

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 also prohibit the owner of
17 the property from recording any document without judicial
18 approval except for court orders related to the foreclosure
19 case or court orders related to the property that were entered
20 after the effective date of the order prohibiting recordation.
21 The term "nonrecord claimant", for purposes of this Act, has
22 the meaning ascribed to that term in Section 15-1210 of the
23 Code of Civil Procedure. The order shall expire on the date of

1 the court order confirming the judicial sale of the property
2 pursuant to a judgment of foreclosure unless renewed by order
3 of the judge.

4 (c) Upon inspecting the order and making a determination
5 that the order is valid and prevents any nonrecord claimants
6 from recording an interest on the property without court
7 approval, the recorder shall record the court's order as a
8 separate document in the chain of title, after the notice of
9 foreclosure. It is the responsibility of the plaintiff to
10 attach any necessary exhibits to fulfill statutory recording
11 requirements. The recorder may charge the standard and
12 applicable recording fees at the time the order is presented
13 for recording.

14 (d) If a court order has been recorded under this Section,
15 a nonrecord claimant shall not record a document regarding the
16 property that is the subject of the foreclosure action without
17 a certified court order. A nonrecord claimant shall obtain a
18 certified court order by filing a motion in the office of the
19 clerk of the court in which the action is pending. The court
20 shall then issue a dated certified order indicating the type of
21 document to be recorded, the person or entity authorized to
22 record, the property index number of the property, and the case
23 number of the foreclosure. The order must be presented in
24 person to designated staff in the recorder's office along with
25 the document to be recorded. The recorder shall not accept
26 recordings subject to this Section by mail or electronic

1 submission. A mechanics lien claimant, unit of government, or
2 any duly appointed persons or entities acting as agents for a
3 unit of government or judicial body shall not be required to
4 obtain a certified court order in accordance with this
5 subsection in order to record a document on the property that
6 is the subject of a foreclosure action.

7 (e) The recorder is authorized to inspect the photo
8 identification of any person attempting to record a document on
9 a title that is subject to a court order under this Section and
10 may deny recordation to any person who refuses to provide
11 proper photo identification.

12 (f) Once the foreclosure is finalized and a new deed is
13 issued, an official court order confirming the sale must be
14 presented for inspection at the time of recordation of the deed
15 as evidence of the expiration of the order prohibiting
16 recordation.

17 (g) This Section does not apply to a mortgagee or its agent
18 that recorded the lis pendens notice of foreclosure.

19 (h) If a document is recorded contrary to a court's order
20 and the recorder determines that the recorder's office is
21 responsible for the error, the recorder shall notify in writing
22 the person recording the document, if possible, and if after 30
23 days' notice or 30 days after the recording when the recorder
24 is unable to notify the filer and that person fails to obtain
25 the certified order required under subsection (d), the recorder
26 shall then record a new document clearly referencing the

1 document number of the erroneous recording and indicating that
2 it has been voided. If feasible, the recorder shall watermark
3 the erroneous recording as voided using the word "voided".

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

7 (j) The program implemented under this amendatory Act of
8 the 99th General Assembly shall be considered a pilot program
9 from January 1, 2016 to January 1, 2019. The recorder may end
10 the pilot program earlier than January 1, 2019 by sending a
11 certified letter to the Chief Judge of the county if the
12 recorder determines that either workforce challenges or
13 computer hardware or software limitations have prevented the
14 effective implementation and operation of the program. The
15 recorder shall enforce in good faith any frozen title requests
16 initiated prior to cancelling the pilot program.

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