



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/04/04, by Bill Mitchell

SYNOPSIS AS INTRODUCED:

765 ILCS 905/2 from Ch. 95, par. 52
765 ILCS 935/Act rep.

Amends the Mortgage Act. Removes references to the Mortgage Certificate of Release Act. Repeals the Mortgage Certificate of Release Act. Effective immediately.

LRB093 16208 LCB 41841 b

1 AN ACT concerning mortgages.

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

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

6 (765 ILCS 905/2) (from Ch. 95, par. 52)

7 Sec. 2. Every mortgagee of real property, his assignee of
8 record, or other legal representative, having received full
9 satisfaction and payment of all such sum or sums of money as
10 are really due to him from the mortgagor, and every trustee, or
11 his successor in trust, in a deed of trust in the nature of a
12 mortgage, the notes, bonds or other indebtedness secured
13 thereby having been fully paid before September 7, 1973, shall,
14 at the request of the mortgagor, or grantor in a deed of trust
15 in the nature of a mortgage, his heirs, legal representatives
16 or assigns, in case such mortgage or trust deed has been
17 recorded or registered, make, execute and deliver to the
18 mortgagor or grantor in a deed of trust in the nature of a
19 mortgage, his heirs, legal representatives or assigns, an
20 instrument in writing executed in conformity with the
21 provisions of this section releasing such mortgage or deed of
22 trust in the nature of a mortgage, which release shall be
23 entitled to be recorded or registered and the recorder or
24 registrar upon receipt of such a release and the payment of the
25 recording fee therefor shall record or register the same.

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

1 ~~Except in the case of a mortgage that is required to be~~
2 ~~released under the Mortgage Certificate of Release Act,~~ Every
3 mortgagee of real property, his assignee of record, or other
4 legal representative, having received full satisfaction and
5 payment of all such sum or sums of money as are really due to
6 him from the mortgagor, and every trustee, or his successor in
7 trust, in a deed of trust in the nature of a mortgage, the
8 notes, bonds or other indebtedness secured thereby having been
9 fully paid after September 7, 1973, shall make, execute and
10 deliver to the mortgagor or grantor in a deed of trust in the
11 nature of a mortgage, his heirs, legal representatives or
12 assigns, an instrument in writing releasing such mortgage or
13 deed of trust in the nature of a mortgage or shall deliver that
14 release to the recorder or registrar for recording or
15 registering. If the release is delivered to the mortgagor or
16 grantor, it must have imprinted on its face in bold letters at
17 least 1/4 inch in height the following: "FOR THE PROTECTION OF
18 THE OWNER, THIS RELEASE SHALL BE FILED WITH THE RECORDER OR THE
19 REGISTRAR OF TITLES IN WHOSE OFFICE THE MORTGAGE OR DEED OF
20 TRUST WAS FILED". The recorder, or registrar, upon receipt of
21 such a release and the payment of the recording or registration
22 fee, shall record or register the release. ~~A certificate of~~
23 ~~release issued and recorded by a title insurance company or its~~
24 ~~duly appointed agent pursuant to the Mortgage Certificate of~~
25 ~~Release Act shall satisfy the requirements of this Section 2.~~
26 (Source: P.A. 92-765, eff. 8-6-02; 93-428, eff. 12-31-03.)

27 (765 ILCS 935/Act rep.)

28 Section 10. The Mortgage Certificate of Release Act is
29 repealed.

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.