

AN ACT concerning civil law.

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

Section 5. The Mortgage Act is amended by changing Sections 2 and 4 as follows:

(765 ILCS 905/2) (from Ch. 95, par. 52)

Sec. 2. Every mortgagee of real property, his or her assignee of record, or other legal representative, having received full satisfaction and payment of all such sum or sums of money as are really due to him or her from the mortgagor, and every trustee, or his or her successor in trust, in a deed of trust in the nature of a mortgage, the notes, bonds or other indebtedness secured thereby having been fully paid before September 7, 1973, shall, at the request of the mortgagor, or grantor in a deed of trust in the nature of a mortgage, his or her heirs, legal representatives or assigns, or a person authorized by such mortgagor, grantor, heir, legal representative, or assign, in case such mortgage or trust deed has been recorded or registered, make, execute and deliver to the mortgagor or grantor in a deed of trust in the nature of a mortgage, his or her heirs, legal representatives or assigns, or a person authorized by the mortgagor, grantor, heir, legal representative, or assign, an instrument in writing executed in

conformity with the provisions of this Section ~~section~~ releasing such mortgage or deed of trust in the nature of a mortgage, which release shall be entitled to be recorded or registered and the recorder or registrar upon receipt of such a release and the payment of the recording fee therefor shall record or register the same.

Mortgages of real property and deeds of trust in the nature of a mortgage shall be released of record only in the manner provided herein or as provided in the Mortgage Certificate of Release Act; however, nothing contained in this Act shall in any manner affect the validity of any release of a mortgage or deed of trust made prior to January 1, 1952 on the margin of the record.

Except in the case of a mortgage that is required to be released under the Mortgage Certificate of Release Act, every mortgagee of real property, his or her assignee of record, or other legal representative, having received full satisfaction and payment of all such sum or sums of money as are really due to him or her from the mortgagor, and every trustee, or his or her successor in trust, in a deed of trust in the nature of a mortgage, the notes, bonds or other indebtedness secured thereby having been fully paid after September 7, 1973, shall make, execute and deliver to the mortgagor or grantor in a deed of trust in the nature of a mortgage, his or her heirs, legal representatives or assigns, or person authorized by such mortgagor, grantor, heir, legal representative, or assign, an

instrument in writing releasing such mortgage or deed of trust in the nature of a mortgage or shall deliver that release to the recorder or registrar for recording or registering. If the release is delivered to the mortgagor or grantor, it must have imprinted on its face in bold letters at least 1/4 inch in height the following: "FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE OFFICE THE MORTGAGE OR DEED OF TRUST WAS FILED". The recorder, or registrar, upon receipt of such a release and the payment of the recording or registration fee, shall record or register the release. A certificate of release issued and recorded by a title insurance company or its duly appointed agent pursuant to the Mortgage Certificate of Release Act shall satisfy the requirements of this Section 2.

(Source: P.A. 92-765, eff. 8-6-02; 93-428, eff. 12-31-03.)

(765 ILCS 905/4) (from Ch. 95, par. 54)

Sec. 4. If any mortgagee or trustee, in a deed in the nature of a mortgage, of real property, or his or her executor or administrator, heirs or assigns, knowing the same to be paid, shall not, within 30 days ~~one month~~ after the payment of the debt secured by such mortgage or trust deed, comply with the requirements of Section 2 of this Act, he or she shall, for every such offense, be liable for and pay to the party aggrieved the sum of \$200 which may be recovered by the party aggrieved in a civil action, together with reasonable

attorney's fees. In any such action, introduction of a loan payment book or receipt which indicates that the obligation has been paid shall be sufficient evidence to raise a presumption that the obligation has been paid. Upon a finding for the party aggrieved, the court shall order the mortgagee or trustee, or his or her executor or administrator, heirs or assigns, to make, execute and deliver the release as provided in Section 2 of this Act. The successor in interest to the mortgagee or trustee in a deed in the nature of a mortgage shall not be liable for the penalty prescribed in this Section if he or she complies with the requirements of Section 2 of this Act within 30 days ~~one month~~ after succeeding to the interest.

(Source: P.A. 78-587.)