

1 AN ACT concerning mortgages.

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

4 Section 1. Short title. This Act may be cited as the  
5 Mortgage Assignment Recording Act.

6 Section 5. Duty of assignee. It is the duty of an  
7 assignee of a mortgage on residential real estate located  
8 within this State to record the assignment of the mortgage  
9 within 30 days after the first payment is due and payable to  
10 the assignee according to the terms of the mortgage. If the  
11 assignee of a mortgage on residential real estate fails to  
12 cause the recording of an assignment of the mortgage within  
13 30 days after the payment is due and payable to the assignee,  
14 then all interest accrued against the mortgagor after the  
15 date of the assignment shall be forfeited by the assignee,  
16 and if the interest is paid to the assignee by the mortgagor,  
17 the interest shall be returned to the mortgagor plus interest  
18 at the interest rate of the subject mortgage, together with  
19 the mortgagor's reasonable attorney's fees and costs expended  
20 to enforce this Act, after written demand is made under this  
21 Act. An action to enforce this Act may be brought in the  
22 county in which the subject residential real estate is  
23 located, regardless of where the assignee is domiciled.

24 Section 10. Notice.

25 (a) Before filing an action under Section 5, the  
26 mortgagor shall give 30 days' written notice to the assignee  
27 demanding the recording of the assignment of the mortgage in  
28 the county in which the subject residential real estate is  
29 located. The assignee may avoid the penalties described in  
30 Section 5 if the assignee records, at the assignee's expense,

1 the mortgage assignment with the recorder of deeds of the  
 2 county in which the subject residential real estate is  
 3 located within 30 days of receipt of written notice that the  
 4 assignee has failed to properly record the assignment of the  
 5 mortgage under this Act.

6 (b) The written notice under subsection (a) may be sent  
 7 by facsimile machine, overnight mail service, electronic  
 8 communication, certified mail return receipt requested, or  
 9 any other means reasonably calculated to give notice to the  
 10 assignee. The written notice may be sent to the place where  
 11 payments are collected. The written notice shall be in  
 12 substantially the following form:

13 .....  
 14 (Assignee's Name)  
 15 .....  
 16 (Assignee's Address)  
 17 .....  
 18 (Re: Mortgagee's name)  
 19 .....  
 20 (Mortgage Account Number)  
 21 .....  
 22 (Property Address)

23 NOTICE OF FAILURE TO FILE

24 RESIDENTIAL MORTGAGE ASSIGNMENT

25 Notice is hereby given that you have taken  
 26 assignment of a mortgage and failed to record an  
 27 assignment of that mortgage. Under the Mortgage  
 28 Assignment Recording Act you have 30 days from receipt of  
 29 this notice to record your assignment.

30 Failure to record the assignment may result in  
 31 forfeiture of interest, together with an obligation to  
 32 pay the mortgagee's attorney's fees and costs.

33 .....  
 34 Date

35 .....  
 36 Signature of mortgagee or  
 37 mortgagee's attorney

1           Section 15. Existing mortgage assignments. The assignee  
2           of a mortgage assignment of a residential mortgage in effect  
3           on the effective date of this Act shall record the mortgage  
4           assignment within 90 days after the effective date of the  
5           Act. Residential mortgages made on or after the effective  
6           date of this Act shall comply with this Act.