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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - COUNTY DIVISION

4121282

DEPT-01 RECORDING \$27.50
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#4835 # CG #-98-916352
COOK COUNTY RECORDER

IN THE MATTER OF THE APPLICATION)	
ETC... TWO OR MORE YEARS)	96 Co TDS 0002
DELINQUENT (1993 SCAVENGER SALE))	
APPLICANT ANTHONY KILCZEWSKI)	Cert. No. 93 S 0004082
)	Vol. 580

ORDER

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THIS CAUSE COMING ON TO BE HEARD on the tax buyer's application for an Order of Possession, and the record owner of the subject property having filed a Petition to Vacate the Order Directing the Issuance of a Tax Deed; and documentary evidence having been presented to the Court showing that the subject property was improperly included in the subject Scavenger Sale, since no tax delinquency existed at the time of the sale, and that the improper inclusion therein was due to errors in the offices of the Cook County Department of Revenue and the Cook County Treasurer; and the Court being fully advised in the premises;

THE COURT HEREBY FINDS:

(a) On December 14, 1987, there was a Scavenger Sale of this property to William Levy for delinquencies for tax years 1979 through 1983 for \$8,500.00, representing a substantial overbid on the accumulated delinquency of \$1,124.31.

(b) Two days later, on December 16, 1987, there was a 1982 Forfeiture Buy by Park Place Investments of this same property for a 1982 second installment principal delinquency of \$22.59. Included in that sale were delinquencies for prior tax years 1979, 1980 and 1981 amounting to \$806.22.

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(c) On November 14, 1988, the then-owner (Maria Aguilar) redeemed in full the 1987 Scavenger Sale described in (a), above, and ultimately received a refund of the overbid principal of \$7,375.69.

(d) The erroneous double-debiting of this amount, following the reissuance of the lost first refund check, led to the purported 1983 "delinquency" showing up on the Scavenger list.

(e) On February 14, 1989, Park Place paid and posted against its 1982 Forfeiture Buy, the second installment of the 1987 tax in the total amount of \$156.44. This was posted on that same date on the 1987 Warrant Book as a duplicate payment of the second installment in the principal amount of \$97.65. It was shown as a duplicate payment because both the first (\$112.74) and second (\$97.65) installments had previously been timely paid in full (on March 1 and September 27, 1988, respectively).

(f) Subsequently, when it was realized that the delinquencies for the all years covered in the 1982 Forfeiture Buy had been included in and paid in full by the 1987 Scavenger Sale two days previously, the 1982 Forfeiture Buy was correctly set aside as a Sale-in-Error (No. 908); and the Certificate of Purchase was canceled on July 26, 1991.

(g) In making the refund to Park Place for the amount of its purchase, the Collector erroneously overpaid Park Place by more than \$8,000. When the debit representing this refund reached the Auditor's office, it was charged back to the 1987 taxes and showed up as the \$8,414.35 principal due on the 1993 Scavenger Sale list.

(h) These negligent errors by the County Collector's office affecting this homestead property which was owner occupied on the expiration date of the period of redemption, entitles the tax buyer to recover, upon adequate proof thereof of the amounts authorized in Section 22-45 of the Illinois Property Tax Code.

IT IS THEREFORE HEREBY ORDERED that:

- * The record owner's Petition to vacate the Order Directing the Issuance of a Tax Deed is GRANTED;
- * The tax buyer's Application for an Order of Possession is DENIED;
- * The tax deed holder is ordered to reconvey title to the record owner;
- * The original scavenger sale hereof on November 2, 1993, is hereby declared to be a Sale in Error pursuant to the provisions of Section 21-310(a)(2) of the Illinois Property Tax Code;

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- * The County Collector is directed to refund to the tax buyer the amount of his purchase and such other amounts as are provided by statute in cases of a Sale in Error; and
- * The tax buyer is entitled to prove-up such amounts as he may be entitled to pursuant to the provisions of Section 22-45 of the Illinois Property Tax Code, the determination of which is covered by a separate Order entered this date.

ENTER:

JUDGE MARJAN P. STANEC

NOV 21 1996

~~CLERK OF COURT 488~~

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THE ATTACHED ORDER AFFECTS THE PROPERTY LEGALLY DESCRIBED AS:

LOT 47 IN ECHOLS AND DICKSON'S SUBDIVISION OF BLOCK 12 IN THE CANAL TRUSTEES' SUBDIVISION IN THE WEST 1/2 OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 17-05-116-029

ADDRESS: 1253 NORTH BOSWORTH STREET, CHICAGO, ILLINOIS.

Box 116

Att: BIESIADA

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