

THURSDAY

October 18, 2007

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THURSDAY, OCTOBER 18, 2007

BELLEVILLE NEWS-DEMOCRAT

OUR VIEW

Look to county for safety net

IT'S SAD anytime someone loses his property to back taxes. But it's particularly troubling when that person is an 89-year-old blind widow, and she's in danger of losing farmland worth more than \$100,000 over a paltry \$38.

The widow, Virginia A. Juenger, for whatever reason didn't pay her 2003 taxes of \$38.08. St. Clair County Treasurer Charles Suarez said his office sent out a certified letter to the address on file, but it was returned unopened. And so eventually a tax buyer bought those unpaid taxes, and now is seeking title to the property.

There may yet be a happy ending to this story. Juenger's attorney is alleging in court that the tax buyer sent the notices to

an unrelated person in Maine. If a judge agrees, she may get to keep her property.

Whatever the legal outcome, let's hope her story inspires Suarez to figure out a way to avoid a repeat of this situation. It's not realistic for his office to follow up with everyone who doesn't pay his taxes; the county sends out 19,000 certified letters over unpaid taxes in a year. But what about people who have unpaid tax bills of, say, \$100 or less?

Computers have made the process of sending out tax notices impersonal. But they also have the capability to flag situations like Virginia Juenger's.

It's not a legal requirement that the treasurer's office do so, but it would be a valuable and welcome public service.

Marissa widow may lose family farm over \$38 tax bill

BY JENNIFER A. BOWEN
News-Democrat

An 89-year-old, blind widow could lose her Marissa farm because she never received notice that she owed \$38.08 in property taxes from 2003.

On Thursday, a lawsuit was filed in St. Clair County Circuit Court on behalf of Virginia A. Juenger after a tax buyer, Prairie State Properties LLC of Belleville, purchased her delinquent tax from 2003.

The company purchased the delinquent tax in 2005. On Aug. 27, Prairie State Properties filed an application for a judge to issue a tax deed to Juenger's property for the delinquent 2003 property tax of \$38.08

Juenger's property is 35 acres of farmland and worth more than \$100,000. The land has been farmed by a tenant farmer for several years, according to the lawsuit.

Scott McLean is listed in the lawsuit as a real estate tax buyer for Prairie State Properties. He could not be reached for comment Friday.

According to the lawsuit, filed by Edward J. Blake Jr. of the Blake & Allen law firm in Belleville, Juenger never received notice that her tax was delinquent nor did she receive notice the delinquent 2003 taxes had been sold to Prairie State Properties. The suit also alleges the company, by failing to try to reach Juenger, committed "fraud or deception against Juenger."

"I've never seen a situation where a person doesn't pay a \$38.08 tax bill and lose their \$100,000 farm," Blake said. "We're not even sure at this point whether or not she still owns the land. We don't know what the tax buyer has or hasn't done. We contacted the tax buyer to ask if they would give the property back to Ms. Juenger and they said their intent is to sell the property."

The lawsuit alleges Prairie State Properties mailed the notice that it purchased Juenger's delinquent tax to a retired man living in Maine who has no relation to Juenger.

"We tracked down Harold Erb in Maine, and he told us he never owned any real estate in Illinois. He is from New York and retired to Maine," Blake said. "The tax buyer mailed a certified sale receipt to Erb in Maine, not to Ms. Juenger. She has lived in St. Clair County for many years, and we don't understand quite why she was never served notice."

Juenger did have a brother named Harold Erb, but he died on Sept. 5, 1980, according to the lawsuit.

When a tax buyer purchases delinquent tax, the buyer pays the tax and property owners must pay the tax buyer the delinquent tax plus interest and penalties. If an owner does not pay the buyer within two years of the tax deed sale, the tax buyer can ask a judge for the deed to the property.

"She did not receive, or pay, that tax bill," Blake, Juenger's attorney, said. "It's unbelievable that an 89-year-old would not pay her taxes for \$38.08. Had she known about it, she would have definitely paid it because she definitely has the funds to pay the taxes. She's in a position to pay the taxes, and the penalties, and always has been."

The lawsuit alleges "that there was never any diligent inquiry or effort made to serve the tenant farmer ... or Juenger" notice that Prairie State Properties had purchased her delinquent tax.

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