeds or trust documents when there is an actual exchange of real estate and trust documents when there is an actual exchange of beneficial interests, except that that money difference or money's worth paid from one to the other is not exempt from the tax.
12. Deeds issued to a holder of a mortgage, as defined in section 15-103 of the Code of Civil Procedure (715 ILCS 5/15-103), pursuant to a transfer in lieu of foreclosure.
13. A deed or trust document related to the purchase of a principal residence by a participant in the program authorized by the Home Ownership Made Easy Act (310 ILCS 55/1 et seq.), except that those deeds and trust documents shall not be exempt from filing the declaration.
14. All proceeds resulting from the collection of the tax imposed by this section shall be paid to the County Treasury on a semimonthly basis.
15. The tax imposed in this section shall be in addition to the state real estate transfer tax and shall be \$0.25 for each \$500.00 of value or fraction thereof. The stamps affixed to the deed or instrument for the purpose of showing payment of the state real estate transfer tax shall also be evidence that the tax imposed in this section has been paid in the same amount as shown by the stamps.
16. The tax collected by the recorder of deeds pursuant to this section and the tax collected by the Recorder of Deeds under 35 ILCS 200/31-25, as amended (commonly referred to as article 31, Real Estate Transfer Tax Act of the Property Tax Code) shall be collected by the use of a single stamp. The tax monies thus collected shall then be paid by the recorder of deeds to the parties entitled thereto by the terms of this section and the state statute.

(Code 1979, § 13-5)

Sec. 7-3 Sale In Error Fee Imposed

Pursuant to 35 ILCS 200/21-330, the County Collector shall collect a sale in error fee of \$60.00 on each parcel sold at the annual tax sale.

(Ord. No. 1995-16, 6-21-1995)