



1 (Whereupon, the following  
2 proceedings were had  
3 before Court and counsel  
4 in open court:)

5 THE CLERK: Fortunato and Gracia Cruz.

6 MR. WILSON: Alex Wilson for the debtor.

7 MS. REYNOLDS: Good morning, Your Honor.

8 Barbara Reynolds on behalf of the DuPage County  
9 Clerk's Office.

10 THE COURT: Okay. Good morning to both of  
11 you.

12 I am prepared to rule on the objection  
13 and to sustain the objection made by the DuPage  
14 County Clerk's Office for the following reasons:

15 Prior to the debtors filing this case,  
16 on November 20, 2014, Union Tax Investors, Inc.,  
17 purchased the debtors' 2013 delinquent property taxes  
18 at a tax sale. The amount owed for the 2013 property  
19 taxes as of the date of the filing of the petition on  
20 December 30, 2014, is \$8,059.91. The redemption  
21 period expires on May 22nd, 2017.

22 On January 26, 2015, the debtors filed a  
23 modified proposing that the DuPage County Clerk  
24 accept partial payments of \$212.25 per month for a  
25 total of \$8,059.91. The DuPage County Clerk objects

1 to this language in the plan on the basis that the  
2 Clerk cannot accept partial payments. The Court  
3 agrees with the Clerk's position that it is nothing  
4 more than a conduit between the debtors and the tax  
5 purchaser to assist the debtors with the process of  
6 redeeming their taxes.

7 In addition, the text of 35 Illinois  
8 Code 200/21-355 requires the Clerk to accept total  
9 payments. There is no provision in the statute that  
10 would direct the Clerk or give it any guidance on how  
11 it should administer the acceptance of partial  
12 payments. The Clerk points out that there would be  
13 administrative confusion accompanying the acceptance  
14 of partial payment under a Chapter 13 plan, such as  
15 how the monies would be segregated, how interest  
16 would be calculated, and the proper procedure for  
17 refund of redemption funds in the event the  
18 bankruptcy case is dismissed before all the payments  
19 are made.

20 The Court disagrees with the debtors'  
21 argument that the Clerk's a creditor. The Clerk,  
22 itself, is not owed money by these debtors and has  
23 not filed a claim in this case. The debtors are not  
24 without a remedy, however. The Clerk has suggested,  
25 and this Court agrees, that either the debtors or

1 their attorney or even the Chapter 13 Trustee could  
2 escrow the money until the full redemption amount can  
3 be paid to the Court. See In re Lamont, 740 F.3d 397  
4 at 410. The Clerk has suggested language in its  
5 reply brief in Paragraph 11 that would be acceptable.  
6 For the reasons stated, I'm sustaining the DuPage  
7 County Clerk's Office's objection to confirmation of  
8 the debtors' plan.

9 Okay?

10 MS. REYNOLDS: Thank you, Your Honor.

11 MR. WILSON: Thank you.

12 THE COURT: Now, where does that leave us  
13 overall?

14 MR. WILSON: I think that we have to --

15 MS. SUZZI: Go back to the drawing board.

16 MR. WILSON: -- go back to the drawing board.  
17 If we could maybe have, maybe four weeks, if that's  
18 okay?

19 Money's coming in, correct?

20 MS. SUZZI: Yes.

21 THE COURT: Okay. Four weeks. Let's see  
22 where we are at that point.

23 THE CLERK: June 12th at 10:00 a.m. for all  
24 matters.

25 MR. WILSON: Thank you.

1 MS. REYNOLDS: Thank you, Your Honor.

2 THE COURT: You're very welcome.

3 (Which were all the proceedings  
4 had in the above-entitled cause  
5 on the day and date aforesaid.)

6

7 I hereby certify that the foregoing is a correct  
8 transcript from the record of proceedings in the  
9 above-entitled matter.

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Susan G. Bloom, CSR  
No. 084-001546

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