



Image# 045996890010 Type: ORD
Recorded: 03/26/2010 at 01:55:27 PM
Receipt#: 2010-00013851
Total Amt: \$0.00 Page 1 of 10
IL Rental Housing Fund: \$0.00
Lake County IL Recorder
Mary Ellen Vanderverter Recorder
File **6587766**

RECORDING COVERSHEET

- NON-STANDARD DOCUMENT
- RE-RECORDED DOCUMENT - previously recorded as document number

1996746

(Lake County numbers consist of 7 Digits)

PLEASE ALSO STATE THE REASON FOR RE-RECORDING IN THE BOX BELOW

1979 County Real Estate Transfer Tax Ordinance is being re-recorded to update with January 14, 1986 Amendment and June 14, 2005 Resolution.

Submitted by & Return To:
Lake County Recorder of Deeds
18 N. County Street
Waukegan, IL 60085

⑩
LMM

AN ORDINANCE IMPOSING
A COUNTY REAL ESTATE
TRANSFER TAX AND PROVIDING
FOR THE COLLECTION THEREOF

SECTION I Definitions:

(1) "Recordation" includes the issuance of certificates of title by registrars of title under "An Act concerning land titles", approved May 1, 1897, as amended, pursuant to the filing of deeds for that purpose, as well as the recording of deeds by Recorders of Deeds.

(2) "Person" means any natural individual, firm, partnership, association, joint stock company, jointed venture, public or private corporation, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.

(3) "Value" means the amount of the full actual consideration thereof, including the amount of any lien or liens assumed by the buyer.

SECTION II A tax is imposed on the privilege of transferring title to real estate, as represented by the deed 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 Sec. III of this ordinance. 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.

Such tax shall be collected by the Recorder of Deeds or Registrar of Titles through the sale of revenue stamps whose design, denominations and form shall be prescribed by a resolution of the County Board, and the Recorder of Deeds or Registrar of Titles shall sell the revenue stamps at a rate of \$0.25 per \$500.00 of value or fraction thereof. Provided, however, that until such a time as the County Board has prescribed the design, denominations and form of county revenue stamps and provided such stamps to the Recorder of Deeds, the Recorder of Deeds may continue to issue State of Illinois real estate transfer tax stamps indicating payment of \$0.50 per \$500.00 of value or fraction thereof, one half of which will evidence collection of the County real estate transfer tax. Except as provided in Section IV of this Ordinance, no deed shall be accepted for filing by the Recorder of Deeds or Registrar of Title unless county revenue stamps in the required amount have been purchased from the Recorder of Deeds or Registrar of Titles. Such revenue stamp shall be affixed to the deed by the Recorder of Deeds or the Registrar of Titles either before or after

recording as requested by the grantee. 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 occurred. 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.

SECTION III At such a time as the tax levied by this Ordinance is paid, there shall be filed with the Recorder of Deeds or the Registrar of Titles a fully executed and completed copy of the "Real Estate Transfer Declaration" required by provisions of the "Real Estate Transfer Tax Act", approved July 17, 1967, as amended.

SECTION IV All deeds exempted in Section 4 of the "Real Estate Transfer Tax Act", approved July 17, 1967, as amended, shall also be exempt from any tax imposed pursuant to this Ordinance.

SECTION V All proceeds resulting from the collection of the tax imposed by this Ordinance shall be paid to the County Treasurer.

SECTION VI The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision hereof.

SECTION VII If any clause, sentence, section, provision or part of this Ordinance or the application thereof to any person or circumstance shall be judged to be unconstitutional, the remainder of this Ordinance or its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SECTION VIII This Ordinance shall take effect and be in full force upon its passage by the County Board of Lake County, Illinois.

Dated in Waukegan, Lake County, Illinois on this 29th of May, A.D., 1979.

1996746

1996746

RECORDER
LAKE COUNTY, ILLINOIS

1979 MAY 29 AM 9:41

Frank J. Neutra

STATE OF ILLINOIS)
)SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

SPECIAL CALL MEETING

MAY 29, A.D., 1979

TO THE MEMBERS OF THE COUNTY BOARD:

Your Taxation and Elections Committee and Financial and Administrative Committee presents herewith a Resolution to enact the imposition of the Real Estate Transfer Tax of 25 cents per \$500 value to be collected by the Lake County Recorder of Deeds, and requests its adoption.

Respectfully submitted,

A. E. Rhoads

CHAIRMAN

VICE-CHAIRMAN

Lester J. Karmen

CHAIRMAN

Greg Snow

VICE-CHAIRMAN

Frank J. Neutra

A. E. Rhoads

TAXATION and ELECTIONS
COMMITTEE

Certified to be a true copy of
Records of the Lake County
Board Meeting of

FINANCIAL and ADMINISTRATIVE
COMMITTEE

MAY 29 1979 APPROVED

Certification not valid unless seal
of Lake County, Illinois is affixed.

Grace Mary Stern
COUNTY CLERK

Return to Frank

**AN ORDINANCE IMPOSING
A COUNTY REAL ESTATE
TRANSFER TAX AND A TAX ON THE PRIVILEGE
OF TRANSFERRING A BENEFICIAL INTEREST
IN REAL PROPERTY WHICH IS THE SUBJECT OF
A LAND TRUST OR REPRESENTED BY A TRUST DOCUMENT
AND PROVIDING FOR THE COLLECTION THEREOF**

SECTION I Definitions:

1. "Recordation" includes the issuance of certificates of title by registrars of title under "An Act concerning land titles", approved May 1, 1897, as amended, pursuant to the filing of deeds for that purpose, as well as the recording of deeds by Recorders of Deeds.
2. "Person" means a natural individual, firm, partnership, association, joint stock company, jointed venture, public or private corporation, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.
3. "Value" means the amount of the full actual consideration thereof, including the amount of any lien or liens assumed by the buyer.
4. "Beneficial interest" means any interest, regardless of how small or minimal such interest may be, in a land trust, held by a trustee for the benefit of beneficiaries of such land trust.
5. "Land trust" means any express agreement or arrangement whereby a use, confidence or trust is declared of any land, or of any charge upon land, for the use or benefit of any beneficiary, under which the legal title to real property is held by a trustee, which may be enforced by the beneficiaries who have the exclusive right to manage and control the real estate, to have the possession thereof, to receive the net proceeds from the rental, sale, hypothecation or other disposition thereof, and under which the interest of the beneficiary is personal property only.

6. "Trust document" means a document required to be recorded under the Land Trust Recordation Act.

SECTION II: A tax is imposed on the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and on the privilege of transferring a beneficial interest in real property which is the subject of a land trust or 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 Sec. III of this ordinance. If, however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of the transfer shall not be included in the basis of computing the tax.

Such taxes shall be collected by the Recorder of Deeds or Registrar of Titles through the sale of revenue stamps whose design, denominations and form shall be prescribed by a resolution of the County Board, and the Recorder of Deeds or Registrar of Titles shall sell the revenue stamps at a rate of \$0.25 for each \$500.00 of value or fraction thereof. Provided, however, that until such a time as the County Board has prescribed the design, denominations and form of county revenue stamps and provided such stamps to the Recorder of Deeds, the Recorder of Deeds may continue to issue State of Illinois real estate transfer tax stamps indicating payment of \$0.50 per \$500.00 of value or fraction thereof, one half of which will evidence collection of the County real estate transfer tax. Except as provided in Section IV of this Ordinance, no deed or trust document shall be accepted for filing by the Recorder of Deeds or Registrar of Titles unless county revenue stamps in the required amount have been purchased from the Recorder of Deeds or Registrar of Titles. Such revenue stamp shall be affixed to the deed or trust document by the Recorder of Deeds or Registrar of Titles either before or after recording as requested by the grantee or the trustee of a land trust. 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 occurred. 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.

SECTION III: At such a time as the taxes levied by this amended Ordinance are paid, there shall be filed with the Recorder of Deeds or Registrar of Titles a fully executed and completed copy of the "Real Estate Transfer Declaration" required by provisions of the "Real Estate Transfer Tax Act", approved July 17, 1967, as amended, or in the case of a transfer of beneficial interest under a land trust, a fully executed and completed copy of any instrument or facsimile thereof which transfers the beneficial interest under a land trust shall be filed with the Recorder of Deeds or Registrar of Titles pursuant to the Land Trust Recordation and Transfer Tax Act.

SECTION IV: All deeds or trust documents exempted in Section 4 of the "Real Estate Transfer Tax Act", approved July 17, 1967, as amended, shall also be exempt from any taxes imposed pursuant to this amended Ordinance.

SECTION V: All proceeds resulting from the collection of the taxes imposed by this amended Ordinance shall be paid to the County Treasurer.

SECTION VI: The taxes herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision hereof.

SECTION VII: If any clause, sentence, section, provision or part of this amended Ordinance or the application thereof to any person or circumstances shall be judged to be unconstitutional, the remainder of this amended Ordinance or its application to persons or circumstances other than those which it is held invalid shall not be affected thereby.

SECTION VIII: This amended Ordinance shall take effect and be in full force upon its passage by the County Board of Lake County, Illinois.

Dated in Waukegan, Lake County, Illinois on this 29th of May, A.D., 1979.

AMENDED: January 14, 1986.

Agenda Item # 23

Distribution:
County Board
Recorder
County Administrator

STATE OF ILLINOIS)
COUNTY OF LAKE) SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS

REGULAR JUNE, A.D., 2005 SESSION

JUNE 14, A.D., 2005

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Revenue Records and Legislation and Financial and Administrative Committees present herewith a Resolution establishing a uniform real estate transfer tax, and request its adoption.

Respectfully submitted,

Carol Spelman Aye Nay
Chair

[Signature] Aye Nay
Chair X

Vice-Chair

Michael A. Albett ✓
[Signature] X

Vice-Chair

[Signature] ✓
Robert S... ✓

Carol Balabean ✓

[Signature]

Revenue, Records & Legislation
Committee

[Signature] ✓
[Signature]

Financial & Administrative Committee

Resolution

WHEREAS, pursuant to 55 ILCS 5/5-1031, the County Board has previously imposed a tax on the privilege of transferring title to real estate situated in Lake County for all transfers on which the county also collects a transfer tax for the State of Illinois pursuant to 35 ILCS 200/31-10; and

WHEREAS, Public Act 93-657 became effective June 1, 2004 and made certain changes in the Real Estate Transfer Tax authorized under the Illinois Revenue Code (35 ILCS 200/31-10) to impose such tax on the privilege of transferring a controlling interest in a real estate entity owning property located in Illinois, including a lessee's interest in certain ground leases; and

WHEREAS, said Public Act 93-657 failed to authorize counties to collect the transfer tax on such transfers of controlling interests, thereby inadvertently creating an inconsistency in the manner in which transfer taxes may be imposed by the state and the county respectively; and

WHEREAS, in order to rectify this inconsistency, Public Act 93-1099 will become effective June 1, 2005, authorizing counties to also impose a tax on the transfer of a controlling interest in a real estate entity owning property located in Illinois, including a lessee's interest in certain ground leases; and

WHEREAS, the County Board has determined it is appropriate and beneficial for the effective administration of the transfer tax that there be a uniform application of such tax imposed by the county and the state respectively.

NOW, THEREFORE, BE IT by this County Board of Lake County, Illinois that effective June 1, 2005 and pursuant to Public Act 93-1099 and 55 ILCS 5/5-1031, there is hereby imposed a tax on the privilege of transferring a controlling interest in a real estate entity owning property located in Lake County, including a lessee's interest in certain ground leases, in the amount of \$.25 per \$500 consideration or fraction of \$500 value declared in the real estate transfer declaration required by 35 ILCS 200/31-25, such tax to be in addition to any and all transfer tax currently authorized for collection by the county.

DATED, at Waukegan, Lake County, Illinois on this 14th day of June, A.D. 2005.