

AN ACT concerning local government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Overpayments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(55 ILCS 5/3-5010.5)

Sec. 3-5010.5. Fraud referral and review.

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

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

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

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

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

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

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

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

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

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

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

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

of the Interior Bureau of Land Management;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

under this Section.

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

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

(k) (Blank).

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

(55 ILCS 5/3-5010.8)

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

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

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

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

(b) Definitions. As used in this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

subsection (i).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(55 ILCS 5/3-5018.2 new)

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

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

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

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

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

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

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

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

If the Rental Housing Support Program State surcharge is

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) a State lien or a federal lien.

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

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

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

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

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

pricing structure for copies of information in database format.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(55 ILCS 5/3-5020.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. When required by the county board, an abstract

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

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

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

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

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

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

This Section is subject to the Local Records Act.

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

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

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

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

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

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

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

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

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

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

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

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

(55 ILCS 5/3-5036.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(55 ILCS 5/4-12002.3 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Blanket recordings. For any document that makes

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

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

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

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

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

(2) a State lien or a federal lien.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For filing and entering certificates in case of estrays,

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

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

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

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

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

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

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

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

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

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

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

For certificate of deposit for redemption, \$4.

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

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

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

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

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

For taking and approving official bond of a town assessor,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For recording proceedings of the board of county

commissioners, 15¢ per 100 words.

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

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

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

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

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

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

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

(55 ILCS 5/3-5017 rep.)

(55 ILCS 5/3-5018 rep.)

(55 ILCS 5/3-5018.1 rep.)

(55 ILCS 5/4-12002 rep.)

(55 ILCS 5/4-12002.1 rep.)

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

Section 99. Effective date. This Act takes effect January

Public Act 103-0400

SB2227 Enrolled

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1, 2024.