



Sen. Linda Holmes

Filed: 3/20/2023

10300SB2227sam001

LRB103 28861 AWJ 59034 a

1 AMENDMENT TO SENATE BILL 2227

2 AMENDMENT NO. _____. Amend Senate Bill 2227 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 3-5001, 3-5002, 3-5003, 3-5004, 3-5005, 3-5005.1,
6 3-5005.2, 3-5005.3, 3-5005.4, 3-5006, 3-5007, 3-5008, 3-5009,
7 3-5010, 3-5010.5, 3-5010.8, 3-5011, 3-5012, 3-5013, 3-5014,
8 3-5015, 3-5016, 3-5019, 3-5020, 3-5020.5, 3-5021, 3-5024,
9 3-5025, 3-5029, 3-5031, 3-5033, 3-5036.5, 3-5037, 3-5038,
10 3-5045, 4-12003 and by adding Sections 3-5018.2 and 4-12002.3
11 as follows:

12 (55 ILCS 5/3-5001) (from Ch. 34, par. 3-5001)

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

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

5 If the population of any county in which a recorder has
6 been elected decreases to less than 60,000, the voters of that
7 county shall continue to elect a recorder if the county board
8 adopts a resolution to continue the office of an elected
9 recorder.

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

11 (55 ILCS 5/3-5002) (from Ch. 34, par. 3-5002)

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

1 bond shall be filed in the office of the Secretary of State,
2 and a copy thereof filed of record in the court.

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

4 (55 ILCS 5/3-5003) (from Ch. 34, par. 3-5003)

5 Sec. 3-5003. Oath. Each recorder, before entering upon the
6 duties of the ~~his~~ office, shall take and subscribe to the oath
7 or affirmation prescribed by Section 3, Article XIII of the
8 Constitution, which shall be filed with the county clerk.

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

10 (55 ILCS 5/3-5004) (from Ch. 34, par. 3-5004)

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

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

18 (55 ILCS 5/3-5005) (from Ch. 34, par. 3-5005)

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

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

2 (55 ILCS 5/3-5005.1) (from Ch. 34, par. 3-5005.1)

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

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

8 (55 ILCS 5/3-5005.2) (from Ch. 34, par. 3-5005.2)

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

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

19 (55 ILCS 5/3-5005.3) (from Ch. 34, par. 3-5005.3)

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

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

2 (55 ILCS 5/3-5005.4) (from Ch. 34, par. 3-5005.4)

3 Sec. 3-5005.4. Deposit of fee income; special funds. The
4 recorder shall deposit in the office of the county treasurer
5 monthly by the 10th day of the month following, all fee income.
6 The recorder may maintain the following special funds from
7 which the county board shall authorize payment by voucher
8 between board meetings:

9 (a) Overpayments.

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

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

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

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

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

1 recorder's ~~his~~ duties.

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

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

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

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

8 (55 ILCS 5/3-5007) (from Ch. 34, par. 3-5007)

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

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

15 (55 ILCS 5/3-5008) (from Ch. 34, par. 3-5008)

16 Sec. 3-5008. Powers of deputies. Deputy recorders duly
17 appointed and qualified may perform any and all duties of the
18 recorder in the name of the recorder, and the acts of such
19 deputies shall be held to be the acts of the recorder, and in
20 case of the death of the recorder or the recorder's ~~his~~
21 deposition from office, the chief deputy shall thereupon
22 become the acting recorder until such vacancy shall be filled
23 according to the ~~The~~ Election Code, and the chief deputy ~~he~~

1 shall file a like bond and be vested with the same powers and
2 subject to the same responsibilities and entitled to the same
3 compensation as in case of recorder. Provided, that if the
4 recorder is called into the active military service of the
5 United States, ~~the his~~ office shall not be deemed to be vacant
6 during the time the recorder ~~he~~ is in the active military
7 service of the United States, but during the time the recorder
8 ~~he~~ is in such active military service of the United States the
9 chief deputy recorder shall be the recorder, and shall perform
10 and discharge all of the duties of the recorder in such county,
11 and shall be paid the same compensation as provided by law for
12 the recorder of the county unless compensated at a higher rate
13 than the recorder as chief deputy, apportioned as to the time
14 of service, and the chief ~~such~~ deputy recorder shall cease to
15 be the recorder upon the discharge of said recorder from the
16 active military service of the United States; and provided
17 further, that the chief deputy recorder, upon becoming the
18 temporary recorder during the absence of the recorder in the
19 active military service of the United States, shall give bond
20 as required of a regularly elected recorder.

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

22 (55 ILCS 5/3-5009) (from Ch. 34, par. 3-5009)

23 Sec. 3-5009. Recorder liable for deputies. The recorder
24 shall be liable for any neglect or omission of the duties of
25 the his office, when occasioned by a deputy, in the same manner

1 as for the recorder's ~~his~~ own personal neglect or omission.

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

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

4 Sec. 3-5010. Duties of recorder. Every recorder shall, as
5 soon as practicable after the receipt of any instrument in
6 writing in the ~~his~~ office, entitled to be recorded, record the
7 same at length in the order of time of its reception, in well
8 bound books or computer databases to be provided for that
9 purpose. In counties of 500,000 or more inhabitants, the
10 recorder may microphotograph or otherwise reproduce on film
11 any of such instruments in the manner provided by law. In
12 counties of less than 500,000 inhabitants, the recorder may
13 cause to be microphotographed or otherwise reproduced on film
14 any of such instruments or electronic method of storage. When
15 any such instrument is reproduced on film or electronic method
16 of storage, the film or electronic method of storage shall
17 comply with the minimum standards of quality approved for
18 records of the State Records Commission and the device used to
19 reproduce the records on the film or electronic method of
20 storage shall be one which accurately reproduces the contents
21 of the original.

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

23 (55 ILCS 5/3-5010.5)

24 Sec. 3-5010.5. Fraud referral and review.

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

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

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

1 discovered.

2 In counties with a population of less than 3 million, a
3 recorder shall provide public notice 90 days before the
4 establishment of the fraud referral and review process. The
5 notice shall include a statement of the recorder's intent to
6 create a fraud referral and review process and shall be
7 published in a newspaper of general circulation in the county
8 and, if feasible, posted on the recorder's website and at the
9 recorder's office or offices.

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

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

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

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

25 (4) whether the documents assert fines that do not
26 exist or have no basis under current law or that require

1 payment in gold or silver;

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

6 (6) whether the documents are land patents not
7 authorized and certified by the United States Department
8 of the Interior Bureau of Land Management;

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

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

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

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

25 (11) whether the documents are asserting diplomatic
26 credentials or immunity, non-United States citizenship, or

1 independence from the laws of the United States;

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

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

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

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

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

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

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

25 (19) whether the documents are previous court
26 determinations, including a previous determination by a

1 court of competent jurisdiction that a particular document
2 is fraudulent, invalid, or forged.

3 (d) Determinations. If a recorder determines, after review
4 by legal staff and counsel, that a deed or instrument that is
5 recorded in the grantor's index or the grantee's index may be
6 fraudulent, unlawfully altered, or intended to unlawfully
7 cloud or transfer the title of any real property, the recorder
8 ~~he or she~~ shall refer the deed or instrument to an
9 administrative law judge for review pursuant to subsection (g)
10 of this Section. The recorder shall record a Notice of
11 Referral in the grantor's index or the grantee's index
12 identifying the document, corresponding document number in
13 question, and the date of referral. The recorder shall also
14 notify the parties set forth in subsection (e) of this
15 Section. The recorder may, at the recorder's ~~his or her~~
16 discretion, notify law enforcement officials regarding a
17 filing determined to be fraudulent, unlawfully altered, or
18 intended to unlawfully cloud or transfer the title of any real
19 property.

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

1 with the deed or instrument.

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

8 (g) Referral and review process. Prior to referral, the
9 recorder shall notify the last owner of record of the document
10 or documents suspected to be fraudulent. The person, entity,
11 or legal representative thereof shall confirm in writing the
12 person's, entity's, or legal representative's ~~his or her~~
13 belief that a document or documents are suspected to be
14 fraudulent and may request that the recorder refer the case
15 for review. Upon request, the recorder shall bring a case to
16 its county department of administrative hearings and, within
17 10 business days after receipt, an administrative law judge
18 shall schedule a hearing to occur no later than 30 days after
19 receiving the referral. The referral and case shall clearly
20 identify the person, persons, or entity believed to be the
21 last true owner of record as the petitioner. Notice of the
22 hearing shall be provided by the administrative law judge to
23 the filer, or the party represented by the filer, of the
24 suspected fraudulent document, the legal representative of the
25 recorder of deeds who referred the case, and the last owner of
26 record, as identified in the referral.

1 If clear and convincing evidence shows the document in
2 question to be fraudulent, the administrative law judge shall
3 rule the document to be fraudulent and forward the judgment to
4 all the parties identified in this subsection. Upon receiving
5 notice of the judgment of fraud, the recorder shall, within 5
6 business days, record a new document that includes a copy of
7 the judgment in front of the Notice of Referral that shall
8 clearly state that the document in question has been found to
9 be fraudulent and shall not be considered to affect the chain
10 of title of the property in any way.

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

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

22 Nothing in this Section precludes a private right of
23 action by any party with an interest in the property affected
24 by the review and referral, or the filer of the document or
25 documents suspected to be fraudulent. Nothing in this Section
26 requires a person or entity who may have had a fraudulent

1 document or encumbrance filed against the person's or entity's
2 ~~his or her~~ property to use the fraud review and referral
3 process or administrative review created by this Section.

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

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

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

20 (k) (Blank).

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

22 (55 ILCS 5/3-5010.8)

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

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

1 (a) Legislative findings. The General Assembly finds that
2 expired mechanics liens on residential property, which cloud
3 title to property, are a rapidly growing problem throughout
4 the State. In order to address the increase in expired
5 mechanics liens and, more specifically, those that have not
6 been released by the lienholder, a recorder may establish a
7 process to demand and refer mechanics liens that have been
8 recorded but not litigated or released in accordance with the
9 Mechanics Lien Act to an administrative law judge for
10 resolution or demand that the lienholder commence suit or
11 forfeit the lien.

12 (b) Definitions. As used in this Section:

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

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

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

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

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

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

1 valid.

2 "Residential property" means real property improved with
3 not less than one nor more than 4 residential dwelling units; a
4 residential condominium unit, including, but not limited to,
5 the common elements allocated to the exclusive use of the
6 condominium unit that form an integral part of the condominium
7 unit and any parking unit or units specified by the
8 declaration to be allocated to a specific residential
9 condominium unit; or a single tract of agriculture real estate
10 consisting of 40 acres or less that is improved with a
11 single-family residence. If a declaration of condominium
12 ownership provides for individually owned and transferable
13 parking units, "residential property" does not include the
14 parking unit of a specified residential condominium unit
15 unless the parking unit is included in the legal description
16 of the property against which the mechanics lien is recorded.

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

1 offices.

2 (d) Notice of Expired Lien. If a recorder determines,
3 after review by legal staff or counsel, that a mechanics lien
4 recorded in the grantor's index or the grantee's index is an
5 expired lien, the recorder shall serve a Notice of Expired
6 Lien by certified mail to the last known address of the owner.
7 The owner or legal representative of the owner of the
8 residential property shall confirm in writing the owner's or
9 legal representative's ~~his or her~~ belief that the lien is not
10 involved in pending litigation and, if there is no pending
11 litigation, as verified and confirmed by county court records,
12 the owner may request that the recorder proceed with a
13 referral or serve a Demand to Commence Suit.

14 For the purposes of this Section, a recorder shall
15 determine if a lien is an expired lien. A lien is expired if a
16 suit to enforce the lien has not been commenced or a
17 counterclaim has not been filed by the lienholder within 2
18 years after the completion date of the contract as specified
19 in the recorded mechanics lien. The 2-year period shall be
20 increased to the extent that an automatic stay under Section
21 362(a) of the United States Bankruptcy Code stays a suit or
22 counterclaim to foreclose the lien. If a work completion date
23 is not specified in the recorded lien, then the work
24 completion date is the date of recording of the mechanics
25 lien.

26 (e) Demand to Commence Suit. Upon receipt of an owner's

1 confirmation that the lien is not involved in pending
2 litigation and a request for the recorder to serve a Demand to
3 Commence Suit, the recorder shall serve a Demand to Commence
4 Suit on the lienholder of the expired lien as provided in
5 Section 34 of the Mechanics Lien Act. A recorder may request
6 that the Secretary of State assist in providing registered
7 agent information or obtain information from the Secretary of
8 State's registered business database when the recorder seeks
9 to serve a Demand to Commence suit on the lienholder. Upon
10 request, the Secretary of State, or the Secretary of State's
11 ~~his or her~~ designee, shall provide the last known address or
12 registered agent information for a lienholder who is
13 incorporated or doing business in the State. The recorder must
14 record a copy of the Demand to Commence suit in the grantor's
15 index or the grantee's index identifying the mechanics lien
16 and include the corresponding document number and the date of
17 demand. The recorder may, at the recorder's ~~his or her~~
18 discretion, notify the Secretary of State regarding a Demand
19 to Commence suit determined to involve a company, corporation,
20 or business registered with that office.

21 When the lienholder commences a suit or files an answer
22 within 30 days or the lienholder records a release of lien with
23 the county recorder as required by subsection (a) of Section
24 34 of the Mechanics Lien Act, then the demand and referral
25 process is completed for the recorder for that property. If
26 service under this Section is responded to consistent with

1 Section 34 of the Mechanics Lien Act, the recorder may not
2 proceed under subsection (f). If no response is received
3 consistent with Section 34 of the Mechanics Lien Act, the
4 recorder may proceed under subsection (f).

5 (f) Referral. Upon receipt of an owner's confirmation that
6 the lien is not involved in pending litigation and a request
7 for the recorder to proceed with a referral, the recorder
8 shall: (i) file the Notice of Referral with the county's code
9 hearing unit; (ii) identify and notify the lienholder by
10 telephone, if available, of the referral and send a copy of the
11 Notice of Referral by certified mail to the lienholder using
12 information included in the recorded mechanics lien or the
13 last known address or registered agent received from the
14 Secretary of State or obtained from the Secretary of State's
15 registered business database; (iii) send a copy of the Notice
16 of Referral by mail to the physical address of the property
17 owner associated with the lien; and (iv) record a copy of the
18 Notice of Referral in the grantor's index or the grantee's
19 index identifying the mechanics lien and include the
20 corresponding document number. The Notice of Referral shall
21 clearly identify the person, persons, or entity believed to be
22 the owner, assignee, successor, or beneficiary of the lien.
23 The recorder may, at the recorder's ~~his or her~~ discretion,
24 notify the Secretary of State regarding a referral determined
25 to involve a company, corporation, or business registered with
26 that office.

1 No earlier than 30 business days after the date the
2 lienholder is required to respond to a Demand to Commence Suit
3 under Section 34 of the Mechanics Lien Act, the code hearing
4 unit shall schedule a hearing to occur at least 30 days after
5 sending notice of the date of hearing. Notice of the hearing
6 shall be provided by the county recorder, by and through the
7 recorder's ~~his or her~~ representative, to the filer, or the
8 party represented by the filer, of the expired lien, the legal
9 representative of the recorder of deeds who referred the case,
10 and the last owner of record, as identified in the Notice of
11 Referral.

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

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

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

6 A lienholder or property owner may remove the action from
7 the code hearing unit to the circuit court as provided in
8 subsection (i).

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

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

24 (i) Private actions; use of demand and referral process.
25 Nothing in this Section precludes a private right of action by
26 any party with an interest in the property affected by the

1 mechanics lien or a decision by the code hearing unit. Nothing
2 in this Section requires a person or entity who may have a
3 mechanics lien recorded against the person's or entity's ~~his~~
4 ~~or her~~ property to use the mechanics lien demand and referral
5 process created by this Section.

6 A lienholder or property owner may remove a matter in the
7 referral process to the circuit court at any time prior to the
8 final decision of the administrative law judge by delivering a
9 certified notice of the suit filed in the circuit court to the
10 administrative law judge. Upon receipt of the certified
11 notice, the administrative law judge shall dismiss the matter
12 without prejudice. If the matter is dismissed due to removal,
13 then the demand and referral process is completed for the
14 recorder for that property. If the circuit court dismisses the
15 removed matter without deciding on whether the lien is expired
16 and without prejudice, the recorder may reinstitute the demand
17 and referral process under subsection (d).

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

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

20 (55 ILCS 5/3-5011) (from Ch. 34, par. 3-5011)

21 Sec. 3-5011. Office to remain open during bank holiday.
22 Whenever an emergency exists which involves the banking or
23 credit structure within the State of Illinois, and which is
24 recognized by a proclamation by the Governor or by an act or
25 resolution of the General Assembly, and by such proclamation

1 of the Governor a public holiday has been or shall be declared,
2 the proclamation of such public holiday shall not require the
3 recorder or registrar of titles in any county in this State to
4 close the recorder's or registrar's ~~his~~ office, but every such
5 recorder or registrar of titles shall continue to keep the
6 recorder's or registrar's ~~his~~ office open and to operate in
7 the same manner as though no such public holiday had been
8 declared, unless in and by such proclamation the Governor of
9 this State shall make specific reference to the closing of
10 recorders' or registrars' offices in this State. The actions
11 of any recorder or registrar of titles performed prior to May
12 26, 1933 and during the continuance of any such holiday, are
13 validated.

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

15 (55 ILCS 5/3-5012) (from Ch. 34, par. 3-5012)

16 Sec. 3-5012. Recording and indexing books. Separate books
17 and computer databases may be kept for the recording and
18 indexing of different classes of instruments. Three distinct
19 series of document numbers may be used for recording documents
20 received for recordation, one series of numbers to be preceded
21 by the letter "b" in each case, which series shall be used only
22 for bills of sale of personal property, chattel mortgages and
23 releases, extensions and assignments, thereof, one series of
24 numbers to be preceded by the letter "c" in each case, which
25 series shall be used only for certificates of discharge of

1 discharged members of the military, aviation and naval forces
2 of the United States, and the other series of document numbers
3 shall be used for all other instruments received for
4 recordation. When three series of document numbers are thus
5 used, a separate place may be provided in the Recorder's
6 office for the receipt of each kind of documents to which such
7 serial numbers apply.

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

9 (55 ILCS 5/3-5013) (from Ch. 34, par. 3-5013)

10 Sec. 3-5013. Transcription or reproduction of written
11 instruments. The recorder, when recording at length
12 instruments in writing in the ~~his or her~~ office, may
13 transcribe the instruments in handwriting or typewriting, make
14 photographic or photostatic reproductions of the instruments,
15 or transcribe the instruments partly in handwriting or
16 typewriting and make photographic or photostatic reproductions
17 of the remaining portions of the instruments. Every document,
18 however, shall be filed in a complete and intelligible manner.
19 The recorder may not accept facsimile or other photographic or
20 photostatic copies of the signatures of parties executing
21 documents without labeling those signatures as copies unless
22 they are digital signatures submitted under federal or State
23 law. When photographic or photostatic reproductions are used,
24 the recorder shall first be satisfied that the reproductions
25 are as lasting and durable as handwritten or typewritten

1 copies. The reproductions may ~~shall~~ be upon sheets bound
2 together in well bound books or placed in books that are
3 permanently locked so that the sheets cannot be tampered with
4 or removed. When instruments are reproduced by
5 microphotography, digital scanning, or ~~otherwise~~ reproduced on
6 film as provided in this Section the reproduction thus made
7 shall be deemed the record for all purposes.

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

9 (55 ILCS 5/3-5014) (from Ch. 34, par. 3-5014)

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

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

25 The recorder may destroy any instrument filed but not

1 recorded in the manner hereinabove provided, one year after
2 the maturity thereof as stated therein; except, no such
3 instrument may be destroyed until one year after the maturity
4 of the last extension thereof filed in the recorder's office.

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

6 (55 ILCS 5/3-5015) (from Ch. 34, par. 3-5015)

7 Sec. 3-5015. Certificates of discharge or release from
8 active duty. Certificates of discharge or MEMBER-4 copy of
9 certificate of release or discharge from active duty of
10 honorably discharged or separated members of the military,
11 aviation and naval forces of the United States shall be
12 recorded by each recorder, free of charge, in a separate book
13 or computer database which shall be kept for the purpose. The
14 recorder in counties of over 500,000 population shall as soon
15 as practicable after the recording of the original discharge
16 certificate or MEMBER-4 copy of certificate of release or
17 discharge from active duty, deliver to each of the persons
18 named in the discharge certificate or MEMBER-4 copy of
19 certificate of release or discharge from active duty, or the
20 person's ~~his~~ agent, one certified copy of the person's ~~his~~
21 discharge certificate or MEMBER-4 copy of certificate of
22 release or discharge from active duty without charge.
23 Additional certified copies shall be furnished by the recorder
24 upon the payment to the recorder of a fee of \$1.25, payable in
25 advance, for each such additional certified copy. The recorder

1 may waive the fee for reasonable requests for additional
2 copies if the recorder deems collecting the fee to be a burden
3 to the county, but only if the fee is waived for all reasonable
4 requests for additional copies under this Section.

5 Upon the delivery of the certificate of discharge or
6 MEMBER-4 copy of certificate of release or discharge from
7 active duty after the recordation thereof is completed, and
8 the delivery of one certified copy thereof to the person named
9 in the discharge certificate or MEMBER-4 copy of certificate
10 of release or discharge from active duty or the person's ~~his~~
11 agent, the receipt theretofore issued by the recorder, or a
12 copy thereof shall be surrendered to the recorder, with a
13 signed statement acknowledging the receipt of the discharge
14 certificate or MEMBER-4 copy of certificate of release or
15 discharge from active duty and the certified copy thereof.

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

21 A military discharge form (DD-214) or any other
22 certificate of discharge or release from active duty document
23 that was issued by the United States government or any state
24 government in reference to those who served with an active or
25 inactive military reserve unit or National Guard force and
26 that was recorded by a County Clerk or Recorder of Deeds is not

1 subject to public inspection, enjoying all the protection
2 covered by the federal Privacy Act of 1974 or any other privacy
3 law. These documents shall be accessible only to the person
4 named in the document, the named person's dependents, the
5 county veterans' service officer, representatives of the
6 Department of Veterans' Affairs, or any person with written
7 authorization from the named person or the named person's
8 dependents. Notwithstanding any other provision in this
9 paragraph, these documents shall be made available for public
10 inspection and copying in accordance with the archival
11 schedule adopted by the National Archives and Records
12 Administration and subject to redaction of information that is
13 considered private under the Illinois Freedom of Information
14 Act, the federal Freedom of Information Act, and the federal
15 Privacy Act.

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

17 (55 ILCS 5/3-5016) (from Ch. 34, par. 3-5016)

18 Sec. 3-5016. Quarters; office hours. Every recorder
19 ~~Recorder~~ shall keep the recorder's ~~his~~ office at the
20 courthouse of the county for which the recorder was elected ~~he~~
21 ~~is~~ recorder, or in counties of the second or third class in
22 some other suitable building provided at the county seat by
23 the county for which the person was elected ~~he is recorder~~ and
24 shall keep the ~~his~~ office open except as hereinafter provided
25 and attend to the duties thereof in counties of the first and

1 second classes from 8 o'clock A.M. to 5 o'clock P.M. of each
2 working day, except Saturday and Sunday, and in counties of
3 the third class from 9 o'clock A.M. to 5 o'clock P.M. of each
4 working day, except Saturday and Sunday. ~~The, and except in~~
5 ~~each county of all classes such days as under any law are or~~
6 ~~may be legal holidays in any part of the county, as regards the~~
7 ~~presenting for payment, acceptance, maturity, protesting, or~~
8 ~~giving notice of the dishonor of bills of exchange, bank~~
9 ~~checks, promissory notes, or other negotiable or commercial~~
10 ~~paper or instruments: Provided, however, that the hours of~~
11 opening and closing of the office of the recorder ~~Recorder~~ may
12 be changed and otherwise fixed and determined by the county
13 board of any county. Any such action taken by the county board
14 shall be by an appropriate resolution passed at a regular
15 meeting. The office of the recorder shall accept instruments
16 for recordation at all times during which the office is open.

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

18 (55 ILCS 5/3-5018.2 new)

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

21 (a) The fees of the recorder in counties of the first and
22 second class for recording deeds or other instruments in
23 writing and maps of plats of additions, subdivisions, or
24 otherwise and for certifying copies of records shall be paid
25 in advance and shall conform to this Section. The fees or

1 surcharges shall not, unless otherwise provided in this
2 Section, be based on the individual attributes of a document
3 to be recorded, including, but not limited to, page count;
4 number, length, or type of legal descriptions; number of tax
5 identification or other parcel-identifying code numbers;
6 number of common addresses; number of references contained as
7 to other recorded documents or document numbers; or any other
8 individual attribute of the document. The fees charged under
9 this Section shall be inclusive of all county and State fees
10 that the county may elect or is required to impose or adjust,
11 including, but not limited to, GIS fees, automation fees,
12 document storage fees, and the Rental Housing Support Program
13 State and county surcharges.

14 (b) A county of the first or second class shall adopt and
15 implement, by ordinance or resolution, a predictable fee
16 schedule as provided in subsection (c) that eliminates
17 surcharges or fees based on the individual attributes of a
18 document to be recorded. If a county has previously adopted an
19 ordinance or resolution adopting a predictable fee schedule,
20 the county must adopt an ordinance or resolution revising that
21 predictable fee schedule to be consistent with this Section.
22 After a document class predictable fee is approved by a county
23 board consistent with this Section, the county board may, by
24 ordinance or resolution, increase the document class
25 predictable fee and collect the increased fees if the
26 established fees are not sufficient to cover the costs of

1 providing the services related to the document class for which
2 the fee is to be increased.

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

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

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

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

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

18 (1) Deeds. The aggregate fee for recording deeds shall
19 not be less than \$31 (being a minimum \$13 county fee plus
20 \$18 for the Rental Housing Support Program State
21 surcharge). Inclusion of language in the deed as to any
22 restriction; covenant; lien; oil, gas, or other mineral
23 interest; easement; lease; or a mortgage shall not alter
24 the classification of a document as a deed.

25 (2) Leases, lease amendments, and similar transfer of
26 interest documents. The aggregate fee for recording

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

5 (3) Mortgages. The aggregate fee for recording
6 mortgages, including assignments, extensions, amendments,
7 subordinations, and mortgage releases shall not be less
8 than \$31 (being a minimum \$13 county fee plus \$18 for the
9 Rental Housing Support Program State surcharge).

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

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

23 (A) The document shall consist of one or more
24 individual sheets measuring 8.5 inches by 11 inches,
25 not permanently bound, and not a continuous form.
26 Graphic displays accompanying a document to be

1 recorded that measure up to 11 inches by 17 inches
2 shall be recorded without charging an additional fee.

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

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

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

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

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

24 (6) Blanket recordings. For any document that makes
25 specific reference to more than 5 tax parcels or property
26 identification numbers, or makes reference to 5 or more

1 document numbers, the aggregate fee shall be not less than
2 \$31 (being a minimum \$13 county fee plus \$18 for the Rental
3 Housing Support Program State surcharge). A county may
4 adopt by ordinance and publish with its fee schedule an
5 additional fee or formula for each parcel, property
6 identification number, or document reference, above 5,
7 contained in an accepted document.

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

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

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

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

22 (2) a State lien or a federal lien.

23 Notwithstanding any other provision in this Section: (i)
24 the maximum fee that may be collected from the Department of
25 Revenue for filing or indexing a lien, certificate of lien
26 release or subordination, or any other type of notice or other

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

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

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

22 (g) As provided under subsection (c), the recorder shall
23 collect an \$18 Rental Housing Support Program State surcharge
24 for the recordation of any real estate-related document.
25 Payment of the Rental Housing Support Program State surcharge
26 shall be evidenced by a receipt that shall be marked upon or

1 otherwise affixed to the real estate-related document by the
2 recorder. The form of this receipt shall be prescribed by the
3 Department of Revenue and the receipts shall be issued by the
4 Department of Revenue to each county recorder.

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

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

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

22 (55 ILCS 5/3-5019) (from Ch. 34, par. 3-5019)

23 Sec. 3-5019. Monthly list of conveyances. Immediately
24 following each calendar month, the recorder, in counties with
25 less than 1,000,000 inhabitants shall, upon their request,

1 transmit copies of all documents, plats and deeds conveying
2 real property to the county clerk, the county treasurer, the
3 tax map department, the supervisor of assessments and the
4 township assessor for which the office ~~he~~ shall be paid by the
5 county the usual and customary fee charged by the recorder for
6 furnishing such documents.

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

8 (55 ILCS 5/3-5020) (from Ch. 34, par. 3-5020)

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

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

15 (b) In counties with 3,000,000 or more inhabitants, the
16 county recorder shall not accept for filing any deed or
17 assignment of beneficial interest in a land trust in a
18 transaction which is exempt from filing a real estate transfer
19 declaration under the provisions of Section 4 of the Real
20 Estate Transfer Tax Act, unless the deed or assignment of a
21 beneficial interest is accompanied by,

22 (1) a sworn or affirmed statement executed by the
23 grantor or the grantor's ~~his~~ agent stating that, to the
24 best of the grantor's or the grantor's agent's ~~his~~
25 knowledge, the name of the grantee shown on the deed or

1 assignment of beneficial interest in a land trust is
2 either a natural person, an Illinois Corporation or
3 foreign corporation authorized to do business or acquire
4 and hold title to real estate in Illinois, a partnership
5 authorized to do business or acquire and hold title to
6 real estate in Illinois, or other entity recognized as a
7 person and authorized to do business or acquire and hold
8 title to real estate under the laws of the State of
9 Illinois, and

10 (2) a sworn or affirmed statement executed by the
11 grantee or the grantee's ~~his~~ agent verifying that the name
12 of the grantee shown on the deed or assignment of
13 beneficial interest in a land trust is either a natural
14 person, an Illinois corporation or foreign corporation
15 authorized to do business or acquire and hold title to
16 real estate in Illinois, a partnership authorized to do
17 business or acquire and hold title to real estate in
18 Illinois, or other entity recognized as a person and
19 authorized to do business or acquire and hold title to
20 real estate under the laws of the State of Illinois. Any
21 person who knowingly submits a false statement required
22 under this Section concerning the identity of a grantee is
23 guilty of a Class C misdemeanor. A second or subsequent
24 conviction of such offense is a Class A misdemeanor.

25 (c) In the event that the document of conveyance is a
26 trustee's deed issued under resignation by a land trustee, the

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

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

11 (55 ILCS 5/3-5020.5)

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

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

17 (2) The recorder's document number of any instrument (i)
18 referred to in the instrument being recorded or filed or (ii)
19 relating to the instrument being recorded or filed, such as,
20 without limitation, the recorder's document number of a
21 mortgage when the instrument being recorded or filed is a
22 release of that mortgage.

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

1 being recorded or filed.

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

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

4 Sec. 3-5021. Recording or registering instruments
5 transferring title to real estate or a beneficial interest in
6 real estate subject to a land trust. If any home rule
7 municipality has levied a real estate transfer tax and a
8 certified copy of the ordinance or resolution levying the tax,
9 specifying the rates and the design and denomination of stamps
10 evidencing payment thereof, has been on file with the county
11 recorder for at least 30 days, the recorder of that county may
12 not accept for recording or for registration ~~under "An Act~~
13 ~~concerning land titles", approved May 1, 1897, as amended,~~ any
14 instrument transferring title to real estate in that
15 municipality, or the beneficial interest in real estate in
16 that municipality which is the subject of a land trust, for
17 which revenue stamps are required to be purchased ~~under the~~
18 ~~"Real Estate Transfer Tax Act", approved July 17, 1967, as~~
19 ~~amended,~~ without proof of payment of the municipal real estate
20 transfer tax.

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

22 (55 ILCS 5/3-5024) (from Ch. 34, par. 3-5024)

23 Sec. 3-5024. Certificate of time of filing. When any
24 instrument in writing is recorded in the recorder's office,

1 the recorder shall indorse upon such instrument a certificate
2 of the time (including the hour of the day) when the same was
3 accepted ~~received~~ for recordation (which shall be considered
4 the time of recording the same), and the book and page or
5 document number by and in which the same is recorded. The
6 recorder shall sign the certificate or shall affix the
7 recorder's ~~his~~ facsimile signature thereto. A physical or
8 electronic image of the recorder's stamp satisfies the
9 signature requirement for recorded instruments prior to, on,
10 and after the effective date of this amendatory Act of the
11 102nd General Assembly.

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

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

17 (55 ILCS 5/3-5025) (from Ch. 34, par. 3-5025)

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

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

1 instrument a number corresponding with the number of such
2 entry.

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

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

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

20 5. When required by the county board, an abstract
21 book, which shall show by tracts every conveyance or
22 incumbrance recorded, the date of the instrument, time of
23 filing the same, the book and page where the same is
24 recorded; which book shall be so kept as to show a true
25 chain of title to each tract and the incumbrances thereon,
26 as shown by the records of the his office.

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

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

15 8. An index of all ordinances, petitions, assessment
16 rolls, orders, judgments or other documents filed or
17 recorded in respect of any drainage or special assessment
18 matter sufficient to enable the public to identify all
19 tracts involved therein and to locate all the documents
20 which have been filed or recorded. The recorder may
21 solicit the assistance of the State Records Commission in
22 organizing and indexing these documents.

23 Any recorder may install or contract for the use of a
24 computerized system that will permit automated entry and
25 indexing, alphabetically by document, of instruments filed in
26 the ~~his or her~~ office and that will provide both quick search

1 and retrieval of such entries and hard copy print output,
2 whether on paper, optical disk media, or microfilm, of such
3 entries as indexed. If such a computerized system has been in
4 use in the ~~his or her~~ office for at least 6 months and the
5 recorder determines that it provides accurate and reliable
6 indices that may be stored as permanent records, more quickly
7 and efficiently than the system previously used, the recorder
8 may thereafter discontinue the use of the manual system and
9 use only the computerized system for such indices. In that
10 event, references in this Division to books, records or forms
11 as relate to such indices are intended to encompass and refer
12 to the computer system and all materials and forms directly
13 related to that system and its proper use.

14 This Section is subject to the Local Records Act.

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

16 (55 ILCS 5/3-5029) (from Ch. 34, par. 3-5029)

17 Sec. 3-5029. Map, plat or subdivision of land; penalty. No
18 person shall offer or present for recording or record any map,
19 plat or subdivision of land situated in any incorporated city,
20 town or village, nor within 1 1/2 miles of the corporate limits
21 of any incorporated city, town or village which has adopted a
22 city plan and is exercising the special powers authorized by
23 Division 12 of Article 11 of the Illinois Municipal Code, as
24 now or hereafter amended, and not included in any municipality
25 unless the map, plat or subdivision is under the seal of a

1 registered Illinois land surveyor and unless it is entitled to
2 record as provided in Sections 11-15-1 and 11-12-3 of the
3 Illinois Municipal Code, as now or hereafter amended. Any map,
4 plat or subdivision of land presented for recording shall have
5 attached thereto or endorsed thereon the Certificate of an
6 Illinois Registered Land Surveyor that the land is or is not
7 within any incorporated city, town or village, nor within 1
8 1/2 miles of the corporate limits of any incorporated city,
9 town or village which has adopted a city plan and is exercising
10 the special powers authorized by Division 12 of Article 11 of
11 the Illinois Municipal Code, as now or hereafter amended, and
12 not included in any municipality. No person shall offer or
13 present for recording or record any subdivision plat of any
14 lands bordering on or including any public waters of the State
15 in which the State of Illinois has any property rights or
16 property interests, unless such subdivision plat is under the
17 seal of a registered Illinois Land Surveyor and is approved by
18 the Department of Natural Resources, nor shall any person
19 offer or present for recording or record any map, plat or
20 subdivision of lands, without indicating whether any part of
21 which as shown on the map, plat or subdivision is located
22 within a special flood hazard area as identified by the
23 Federal Emergency Management Agency nor shall any person offer
24 or present for recording or record any map, plat or
25 subdivision of land situated outside any incorporated city,
26 town or village unless the map, plat or subdivision is under

1 the seal of a registered Illinois land surveyor, and unless it
2 is entitled to record as provided in Section 5-1045, however,
3 the provisions of this Section shall not apply to any street or
4 highway survey map or plat. Any person who records, or who
5 offers or presents for recording, which offer or presentation
6 results in a recording of, any map, plat or subdivision of land
7 which the person ~~he~~ knows to be in violation of this Section
8 shall pay to the county the sum of \$1,000 ~~\$200~~, to be recovered
9 in the circuit court, in the name of the state, for the use of
10 the county, with costs of suit.

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

12 (55 ILCS 5/3-5031) (from Ch. 34, par. 3-5031)

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

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

19 (55 ILCS 5/3-5033) (from Ch. 34, par. 3-5033)

20 Sec. 3-5033. County to furnish books, equipment and
21 supplies. The county board of each county shall from time to
22 time, as may be necessary, provide the recorder of such county
23 with well-bound and properly ruled books, and where
24 photostating, optical disk storage, or microfilming is used,

1 the recorder shall likewise be furnished all such equipment
2 (such as computers, printers, and scanners) and supplies
3 necessary to the execution of the duties of the ~~his~~ office.
4 They may procure books of printed forms to be filled up in the
5 recording of any instrument, when the same may be done without
6 interlineation or erasure, and shall in all cases, when
7 practicable, procure the necessary index and abstract books
8 with printed headings. The cost of such books, equipment and
9 supplies shall be chargeable against the surplus fees of the
10 office, or paid by the county.

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

12 (55 ILCS 5/3-5036.5)

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

15 (a) The recorder ~~Recorder~~ shall exchange with the
16 Department of Healthcare and Family Services information that
17 may be necessary for the enforcement of child support orders
18 entered pursuant to the Illinois Public Aid Code, the Illinois
19 Marriage and Dissolution of Marriage Act, ~~the Non-Support of~~
20 ~~Spouse and Children Act,~~ the Non-Support Punishment Act, ~~the~~
21 ~~Revised Uniform Reciprocal Enforcement of Support Act,~~ the
22 Uniform Interstate Family Support Act, ~~the Illinois Parentage~~
23 ~~Act of 1984,~~ or the Illinois Parentage Act of 2015.

24 (b) Notwithstanding any provisions in this Code to the
25 contrary, the recorder ~~Recorder~~ shall not be liable to any

1 person for any disclosure of information to the Department of
2 Healthcare and Family Services ~~(formerly Illinois Department~~
3 ~~of Public Aid)~~ under subsection (a) or for any other action
4 taken in good faith to comply with the requirements of
5 subsection (a).

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

7 (55 ILCS 5/3-5037) (from Ch. 34, par. 3-5037)

8 Sec. 3-5037. Instruments to be re-recorded; fee; penalty.
9 In all cases where the records of any county have been or shall
10 hereafter be destroyed by fire or other casualty, it shall be
11 the duty of the recorder of such county to re-record all deeds,
12 mortgages or other instruments in writing which may have been
13 recorded or filed for record prior to the destruction of such
14 records, together with the certificates of such original
15 recording, that may be filed in the ~~his~~ office for
16 re-recording; and the recorder may charge and receive, as a
17 fee for re-recording such deeds, mortgages and other
18 instruments aforesaid, and the certificate of such recording,
19 5¢ for each 100 words or fractions thereof, and no more; and
20 any recorder who shall charge a greater fee than the
21 foregoing, or who shall refuse to re-record such instruments
22 in writing, for the fee aforesaid, shall be deemed guilty of
23 malfeasance in office, and subject to all the penalties
24 prescribed by law for such offense.

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

1 (55 ILCS 5/3-5038) (from Ch. 34, par. 3-5038)

2 Sec. 3-5038. Judgment dockets. In all counties where a
3 recorder is elected in which the recorder has heretofore been,
4 or shall hereafter be required by the county board to keep
5 abstract books showing by tract every conveyance or
6 incumbrance recorded, the date of the instrument, the time of
7 filing same, the book and page where the same is recorded, and
8 showing a true chain of title to each tract and the
9 incumbrances thereon, as shown by the records of the ~~his~~
10 office, such recorder shall ~~and he is hereby authorized to~~
11 keep judgment dockets and indexes thereto, showing all
12 judicial proceedings affecting title to real estate in such
13 county, tax sale books with indexes thereto, showing sales or
14 forfeitures of all lands in the county for unpaid taxes and
15 assessments, and such other books as are usual or necessary to
16 be kept for the purpose of making complete abstracts of title
17 to real estate; and the county board shall furnish such
18 recorder with the necessary rooms, books, stationery, fuel and
19 lights for the purposes herein set forth: Provided, that
20 nothing in this Division shall be construed to empower the
21 recorder to prevent the public from examining and taking
22 memoranda from all records and instruments filed for record,
23 indexes and other books in the recorder's ~~his~~ official
24 custody, but it shall be the recorder's ~~his~~ duty at all times,
25 when the ~~his~~ office is or is required by law to be open, to

1 allow all persons without fee or reward to examine and take
2 memoranda from the same. This Section is subject to the
3 provisions of the ~~"The Local Records Act"~~.

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

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

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

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

13 (55 ILCS 5/4-12002.3 new)

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

16 (a) The fees of the recorder in counties of the third class
17 for recording deeds or other instruments in writing and maps
18 of plats of additions, subdivisions, or otherwise and for
19 certifying copies of records shall be paid in advance and
20 shall conform to this Section. The fees or surcharges shall
21 not, unless otherwise provided in this Section, be based on
22 the individual attributes of a document to be recorded,
23 including, but not limited to, page count; number, length, or
24 type of legal descriptions; number of tax identification or

1 other parcel-identifying code numbers; number of common
2 addresses; number of references contained as to other recorded
3 documents or document numbers; or any other individual
4 attribute of the document. The fees charged under this Section
5 shall be inclusive of all county and State fees that the county
6 may elect or is required to impose or adjust, including, but
7 not limited to, GIS fees, automation fees, document storage
8 fees, and the Rental Housing Support Program State and county
9 surcharges.

10 (b) A county of the third class shall adopt and implement,
11 by ordinance or resolution, a predictable fee schedule as
12 provided in subsection (c) that eliminates surcharges or fees
13 based on the individual attributes of a document to be
14 recorded. If a county has previously adopted an ordinance or
15 resolution adopting a predictable fee schedule, the county
16 must adopt an ordinance or resolution revising that
17 predictable fee schedule to be consistent with this Section.
18 After a document class predictable fee is approved by a county
19 board consistent with this Section, the county board may, by
20 ordinance or resolution, increase the document class
21 predictable fee and collect the increased fees if the
22 established fees are not sufficient to cover the costs of
23 providing the services related to the document class for which
24 the fee is to be increased.

25 For the purposes of the fee charged, the ordinance or
26 resolution shall divide documents into the classifications

1 specified in subsection (c), and shall establish a single,
2 all-inclusive county and State-imposed aggregate predictable
3 fee charged for each classification of document at the time of
4 recording for that document. Each document, unless otherwise
5 provided in this Section, shall fall within one of the
6 document class predictable fee classifications set by
7 subsection (c), and fees for each document class shall be
8 charged only as allowed by this Section.

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

23 Nothing in this Section precludes a county board from
24 adjusting amounts or allocations within a given document class
25 predictable fee when the document class predictable fee is not
26 increased or precludes an alternate predictable fee schedule

1 for electronic recording within each of the classifications
2 under subsection (c).

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

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

14 (1) Deeds. The aggregate fee for recording deeds shall
15 not be less than \$39 (being a minimum \$21 county fee plus
16 \$18 for the Rental Housing Support Program State
17 surcharge). Inclusion of language in the deed as to any
18 restriction; covenant; lien; oil, gas, or other mineral
19 interest; easement; lease; or a mortgage shall not alter
20 the classification of a document as a deed.

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

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

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

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

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

25 (B) The document shall be legibly printed in black
26 ink by hand, type, or computer. Signatures and dates

1 may be in contrasting colors if they will reproduce
2 clearly.

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

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

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

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

20 (6) Blanket recordings. For any document that makes
21 specific reference to more than 5 tax parcels or property
22 identification numbers, or makes reference to 5 or more
23 document numbers, the aggregate fee shall be not less than
24 \$39 (being a minimum \$21 county fee plus \$18 for the Rental
25 Housing Support Program State surcharge). A county may
26 adopt by ordinance and publish with its fee schedule an

1 additional fee or formula for each parcel, property
2 identification number, or document reference, above 5,
3 contained in an accepted document.

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

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

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

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

18 (2) a State lien or a federal lien.

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

1 other type of notice or other documentation affecting or
2 concerning a lien is \$1.

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

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

24 The fees allowed under this subsection apply to all
25 records, regardless of when they were recorded, based on
26 current recording fees. These predictable fees for certified

1 and non-certified copies shall apply to portions of documents
2 and to copies provided in any format, including paper,
3 microfilm, or electronic. A county may adopt a per-line
4 pricing structure for copies of information in database
5 format.

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

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

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

1 the purpose of funding and administering the Rental Housing
2 Support Program.

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

6 (55 ILCS 5/4-12003) (from Ch. 34, par. 4-12003)

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

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

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

19 For filing and entering certificates in case of estrays,
20 and furnishing notices for publication thereof (one charge),
21 \$1.50.

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

25 For certificate and seal, not in a case in a court whereof

1 he is clerk, \$1.

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

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

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

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

21 For computing and extending each assessment or installment
22 thereof and interest, 8¢ on each description; and for
23 computing and extending each penalty, 8¢ on each description.
24 These fees shall be paid by the city, village, or taxing body
25 for whose benefit the transcript is made and the assessment
26 and penalties are extended. The county clerk shall certify to

1 the county collector the amount due from each city, village or
2 taxing body, for such services, and the collector in his
3 settlement with such taxing body shall reserve such amount
4 from the amount payable by him to such city, village or other
5 taxing body.

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

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

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

20 For certificate of deposit for redemption, \$4.

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

25 For preparing from tax search report estimate of and order
26 to county collector to receive amount necessary to redeem or

1 purchase lands or lots forfeited for non-payment of special
2 assessments, \$4 for each lot or tract.

3 For issuing certificate of sale of forfeited property,
4 \$10.

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

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

20 For taking and approving official bond of a town assessor,
21 filing and recording same, and issuing certificate of election
22 or qualification to such official or to the Secretary of
23 State, \$10, to be paid by the officer-elect.

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

26 For tax search and issuing Statement regarding same on new

1 plats to be recorded, \$10.

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

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

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

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

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

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

19 For computing State or county taxes, on each description
20 of real estate and each person's, firm's or corporation's
21 personal property tax, for each extension of each tax, 4¢,
22 which shall include the transcribing of the collector's books.

23 For computing, extending and bringing forward, and adding
24 to the current tax, the amount due for general taxes on lands
25 and lots previously forfeited to the State, for each extension
26 of each tax, 4¢ for the first year, and for computing and

1 extending the tax and penalty for each additional year, 6¢.

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

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

10 For posting new subdivisions or plats in official atlases,
11 25¢ for each lot.

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

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

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

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

20 For recording proceedings of the board of county
21 commissioners, 15¢ per 100 words.

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

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

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

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

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

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

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

12 (55 ILCS 5/3-5017 rep.)

13 (55 ILCS 5/3-5018 rep.)

14 (55 ILCS 5/3-5018.1 rep.)

15 (55 ILCS 5/4-12002 rep.)

16 (55 ILCS 5/4-12002.1 rep.)

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

19 Section 99. Effective date. This Act takes effect January
20 1, 2024."