

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by adding Section  
5 3-5010.7 as follows:

6 (55 ILCS 5/3-5010.7 new)

7 Sec. 3-5010.7. Foreclosure property pilot program.

8 (a) The recorder in a county with a population of more than  
9 3,000,000 shall establish a pilot program that permits  
10 documents to be recorded against a property in foreclosure by  
11 judicial order only.

12 (b) Beginning January 1, 2016, upon motion by the plaintiff  
13 in a foreclosure action, the judge shall issue an order barring  
14 any nonrecord claimants from recording, without approval of the  
15 court, an interest on the property that is the subject of the  
16 foreclosure action. The order shall expire on the date of the  
17 court order confirming the judicial sale of the property  
18 pursuant to a judgment of foreclosure unless renewed by order  
19 of the judge.

20 (c) Upon inspecting the order and making a determination  
21 that the order is valid and prevents any nonrecord claimants  
22 from recording an interest on the property without court  
23 approval, the recorder shall record the court's order as a

1 separate document in the chain of title, after the notice of  
2 foreclosure. It is the responsibility of the plaintiff to  
3 attach any necessary exhibits to fulfill statutory recording  
4 requirements. The recorder may charge the standard and  
5 applicable recording fees at the time the order is presented  
6 for recording.

7 (d) If a court order has been recorded under this Section,  
8 a nonrecord claimant shall not record a document regarding the  
9 property that is the subject of the foreclosure action without  
10 a certified court order. A nonrecord claimant shall obtain a  
11 certified court order by filing a motion in the office of the  
12 clerk of the court in which the action is pending. The court  
13 shall then issue a dated certified order indicating the type of  
14 document to be recorded, the person or entity authorized to  
15 record, the property index number of the property, and the case  
16 number of the foreclosure. The order must be presented in  
17 person to designated staff in the recorder's office along with  
18 the document to be recorded. The recorder shall not accept  
19 recordings subject to this Section by mail or electronic  
20 submission. A unit of government, or any duly appointed persons  
21 or entities acting as agents for a unit of government or  
22 judicial body, shall not be required to obtain a certified  
23 court order in accordance with this subsection in order to  
24 record a document on the property that is the subject of a  
25 foreclosure action.

26 (e) The recorder is authorized to inspect the photo

1 identification of any person attempting to record a document on  
2 a title that is subject to a court order under this Section and  
3 may deny recordation to any person who refuses to provide  
4 proper photo identification.

5 (f) Once the foreclosure is finalized and a new deed is  
6 issued, an official court order must accompany the deed at the  
7 time of recordation.

8 (g) This Section does not apply to a bank or financial  
9 institution that recorded the lis pendens notice of  
10 foreclosure.

11 (h) If a document is recorded contrary to a court's order  
12 and the recorder determines that the recorder's office is  
13 responsible for the error, then the recorder shall record a new  
14 document clearly referencing the document number of the  
15 erroneous recording, indicating that it is invalid. If  
16 feasible, the recorder may watermark the erroneous recording as  
17 invalid.

18 (i) Except in cases of willful or wanton misconduct, the  
19 recorder, or any agent or employee of the recorder, is immune  
20 from any liability under this Section.

21 (j) The program implemented under this amendatory Act of  
22 the 99th General Assembly shall be considered a pilot program  
23 from January 1, 2016 to January 1, 2019. The recorder may end  
24 the pilot program earlier than January 1, 2019 by sending a  
25 certified letter to the Chief Judge of the county if the  
26 recorder determines that either workforce challenges or

1 computer hardware or software limitations have prevented the  
2 effective implementation and operation of the program. The  
3 recorder shall enforce in good faith any frozen title requests  
4 initiated prior to cancelling the pilot program.

5 (k) This Section is repealed on January 1, 2019.