

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Sections 3-5001, 3-5002, 3-5003, 3-5004, 3-5005, 3-5005.1,
6 3-5005.2, 3-5005.3, 3-5005.4, 3-5006, 3-5007, 3-5008, 3-5009,
7 3-5010, 3-5010.5, 3-5010.8, 3-5011, 3-5012, 3-5013, 3-5014,
8 3-5015, 3-5016, 3-5019, 3-5020, 3-5020.5, 3-5021, 3-5024,
9 3-5025, 3-5029, 3-5031, 3-5033, 3-5036.5, 3-5037, 3-5038,
10 3-5045, 4-12003 and by adding Sections 3-5018.2 and 4-12002.3
11 as follows:

12 (55 ILCS 5/3-5001) (from Ch. 34, par. 3-5001)

13 Sec. 3-5001. County clerk as recorder; election of
14 recorder. The county clerk in counties having a population of
15 less than 60,000 inhabitants shall be the recorder in the
16 clerk's ~~his~~ county.

17 In counties having a population of 60,000 or more
18 inhabitants, there shall be elected a recorder, as provided by
19 law, who shall hold ~~his~~ office until a ~~his~~ successor is
20 qualified.

21 If the population of any county in which a recorder has
22 been elected decreases to less than 60,000, the voters of that
23 county shall continue to elect a recorder if the county board

1 adopts a resolution to continue the office of an elected
2 recorder.

3 (Source: P.A. 86-962; 86-1028.)

4 (55 ILCS 5/3-5002) (from Ch. 34, par. 3-5002)

5 Sec. 3-5002. Bond. Every recorder, whether elected as such
6 or holding the office of recorder in addition to the office of
7 county clerk as hereinbefore provided, shall, before entering
8 upon the duties of the ~~his or her~~ office, give bonds (or, if
9 the county is self-insured, the county through its
10 self-insurance program may provide bonding), with sufficient
11 security to be approved by the circuit court, payable to the
12 People of the State of Illinois, in the penal sum of \$10,000
13 (except that in counties having a population of 60,000 or more
14 inhabitants the penalty of the bond shall be \$20,000),
15 conditioned for the faithful discharge of the recorder's ~~his~~
16 ~~or her~~ duties, and to deliver up all papers, books, records and
17 other things appertaining to the ~~his or her~~ office, whole,
18 safe and undefaced, when lawfully required so to do - which
19 bond shall be filed in the office of the Secretary of State,
20 and a copy thereof filed of record in the court.

21 (Source: P.A. 88-387.)

22 (55 ILCS 5/3-5003) (from Ch. 34, par. 3-5003)

23 Sec. 3-5003. Oath. Each recorder, before entering upon the
24 duties of the ~~his~~ office, shall take and subscribe to the oath

1 or affirmation prescribed by Section 3, Article XIII of the
2 Constitution, which shall be filed with the county clerk.

3 (Source: P.A. 86-962.)

4 (55 ILCS 5/3-5004) (from Ch. 34, par. 3-5004)

5 Sec. 3-5004. Commencement of duties. The recorder shall
6 enter upon the duties of the ~~his~~ office on the first day in the
7 month of December following the recorder's ~~his~~ election on
8 which the office of the recorder is required, by statute or by
9 action of the county board, to be open. The recorder ~~He~~ shall
10 be commissioned by the Governor.

11 (Source: P.A. 86-962.)

12 (55 ILCS 5/3-5005) (from Ch. 34, par. 3-5005)

13 Sec. 3-5005. Functions, powers and duties of recorder. The
14 functions and powers of the recorders shall be uniform in the
15 various counties of this State. The recorder has those
16 functions, powers, and duties as provided in this Division ~~the~~
17 ~~Sections following this Section and preceding Section 3-5006.~~

18 (Source: P.A. 86-962.)

19 (55 ILCS 5/3-5005.1) (from Ch. 34, par. 3-5005.1)

20 Sec. 3-5005.1. Appointment of deputies, assistants and
21 personnel. The recorder shall appoint ~~his~~ deputies,
22 assistants, and personnel to assist the recorder ~~him~~ in the
23 performance of the recorder's ~~his~~ duties.

1 (Source: P.A. 86-962.)

2 (55 ILCS 5/3-5005.2) (from Ch. 34, par. 3-5005.2)

3 Sec. 3-5005.2. Internal operations of office. The recorder
4 shall have the right to control the internal operations of the
5 ~~his~~ office; to procure necessary equipment, materials and
6 services to perform the duties of the ~~his~~ office. The recorder
7 ~~Recorder~~ shall have the right to select the computer or
8 micrographic system to be used for document storage and
9 retrieval. The recorder ~~Recorder~~ may retain the services of
10 management or consulting firms to establish or maintain such a
11 system.

12 (Source: P.A. 86-962.)

13 (55 ILCS 5/3-5005.3) (from Ch. 34, par. 3-5005.3)

14 Sec. 3-5005.3. Monthly report of financial status. The
15 recorder shall file a monthly report with the county clerk
16 summarizing the financial status of the ~~his~~ office in such
17 form as shall be determined by the county board.

18 (Source: P.A. 86-962.)

19 (55 ILCS 5/3-5005.4) (from Ch. 34, par. 3-5005.4)

20 Sec. 3-5005.4. Deposit of fee income; special funds. The
21 recorder shall deposit in the office of the county treasurer
22 monthly by the 10th day of the month following, all fee income.
23 The recorder may maintain the following special funds from

1 which the county board shall authorize payment by voucher
2 between board meetings:

3 (a) Overpayments.

4 (b) Reasonable amount needed during the succeeding
5 accounting period to pay office expenses, postage, freight,
6 express or similar charges.

7 (c) Excess earnings from the sale of revenue stamps to be
8 maintained in a fund to be used for the purchase of additional
9 stamps from the Illinois Department of Revenue.

10 (d) Fund to pay necessary travel, dues and other expenses
11 incurred in attending workshops, educational seminars and
12 organizational meetings established for the purpose of
13 providing in-service training.

14 (e) Trust funds and for such other purposes as may be
15 provided for by law.

16 (f) Such other funds as may be authorized by the county
17 board. The recorder shall make accounting monthly to the
18 county board through the county clerk of all special funds
19 maintained by the recorder ~~him~~ in the discharge of the
20 recorder's ~~his~~ duties.

21 (Source: P.A. 86-962.)

22 (55 ILCS 5/3-5006) (from Ch. 34, par. 3-5006)

23 Sec. 3-5006. Appointment of deputies in writing.
24 Appointments of deputies shall be in writing, and entered upon
25 the records of the ~~his~~ office.

1 (Source: P.A. 86-962.)

2 (55 ILCS 5/3-5007) (from Ch. 34, par. 3-5007)

3 Sec. 3-5007. Oath of deputies. Each deputy shall, before
4 entering upon the deputy's duties ~~of his office~~, take and
5 subscribe an oath or affirmation, in like form as is required
6 of the recorder, which shall be filed in the office of the
7 recorder.

8 (Source: P.A. 86-962.)

9 (55 ILCS 5/3-5008) (from Ch. 34, par. 3-5008)

10 Sec. 3-5008. Powers of deputies. Deputy recorders duly
11 appointed and qualified may perform any and all duties of the
12 recorder in the name of the recorder, and the acts of such
13 deputies shall be held to be the acts of the recorder, and in
14 case of the death of the recorder or the recorder's ~~his~~
15 deposition from office, the chief deputy shall thereupon
16 become the acting recorder until such vacancy shall be filled
17 according to the ~~The~~ Election Code, and the chief deputy ~~he~~
18 shall file a like bond and be vested with the same powers and
19 subject to the same responsibilities and entitled to the same
20 compensation as in case of recorder. Provided, that if the
21 recorder is called into the active military service of the
22 United States, the ~~his~~ office shall not be deemed to be vacant
23 during the time the recorder ~~he~~ is in the active military
24 service of the United States, but during the time the recorder

1 ~~he~~ is in such active military service of the United States the
2 chief deputy recorder shall be the recorder, and shall perform
3 and discharge all of the duties of the recorder in such county,
4 and shall be paid the same compensation as provided by law for
5 the recorder of the county unless compensated at a higher rate
6 than the recorder as chief deputy, apportioned as to the time
7 of service, and the chief ~~such~~ deputy recorder shall cease to
8 be the recorder upon the discharge of said recorder from the
9 active military service of the United States; and provided
10 further, that the chief deputy recorder, upon becoming the
11 temporary recorder during the absence of the recorder in the
12 active military service of the United States, shall give bond
13 as required of a regularly elected recorder.

14 (Source: P.A. 86-962.)

15 (55 ILCS 5/3-5009) (from Ch. 34, par. 3-5009)

16 Sec. 3-5009. Recorder liable for deputies. The recorder
17 shall be liable for any neglect or omission of the duties of
18 the ~~his~~ office, when occasioned by a deputy, in the same manner
19 as for the recorder's ~~his~~ own personal neglect or omission.

20 (Source: P.A. 86-962.)

21 (55 ILCS 5/3-5010) (from Ch. 34, par. 3-5010)

22 Sec. 3-5010. Duties of recorder. Every recorder shall, as
23 soon as practicable after the receipt of any instrument in
24 writing in the ~~his~~ office, entitled to be recorded, record the

1 same at length in the order of time of its reception, in well
2 bound books or computer databases to be provided for that
3 purpose. In counties of 500,000 or more inhabitants, the
4 recorder may microphotograph or otherwise reproduce on film
5 any of such instruments in the manner provided by law. In
6 counties of less than 500,000 inhabitants, the recorder may
7 cause to be microphotographed or otherwise reproduced on film
8 any of such instruments or electronic method of storage. When
9 any such instrument is reproduced on film or electronic method
10 of storage, the film or electronic method of storage shall
11 comply with the minimum standards of quality approved for
12 records of the State Records Commission and the device used to
13 reproduce the records on the film or electronic method of
14 storage shall be one which accurately reproduces the contents
15 of the original.

16 (Source: P.A. 97-757, eff. 7-6-12.)

17 (55 ILCS 5/3-5010.5)

18 Sec. 3-5010.5. Fraud referral and review.

19 (a) Legislative findings. The General Assembly finds that
20 property fraud, including fraudulent filings intended to cloud
21 or fraudulently transfer title to property by recording false
22 or altered documents and deeds, is a rapidly growing problem
23 throughout the State. In order to combat the increase in the
24 number of these filings, a recorder may establish a process to
25 review and refer documents suspected to be fraudulent.

1 (b) Definitions. The terms "recording" and "filing" are
2 used interchangeably in this Section.

3 (c) Establishment and use of a fraud referral and review
4 process. A recorder who establishes a fraud referral and
5 review process under the provisions of this Section may use it
6 to review deeds and instruments and refer any of them to an
7 administrative law judge for review pursuant to subsection (g)
8 of this Section that cause the recorder to reasonably believe
9 that the filing may be fraudulent, unlawfully altered, or
10 intended to unlawfully cloud or transfer the title of any real
11 property. The recorder may enter into an intergovernmental
12 agreement with local law enforcement officials for the
13 purposes of this referral and review. A recorder may request
14 that the Secretary of the Department of Financial and
15 Professional Regulation assist in reviewing possible
16 fraudulent filings. Upon request, the Secretary, or the
17 Secretary's ~~his or her~~ designee, shall assist in identifying
18 the validity of filings. The recorder shall notify the
19 Secretary when a document suspected to be fraudulent is
20 discovered.

21 In counties with a population of less than 3 million, a
22 recorder shall provide public notice 90 days before the
23 establishment of the fraud referral and review process. The
24 notice shall include a statement of the recorder's intent to
25 create a fraud referral and review process and shall be
26 published in a newspaper of general circulation in the county

1 and, if feasible, posted on the recorder's website and at the
2 recorder's office or offices.

3 In determining whether to refer a document to an
4 administrative law judge for review, a recorder may take into
5 consideration any of the following factors:

6 (1) whether the owner of the property or owner's ~~his~~
7 ~~or her~~ designated representative has reported to the
8 recorder that another individual is attempting or has
9 attempted to record a fraudulent deed or other instrument
10 upon the property;

11 (2) whether a law enforcement official has contacted
12 the recorder indicating that the law enforcement official
13 ~~he or she~~ has probable cause to suspect title or recording
14 fraud;

15 (3) whether the filer's name has a copyright attached
16 to it or the property owner's name has nonstandard
17 punctuation attached to it;

18 (4) whether the documents assert fines that do not
19 exist or have no basis under current law or that require
20 payment in gold or silver;

21 (5) whether the documents are maritime liens, or liens
22 under the Federal Maritime Lien Act or the Preferred Ship
23 Mortgage Act, or not authorized by the United States Coast
24 Guard;

25 (6) whether the documents are land patents not
26 authorized and certified by the United States Department

1 of the Interior Bureau of Land Management;

2 (7) whether the documents are representing that the
3 subject of the lien is releasing itself from a lien held by
4 another entity, with no apparent cooperation or
5 authorization provided by the lienholder;

6 (8) whether the documents are protesting or disputing
7 a foreclosure proceeding that are not filed within the
8 foreclosure suit and with the court presiding over the
9 matter;

10 (9) whether the documents are Uniform Commercial Code
11 filings referencing birth certificates or other private
12 records that are not in compliance with Section 9-501 of
13 the Uniform Commercial Code;

14 (10) whether the documents are re-recording deeds to
15 re-notarize or attach notary certification if prior
16 notarization already appears unaltered on the document of
17 record;

18 (11) whether the documents are asserting diplomatic
19 credentials or immunity, non-United States citizenship, or
20 independence from the laws of the United States;

21 (12) whether the documents are claims that a bank
22 cannot hold title after a foreclosure;

23 (13) whether the documents are deeds not properly
24 signed by the last legal owner of record or the owner's
25 court-appointed ~~his or her court-appointed~~ representative
26 or attorney-in-fact under a power of attorney;

1 (14) whether the documents are manipulated or altered
2 federal or State legal or court forms that release a lien;

3 (15) whether a document is not related to a valid
4 existing or potential adverse transaction, existing lien,
5 or judgment of a court of competent jurisdiction;

6 (16) a document that is not related to a valid
7 existing or potential commercial or financial transaction,
8 existing agricultural or other lien, or judgment of a
9 court of competent jurisdiction;

10 (17) whether the document is filed with the intent to
11 harass or defraud the person identified in the record or
12 any other person;

13 (18) whether the document is filed with the intent to
14 harass or defraud any member of a governmental office,
15 including, but not limited to, the recorder's office,
16 local government offices, the State of Illinois, or the
17 Federal government; and

18 (19) whether the documents are previous court
19 determinations, including a previous determination by a
20 court of competent jurisdiction that a particular document
21 is fraudulent, invalid, or forged.

22 (d) Determinations. If a recorder determines, after review
23 by legal staff and counsel, that a deed or instrument that is
24 recorded in the grantor's index or the grantee's index may be
25 fraudulent, unlawfully altered, or intended to unlawfully
26 cloud or transfer the title of any real property, the recorder

1 ~~he or she~~ shall refer the deed or instrument to an
2 administrative law judge for review pursuant to subsection (g)
3 of this Section. The recorder shall record a Notice of
4 Referral in the grantor's index or the grantee's index
5 identifying the document, corresponding document number in
6 question, and the date of referral. The recorder shall also
7 notify the parties set forth in subsection (e) of this
8 Section. The recorder may, at the recorder's ~~his or her~~
9 discretion, notify law enforcement officials regarding a
10 filing determined to be fraudulent, unlawfully altered, or
11 intended to unlawfully cloud or transfer the title of any real
12 property.

13 (e) Notice. The recorder shall use county property tax
14 records to identify and provide notice to the last owner of
15 record by telephone, if available, and certified mail both
16 when: (1) a deed or instrument has been referred for review and
17 determination; and (2) a final determination has been made
18 regarding the deed or instrument. Notice, by mail, shall also
19 be sent to the physical address of the property associated
20 with the deed or instrument.

21 (f) Administrative decision. The recorder's decision to
22 add a Notice of Referral and refer a document for review is a
23 final administrative decision that is subject to review by the
24 circuit court of the county where the real property is located
25 under the Administrative Review Law. The standard of review by
26 the circuit court shall be de novo.

1 (g) Referral and review process. Prior to referral, the
2 recorder shall notify the last owner of record of the document
3 or documents suspected to be fraudulent. The person, entity,
4 or legal representative thereof shall confirm in writing the
5 person's, entity's, or legal representative's ~~his or her~~
6 belief that a document or documents are suspected to be
7 fraudulent and may request that the recorder refer the case
8 for review. Upon request, the recorder shall bring a case to
9 its county department of administrative hearings and, within
10 10 business days after receipt, an administrative law judge
11 shall schedule a hearing to occur no later than 30 days after
12 receiving the referral. The referral and case shall clearly
13 identify the person, persons, or entity believed to be the
14 last true owner of record as the petitioner. Notice of the
15 hearing shall be provided by the administrative law judge to
16 the filer, or the party represented by the filer, of the
17 suspected fraudulent document, the legal representative of the
18 recorder of deeds who referred the case, and the last owner of
19 record, as identified in the referral.

20 If clear and convincing evidence shows the document in
21 question to be fraudulent, the administrative law judge shall
22 rule the document to be fraudulent and forward the judgment to
23 all the parties identified in this subsection. Upon receiving
24 notice of the judgment of fraud, the recorder shall, within 5
25 business days, record a new document that includes a copy of
26 the judgment in front of the Notice of Referral that shall

1 clearly state that the document in question has been found to
2 be fraudulent and shall not be considered to affect the chain
3 of title of the property in any way.

4 If the administrative law judge finds the document to be
5 legitimate, the recorder shall, within 5 business days after
6 receiving notice, record a copy of the judgment.

7 A decision by an administrative law judge shall not
8 preclude a State's attorney or sheriff from proceeding with a
9 criminal investigation or criminal charges. If a county does
10 not have an administrative law judge that specializes in
11 public records, one shall be appointed within 3 months after
12 the effective date of this amendatory Act of the 98th General
13 Assembly, or the original case shall be forwarded to the
14 proper circuit court with jurisdiction.

15 Nothing in this Section precludes a private right of
16 action by any party with an interest in the property affected
17 by the review and referral, or the filer of the document or
18 documents suspected to be fraudulent. Nothing in this Section
19 requires a person or entity who may have had a fraudulent
20 document or encumbrance filed against the person's or entity's
21 ~~his or her~~ property to use the fraud review and referral
22 process or administrative review created by this Section.

23 (h) Fees. The recorder shall retain any filing fees
24 associated with filing a deed or instrument that is determined
25 to be fraudulent, unlawfully altered, or intended to
26 unlawfully cloud or transfer the title of any real property

1 under this Section.

2 (i) Liability. Neither a recorder nor any of the
3 recorder's ~~his or her~~ employees or agents shall be subject to
4 personal liability by reason of any error or omission in the
5 performance of any duty under this Section, except in case of
6 willful or wanton conduct. Neither the recorder nor any of the
7 recorder's ~~his or her~~ employees shall incur liability for the
8 referral or review, or failure to refer or review, a document
9 or instrument under this Section.

10 (j) Applicability. This Section applies only to filings
11 provided to the recorder on and after the effective date of
12 this amendatory Act of the 98th General Assembly.

13 (k) (Blank).

14 (Source: P.A. 100-276, eff. 8-22-17.)

15 (55 ILCS 5/3-5010.8)

16 (Section scheduled to be repealed on January 1, 2024)

17 Sec. 3-5010.8. Mechanics lien demand and referral pilot
18 program.

19 (a) Legislative findings. The General Assembly finds that
20 expired mechanics liens on residential property, which cloud
21 title to property, are a rapidly growing problem throughout
22 the State. In order to address the increase in expired
23 mechanics liens and, more specifically, those that have not
24 been released by the lienholder, a recorder may establish a
25 process to demand and refer mechanics liens that have been

1 recorded but not litigated or released in accordance with the
2 Mechanics Lien Act to an administrative law judge for
3 resolution or demand that the lienholder commence suit or
4 forfeit the lien.

5 (b) Definitions. As used in this Section:

6 "Demand to Commence Suit" means the written demand
7 specified in Section 34 of the Mechanics Lien Act.

8 "Mechanics lien" and "lien" are used interchangeably in
9 this Section.

10 "Notice of Expired Mechanics Lien" means the notice a
11 recorder gives to a property owner under subsection (d)
12 informing the property owner of an expired lien.

13 "Notice of Referral" means the document referring a
14 mechanics lien to a county's code hearing unit.

15 "Recording" and "filing" are used interchangeably in this
16 Section.

17 "Referral" or "refer" means a recorder's referral of a
18 mechanics lien to a county's code hearing unit to obtain a
19 determination as to whether a recorded mechanics lien is
20 valid.

21 "Residential property" means real property improved with
22 not less than one nor more than 4 residential dwelling units; a
23 residential condominium unit, including, but not limited to,
24 the common elements allocated to the exclusive use of the
25 condominium unit that form an integral part of the condominium
26 unit and any parking unit or units specified by the

1 declaration to be allocated to a specific residential
2 condominium unit; or a single tract of agriculture real estate
3 consisting of 40 acres or less that is improved with a
4 single-family residence. If a declaration of condominium
5 ownership provides for individually owned and transferable
6 parking units, "residential property" does not include the
7 parking unit of a specified residential condominium unit
8 unless the parking unit is included in the legal description
9 of the property against which the mechanics lien is recorded.

10 (c) Establishment of a mechanics lien demand and referral
11 process. After a public hearing, a recorder in a county with a
12 code hearing unit may adopt rules establishing a mechanics
13 lien demand and referral process for residential property. A
14 recorder shall provide public notice 90 days before the public
15 hearing. The notice shall include a statement of the
16 recorder's intent to create a mechanics lien demand and
17 referral process and shall be published in a newspaper of
18 general circulation in the county and, if feasible, be posted
19 on the recorder's website and at the recorder's office or
20 offices.

21 (d) Notice of Expired Lien. If a recorder determines,
22 after review by legal staff or counsel, that a mechanics lien
23 recorded in the grantor's index or the grantee's index is an
24 expired lien, the recorder shall serve a Notice of Expired
25 Lien by certified mail to the last known address of the owner.
26 The owner or legal representative of the owner of the

1 residential property shall confirm in writing the owner's or
2 legal representative's ~~his or her~~ belief that the lien is not
3 involved in pending litigation and, if there is no pending
4 litigation, as verified and confirmed by county court records,
5 the owner may request that the recorder proceed with a
6 referral or serve a Demand to Commence Suit.

7 For the purposes of this Section, a recorder shall
8 determine if a lien is an expired lien. A lien is expired if a
9 suit to enforce the lien has not been commenced or a
10 counterclaim has not been filed by the lienholder within 2
11 years after the completion date of the contract as specified
12 in the recorded mechanics lien. The 2-year period shall be
13 increased to the extent that an automatic stay under Section
14 362(a) of the United States Bankruptcy Code stays a suit or
15 counterclaim to foreclose the lien. If a work completion date
16 is not specified in the recorded lien, then the work
17 completion date is the date of recording of the mechanics
18 lien.

19 (e) Demand to Commence Suit. Upon receipt of an owner's
20 confirmation that the lien is not involved in pending
21 litigation and a request for the recorder to serve a Demand to
22 Commence Suit, the recorder shall serve a Demand to Commence
23 Suit on the lienholder of the expired lien as provided in
24 Section 34 of the Mechanics Lien Act. A recorder may request
25 that the Secretary of State assist in providing registered
26 agent information or obtain information from the Secretary of

1 State's registered business database when the recorder seeks
2 to serve a Demand to Commence suit on the lienholder. Upon
3 request, the Secretary of State, or the Secretary of State's
4 ~~his or her~~ designee, shall provide the last known address or
5 registered agent information for a lienholder who is
6 incorporated or doing business in the State. The recorder must
7 record a copy of the Demand to Commence suit in the grantor's
8 index or the grantee's index identifying the mechanics lien
9 and include the corresponding document number and the date of
10 demand. The recorder may, at the recorder's ~~his or her~~
11 discretion, notify the Secretary of State regarding a Demand
12 to Commence suit determined to involve a company, corporation,
13 or business registered with that office.

14 When the lienholder commences a suit or files an answer
15 within 30 days or the lienholder records a release of lien with
16 the county recorder as required by subsection (a) of Section
17 34 of the Mechanics Lien Act, then the demand and referral
18 process is completed for the recorder for that property. If
19 service under this Section is responded to consistent with
20 Section 34 of the Mechanics Lien Act, the recorder may not
21 proceed under subsection (f). If no response is received
22 consistent with Section 34 of the Mechanics Lien Act, the
23 recorder may proceed under subsection (f).

24 (f) Referral. Upon receipt of an owner's confirmation that
25 the lien is not involved in pending litigation and a request
26 for the recorder to proceed with a referral, the recorder

1 shall: (i) file the Notice of Referral with the county's code
2 hearing unit; (ii) identify and notify the lienholder by
3 telephone, if available, of the referral and send a copy of the
4 Notice of Referral by certified mail to the lienholder using
5 information included in the recorded mechanics lien or the
6 last known address or registered agent received from the
7 Secretary of State or obtained from the Secretary of State's
8 registered business database; (iii) send a copy of the Notice
9 of Referral by mail to the physical address of the property
10 owner associated with the lien; and (iv) record a copy of the
11 Notice of Referral in the grantor's index or the grantee's
12 index identifying the mechanics lien and include the
13 corresponding document number. The Notice of Referral shall
14 clearly identify the person, persons, or entity believed to be
15 the owner, assignee, successor, or beneficiary of the lien.
16 The recorder may, at the recorder's ~~his or her~~ discretion,
17 notify the Secretary of State regarding a referral determined
18 to involve a company, corporation, or business registered with
19 that office.

20 No earlier than 30 business days after the date the
21 lienholder is required to respond to a Demand to Commence Suit
22 under Section 34 of the Mechanics Lien Act, the code hearing
23 unit shall schedule a hearing to occur at least 30 days after
24 sending notice of the date of hearing. Notice of the hearing
25 shall be provided by the county recorder, by and through the
26 recorder's ~~his or her~~ representative, to the filer, or the

1 party represented by the filer, of the expired lien, the legal
2 representative of the recorder of deeds who referred the case,
3 and the last owner of record, as identified in the Notice of
4 Referral.

5 If the recorder shows by clear and convincing evidence
6 that the lien in question is an expired lien, the
7 administrative law judge shall rule the lien is forfeited
8 under Section 34.5 of the Mechanics Lien Act and that the lien
9 no longer affects the chain of title of the property in any
10 way. The judgment shall be forwarded to all parties identified
11 in this subsection. Upon receiving judgment of a forfeited
12 lien, the recorder shall, within 5 business days, record a
13 copy of the judgment in the grantor's index or the grantee's
14 index.

15 If the administrative law judge finds the lien is not
16 expired, the recorder shall, no later than 5 business days
17 after receiving notice of the decision of the administrative
18 law judge, record a copy of the judgment in the grantor's index
19 or the grantee's index.

20 A decision by an administrative law judge is reviewable
21 under the Administrative Review Law, and nothing in this
22 Section precludes a property owner or lienholder from
23 proceeding with a civil action to resolve questions concerning
24 a mechanics lien.

25 A lienholder or property owner may remove the action from
26 the code hearing unit to the circuit court as provided in

1 subsection (i).

2 (g) Final administrative decision. The recorder's decision
3 to refer a mechanics lien or serve a Demand to Commence Suit is
4 a final administrative decision that is subject to review
5 under the Administrative Review Law by the circuit court of
6 the county where the real property is located. The standard of
7 review by the circuit court shall be consistent with the
8 Administrative Review Law.

9 (h) Liability. A recorder and the recorder's ~~his or her~~
10 employees or agents are not subject to personal liability by
11 reason of any error or omission in the performance of any duty
12 under this Section, except in the case of willful or wanton
13 conduct. The recorder and the recorder's ~~his or her~~ employees
14 or agents are not liable for the decision to refer a lien or
15 serve a Demand to Commence Suit, or failure to refer or serve a
16 Demand to Commence Suit, of a lien under this Section.

17 (i) Private actions; use of demand and referral process.
18 Nothing in this Section precludes a private right of action by
19 any party with an interest in the property affected by the
20 mechanics lien or a decision by the code hearing unit. Nothing
21 in this Section requires a person or entity who may have a
22 mechanics lien recorded against the person's or entity's ~~his~~
23 ~~or her~~ property to use the mechanics lien demand and referral
24 process created by this Section.

25 A lienholder or property owner may remove a matter in the
26 referral process to the circuit court at any time prior to the

1 final decision of the administrative law judge by delivering a
2 certified notice of the suit filed in the circuit court to the
3 administrative law judge. Upon receipt of the certified
4 notice, the administrative law judge shall dismiss the matter
5 without prejudice. If the matter is dismissed due to removal,
6 then the demand and referral process is completed for the
7 recorder for that property. If the circuit court dismisses the
8 removed matter without deciding on whether the lien is expired
9 and without prejudice, the recorder may reinstitute the demand
10 and referral process under subsection (d).

11 (j) Repeal. This Section is repealed on January 1, 2024.

12 (Source: P.A. 101-296, eff. 8-9-19; 102-671, eff. 11-30-21.)

13 (55 ILCS 5/3-5011) (from Ch. 34, par. 3-5011)

14 Sec. 3-5011. Office to remain open during bank holiday.
15 Whenever an emergency exists which involves the banking or
16 credit structure within the State of Illinois, and which is
17 recognized by a proclamation by the Governor or by an act or
18 resolution of the General Assembly, and by such proclamation
19 of the Governor a public holiday has been or shall be declared,
20 the proclamation of such public holiday shall not require the
21 recorder or registrar of titles in any county in this State to
22 close the recorder's or registrar's ~~his~~ office, but every such
23 recorder or registrar of titles shall continue to keep the
24 recorder's or registrar's ~~his~~ office open and to operate in
25 the same manner as though no such public holiday had been

1 declared, unless in and by such proclamation the Governor of
2 this State shall make specific reference to the closing of
3 recorders' or registrars' offices in this State. The actions
4 of any recorder or registrar of titles performed prior to May
5 26, 1933 and during the continuance of any such holiday, are
6 validated.

7 (Source: P.A. 86-962.)

8 (55 ILCS 5/3-5012) (from Ch. 34, par. 3-5012)

9 Sec. 3-5012. Recording and indexing books. Separate books
10 and computer databases may be kept for the recording and
11 indexing of different classes of instruments. Three distinct
12 series of document numbers may be used for recording documents
13 received for recordation, one series of numbers to be preceded
14 by the letter "b" in each case, which series shall be used only
15 for bills of sale of personal property, chattel mortgages and
16 releases, extensions and assignments, thereof, one series of
17 numbers to be preceded by the letter "c" in each case, which
18 series shall be used only for certificates of discharge of
19 discharged members of the military, aviation and naval forces
20 of the United States, and the other series of document numbers
21 shall be used for all other instruments received for
22 recordation. When three series of document numbers are thus
23 used, a separate place may be provided in the Recorder's
24 office for the receipt of each kind of documents to which such
25 serial numbers apply.

1 (Source: P.A. 86-962.)

2 (55 ILCS 5/3-5013) (from Ch. 34, par. 3-5013)

3 Sec. 3-5013. Transcription or reproduction of written
4 instruments. The recorder, when recording at length
5 instruments in writing in the ~~his or her~~ office, may
6 transcribe the instruments in handwriting or typewriting, make
7 photographic or photostatic reproductions of the instruments,
8 or transcribe the instruments partly in handwriting or
9 typewriting and make photographic or photostatic reproductions
10 of the remaining portions of the instruments. Every document,
11 however, shall be filed in a complete and intelligible manner.
12 The recorder may not accept facsimile or other photographic or
13 photostatic copies of the signatures of parties executing
14 documents without labeling those signatures as copies unless
15 they are digital signatures submitted under federal or State
16 law. When photographic or photostatic reproductions are used,
17 the recorder shall first be satisfied that the reproductions
18 are as lasting and durable as handwritten or typewritten
19 copies. The reproductions may ~~shall~~ be upon sheets bound
20 together in well bound books or placed in books that are
21 permanently locked so that the sheets cannot be tampered with
22 or removed. When instruments are reproduced by
23 microphotography, digital scanning, or ~~otherwise~~ reproduced on
24 film as provided in this Section the reproduction thus made
25 shall be deemed the record for all purposes.

1 (Source: P.A. 86-962; 87-376.)

2 (55 ILCS 5/3-5014) (from Ch. 34, par. 3-5014)

3 Sec. 3-5014. Mortgages or liens filed but not recorded.
4 Upon receipt of any mortgage, trust deed or conveyance of
5 personal property having the effect of a mortgage or lien upon
6 such property, upon which is indorsed the words, "this
7 instrument to be filed, but not recorded" or words of a similar
8 import, signed by the mortgagee, the mortgagee's ~~his~~ agent or
9 attorney, and upon payment of a fee equal to what would be
10 charged if the document were to be recorded, the recorder
11 shall mark the instrument "filed", endorse the time (including
12 the hour of the day) of the receipt thereof and file the same
13 in the ~~his~~ office.

14 Each instrument filed as above shall be numbered and
15 indexed by the recorder ~~Recorder~~ in the book wherein the
16 recorder ~~he~~ alphabetically indexes chattel mortgages and shall
17 refer to the number appearing on the filed instrument.

18 The recorder may destroy any instrument filed but not
19 recorded in the manner hereinabove provided, one year after
20 the maturity thereof as stated therein; except, no such
21 instrument may be destroyed until one year after the maturity
22 of the last extension thereof filed in the recorder's office.

23 (Source: P.A. 86-962.)

24 (55 ILCS 5/3-5015) (from Ch. 34, par. 3-5015)

1 Sec. 3-5015. Certificates of discharge or release from
2 active duty. Certificates of discharge or MEMBER-4 copy of
3 certificate of release or discharge from active duty of
4 honorably discharged or separated members of the military,
5 aviation and naval forces of the United States shall be
6 recorded by each recorder, free of charge, in a separate book
7 or computer database which shall be kept for the purpose. The
8 recorder in counties of over 500,000 population shall as soon
9 as practicable after the recording of the original discharge
10 certificate or MEMBER-4 copy of certificate of release or
11 discharge from active duty, deliver to each of the persons
12 named in the discharge certificate or MEMBER-4 copy of
13 certificate of release or discharge from active duty, or the
14 person's ~~his~~ agent, one certified copy of the person's ~~his~~
15 discharge certificate or MEMBER-4 copy of certificate of
16 release or discharge from active duty without charge.
17 Additional certified copies shall be furnished by the recorder
18 upon the payment to the recorder of a fee of \$1.25, payable in
19 advance, for each such additional certified copy. The recorder
20 may waive the fee for reasonable requests for additional
21 copies if the recorder deems collecting the fee to be a burden
22 to the county, but only if the fee is waived for all reasonable
23 requests for additional copies under this Section.

24 Upon the delivery of the certificate of discharge or
25 MEMBER-4 copy of certificate of release or discharge from
26 active duty after the recordation thereof is completed, and

1 the delivery of one certified copy thereof to the person named
2 in the discharge certificate or MEMBER-4 copy of certificate
3 of release or discharge from active duty or the person's ~~his~~
4 agent, the receipt theretofore issued by the recorder, or a
5 copy thereof shall be surrendered to the recorder, with a
6 signed statement acknowledging the receipt of the discharge
7 certificate or MEMBER-4 copy of certificate of release or
8 discharge from active duty and the certified copy thereof.

9 Certified copies of the certificates of discharge or
10 MEMBER-4 copy of certificate of release or discharge from
11 active duty furnished by the recorder may vary from the size of
12 the original, if in the judgment of the recorder, such
13 certified copies are complete and legible.

14 A military discharge form (DD-214) or any other
15 certificate of discharge or release from active duty document
16 that was issued by the United States government or any state
17 government in reference to those who served with an active or
18 inactive military reserve unit or National Guard force and
19 that was recorded by a County Clerk or Recorder of Deeds is not
20 subject to public inspection, enjoying all the protection
21 covered by the federal Privacy Act of 1974 or any other privacy
22 law. These documents shall be accessible only to the person
23 named in the document, the named person's dependents, the
24 county veterans' service officer, representatives of the
25 Department of Veterans' Affairs, or any person with written
26 authorization from the named person or the named person's

1 dependents. Notwithstanding any other provision in this
2 paragraph, these documents shall be made available for public
3 inspection and copying in accordance with the archival
4 schedule adopted by the National Archives and Records
5 Administration and subject to redaction of information that is
6 considered private under the Illinois Freedom of Information
7 Act, the federal Freedom of Information Act, and the federal
8 Privacy Act.

9 (Source: P.A. 101-402, eff. 8-16-19.)

10 (55 ILCS 5/3-5016) (from Ch. 34, par. 3-5016)

11 Sec. 3-5016. Quarters; office hours. Every recorder
12 ~~Recorder~~ shall keep the recorder's ~~his~~ office at the
13 courthouse of the county for which the recorder was elected ~~he~~
14 ~~is~~ recorder, or in counties of the second or third class in
15 some other suitable building provided at the county seat by
16 the county for which the person was elected ~~he is recorder~~ and
17 shall keep the ~~his~~ office open except as hereinafter provided
18 and attend to the duties thereof in counties of the first and
19 second classes from 8 o'clock A.M. to 5 o'clock P.M. of each
20 working day, except Saturday and Sunday, and in counties of
21 the third class from 9 o'clock A.M. to 5 o'clock P.M. of each
22 working day, except Saturday and Sunday. ~~The, and except in~~
23 ~~each county of all classes such days as under any law are or~~
24 ~~may be legal holidays in any part of the county, as regards the~~
25 ~~presenting for payment, acceptance, maturity, protesting, or~~

1 ~~giving notice of the dishonor of bills of exchange, bank~~
2 ~~checks, promissory notes, or other negotiable or commercial~~
3 ~~paper or instruments: Provided, however, that the hours of~~
4 opening and closing of the office of the recorder ~~Recorder~~ may
5 be changed and otherwise fixed and determined by the county
6 board of any county. Any such action taken by the county board
7 shall be by an appropriate resolution passed at a regular
8 meeting. The office of the recorder shall accept instruments
9 for recordation at all times during which the office is open.

10 (Source: P.A. 86-962.)

11 (55 ILCS 5/3-5018.2 new)

12 Sec. 3-5018.2. Predictable fee schedule for recordings in
13 first and second class counties.

14 (a) The fees of the recorder in counties of the first and
15 second class for recording deeds or other instruments in
16 writing and maps of plats of additions, subdivisions, or
17 otherwise and for certifying copies of records shall be paid
18 in advance and shall conform to this Section. The fees or
19 surcharges shall not, unless otherwise provided in this
20 Section, be based on the individual attributes of a document
21 to be recorded, including, but not limited to, page count;
22 number, length, or type of legal descriptions; number of tax
23 identification or other parcel-identifying code numbers;
24 number of common addresses; number of references contained as
25 to other recorded documents or document numbers; or any other

1 individual attribute of the document. The fees charged under
2 this Section shall be inclusive of all county and State fees
3 that the county may elect or is required to impose or adjust,
4 including, but not limited to, GIS fees, automation fees,
5 document storage fees, and the Rental Housing Support Program
6 State and county surcharges.

7 (b) A county of the first or second class shall adopt and
8 implement, by ordinance or resolution, a predictable fee
9 schedule as provided in subsection (c) that eliminates
10 surcharges or fees based on the individual attributes of a
11 document to be recorded. If a county has previously adopted an
12 ordinance or resolution adopting a predictable fee schedule,
13 the county must adopt an ordinance or resolution revising that
14 predictable fee schedule to be consistent with this Section.
15 After a document class predictable fee is approved by a county
16 board consistent with this Section, the county board may, by
17 ordinance or resolution, increase the document class
18 predictable fee and collect the increased fees if the
19 established fees are not sufficient to cover the costs of
20 providing the services related to the document class for which
21 the fee is to be increased.

22 For the purposes of the fee charged, the ordinance or
23 resolution shall divide documents into the classifications
24 specified in subsection (c), and shall establish a single,
25 all-inclusive county and State-imposed aggregate predictable
26 fee charged for each classification of document at the time of

1 recording for that document. Each document, unless otherwise
2 provided in this Section, shall fall within one of the
3 document class predictable fee classifications set by
4 subsection (c), and fees for each document class shall be
5 charged only as allowed by this Section.

6 Before approval of an ordinance or resolution under this
7 subsection that creates or modifies a predictable fee
8 schedule, the recorder or county clerk shall post a notice in
9 the recorder's or clerk's office at least 2 weeks prior, but
10 not more than 4 weeks prior, to the public meeting at which the
11 ordinance or resolution may be adopted. The notice shall
12 contain the proposed ordinance or resolution number, if any,
13 the proposed document class predictable fees for each
14 classification, and a reference to this Section and this
15 amendatory Act of the 103rd General Assembly. A predictable
16 fee schedule takes effect 60 days after an ordinance or
17 resolution is adopted, unless the fee schedule was previously
18 created and the ordinance or resolution is a modification
19 allowed under this Section.

20 Nothing in this Section precludes a county board from
21 adjusting amounts or allocations within a given document class
22 predictable fee when the document class predictable fee is not
23 increased or precludes an alternate predictable fee schedule
24 for electronic recording within each of the classifications
25 under subsection (c).

26 If the Rental Housing Support Program State surcharge is

1 amended and the surcharge is increased or lowered, the
2 aggregate amount of the document predictable fee attributable
3 to the surcharge in the document may be changed accordingly.
4 If any fee or surcharge is changed by State statute, the county
5 may increase the document class fees by the same amount
6 without any cost study.

7 (c) A predictable fee schedule ordinance or resolution
8 adopted under this Section shall list document fees, including
9 document class predictable fees. The document classes shall be
10 as follows:

11 (1) Deeds. The aggregate fee for recording deeds shall
12 not be less than \$31 (being a minimum \$13 county fee plus
13 \$18 for the Rental Housing Support Program State
14 surcharge). Inclusion of language in the deed as to any
15 restriction; covenant; lien; oil, gas, or other mineral
16 interest; easement; lease; or a mortgage shall not alter
17 the classification of a document as a deed.

18 (2) Leases, lease amendments, and similar transfer of
19 interest documents. The aggregate fee for recording
20 leases, lease amendments, and similar transfers of
21 interest documents shall not be less than \$31 (being a
22 minimum \$13 county fee plus \$18 for the Rental Housing
23 Support Program State surcharge).

24 (3) Mortgages. The aggregate fee for recording
25 mortgages, including assignments, extensions, amendments,
26 subordinations, and mortgage releases shall not be less

1 than \$31 (being a minimum \$13 county fee plus \$18 for the
2 Rental Housing Support Program State surcharge).

3 (4) Easements not otherwise part of another
4 classification. The aggregate fee for recording easements
5 not otherwise part of another classification, including
6 assignments, extensions, amendments, and easement releases
7 not filed by a State agency, unit of local government, or
8 school district, shall not be less than \$31 (being a
9 minimum \$13 county fee plus \$18 for the Rental Housing
10 Support Program State surcharge).

11 (5) Irregular documents. Any document presented that
12 does not conform to the following standards, even if it
13 may qualify for another document class, may be recorded
14 under this document class (5) if the irregularity allows a
15 legible reproduction of the document presented:

16 (A) The document shall consist of one or more
17 individual sheets measuring 8.5 inches by 11 inches,
18 not permanently bound, and not a continuous form.
19 Graphic displays accompanying a document to be
20 recorded that measure up to 11 inches by 17 inches
21 shall be recorded without charging an additional fee.

22 (B) The document shall be legibly printed in black
23 ink by hand, type, or computer. Signatures and dates
24 may be in contrasting colors if they will reproduce
25 clearly.

26 (C) The document shall be on white paper of not

1 less than 20-pound weight and shall have a clean
2 margin of at least one-half inch on the top, the
3 bottom, and each side. Margins may be used only for
4 non-essential notations that will not affect the
5 validity of the document, including, but not limited
6 to, form numbers, page numbers, and customer
7 notations.

8 (D) The first page of the document shall contain a
9 blank space, measuring at least 3 inches by 5 inches,
10 from the upper right corner.

11 (E) The document shall not have any attachment
12 stapled or otherwise affixed to any page.

13 The aggregate fee for recording an irregular document
14 shall not be less than \$31 (being a minimum \$13 county fee
15 plus \$18 for the Rental Housing Support Program State
16 surcharge).

17 (6) Blanket recordings. For any document that makes
18 specific reference to more than 5 tax parcels or property
19 identification numbers, or makes reference to 5 or more
20 document numbers, the aggregate fee shall be not less than
21 \$31 (being a minimum \$13 county fee plus \$18 for the Rental
22 Housing Support Program State surcharge). A county may
23 adopt by ordinance and publish with its fee schedule an
24 additional fee or formula for each parcel, property
25 identification number, or document reference, above 5,
26 contained in an accepted document.

1 (7) Miscellaneous. The aggregate fee for recording
2 documents not otherwise falling within classifications
3 under paragraphs (1) through (6) and are not otherwise
4 exempted documents shall not be less than \$31 (being a
5 minimum \$13 county fee plus \$18 for the Rental Housing
6 Support Program State surcharge).

7 (d) For recording maps or plats of additions,
8 subdivisions, or otherwise (including the spreading of the
9 same of record in well bound books), \$100 plus \$2 for each
10 tract, parcel, or lot contained in the map or plat.

11 (e) Documents presented that meet the following criteria
12 shall be charged as otherwise provided by law or ordinance:

13 (1) a document recorded pursuant to the Uniform
14 Commercial Code; or

15 (2) a State lien or a federal lien.

16 Notwithstanding any other provision in this Section: (i)
17 the maximum fee that may be collected from the Department of
18 Revenue for filing or indexing a lien, certificate of lien
19 release or subordination, or any other type of notice or other
20 documentation affecting or concerning a lien is \$5; and (ii)
21 the maximum fee that may be collected from the Department of
22 Revenue for indexing each additional name in excess of one for
23 any lien, certificate of lien release or subordination, or any
24 other type of notice or other documentation affecting or
25 concerning a lien is \$1.

26 (f) For recording any document that affects an interest in

1 real property, other than documents which solely affect or
2 relate to an easement for water, sewer, electricity, gas,
3 telephone, or other public service, the recorder shall charge
4 a minimum fee of \$1 per document to all filers of documents not
5 filed by any State agency, any unit of local government, or any
6 school district. Half of the fee shall be deposited into the
7 county general revenue fund. The remaining half shall be
8 deposited into the County Recorder Document Storage System
9 Fund and may not be appropriated or expended for any other
10 purpose. The additional amounts available to the recorder for
11 expenditure from the County Recorder Document Storage System
12 Fund shall not offset or reduce any other county
13 appropriations or funding for the office of the recorder.

14 (g) For certified and non-certified copies of records, the
15 recorder and county may set a predictable fee for all copies
16 that does not exceed the highest total recording fee in any
17 established document classes, unless the copy fee is otherwise
18 provided in statute or ordinance. The total fee for a
19 certified copy of a map or plat of an addition, subdivision, or
20 otherwise may not exceed \$200.

21 The fees allowed under this subsection apply to all
22 records, regardless of when they were recorded, based on
23 current recording fees. These predictable fees for certified
24 and non-certified copies shall apply to portions of documents
25 and to copies provided in any format, including paper,
26 microfilm, or electronic. A county may adopt a per-line

1 pricing structure for copies of information in database
2 format.

3 (h) As provided under subsection (c), the recorder shall
4 collect an \$18 Rental Housing Support Program State surcharge
5 for the recordation of any real estate-related document.
6 Payment of the Rental Housing Support Program State surcharge
7 shall be evidenced by a receipt that shall be marked upon or
8 otherwise affixed to the real estate-related document by the
9 recorder. The form of this receipt shall be prescribed by the
10 Department of Revenue and the receipts shall be issued by the
11 Department of Revenue to each county recorder.

12 The recorder shall not collect the Rental Housing Support
13 Program State surcharge from any State agency, unit of local
14 government, or school district.

15 On the 15th day of each month, each county recorder shall
16 report to the Department of Revenue, on a form prescribed by
17 the Department, the number of real estate-related documents
18 recorded for which the Rental Housing Support Program State
19 surcharge was collected. Each recorder shall submit \$18 of
20 each surcharge collected in the preceding month to the
21 Department of Revenue and the Department shall deposit these
22 amounts in the Rental Housing Support Program Fund. Subject to
23 appropriation, amounts in the Fund may be expended only for
24 the purpose of funding and administering the Rental Housing
25 Support Program.

26 As used in this subsection, "real estate-related document"

1 means that term as it is defined in Section 7 of the Rental
2 Housing Support Program Act.

3 (55 ILCS 5/3-5019) (from Ch. 34, par. 3-5019)

4 Sec. 3-5019. Monthly list of conveyances. Immediately
5 following each calendar month, the recorder, in counties with
6 less than 1,000,000 inhabitants shall, upon their request,
7 transmit copies of all documents, plats and deeds conveying
8 real property to the county clerk, the county treasurer, the
9 tax map department, the supervisor of assessments and the
10 township assessor for which the office ~~he~~ shall be paid by the
11 county the usual and customary fee charged by the recorder for
12 furnishing such documents.

13 (Source: P.A. 86-962.)

14 (55 ILCS 5/3-5020) (from Ch. 34, par. 3-5020)

15 Sec. 3-5020. Information to accompany conveyance
16 documents.

17 (a) In counties of the first and second class no recorder
18 shall record any conveyance of real estate unless the
19 conveyance contains the name and address of the grantee for
20 tax billing purposes.

21 (b) In counties with 3,000,000 or more inhabitants, the
22 county recorder shall not accept for filing any deed or
23 assignment of beneficial interest in a land trust in a
24 transaction which is exempt from filing a real estate transfer

1 declaration under the provisions of Section 4 of the Real
2 Estate Transfer Tax Act, unless the deed or assignment of a
3 beneficial interest is accompanied by,

4 (1) a sworn or affirmed statement executed by the
5 grantor or the grantor's ~~his~~ agent stating that, to the
6 best of the grantor's or the grantor's agent's ~~his~~
7 knowledge, the name of the grantee shown on the deed or
8 assignment of beneficial interest in a land trust is
9 either a natural person, an Illinois Corporation or
10 foreign corporation authorized to do business or acquire
11 and hold title to real estate in Illinois, a partnership
12 authorized to do business or acquire and hold title to
13 real estate in Illinois, or other entity recognized as a
14 person and authorized to do business or acquire and hold
15 title to real estate under the laws of the State of
16 Illinois, and

17 (2) a sworn or affirmed statement executed by the
18 grantee or the grantee's ~~his~~ agent verifying that the name
19 of the grantee shown on the deed or assignment of
20 beneficial interest in a land trust is either a natural
21 person, an Illinois corporation or foreign corporation
22 authorized to do business or acquire and hold title to
23 real estate in Illinois, a partnership authorized to do
24 business or acquire and hold title to real estate in
25 Illinois, or other entity recognized as a person and
26 authorized to do business or acquire and hold title to

1 real estate under the laws of the State of Illinois. Any
2 person who knowingly submits a false statement required
3 under this Section concerning the identity of a grantee is
4 guilty of a Class C misdemeanor. A second or subsequent
5 conviction of such offense is a Class A misdemeanor.

6 (c) In the event that the document of conveyance is a
7 trustee's deed issued under resignation by a land trustee, the
8 statements pursuant to paragraphs (1) and (2) of subsection
9 (b) shall not be required, but the trustee's deed shall
10 instead be accompanied by a sworn or affirmed statement
11 executed by the grantor land trustee stating that the
12 trustee's deed has been issued pursuant to resignation by the
13 trustee, and that the name of the grantee shown on the
14 trustee's deed is the name of the beneficiary of the trust as
15 the trustee's ~~his~~ name appears in the trust files as of the
16 date of resignation.

17 (Source: P.A. 86-962; 87-543; 87-1236.)

18 (55 ILCS 5/3-5020.5)

19 Sec. 3-5020.5. Information concerning recorded or filed
20 instruments. Each instrument recorded or filed with the
21 county recorder must contain the following:

22 (1) The name and address of the person to whom the
23 instrument is to be returned.

24 (2) The recorder's document number of any instrument (i)
25 referred to in the instrument being recorded or filed or (ii)

1 relating to the instrument being recorded or filed, such as,
2 without limitation, the recorder's document number of a
3 mortgage when the instrument being recorded or filed is a
4 release of that mortgage.

5 (3) The book and page number, if applicable, or document
6 number of any instrument (i) referred to in the instrument
7 being recorded or filed or (ii) relating to the instrument
8 being recorded or filed.

9 (Source: P.A. 88-691, eff. 1-24-95.)

10 (55 ILCS 5/3-5021) (from Ch. 34, par. 3-5021)

11 Sec. 3-5021. Recording or registering instruments
12 transferring title to real estate or a beneficial interest in
13 real estate subject to a land trust. If any home rule
14 municipality has levied a real estate transfer tax and a
15 certified copy of the ordinance or resolution levying the tax,
16 specifying the rates and the design and denomination of stamps
17 evidencing payment thereof, has been on file with the county
18 recorder for at least 30 days, the recorder of that county may
19 not accept for recording or for registration ~~under "An Act~~
20 ~~concerning land titles", approved May 1, 1897, as amended,~~ any
21 instrument transferring title to real estate in that
22 municipality, or the beneficial interest in real estate in
23 that municipality which is the subject of a land trust, for
24 which revenue stamps are required to be purchased ~~under the~~
25 ~~"Real Estate Transfer Tax Act", approved July 17, 1967, as~~

1 ~~amended,~~ without proof of payment of the municipal real estate
2 transfer tax.

3 (Source: P.A. 86-962.)

4 (55 ILCS 5/3-5024) (from Ch. 34, par. 3-5024)

5 Sec. 3-5024. Certificate of time of filing. When any
6 instrument in writing is recorded in the recorder's office,
7 the recorder shall indorse upon such instrument a certificate
8 of the time (including the hour of the day) when the same was
9 received for recordation (which shall be considered the time
10 of recording the same), and the book and page or document
11 number by and in which the same is recorded. The recorder shall
12 sign the certificate or shall affix the recorder's ~~his~~
13 facsimile signature thereto. A physical or electronic image of
14 the recorder's stamp satisfies the signature requirement for
15 recorded instruments prior to, on, and after the effective
16 date of this amendatory Act of the 102nd General Assembly.

17 The certificate, when signed by the recorder, or to which
18 the recorder ~~he~~ has affixed the recorder's ~~his~~ facsimile
19 signature or a physical or electronic image of the recorder's
20 stamp, shall be evidence of the facts therein stated.

21 (Source: P.A. 102-838, eff. 5-13-22.)

22 (55 ILCS 5/3-5025) (from Ch. 34, par. 3-5025)

23 Sec. 3-5025. Books. Every recorder shall keep the
24 following books or computer databases:

1 1. An entry book, in which the recorder ~~he or she~~
2 shall, immediately on the receipt of any instrument to be
3 recorded or filed, enter, in the order of its reception,
4 the names of the parties thereto, its date, the day of the
5 month, hour and year of receiving the same, and a brief
6 description of the premises, indorsing upon each
7 instrument a number corresponding with the number of such
8 entry.

9 2. A grantor's index, in which shall be entered the
10 name of each grantor, in alphabetical order, the name of
11 the grantee, date of the instrument, time of receipt, kind
12 of instrument, consideration, the book and page in which
13 it is recorded, or the number under which it is filed, and
14 a brief description of the premises.

15 3. A grantee's index, in which shall be entered the
16 name of each grantee, in alphabetical order, the name of
17 the grantor, date of the instrument, time of receipt, kind
18 of instrument, consideration, the book and page in which
19 it is recorded, or the number under which it is filed, and
20 a brief description of the premises.

21 4. An index to each book or computer database of
22 record, in which shall be entered, in alphabetical order,
23 the name of each grantor and grantee, and the page number
24 in which or reference number to which the instrument is
25 recorded.

26 5. When required by the county board, an abstract

1 book, which shall show by tracts every conveyance or
2 incumbrance recorded, the date of the instrument, time of
3 filing the same, the book and page where the same is
4 recorded; which book shall be so kept as to show a true
5 chain of title to each tract and the incumbrances thereon,
6 as shown by the records of the ~~his~~ office.

7 6. An index to recorded maps, plats and subdivisions,
8 such index to be made by description of land mapped, or
9 subdivided by range, township, Section, quarter-section,
10 etc.

11 7. An index showing in alphabetical order the names of
12 the parties against whom judgments have been rendered or
13 made and transcripts or memoranda of such judgments have
14 been recorded, and the parties named in notices recorded
15 pursuant to Section 1 of "An Act concerning constructive
16 notice of condemnation proceedings, proceedings to sell
17 real property of decedents to pay debts, or other suits
18 seeking equitable relief involving real property, and
19 proceedings in bankruptcy" approved June 11, 1917, as
20 amended.

21 8. An index of all ordinances, petitions, assessment
22 rolls, orders, judgments or other documents filed or
23 recorded in respect of any drainage or special assessment
24 matter sufficient to enable the public to identify all
25 tracts involved therein and to locate all the documents
26 which have been filed or recorded. The recorder may

1 solicit the assistance of the State Records Commission in
2 organizing and indexing these documents.

3 Any recorder may install or contract for the use of a
4 computerized system that will permit automated entry and
5 indexing, alphabetically by document, of instruments filed in
6 the ~~his or her~~ office and that will provide both quick search
7 and retrieval of such entries and hard copy print output,
8 whether on paper, optical disk media, or microfilm, of such
9 entries as indexed. If such a computerized system has been in
10 use in the ~~his or her~~ office for at least 6 months and the
11 recorder determines that it provides accurate and reliable
12 indices that may be stored as permanent records, more quickly
13 and efficiently than the system previously used, the recorder
14 may thereafter discontinue the use of the manual system and
15 use only the computerized system for such indices. In that
16 event, references in this Division to books, records or forms
17 as relate to such indices are intended to encompass and refer
18 to the computer system and all materials and forms directly
19 related to that system and its proper use.

20 This Section is subject to the Local Records Act.

21 (Source: P.A. 88-661, eff. 9-16-94.)

22 (55 ILCS 5/3-5029) (from Ch. 34, par. 3-5029)

23 Sec. 3-5029. Map, plat or subdivision of land; penalty. No
24 person shall offer or present for recording or record any map,
25 plat or subdivision of land situated in any incorporated city,

1 town or village, nor within 1 1/2 miles of the corporate limits
2 of any incorporated city, town or village which has adopted a
3 city plan and is exercising the special powers authorized by
4 Division 12 of Article 11 of the Illinois Municipal Code, as
5 now or hereafter amended, and not included in any municipality
6 unless the map, plat or subdivision is under the seal of a
7 registered Illinois land surveyor and unless it is entitled to
8 record as provided in Sections 11-15-1 and 11-12-3 of the
9 Illinois Municipal Code, as now or hereafter amended. Any map,
10 plat or subdivision of land presented for recording shall have
11 attached thereto or endorsed thereon the Certificate of an
12 Illinois Registered Land Surveyor that the land is or is not
13 within any incorporated city, town or village, nor within 1
14 1/2 miles of the corporate limits of any incorporated city,
15 town or village which has adopted a city plan and is exercising
16 the special powers authorized by Division 12 of Article 11 of
17 the Illinois Municipal Code, as now or hereafter amended, and
18 not included in any municipality. No person shall offer or
19 present for recording or record any subdivision plat of any
20 lands bordering on or including any public waters of the State
21 in which the State of Illinois has any property rights or
22 property interests, unless such subdivision plat is under the
23 seal of a registered Illinois Land Surveyor and is approved by
24 the Department of Natural Resources, nor shall any person
25 offer or present for recording or record any map, plat or
26 subdivision of lands, without indicating whether any part of

1 which as shown on the map, plat or subdivision is located
2 within a special flood hazard area as identified by the
3 Federal Emergency Management Agency nor shall any person offer
4 or present for recording or record any map, plat or
5 subdivision of land situated outside any incorporated city,
6 town or village unless the map, plat or subdivision is under
7 the seal of a registered Illinois land surveyor, and unless it
8 is entitled to record as provided in Section 5-1045, however,
9 the provisions of this Section shall not apply to any street or
10 highway survey map or plat. Any person who records, or who
11 offers or presents for recording, which offer or presentation
12 results in a recording of, any map, plat or subdivision of land
13 which the person ~~he~~ knows to be in violation of this Section
14 shall pay to the county the sum of \$1,000 ~~\$200~~, to be recovered
15 in the circuit court, in the name of the state, for the use of
16 the county, with costs of suit.

17 (Source: P.A. 89-445, eff. 2-7-96.)

18 (55 ILCS 5/3-5031) (from Ch. 34, par. 3-5031)

19 Sec. 3-5031. Penalty. If any recorder shall willfully fail
20 to perform any duty imposed upon the recorder ~~him~~ by this
21 Division, the recorder ~~he~~ shall be guilty of malfeasance in
22 office, and shall be punished accordingly, and shall be liable
23 to the party injured for all damages occasioned thereby.

24 (Source: P.A. 95-877, eff. 1-1-09.)

1 (55 ILCS 5/3-5033) (from Ch. 34, par. 3-5033)

2 Sec. 3-5033. County to furnish books, equipment and
3 supplies. The county board of each county shall from time to
4 time, as may be necessary, provide the recorder of such county
5 with well-bound and properly ruled books, and where
6 photostating, optical disk storage, or microfilming is used,
7 the recorder shall likewise be furnished all such equipment
8 (such as computers, printers, and scanners) and supplies
9 necessary to the execution of the duties of the ~~his~~ office.
10 They may procure books of printed forms to be filled up in the
11 recording of any instrument, when the same may be done without
12 interlineation or erasure, and shall in all cases, when
13 practicable, procure the necessary index and abstract books
14 with printed headings. The cost of such books, equipment and
15 supplies shall be chargeable against the surplus fees of the
16 office, or paid by the county.

17 (Source: P.A. 88-661, eff. 9-16-94.)

18 (55 ILCS 5/3-5036.5)

19 Sec. 3-5036.5. Exchange of information for child support
20 enforcement.

21 (a) The recorder ~~Recorder~~ shall exchange with the
22 Department of Healthcare and Family Services information that
23 may be necessary for the enforcement of child support orders
24 entered pursuant to the Illinois Public Aid Code, the Illinois
25 Marriage and Dissolution of Marriage Act, ~~the Non-Support of~~

1 ~~Spouse and Children Act,~~ the Non-Support Punishment Act, ~~the~~
2 ~~Revised Uniform Reciprocal Enforcement of Support Act,~~ the
3 Uniform Interstate Family Support Act, ~~the Illinois Parentage~~
4 ~~Act of 1984,~~ or the Illinois Parentage Act of 2015.

5 (b) Notwithstanding any provisions in this Code to the
6 contrary, the recorder ~~Recorder~~ shall not be liable to any
7 person for any disclosure of information to the Department of
8 Healthcare and Family Services ~~(formerly Illinois Department~~
9 ~~of Public Aid)~~ under subsection (a) or for any other action
10 taken in good faith to comply with the requirements of
11 subsection (a).

12 (Source: P.A. 99-85, eff. 1-1-16.)

13 (55 ILCS 5/3-5037) (from Ch. 34, par. 3-5037)

14 Sec. 3-5037. Instruments to be re-recorded; fee; penalty.
15 In all cases where the records of any county have been or shall
16 hereafter be destroyed by fire or other casualty, it shall be
17 the duty of the recorder of such county to re-record all deeds,
18 mortgages or other instruments in writing which may have been
19 recorded or filed for record prior to the destruction of such
20 records, together with the certificates of such original
21 recording, that may be filed in the ~~his~~ office for
22 re-recording; and the recorder may charge and receive, as a
23 fee for re-recording such deeds, mortgages and other
24 instruments aforesaid, and the certificate of such recording,
25 5¢ for each 100 words or fractions thereof, and no more; and

1 any recorder who shall charge a greater fee than the
2 foregoing, or who shall refuse to re-record such instruments
3 in writing, for the fee aforesaid, shall be deemed guilty of
4 malfeasance in office, and subject to all the penalties
5 prescribed by law for such offense.

6 (Source: P.A. 86-962.)

7 (55 ILCS 5/3-5038) (from Ch. 34, par. 3-5038)

8 Sec. 3-5038. Judgment dockets. In all counties where a
9 recorder is elected in which the recorder has heretofore been,
10 or shall hereafter be required by the county board to keep
11 abstract books showing by tract every conveyance or
12 incumbrance recorded, the date of the instrument, the time of
13 filing same, the book and page where the same is recorded, and
14 showing a true chain of title to each tract and the
15 incumbrances thereon, as shown by the records of the ~~his~~
16 office, such recorder shall ~~and he is hereby authorized to~~
17 keep judgment dockets and indexes thereto, showing all
18 judicial proceedings affecting title to real estate in such
19 county, tax sale books with indexes thereto, showing sales or
20 forfeitures of all lands in the county for unpaid taxes and
21 assessments, and such other books as are usual or necessary to
22 be kept for the purpose of making complete abstracts of title
23 to real estate; and the county board shall furnish such
24 recorder with the necessary rooms, books, stationery, fuel and
25 lights for the purposes herein set forth: Provided, that

1 nothing in this Division shall be construed to empower the
2 recorder to prevent the public from examining and taking
3 memoranda from all records and instruments filed for record,
4 indexes and other books in the recorder's ~~his~~ official
5 custody, but it shall be the recorder's ~~his~~ duty at all times,
6 when the ~~his~~ office is or is required by law to be open, to
7 allow all persons without fee or reward to examine and take
8 memoranda from the same. This Section is subject to the
9 provisions of the "The Local Records Act".

10 (Source: P.A. 86-962.)

11 (55 ILCS 5/3-5045) (from Ch. 34, par. 3-5045)

12 Sec. 3-5045. Scope of liability in connection with Uniform
13 Commercial Code. No recorder nor any of the recorder's ~~his~~
14 employees or agents shall be subject to personal liability by
15 reason of any error or omission in the performance of any duty
16 under Article 9 of the Uniform Commercial Code except in case
17 of willful ~~wilful~~ negligence.

18 (Source: P.A. 86-962.)

19 (55 ILCS 5/4-12002.3 new)

20 Sec. 4-12002.3. Predictable fee schedule for recordings in
21 third class counties.

22 (a) The fees of the recorder in counties of the third class
23 for recording deeds or other instruments in writing and maps
24 of plats of additions, subdivisions, or otherwise and for

1 certifying copies of records shall be paid in advance and
2 shall conform to this Section. The fees or surcharges shall
3 not, unless otherwise provided in this Section, be based on
4 the individual attributes of a document to be recorded,
5 including, but not limited to, page count; number, length, or
6 type of legal descriptions; number of tax identification or
7 other parcel-identifying code numbers; number of common
8 addresses; number of references contained as to other recorded
9 documents or document numbers; or any other individual
10 attribute of the document. The fees charged under this Section
11 shall be inclusive of all county and State fees that the county
12 may elect or is required to impose or adjust, including, but
13 not limited to, GIS fees, automation fees, document storage
14 fees, and the Rental Housing Support Program State and county
15 surcharges.

16 (b) A county of the third class shall adopt and implement,
17 by ordinance or resolution, a predictable fee schedule as
18 provided in subsection (c) that eliminates surcharges or fees
19 based on the individual attributes of a document to be
20 recorded. If a county has previously adopted an ordinance or
21 resolution adopting a predictable fee schedule, the county
22 must adopt an ordinance or resolution revising that
23 predictable fee schedule to be consistent with this Section.
24 After a document class predictable fee is approved by a county
25 board consistent with this Section, the county board may, by
26 ordinance or resolution, increase the document class

1 predictable fee and collect the increased fees if the
2 established fees are not sufficient to cover the costs of
3 providing the services related to the document class for which
4 the fee is to be increased.

5 For the purposes of the fee charged, the ordinance or
6 resolution shall divide documents into the classifications
7 specified in subsection (c), and shall establish a single,
8 all-inclusive county and State-imposed aggregate predictable
9 fee charged for each classification of document at the time of
10 recording for that document. Each document, unless otherwise
11 provided in this Section, shall fall within one of the
12 document class predictable fee classifications set by
13 subsection (c), and fees for each document class shall be
14 charged only as allowed by this Section.

15 Before approval of an ordinance or resolution under this
16 subsection that creates or modifies a predictable fee
17 schedule, the recorder or county clerk shall post a notice in
18 the recorder's or clerk's office at least 2 weeks prior, but
19 not more than 4 weeks prior, to the public meeting at which the
20 ordinance or resolution may be adopted. The notice shall
21 contain the proposed ordinance or resolution number, if any,
22 the proposed document class predictable fees for each
23 classification, and a reference to this Section and this
24 amendatory Act of the 103rd General Assembly. A predictable
25 fee schedule takes effect 60 days after an ordinance or
26 resolution is adopted, unless the fee schedule was previously

1 created and the ordinance or resolution is a modification
2 allowed under this Section.

3 Nothing in this Section precludes a county board from
4 adjusting amounts or allocations within a given document class
5 predictable fee when the document class predictable fee is not
6 increased or precludes an alternate predictable fee schedule
7 for electronic recording within each of the classifications
8 under subsection (c).

9 If the Rental Housing Support Program State surcharge is
10 amended and the surcharge is increased or lowered, the
11 aggregate amount of the document predictable fee attributable
12 to the surcharge in the document may be changed accordingly.
13 If any fee or surcharge is changed by State statute, the county
14 may increase the document class fees by the same amount
15 without any cost study.

16 (c) A predictable fee schedule ordinance or resolution
17 adopted under this Section shall list document fees, including
18 document class predictable fees. The document classes shall be
19 as follows:

20 (1) Deeds. The aggregate fee for recording deeds shall
21 not be less than \$39 (being a minimum \$21 county fee plus
22 \$18 for the Rental Housing Support Program State
23 surcharge). Inclusion of language in the deed as to any
24 restriction; covenant; lien; oil, gas, or other mineral
25 interest; easement; lease; or a mortgage shall not alter
26 the classification of a document as a deed.

1 (2) Leases, lease amendments, and similar transfer of
2 interest documents. The aggregate fee for recording
3 leases, lease amendments, and similar transfers of
4 interest documents shall not be less than \$39 (being a
5 minimum \$21 county fee plus \$18 for the Rental Housing
6 Support Program State surcharge).

7 (3) Mortgages. The aggregate fee for recording
8 mortgages, including assignments, extensions, amendments,
9 subordinations, and mortgage releases shall not be less
10 than \$39 (being a minimum \$21 county fee plus \$18 for the
11 Rental Housing Support Program State surcharge).

12 (4) Easements not otherwise part of another
13 classification. The aggregate fee for recording easements
14 not otherwise part of another classification, including
15 assignments, extensions, amendments, and easement releases
16 not filed by a State agency, unit of local government, or
17 school district, shall not be less than \$39 (being a
18 minimum \$21 county fee plus \$18 for the Rental Housing
19 Support Program State surcharge).

20 (5) Irregular documents. Any document presented that
21 does not conform to the following standards, even if it
22 may qualify for another document class, may be recorded
23 under this document class (5) if the irregularity allows a
24 legible reproduction of the document presented:

25 (A) The document shall consist of one or more
26 individual sheets measuring 8.5 inches by 11 inches,

1 not permanently bound, and not a continuous form.
2 Graphic displays accompanying a document to be
3 recorded that measure up to 11 inches by 17 inches
4 shall be recorded without charging an additional fee.

5 (B) The document shall be legibly printed in black
6 ink by hand, type, or computer. Signatures and dates
7 may be in contrasting colors if they will reproduce
8 clearly.

9 (C) The document shall be on white paper of not
10 less than 20-pound weight and shall have a clean
11 margin of at least one-half inch on the top, the
12 bottom, and each side. Margins may be used only for
13 non-essential notations that will not affect the
14 validity of the document, including, but not limited
15 to, form numbers, page numbers, and customer
16 notations.

17 (D) The first page of the document shall contain a
18 blank space, measuring at least 3 inches by 5 inches,
19 from the upper right corner.

20 (E) The document shall not have any attachment
21 stapled or otherwise affixed to any page.

22 The aggregate fee for recording an irregular document
23 shall not be less than \$39 (being a minimum \$21 county fee
24 plus \$18 for the Rental Housing Support Program State
25 surcharge).

26 (6) Blanket recordings. For any document that makes

1 specific reference to more than 5 tax parcels or property
2 identification numbers, or makes reference to 5 or more
3 document numbers, the aggregate fee shall be not less than
4 \$39 (being a minimum \$21 county fee plus \$18 for the Rental
5 Housing Support Program State surcharge). A county may
6 adopt by ordinance and publish with its fee schedule an
7 additional fee or formula for each parcel, property
8 identification number, or document reference, above 5,
9 contained in an accepted document.

10 (7) Miscellaneous. The aggregate fee for recording
11 documents not otherwise falling within classifications
12 under paragraphs (1) through (6) and are not otherwise
13 exempted documents shall not be less than \$39 (being a
14 minimum \$21 county fee plus \$18 for the Rental Housing
15 Support Program State surcharge).

16 (d) For recording maps or plats of additions,
17 subdivisions, or otherwise (including the spreading of the
18 same of record in well bound books), \$100 plus \$2 for each
19 tract, parcel, or lot contained in the map or plat.

20 (e) Documents presented that meet the following criteria
21 shall be charged as otherwise provided by law or ordinance:

22 (1) a document recorded pursuant to the Uniform
23 Commercial Code; or

24 (2) a State lien or a federal lien.

25 Notwithstanding any other provision in this Section: (i)
26 the maximum fee that may be collected from the Department of

1 Revenue for filing or indexing a lien, certificate of lien
2 release or subordination, or any other type of notice or other
3 documentation affecting or concerning a lien is \$5; and (ii)
4 the maximum fee that may be collected from the Department of
5 Revenue for indexing each additional name in excess of one for
6 any lien, certificate of lien release or subordination, or any
7 other type of notice or other documentation affecting or
8 concerning a lien is \$1.

9 (f) For recording any document that affects an interest in
10 real property, other than documents which solely affect or
11 relate to an easement for water, sewer, electricity, gas,
12 telephone, or other public service, the recorder shall charge
13 a minimum fee of \$1 per document to all filers of documents not
14 filed by any State agency, any unit of local government, or any
15 school district. Half of the fee shall be deposited into the
16 county general revenue fund. The remaining half shall be
17 deposited into the County Recorder Document Storage System
18 Fund and may not be appropriated or expended for any other
19 purpose. The additional amounts available to the recorder for
20 expenditure from the County Recorder Document Storage System
21 Fund shall not offset or reduce any other county
22 appropriations or funding for the office of the recorder.

23 (g) For certified and non-certified copies of records, the
24 recorder and county may set a predictable fee for all copies
25 that does not exceed the highest total recording fee in any
26 established document classes, unless the copy fee is otherwise

1 provided in statute or ordinance. The total fee for a
2 certified copy of a map or plat of an addition, subdivision, or
3 otherwise may not exceed \$200.

4 The fees allowed under this subsection apply to all
5 records, regardless of when they were recorded, based on
6 current recording fees. These predictable fees for certified
7 and non-certified copies shall apply to portions of documents
8 and to copies provided in any format, including paper,
9 microfilm, or electronic. A county may adopt a per-line
10 pricing structure for copies of information in database
11 format.

12 (h) As provided under subsection (c), the recorder shall
13 collect an \$18 Rental Housing Support Program State surcharge
14 for the recordation of any real estate-related document.
15 Payment of the Rental Housing Support Program State surcharge
16 shall be evidenced by a receipt that shall be marked upon or
17 otherwise affixed to the real estate-related document by the
18 recorder. The form of this receipt shall be prescribed by the
19 Department of Revenue and the receipts shall be issued by the
20 Department of Revenue to each county recorder.

21 The recorder shall not collect the Rental Housing Support
22 Program State surcharge from any State agency, unit of local
23 government, or school district.

24 On the 15th day of each month, each county recorder shall
25 report to the Department of Revenue, on a form prescribed by
26 the Department, the number of real estate-related documents

1 recorded for which the Rental Housing Support Program State
2 surcharge was collected. Each recorder shall submit \$18 of
3 each surcharge collected in the preceding month to the
4 Department of Revenue and the Department shall deposit these
5 amounts in the Rental Housing Support Program Fund. Subject to
6 appropriation, amounts in the Fund may be expended only for
7 the purpose of funding and administering the Rental Housing
8 Support Program.

9 As used in this subsection, "real estate-related document"
10 means that term as it is defined in Section 7 of the Rental
11 Housing Support Program Act.

12 (55 ILCS 5/4-12003) (from Ch. 34, par. 4-12003)

13 Sec. 4-12003. Fees of county clerk in third class
14 counties. The fees of the county clerk in counties of the third
15 class are:

16 For issuing each civil union or marriage license, sealing,
17 filing and recording the same and the certificate thereto (one
18 charge), a fee to be determined by the county board of the
19 county, not to exceed \$75, which shall be the same, whether for
20 a civil union or marriage license. \$5 from all civil union and
21 marriage license fees shall be remitted by the clerk to the
22 State Treasurer for deposit into the Domestic Violence Fund.

23 For taking, certifying to and sealing the acknowledgment
24 of a deed, power of attorney, or other writing, \$1.

25 For filing and entering certificates in case of estrays,

1 and furnishing notices for publication thereof (one charge),
2 \$1.50.

3 For recording all papers and documents required by law to
4 be recorded in the office of the county clerk, \$2 plus 30¢ for
5 every 100 words in excess of 600 words.

6 For certificate and seal, not in a case in a court whereof
7 he is clerk, \$1.

8 For making and certifying a copy of any record or paper in
9 his office, \$2 for every page.

10 For filing papers in his office, 50¢ for each paper filed,
11 except that no fee shall be charged for filing a Statement of
12 economic interest pursuant to the Illinois Governmental Ethics
13 Act or reports made pursuant to Article 9 of The Election Code.

14 For making transcript of taxable property for the
15 assessors, 8¢ for each tract of land or town lot. For extending
16 other than State and county taxes, 8¢ for each tax on each
17 tract or lot, and 8¢ for each person's personal tax, to be paid
18 by the authority for whose benefit the transcript is made and
19 the taxes extended. The county clerk shall certify to the
20 county collector the amount due from each authority for such
21 services and the collector in his settlement with such
22 authority shall reserve such amount from the amount payable by
23 him to such authority.

24 For adding and bringing forward with current tax warrants
25 amounts due for forfeited or withdrawn special assessments, 8¢
26 for each lot or tract of land described and transcribed.

1 For computing and extending each assessment or installment
2 thereof and interest, 8¢ on each description; and for
3 computing and extending each penalty, 8¢ on each description.
4 These fees shall be paid by the city, village, or taxing body
5 for whose benefit the transcript is made and the assessment
6 and penalties are extended. The county clerk shall certify to
7 the county collector the amount due from each city, village or
8 taxing body, for such services, and the collector in his
9 settlement with such taxing body shall reserve such amount
10 from the amount payable by him to such city, village or other
11 taxing body.

12 For cancelling certificates of sale, \$4 for each tract or
13 lot.

14 For making search and report of general taxes and special
15 assessments for use in the preparation of estimate of cost of
16 redemption from sales or forfeitures or withdrawals or for use
17 in the preparation of estimate of cost of purchase of
18 forfeited property, or for use in preparation of order on the
19 county collector for searches requested by buyers at annual
20 tax sale, for each lot or tract, \$4 for the first year
21 searched, and \$2 for each additional year or fraction thereof.

22 For preparing from tax search report estimate of cost of
23 redemption concerning property sold, forfeited or withdrawn
24 for non-payment of general taxes and special assessments, if
25 any, \$1 for each lot or tract.

26 For certificate of deposit for redemption, \$4.

1 For preparing from tax search report estimate of and order
2 to county collector to receive amount necessary to redeem or
3 purchase lands or lots forfeited for non-payment of general
4 taxes, \$3 for each lot or tract.

5 For preparing from tax search report estimate of and order
6 to county collector to receive amount necessary to redeem or
7 purchase lands or lots forfeited for non-payment of special
8 assessments, \$4 for each lot or tract.

9 For issuing certificate of sale of forfeited property,
10 \$10.

11 For noting on collector's warrants tax sales subject to
12 redemption, 20¢ for each tract or lot of land, to be paid by
13 either the person making the redemption from tax sale, the
14 person surrendering the certificate of sale for cancellation,
15 or the person taking out tax deed.

16 For noting on collector's warrant special assessments
17 withdrawn from collection 20¢ for each tract or lot of land, to
18 be charged against the lot assessed in the withdrawn special
19 assessment when brought forward with current tax or when
20 redeemed by the county clerk. The county clerk shall certify
21 to the county collector the amount due from each city, village
22 or taxing body for such fees, each year, and the county
23 collector in his settlement with such taxing body shall
24 reserve such amount from the amount payable by him to such
25 taxing body.

26 For taking and approving official bond of a town assessor,

1 filing and recording same, and issuing certificate of election
2 or qualification to such official or to the Secretary of
3 State, \$10, to be paid by the officer-elect.

4 For certified copies of plats, 20¢ for each lot shown in
5 copy, but no charge less than \$4.

6 For tax search and issuing Statement regarding same on new
7 plats to be recorded, \$10.

8 For furnishing written description in conformity with
9 permanent real estate index number, \$2 for each written
10 description.

11 The following fees shall be allowed for services in
12 matters of taxes and assessments, and shall be charged as
13 costs against the delinquent property, and collected with the
14 taxes thereon:

15 For entering judgment, 8¢ for each tract or lot.

16 For services in attending the tax sale and issuing
17 certificates of sale and sealing the same, \$10 for each tract
18 or lot.

19 For making list of delinquent lands and town lots sold, to
20 be filed with the State Comptroller, 10¢ for each tract or lot
21 sold.

22 The following fees shall be audited and allowed by the
23 board of county commissioners and paid from the county
24 treasury.

25 For computing State or county taxes, on each description
26 of real estate and each person's, firm's or corporation's

1 personal property tax, for each extension of each tax, 4¢,
2 which shall include the transcribing of the collector's books.

3 For computing, extending and bringing forward, and adding
4 to the current tax, the amount due for general taxes on lands
5 and lots previously forfeited to the State, for each extension
6 of each tax, 4¢ for the first year, and for computing and
7 extending the tax and penalty for each additional year, 6¢.

8 For making duplicate or triplicate sets of books,
9 containing transcripts of taxable property, for the board of
10 assessors and board of review, 3¢ for each description entered
11 in each book.

12 For filing, indexing and recording or binding each birth,
13 death or stillbirth certificate or report, 15¢, which fee
14 shall be in full for all services in connection therewith,
15 including the keeping of accounts with district registrars.

16 For posting new subdivisions or plats in official atlases,
17 25¢ for each lot.

18 For compiling new sheets for atlases, 20¢ for each lot.

19 For compiling new atlases, including necessary record
20 searches, 25¢ for each lot.

21 For investigating and reporting on each new plat, referred
22 to county clerk, \$2.

23 For attending sessions of the board of county
24 commissioners thereof, \$5 per day, for each clerk in
25 attendance.

26 For recording proceedings of the board of county

1 commissioners, 15¢ per 100 words.

2 For filing papers which must be kept in office of
3 comptroller of Cook County, 10¢ for each paper filed.

4 For filing and indexing contracts, bonds, communications,
5 and other such papers which must be kept in office of
6 comptroller of Cook County, 15¢ for each document.

7 For swearing any person to necessary affidavits relating
8 to the correctness of claims against the county, 25¢.

9 For issuing warrants in payment of salaries, supplies and
10 other accounts, and all necessary auditing and bookkeeping
11 work in connection therewith, 10¢ each.

12 The fee requirements of this Section do not apply to units
13 of local government or school districts.

14 The fees listed in this Section apply only when a county
15 board has not adjusted them by ordinance or otherwise set by
16 law.

17 (Source: P.A. 97-4, eff. 5-31-11.)

18 (55 ILCS 5/3-5017 rep.)

19 (55 ILCS 5/3-5018 rep.)

20 (55 ILCS 5/3-5018.1 rep.)

21 (55 ILCS 5/4-12002 rep.)

22 (55 ILCS 5/4-12002.1 rep.)

23 Section 10. The Counties Code is amended by repealing
24 Sections 3-5017, 3-5018, 3-5018.1, 4-12002, and 4-12002.1.

25 Section 99. Effective date. This Act takes effect January

1 1, 2024.