

1 AN ACT concerning foreclosure.

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

4 Section 5. The Code of Civil Procedure is amended by adding
5 Sections 15-1108, 15-1109, and 15-1110 as follows:

6 (735 ILCS 5/15-1108 new)

7 Sec. 15-1108. False representation concerning real estate
8 title.

9 (a) A person commits false representation concerning title
10 to real estate when he or she knowingly as part of any
11 transaction or legal proceeding pursuant to this Article XV:

12 (1) claims an interest in, or a lien or encumbrance
13 against, real estate in a document that is recorded in the
14 recorder's office in the county in which the real estate is
15 located and who knows or has reason to know that the
16 document is forged or groundless, contains a material
17 misstatement, or false claim or is otherwise invalid;

18 (2) executes or notarizes a document purporting to
19 create an interest in, or a lien or encumbrance against,
20 real estate, that is recorded in the recorder's office in
21 the county in which the real estate is located and who has
22 specific knowledge that the document is forged, contains a
23 material misstatement, or false claim or is otherwise

1 invalid; or

2 (3) causes a document described in paragraph (1) or (2)
3 to be recorded in the recorder's office in the county in
4 which the real estate is located and who has specific
5 knowledge that the document is forged, contains a material
6 misstatement, or false claim or is otherwise invalid.

7 (b) False representation concerning title to real estate as
8 described by paragraph (1), (2), or (3) of subsection (a) is a
9 Class 4 felony.

10 (735 ILCS 5/15-1109 new)

11 Sec. 15-1109. Pattern of false representation concerning
12 real estate title.

13 (a) A person commits a pattern of making false
14 representations concerning title to real estate when he or she
15 knowingly, as part of any transaction or legal proceedings
16 pursuant to this Article XV, commits one or more violations of
17 paragraph (1), (2), or (3) of Section 15-1108 in 2 or more
18 transactions:

19 (1) which have the same or similar pattern, purposes,
20 results, accomplices, victims or methods of commission, or
21 are otherwise interrelated by distinguishing
22 characteristics;

23 (2) which are not isolated incidents within the
24 preceding 4 years; and

25 (3) in which the aggregate loss or intended loss is

1 more than \$250.

2 (b) A pattern of making false representations concerning
3 title to real estate described in subsection (a) is a Class 3
4 felony.

5 (735 ILCS 5/15-1110 new)

6 Sec. 15-1110. Civil action for false representation
7 concerning real estate title.

8 (a) In addition to the criminal penalties imposed for a
9 violation of Section 15-1108 or 15-1109, any person who
10 violates Section 15-1108 or 15-1109 is subject to a civil
11 penalty of not more than \$5,000 for each violation. This
12 penalty is recoverable in a civil action, brought in the name
13 of the State by the Attorney General, in the circuit court in
14 the county in which the real estate is located. In such an
15 action, the Attorney General may recover reasonable attorney's
16 fees and costs.

17 (b) Except as otherwise provided in this subsection, the
18 owner or holder of the beneficial interest in real estate which
19 is the subject of a false representation concerning title may
20 bring a civil action in the circuit court in the county in
21 which the real estate is located to recover any damages
22 suffered by the owner or holder of the beneficial interest plus
23 reasonable attorney's fees and costs. The owner or holder of
24 the beneficial interest in the real estate must, before
25 bringing a civil action pursuant to this subsection, send a

1 written request by first class mail to the person who made the
2 false representation requesting that the person record a
3 document which corrects the false representation. If the person
4 records such a document not later than 20 days after the date
5 of the written request, the owner or holder of the beneficial
6 interest may not bring a civil action pursuant to this
7 subsection.