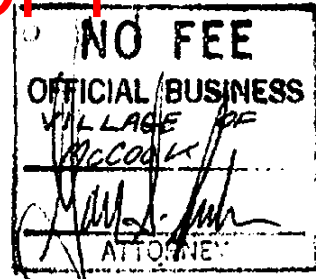


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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

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I, the undersigned, DO HEREBY CERTIFY that I am the duly qualified and acting Clerk of the VILLAGE of McCOOK, a municipal corporation, Cook County, Illinois, and, as such, I am the keeper of the records and files and am custodian of the seal of said municipality.

I DO FURTHER CERTIFY as follows:

1. That the foregoing or attached is a complete, true, and correct copy of Ordinance No. 89-6 entitled:

AN ORDINANCE ADDING CHAPTER 11, REAL ESTATE TRANSFER TAX, TO TITLE V, BUSINESS REGULATIONS, OF THE MUNICIPAL CODE OF THE VILLAGE OF MCCOOK

2. That it was duly adopted by the governing body of said municipality at its regular meeting held on May 1, 1989

3. That there were present at said meeting the Mayor and 6 Trustees, and that the vote on said adoption was:

AYE: 6 NAY: -0-

4. That said ordinance was approved by the Mayor on May 1, 1989, and published on May 1, 1989.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of said municipal corporation this 1st day of May, 1989.

Charles Salas  
Clerk

(CORPORATE)  
( SEAL )

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## ORDINANCE NO. 89-6

### AN ORDINANCE ADDING CHAPTER 11, REAL ESTATE TRANSFER TAX, TO TITLE V, BUSINESS REGULATIONS, OF THE MUNICIPAL CODE OF THE VILLAGE OF MCCOOK

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of McCook, Cook County, Illinois, as follows:

#### Section 1

That Chapter 11, Real Estate Transfer Tax, be added to Title V, Business Regulations, of the Municipal Code of the Village of McCook to read as follows:

#### CHAPTER 11 REAL ESTATE TRANSFER TAX

##### SECTION:

- 5-11-1: Transfer Tax Imposed
- 5-11-2: Definition
- 5-11-3: Real Estate Transfer Declaration
- 5-11-4: Liability for Tax
- 5-11-5: Exemptions
- 5-11-6: Recording
- 5-11-7: Water, Sewer and Refuse Bills
- 5-11-8: Stamps
- 5-11-9: Sale of Stamps
- 5-11-10: Lien Created - Enforcement
- 5-11-11: Interest and Penalties
- 5-11-12: Penalty

##### 5-11-1: TRANSFER TAX IMPOSED:

- (a) A transfer tax is imposed on the privilege of transferring title to real estate located within the Village of McCook at the rate of five dollars (\$5) per \$1000 of value, or fraction thereof, but in no event shall the tax be less than fifty dollars (\$50).
- (b) Such tax shall be collected by the Village Clerk through the sale of revenue stamps whose design, denominations and form shall be prescribed by the Village Clerk. No deed shall be recorded unless revenue stamps in the required amount have been purchased from the Village Clerk and affixed to the

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deed before recording. A person using or affixing a revenue stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his initials and the day, month and year when the affixing occurs. Such markings shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.

## 5-11-2: DEFINITIONS:

- (a) The term "conveyance" or "transferring title to real estate" includes the making, delivery and recording of a deed involving title to real estate of real property located within the Village of McCook.
- (b) The term "deed" shall mean all documents transferring or reflecting the transfer of legal title, equitable title, or both legal and equitable title to real property, or the beneficial interest in a land trust. Delivery of any deed shall be deemed to have occurred when the purchaser receives possession of the deed or in the case of a land trust when the trustee receives possession of an assignment of beneficial interest.
- (c) The term "person" shall mean any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, land trust, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the State of Illinois, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.
- (d) The term "purchaser" includes grantee and assignee.
- (e) The term "Recorder of Deed" includes Registrar of Titles.
- (f) The term "recording" shall mean the recording or registration of a deed with the Office of Recorder of Deeds, or the transfer of the beneficial interest in a land trust for real property.

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- (g) The term "seller" includes grantor and assignor.
- (h) The word "value" means the amount of the full actual consideration for any transfer covered hereunder, including the amount of any lien or liens assumed by the grantee or purchaser.

**5-11-3: REAL ESTATE TRANSFER DECLARATION:** At such time as the tax levied by this Chapter is paid, there shall be filed with the Village Clerk, on a form prescribed by him, a fully executed and completed copy of a declaration signed by at least one of the grantors and one of the grantees (or their agents) stating the full consideration for the property so transferred, the permanent index number, common address, grantor, grantee, and such other information as requested by the Village Clerk.

**5-11-4: LIABILITY FOR TAX:**

- (a) The ultimate incidence of and liability for payment of said tax shall be borne by the seller involved in any such transaction; however, it shall be unlawful for any purchaser to accept a conveyance if the transfer tax has not been paid.
- (b) If the tax has not been paid and the stamps affixed to the deed or assignment, then the grantees' title shall be subject to a lien for the amount set forth in Section 5-11-10, and the grantee shall be liable for payment of the tax.

**5-11-5: EXEMPTIONS:** The tax shall not apply to the following conveyances, provided said conveyance in each case is accompanied by a certificate setting forth the facts or such other information as the Village Clerk may require:

- (a) transactions representing real property transfers closed and made on or before May 1, 1989, but delivered, recorded or accepted after May 1, 1989, but all real property transfers made after May 1, 1989, shall not be exempt regardless of when closed or made;
- (b) transactions involving property acquired by or from any governmental body; or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, which property qualifies or has qualified as tax exempt for Illinois real property tax purposes;

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- (c) transactions in which the deeds or assignments of beneficial interest secure debt or other obligation;
- (d) transactions in which the deeds or assignments of beneficial interest, without additional consideration, confirm, correct, modify, or supplement deeds or assignments of beneficial interest previously recorded or delivered;
- (e) transactions in which the deeds or assignments of beneficial interest are releases of property which is security for a debt or other obligation;
- (f) transactions in which the deeds are made pursuant to court decree;
- (g) transactions made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of a corporation pursuant to plans of reorganization;
- (h) transactions between subsidiary corporations and their parents for no consideration other than the cancellation or surrender of the subsidiary corporation's stock;
- (i) a transfer by lease for a term of less than 20 years;
- (j) transactions made between an executor or administrator and the heirs of an estate;
- (k) transactions made between any person acting in a fiduciary capacity to a successor fiduciary;
- (l) transactions made without consideration;
- (m) transactions made upon the death of a joint tenant or tenant by the entirety to the survivor; and
- (n) transactions which the Village attorney determines may not lawfully be taxed.

Exempt conveyances shall have a stamp duly noted placed on the deed before recording.

**5-11-6: RECORDING:** No person shall record a deed unless the tax stamps in the required amount, as set forth in this Chapter, have been affixed to the deed.

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**5-11-7: WATER, SEWER AND REFUSE BILLS:** The Village Clerk shall issue no transfer stamps unless the most current water and sewer bills are paid.

**5-11-8 STAMPS:** The tax herein levied shall be paid by purchase of tax stamps from the Village Clerk. For all transactions exempt under the provisions of Section 5-11-5, the Village Clerk shall have a stamp marked "Exempt" which shall be available at no cost.

**5-11-9: SALE OF STAMPS:**

- (a) Stamps for the purpose of paying the tax provided for by this Chapter shall be prepared by the Village Clerk, in such form, and of such denominations and in such quantities as he may from time to time prescribe, and he shall make provision for the sale of such stamps by his duly authorized agent or agents in such places and at such times as in his judgment may be necessary to accomplish the equitable, efficient and economic collection of the taxes so provided. The form of the stamp shall be as follows unless otherwise provided:

## VILLAGE OF MCCOOK

### REAL ESTATE TRANSACTION STAMP

- (b) No person, other than a duly authorized fiscal agent of the Village Clerk, shall sell or expose for sale, traffic in, trade, barter or exchange any stamp issued pursuant to this Chapter.
- (c) No person shall sell or offer for sale any stamps purchased or acquired for a sum less than their face value.
- (d) No person shall sell, offer for sale, or use a stamp which has been purchased for another transaction, even if that stamp has not been used or cancelled.

**5-11-10: LIEN CREATED - ENFORCEMENT:** In the event a deed is recorded without the revenue stamps required by this Chapter, a lien is declared against said real estate conveyed in the amount of the tax. The fact that the deed does not contain a McCook revenue stamp in an amount equal to five times the amount of the combined state and county transfer taxes shall constitute constructive notice of the lien. The lien may be enforced by proceedings to foreclose, as in cases of

mortgages or mechanics liens. Suit to foreclose this lien must be commenced within three (3) years after the date of recording the deed. Nothing herein shall be construed as preventing the Village from bringing a civil action to collect the tax imposed in this Chapter from any person who has the ultimate liability for payment of the same, including interest and penalties as hereinbelow provided.

**5-11-11: INTEREST AND PENALTIES:** In the event of failure by any person to pay to the Village Clerk the tax required hereunder when the same shall be due, interest shall accumulate and be due upon said tax at the rate of one (1%) percent per month, or part thereof, commencing as of the day when the tax became due. In addition, a penalty of ten (10%) percent of the tax and interest due shall be assessed and collected against any person who shall fail to pay the tax imposed by this Chapter.

**5-11-12: PENALTY:** Any person found guilty of violating any provision of this ordinance shall be guilty of an offense punishable by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000) per violation.

## Section 2

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

## Section 3

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the Village of McCook.

## Section 4

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

## Section 5

This ordinance shall be immediately in full force and effect after passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.



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This ordinance was passed and deposited in the office of the Village Clerk of the Village of McCook this 1st day of May, 1989.

S/ CHARLES SOBUS

CHARLES SOBUS, Clerk

Approved by me this 1st  
day of May, 1989.

S/ EMIL T. SERGO

EMIL T. SERGO, Mayor

I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of McCook, in accordance with law, this 1st day of May, 1989.

S/ CHARLES SOBUS

CHARLES SOBUS, Clerk

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BOX 02