



*Cook County Recorder of Deeds*  
**Karen A. Yarbrough**

**FOR IMMEDIATE RELEASE**

March 11, 2013

**FOR MORE INFORMATION**

John Mirkovic

(312) 590-5013

[John.Mirkovic@CookCountyIL.gov](mailto:John.Mirkovic@CookCountyIL.gov)

**Recorder Yarbrough Unveils Aggressive  
Legislative Agenda to Combat Fraud**

(CHICAGO) - Cook County Recorder of Deeds Karen A. Yarbrough promised the property owners of Cook County that she'd be their chief advocate and she is making good on that promise by authoring three pieces of state legislation to allow the Recorder's Office to fight property fraud.

"I knew coming into this office that the Recorder of Deeds is not empowered to fight fraud, and even worse, is actually required by law to accept documents suspected to be fraudulent," Yarbrough said. "With property and recording fraud being one of the fastest growing white collar crimes in the country, property owners deserve better."

Property or recording fraud happens when a thief files a forged or otherwise fraudulent real estate transfer document with a County Clerk or Recorder, making it appear that the true owner transferred a property to the criminal. While the fraud is usually easily proven in court, it is up to the victim, at their own expense, to seek a court order declaring fraud. Unfortunately, County Recorders are not currently allowed to remove fraudulent documents from a property's chain of title.

Recorder Yarbrough's legislative agenda would empower County Recorders to remove fraudulent documents after an investigation, shifting the onus off the victim and onto the filer to petition the court at their own expense to prove legitimacy. Further, it would provide harsher punishments for those who knowingly try to steal properties by clouding the title as well as extend an important oversight of notaries who certify documents that transfer property.

"People I speak with about property fraud are shocked by how easy it is to steal a home or cloud someone's title," Yarbrough said. "These bills I have put forth will go a long way towards helping property owners avoid the prolonged hassle and cost that is associated with this crime. Trying to steal a person's home is a serious offense, and we owe it to taxpayers to make it harder to do so."

Yarbrough's legislation, summarized below, can be viewed online at the website of the Illinois General Assembly, [ILGA.gov](http://ILGA.gov).

(more)

- **House Bill 2832** – Creates a process, with judicial review, that will allow a Recorder of Deeds to remove a document suspected to be fraudulent from the chain of title. Requires notice to the filer and owner, and provides due process. The legislation identifies several red flags that may identify a fraudulent filing, and allows a Recorder to enter into an intergovernmental agreement with law enforcement agencies or other county officials to investigate and prosecute fraud.
- **House Bill 2905** – Increases the penalty for “unlawful clouding of title” (knowingly filing false claims of ownership or interest) from a misdemeanor to a felony.
- **House Bill 2269** – Extends a provision of the state Notary Act that is about to expire that requires notaries in Cook County to keep and forward a notarial record of each document that transfers ownership of residential real property to the Cook County Recorder’s office. This law helps provide information that could assist law enforcement with investigations into property or recording fraud. It also lets notaries know that these transactions are held to a high standard, and that they should exercise all due care in assuring documents and identification presented to them are legitimate.

###