

EXHIBIT A

ARTICLE IV. – REAL ESTATE TRANSFER TAX^[3]

Footnotes:

~~—(3)—~~

State Law reference—35 ILCS 305/1.44.

~~33-30 through 33-36.~~ ~~REPEALED.~~ A tax is imposed by the County on the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and upon the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, and on a transfer of a beneficial interest, as defined in Section 31-5 of the Real Estate Transfer Tax Law (35 ILCS 200/31-5), at the rate of 25 cents for each \$500.00 of value or fraction thereof stated in the declaration required by Section 31-25 of the Real Estate Transfer Tax Law (35 ILCS 200/31-25). If, however, the real estate or a beneficial interest 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. All deeds, trust documents, or documents relating to the transfer of a beneficial interest exempted in Sections 31-45 or 31-46 of the Real Estate Transfer Tax Law (35 ILCS 200/31-45 to 46) are also exempt from any tax imposed under this article. The tax is due if the transfer is made by one or more related transactions or involves one or more persons or entities and whether or not a document is recorded. The tax shall be collected by the recorder or registrar of title of the county in accordance with Section 5/5-1031 of the Counties Code (55 ILCS 5/5-1031) and the Real Estate Transfer Tax Law (35 ILCS 200/31-1 to 70).

~~33.317 through 33-39.~~ – RESERVED.

(Res. F-118-79, 5-29-1979; amd. Res. OFI--018-91, 11-12-1991; amd. Res. FI-0116-05, 7-12-2005; and amd. ORD. FI-O-0002-23, 4-11-2023.)

ARTICLE VII – LAND TRUST TRANSFER TAX

SECTION 33-60: NAME OF ORDINANCE.

This article shall be known and may be cited as the LAND TRUST RECORDATION ORDINANCE.

SECTION 33-61: DEFINITIONS.

Beneficial Interest: 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.

Land trust: Any express agreement or arrangement whereby a use, confidence or trust is declared of any land, or by 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.

Section 33-62: - RECORDATION.

Every trustee of a land trust who accepts any instrument which transfers the beneficial interest under such trust after the effective date of this article shall record the instrument or a facsimile thereof with the Recorder of Deeds or Registrar of Titles of the county in which the real estate that is the subject of the trust is located. Such document shall be recorded or registered within sixty (60) days after the trustee accepts the instrument which transfers such beneficial interest. Any document which is to be recorded pursuant to this section may be altered so as to

delete or omit the name of any and all parties named in the instrument ~~any~~ and may be modified in any other reasonable manner to prevent the disclosure of the identity of such parties.

Pursuant to this County ordinance imposing a tax upon the privilege of transferring a beneficial interest in a land trust, no transfer of a beneficial interest in any land trust shall be operative until such time as there is compliance with the County ordinance imposing the transfer tax.

Section 33-63: - VIOLATION; PENALTY.

Any trustee who knowingly violates this article is guilty of a Class C misdemeanor and shall be liable to the state and any unit of local government for any taxes which would have been payable to the State or unit of local government had the trustee complied with this article, plus twenty percent (20%) interest on such amount, accruing from the date the trust document was executed.

Section 33-64: - RATE OF TAX.

A tax is imposed upon the privilege of transferring title to real estate, as represented by the deed or instrument 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 25 cents for each \$500.00 of value or fraction thereof stated in the declaration required by Section 31-25 of the Real Estate Transfer Tax Law (35 ILCS 200/31-25).~~3 of the "Real Estate Transfer Act."~~ 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.

A tax imposed pursuant to this section shall be collected by the recorder or registrar of titles of the county prior to recording the deed or trust document or registering the title subject to the tax in accordance with Section 31-15 of the Real Estate Transfer Tax Law and Section 5-1031 of the Counties Code. All deeds or trust documents exempted in ~~Section 4 of the “Real Estate Transfer Tax Act”~~ Section 31-45 of the Real Estate Transfer Tax Law shall also be exempt from any tax imposed pursuant to this section. A tax imposed pursuant to this section shall be in addition to all other occupation and privilege taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

Section 33-65: - PROCEEDS OF TAX.

The proceeds from such tax shall be deposited in the County General Fund.

Section 33-66: - DATE OF TAX.

The tax imposed herein shall be effective on the date of passage of this article.

Section 33-67: - UNCONSTITUTIONAL PROVISIONS; EFFECT.

If any parts of this article are found to be illegal or unauthorized, the remaining sections hereof shall be in effect. The tax imposed by the County of DuPage shall be in addition to all other occupation and privilege tax imposed by the County of DuPage and State of Illinois.

Section 33-68: - EXCLUSION FROM STATUTORY LIMIT.

Such twenty-five cent (0.25) tax shall not be included within any statutory limitation of rate or amount for other County purposes, but shall be excluded therefrom and be in addition thereto in excess thereof.

Section 33-69 through 33-79: - RESERVED.

(ORD. F-ORD-01-86, 12-10-1985; amd. ORD. FI-O-0002-23, 4-11-2023.)