



Lake County Illinois

Legislation Details (With Text)

File #: 17-0901 **Version:** 2 **Name:** Ordinance amending the text to 35.35 Judicial Sales and adopting a fee identified as the Judicial Sales (Foreclosure) Cancellation Fee for the Lake County Sheriff's Office

Type: ordinance **Status:** Passed

File created: 8/22/2017 **In control:** Law & Judicial Committee

On agenda: **Final action:** 11/14/2017

Title: Ordinance amending Chapter 35, Section 35.35 Judicial Sales by adopting a fee identified as the Judicial Sales (Foreclosure) Cancellation Fee for the Lake County Sheriff's Office (LCSO).

Sponsors:

Indexes:

Code sections:

Attachments: 1. (Foreclosure Cancellation) Fee & Cost of Service Comparison, 2. Foreclosure Fee Ordinance

Date	Ver.	Action By	Action	Result
11/14/2017	2	Lake County Board	adopted	Pass
11/1/2017	2	Financial & Administrative Committee	recommended for adoption to the regular agenda	Pass
10/31/2017	2	Law & Judicial Committee	approved and referred on to the Financial and Administrative Committee	Pass
10/4/2017	3	Financial & Administrative Committee	removed from the agenda	
10/3/2017	3	Law & Judicial Committee	postponed	Pass

Ordinance amending Chapter 35, Section 35.35 Judicial Sales by adopting a fee identified as the Judicial Sales (Foreclosure) Cancellation Fee for the Lake County Sheriff's Office (LCSO).

- In 2009, the LCSO developed the policies and procedures to create a Judicial Sales Division to accept all judicial sales in Lake County.
- The effort, intended to centralize the County's foreclosure procedures, allowed for better dissemination of information, location stabilization, and a central point of public contact.
- The statutory fee of \$600 was established pursuant to 55 Illinois Compiled Statute (ILCS) 5/4-5001, and allowed, a cancellation fee of \$200 per cancellation.
- Due to the recently completed fee analysis, the LCSO recommends that the foreclosure cancellation fee be increased to \$300 per occurrence, effective December 1, 2017. This adjustment is consistent with the statutory cancellation fee which is set at one-half of the foreclosure fee.
- Based on a fee comparison completed by LCSO, the recommended fees are essentially in line with what Lake County municipalities and neighboring counties are charging.

ORDINANCE

WHEREAS, Illinois law authorizes the Sheriff to charge fees for specified services conducted by said office; and

WHEREAS, the Illinois General Assembly passed and the Governor signed into law 55 ILCS 5/4-

5001; and

WHEREAS, 55 ILCS 5/4-5001 provides for a \$600 fee for foreclosure and one half of that fee (\$300) for cancellation of a foreclosure; and

WHEREAS, the Sheriff's Office in conjunction with County's Financial and Administrative Services Department completed an evaluation of the full cost of providing these services; and

WHEREAS, the results of the evaluation showed fees being charged for cancellation to do not cover the full cost of providing those services to capture the costs associated with rescheduling the sale of said foreclosed properties; and

WHEREAS, it is in the best interest of the citizens of Lake County that the cost of performing a specific service should be reflective of the fee charged for that service.

WHEREAS, the current Ordinance 35.35 Section (A) provides:

The Lake County Sheriff's fee for conducting a judicial sale shall be \$600, except in the case of unimproved real estate which sells for \$10,000 or less where the fee shall be \$150. This fee shall be paid in advance of the sale by the party obtaining the sale.

NOW, THEREFORE, BE IT ORDAINED, by this County Board of Lake County, Illinois, that the Chair of the Board and the Sheriff are hereby authorized to add a cancellation fees for the reasons stated herein.

WHEREAS, it is necessary for the County Board to formally amend Ordinance 35.35 Section (A) to include:

The fee to cancel a judicial sale, identified as the Foreclosure Cancellation Fee, is \$300 per property per occurrence. If a sale is to be rescheduled, this fee shall be paid in advance of rescheduling by the party obtaining the cancellation and re-scheduling of said judicial sale.

BE IT FURTHER ORDAINED, that the County Clerk is hereby directed to forward a certified copy of this Ordinance to the Lake County Sheriff.

DATED, at Waukegan, Illinois, on November 14, 2017.