



Rep. Esther Golar

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09800HB4122ham001

LRB098 15678 KTG 57513 a

1 AMENDMENT TO HOUSE BILL 4122

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4122 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by  
5 adding Sections 15-1109, 15-1110, and 15-1111 as follows:

6 (735 ILCS 5/15-1109 new)

7 Sec. 15-1109. False representation concerning real estate  
8 title.

9 (a) A person commits false representation concerning real  
10 estate title 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 knows or has reason to know that the document  
16 is forged or groundless, contains a material misstatement

1       or false claim, or is otherwise invalid;

2           (2) executes or notarizes a document purporting to  
3       create an interest in or a lien or encumbrance against real  
4       estate that is recorded in the recorder's office in the  
5       county in which the real estate is located and has specific  
6       knowledge that the document is forged, contains a material  
7       misstatement or false claim, or is otherwise invalid; or

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

13       (b) A violation of this Section is a Class 4 felony.

14       (735 ILCS 5/15-1110 new)

15       Sec. 15-1110. Pattern of false representation concerning  
16       real estate title.

17       (a) A person commits a pattern of making false  
18       representations concerning real estate title when he or she  
19       knowingly, as part of any transaction or legal proceedings  
20       pursuant to this Article XV, commits one or more violations of  
21       Section 15-1109 in 2 or more transactions:

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

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

3           (3) in which the aggregate loss or intended loss is  
4           more than \$250.

5           (b) A violation of this Section is a Class 3 felony.

6           (735 ILCS 5/15-1111 new)

7           Sec. 15-1111. Civil actions for false representation  
8           concerning real estate title.

9           (a) In addition to any criminal penalties imposed, a person  
10          who violates Section 15-1109 or 15-1110 of this Code is subject  
11          to a civil penalty of not more than \$5,000 for each violation.  
12          This penalty is recoverable in a civil action, brought in the  
13          name of the State by the Attorney General, in the circuit court  
14          in 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 of or holder of the beneficial interest in real estate  
19          which is the subject of a false representation concerning real  
20          estate title may bring a civil action in the circuit court in  
21          the county in which the real estate is located to recover any  
22          damages suffered by the owner or holder of the beneficial  
23          interest plus reasonable attorney's fees and costs. The owner  
24          of or holder of the beneficial interest in the real estate  
25          must, before bringing a civil action pursuant to this

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