

AN ACT concerning local government.

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

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

(55 ILCS 5/3-5010.7 new)

Sec. 3-5010.7. Foreclosure property pilot program.

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

(b) Beginning January 1, 2016, upon motion by the plaintiff in a foreclosure action, the judge shall issue an order barring any nonrecord claimants from recording, without approval of the court, an interest on the property that is the subject of the foreclosure action. The order shall also prohibit the owner of the property from recording any document without judicial approval except for court orders related to the foreclosure case or court orders related to the property that were entered after the effective date of the order prohibiting recordation. The term "nonrecord claimant", for purposes of this Act, has the meaning ascribed to that term in Section 15-1210 of the Code of Civil Procedure. The order shall expire on the date of

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

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

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

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

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

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

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

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

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

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

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

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