

## MISCELLANEOUS FAQs

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Topics are organized in alphabetical order, provided for informational purposes only, and not legal advice. Please keep in mind the following key points:

- It is your own responsibility to assure that your document meets the basic recording requirements (which are found on our website and contained in the State Law) and the laws under which you are recording your document.
  - You may be held legally responsible for documents you record at this Office even if they meet the basic recording requirements.
  - You may wish to consult with your own private lawyer should you have any questions about a document (or the document's legality) you want to record or actions that you may take after recording your document.
  - If you are not able to afford your own private attorney, you may wish to approach legal aid clinics in your community to determine if they are able to provide you with any assistance.
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### **Abandoned Housing Rehabilitation Act**

Statute 310 ILCS 5/3-5047 provides for rehabbing abandoned housing. Please consult a private lawyer if you have any questions.

### **Adverse Possession Information**

I want to know about taking over my neighbor's property since I've been using it for years. The Recorder is not able to provide you with advice, but the standards for taking title by adverse possession in Illinois is by way of commencing a Quiet Title suit pursuant to 735 ILCS 5/13-101. In Illinois, the duration of such possession is 7 years when made under payment of taxes and color of title 735 ILCS 5/13-109, and 20 years otherwise. Exception to rule: One cannot acquire title to land via adverse possession to land owned by the state (735 ILCS 1992 5/13-111). Please consult a private lawyer if you have any questions.

### **Aircraft Liens**

I would like to file an aircraft lien, what do I do? The Recorder's Office will not accept any filings related to aircraft liens. FAA Aircraft Registration Branch is the recording office for all aircraft security agreements or liens. For information contact FAA Aircraft Registration Branch at 1-866-762-9434.

### **Acknowledgment or re-acknowledgment of previously recorded deeds**

Can I record an acknowledgment or re-acknowledgment of a deed? You should check with your own private lawyer prior to recording this type of document. If a document has been previously recorded, and customer is seeking to attach a page or affidavit or certificate regarding *acknowledge or re-acknowledgment of previously recorded deed*, see section titled **Re-Recording of Documents**, below.

### **Alloidal Title, Affidavits of Truth, Express Trust, Non Abandonment of property**

My property is being foreclosed on and I want to record an Alloidal Title, Affidavits of Truth, Express Trust, or Non Abandonment of property; can I record these types of documents? No. The Recorder's Office does NOT file and will NOT accept for recording documents concerning alloidal title or affidavits of truth or express trusts, or Non Abandonment of property, as such are not governed by the Illinois Compiled Statutes and not applicable to the Recorders Act.

### **Annexations (Applicable to Plats filed by government bodies)**

I work for Town of John Doe Municipality and want to record the annexation without the ordinance, can I? Generally speaking the statutes relating to annexations contain language that calls for recording the ordinance and annexation together. Compliance with state laws falls on the party recording a document who may choose to record these documents seperatly. The municipality's representative may be required to sign off "recorded at customer's request" or similar.

### **Assumed Names**

I am forming a business and I want to use an assumed (made up) name, can I do that at the Recorder's Office? No. Assumed Names, sole proprietorship, and business registration is filed only with the county clerk, and is not recorded with the Recorder's Office. The Recorder's Office will not accept recordation of the forgoing matters.

### **Bankruptcy**

Removing your name from the deed after bankruptcy – Please note that while a bankruptcy does not remove your name from a deed, it might prevent a lender from taking a deficiency judgement against you if the lender completes property foreclosure. For details, contact your bankruptcy lawyer.

### **Birth and Birth Certificates**

I was born in a foreign country and would like to get my birth certificate certified or recorded at the Recorder's Office. Please note that the Recorder's Office does NOT file, certify, or authenticate birth certificates, live birth records, or foreign birth certificates. For additional copies of a birth document contact directly the specific agency or entity that issued that record.

### **Boundary Line Disputes (with neighbors/survey issues)**

My neighbor has encroached on my property and I want to know where the boundary line is. Unfortunately, the Recorder's Office library is unable to assist in boundary line disputes between neighbors. You might try reaching out to your city or village building department directly regarding boundaries, but most likely you will need to obtain the services of a private lawyer and/or professional surveyor.

### **Cemetery Deed**

My parents recently passed away, but they told me a while back that they had purchased cemetery plots, can you help me find the plots? Unfortunately, no. Under the Cemetery Oversight Act 225 ILCS 411, the responsibility for maintaining ownership records, transfers, burials, etc., belongs to the Cemetery a/k/a Cemetery Authority that owns/manages the cemetery land. The Cemetery Authority should provide specific and unique quit claim or certificate of ownership form that is used for their specific cemetery grounds, and once completed are retained by the Cemetery. Basically, an Illinois quit claim deed is used to transfer real estate and requires legal description and property tax numbers, which plots do NOT have. While there may be sales tax for the sale of the plots, the Certificate of

Ownership documents aren't filed with the County Recorder of Deeds. For additional information, contact Illinois Cemetery Oversight Department at 1-888-756-8331.

### **Chicago Alley/Sidewalk Paving Liens**

The City repaved the sidewalk in front of the house, is there a lien? The lien for cement paving is from the City of Chicago Department of Transportation. For obtaining a release contact as follows: Transportation Dept. 312-744-4996 or 7189.

### **Condominium Documents**

I recently got elected to my condominium board and need help with filing some documents. The Recorder's Office cannot assist you with what to file. The following statutes govern routine condominium documents, please consult a lawyer when preparing:

- 765 ILCS 605/31 Subdivision or combination of units
- 765 ILCS 605/16 Removal from provisions of this Act
- 765 ILCS 605/17 Amendments to the declarations or bylaws
- 765 ILCS 605/9 Sharing of expenses – Lien for nonpayment

### **Contracts**

I entered into a "contract for deed", can I record this document? Yes, but you may wish to seek your own lawyer's advice before proceeding. For the purpose of recording the document, your document must meet all of the recording requirements (the document has to have the property tax number, address, legal description and preparer's name and address, with signatures/notary. For recording you must provide the original plus one copy. Contracts types include but are not limited to Installment Agreements 765 ILCS 67/20, Dwelling Unit Installment Contracts 765 ILCS 75/1 and Real estate/conveyances act 765 ILCS 5/28, etc.

### **Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act**

I live in a mobile home and am wondering about my deed. Please refer to statute 765 ILCS 170/5 which provides that manufactured homes (mobile homes) outside of mobile home parks be treated as real estate if affixed or to be affixed to real property and all requirements of statute complied with, including certain recording requirements. The statute also provides the procedure for reverting to vehicle-status again (35 ILCS 515/4 taxes). Please consult a private lawyer if you have any questions.

### **Co-op Property (residential)**

I live in a co-op and have questions about my ownership. You should consult with the lawyer/broker who assisted you with the co-op. Please note that co-op ownership (share of stock in residential corporation) is usually not documented by any deed. However, examples of co-op ownership recorded can include but are not limited to the following:

- leasehold agreement
- share of stock
- facsimile assignment
- PTAX-NR

### **Copyright**

Can I record a copyright and/or trademark? No. The Recorder's Office does NOT file and will NOT accept for recording documents concerning copyright or trademark claims, or documents creating copyrights or trademarks. Copyrights and trademarks are a Federal Law matter and are not a local county matter.

### **Corporations**

How do I record business forms from the Illinois Secretary of State? Effective January 1, 2011 (PA 96-1121), filings under the Business Corporation Act no longer need to be recorded. (Please note that Insurance Corporations 215 ILCS 5/19, Credit Union Corporations 205 ILCS 305/2, and cemetery articles of inc 805 ILCCS 320/2, etc., medical corp shareholder disclosure 805 ILCS 15/4, Financial Institution resolution 205 ILCS 630/17, etc. are still recorded in the Recorder's Office, as well as Religious Corporations 805 ILCS 110.)

### **Court Orders and Reforming the Chain of Title**

I have a court order voiding a title that was fraudulently recorded on my PIN, what do I do? Please note that the voided title will not be removed from your chain of title. However, you may record the court order against your PIN. Please make sure you submit the court order that has an original circuit court clerk certification. Your recorded document must also meet the basic recording requirements which may require you to create a cover sheet that includes the PIN and Legal Description.

### **Deceased joint/surviving tenant**

I have property in Joint Tenancy with my parents who just passed away, now what? The Recorder cannot provide you with legal advice. Generally speaking, where the property owners held property jointly in Joint Tenancy (or tenancy by entirety), i.e., "joint tenancy with right of survivor-ship" the surviving joint owner need do nothing at all, as ownership transfers automatically on death by operation of law in Illinois. But sometimes the surviving co-owner on title wishes to record a form known as Deceased Joint Tenant Affidavit or Surviving Tenant Affidavit, which simply updates the property history as to the death of the joint owner. The document is recorded separately, with certified death certificate attached.

<http://cookrecorder.com/wp-content/uploads/2013/02/Surviving-TenantAffidavit-AKA-Deceased-Joint-Tenancy-Affidavit-Fillable-PDF.pdf>

### **Declaration of Nationality**

I want to declare that I am a sovereign citizen, a citizen of a nation, or not a citizen of a nation or country, can I record that at your Office? No. The Recorder's Office does NOT file and will NOT accept for recording documents concerning nationality, or declarations of nationality or changes of nationality. Matters of nationality, citizenship and/or treaty are Federal Law matters and are not a local county matter. You may wish to refer your questions to your own private lawyer, country or nation's embassy or consular office.

### **Deed Effective at Time of Recording**

Statute 765 ILCS 5/30 provides that all "deeds, mortgages and other instruments of writing which are authorized to be recorded, shall take effect and be in force from and after the time of filing the same for record, and not before, as to all creditors and subsequent purchasers, without notice; and all such deeds and title papers shall be adjudged void as to all such creditors and subsequent purchasers, without notice, until the same shall be filed for record." Please consult a private lawyer if you have any questions.

### **Deed in Lieu of Foreclosure (See also Mortgage Foreclosure)**

Statute 735 ILCS 5/15-1401 provides for a lender to file deed in lieu of a foreclosure case, but the deed cannot be valid without the lenders acceptance of the deed in lieu. "The mere tender of an executed deed by the mortgagor or the recording of a deed by the mortgagor to the mortgagee shall

not constitute acceptance by the mortgagee of a deed lieu of foreclosure.” Please consult a private lawyer if you have any questions.

**Deeds (In addition to following Basic Recording Requirements)**

City/State/County transfer tax declarations and stamps or transfer tax exemptions (where applicable)

Full name and address of Grantee(s) on deed

Statement grantor/grantee affidavit (exempt transfers and EZDec transfers)

**Disclaimer of Interest**

Disclaimer of interest concerns disclaiming an interest in property received from the property owner through a trust (Trust 760 ILCS 25/1) or through inheritance (Probate 755 ILCS 5/2-7). See Recorder’s forms page for inheritance disclaimer of interest form.

**Divorced**

I got divorced, do I pay real estate transfer tax? That depends in which municipality the property is located in, which means you need to inquire with that local municipality. For the City of Chicago, please take note of the City's Real Property Transfer Tax Ordinance (3-33-060) - exempting divorce transfers.

**Documents Containing Foreign Language**

Note, the Illinois Constitution 5 ILCS 460/20 specifies English as the language of the state. However, certain documents (example foreign notarization of a deed overseas 765 ILCS 5/22, 765 ILCS 5/23) can be recorded without translation into English.. Please consult a private lawyer if you have any questions.

**Driver’s License**

I am a citizen of (whatever country you are from) and want to record a document certifying that I have a driver’s license, can I record that? No. The Recorder’s Office will NOT accept for recording documents concerning or creating any type of driver’s license. You may wish to direct your inquiry regarding driver’s licenses to the Illinois Secretary of State.

**Duplicate mortgage recordings in error, Error recordings of release or assignment of mortgages**

Although the Recorder's Act does not provide for deletion of documents, and does not provide for refund of recording fee, a customer that has filed a duplicate mortgage is welcome to prepare and file a "release of duplicate mortgage recorded in error" and can even add language clarifying that the underlying mortgage was unaffected by this release. If a release or assignment of mortgage is filed in error, the customer that filed the document is welcome to prepare document resolving the error such as a revocation of the release, amended assignment, etc.

**Electronic Signatures**

Recorder’s Office technology does not support electronic signatures. Also, any notarial acts performed in the State of Illinois or by Illinois notaries may only be done via in person, physical presence, of the party signing 5 ILCS 312/6-102(a)

## **Foreclosure List**

Can I get a list of foreclosed properties or properties that are pending foreclosure? No, the Recorder's Office does not sell a list of foreclosures or properties pending foreclosure. Please note that purchasing property is an inherently private party transaction. You, as a private party consumer, should responsibly research, educate yourself and obtain professional advice, see also: <https://www.theatlantic.com/business/archive/2010/02/florida-foreclosure-auction-web-sites-confuse-consumers/36563/>. The Cook County Recorder's Office is merely a place where the resultant documents from a property transaction are recorded and, therefore, it is important to provide the following disclaimer: The Cook County Recorder's Office does NOT endorse any private party website.

## **How do I take my name off property I no longer want? (See also Mortgage Foreclosure and Deed in Lieu of Foreclosure)**

Unfortunately, if you own property, you cannot simply walk away from it. Failure of upkeep, for example not shoveling snow, not mowing the grass, or failure to pay bills like your property tax bill may result in fines, liens, litigation and possibly involuntary loss of your property. There are various ways your name might be removed from property you no longer want which may include: mortgage foreclosure, tax sale for failure to pay property taxes, donation to government or non-government organization (church or not-for-profit) or sale by you. Please consult a lawyer if you have any legal questions or concerns with regards to the disposition of your property.

## **IRS Liens and Releases**

I want to record my IRS lien release/release. Depends. Generally, the IRS will record a lien and any release (case dependant). In limited situations, the IRS may provide you with an official release document that you may record.

## **Illinois Tax Lien Registry Public Act 100-0022**

The state discontinued filing State Income Revenue Liens with the several county recorders of the state, under the law passed 1.1.18. The State still files liens and releases for: IDES (Il Dept of Emp Sec), IHFS (Il Healthcare Fam Serv), and also county property tax deferral liens, etc.

## **Joint Property Ownership**

There are different forms of ownership, each of which have benefits, pitfalls, may effect your heirs and taxes. You should speak to your own private lawyer, possibly a lawyer familiar with estate planning and trusts, to provide you advice on what form of property ownership is best in your situation. There are three major forms of joint property ownership (or "concurrent ownership") -- tenancy in common, joint tenancy, and tenancy by the entirety.

Tenants in common (or co-tenants) each own separately, an equal share of a piece of property.

Joint Tenancy a/k/a joint tenancy with right of survivorship, the deceased person's interest is automatically transferred to the surviving joint tenant. So, in a joint tenancy, the last surviving joint tenant owns all the property outright. The creation of joint tenancy requires four unities, and can be severed by a joint owner transferring interest to another person.

Tenancy by the entirety (spousal co-ownership/marital home). A tenancy by the entirety is similar to a joint tenancy in that if one co-tenant spouse dies, that tenant's interest is automatically transferred

to the surviving spouse. A tenancy by the entirety is also stricter than a joint tenancy in that one person cannot sever or change the tenancy by transferring interest to another person.

For more information you may wish to visit the following website: <https://www.nolo.com/legal-encyclopedia/joint-property-concurrent-ownership-32229.html>

### **Judgments**

For recording a Cook County judgment, the original judge's signature or certified copy of judgment is required. The Recorder's Office indexes under document recording number, grantor/grantee names (using case option), and any property tax number/legal description the customer includes in the document. 735 ILCS 5/12-101 "Lien of judgment. As to real estate included within class two, a judgment is a lien on the real estate of the person against whom it is entered in any county in this State, including the county in which it is entered, only from the time a transcript, certified copy or memorandum of the judgment is filed in the office of the recorder in the county in which the real estate is located."

735 ILCS 5/12-652. Filing and Status of Foreign Judgments.

735 ILCS 5/2-1602. Revival of Judgments.

735 ILCS 5/12-652b. Child support judgment exempt from foreign judgment registration requirements.

Please consult a private lawyer if you have any questions.

### **Labor and Storage Lien Act (personal property)**

You may have a right under 770 ILCS 45/1 to record a lien pursuant to 770 ILCS 45/2 for labor or storage furnished. If you have any questions about how to record your lien and, especially, how to pursue your lien in court, please contact your own private lawyer. If you are defending against a lien, please contact your own private lawyer as well.

What about the airplane that I was working on? Pursuant to FAA regulations, you are required to follow the state's lien laws (recording and timing requirements) in addition to FAA requirements pertaining to aircraft liens. Please review the following website for additional information: [https://www.faa.gov/licenses\\_certificates/aircraft\\_certification/aircraft\\_registry/record\\_aircraft\\_lien/](https://www.faa.gov/licenses_certificates/aircraft_certification/aircraft_registry/record_aircraft_lien/)

### **Landlord-Tenant issues**

I need help, my landlord did (whatever complaint it may be) and I want to file or need help with a complaint! We are very sorry, but the Recorder's Office does not deal with any landlord/tenant matters. If you want to know who owns the property or review the records, you may do so at your convenience at our website. You may wish to contact a private lawyer. If the municipality in which the property is located offers tenant assistance, then you may want to contact them.

### **Land Patents or Federal Land Patents**

I want to record a land patent, or I want to record a land patent with my deed, can I do record it? No. The Recorder's Office does NOT file and will NOT accept for recording, documents concerning Land Patents unless submitted by the United States Government. Land Patents are a Federal Law matter issued by the Federal Government. They are not a local county matter and CANNOT be created or recorded by members of the public.

You may conduct Land Patent Research on the Federal Government Bureau of Land Management's website: <https://glorerecords.blm.gov/>. The BLM website allows you to research: "Homestead Patent, Federal Land Patents, offer researchers a source of information on the initial transfer of land titles from the Federal government to individuals. In addition to verifying title transfer, this information will allow the researcher to associate an individual (Patentee, Assignee, Warrantee, Widow, or Heir) with a specific location (Legal Land Description) and time (Issue Date). We have a variety of Land Patents on our site, including Cash Entry, Homestead and Military Warrant patents. "

### **Leases**

Can I record my lease (could be commercial or residential)? Depends, you may wish to seek your own lawyer's advice before proceeding as there may be contractual and tax consequences for doing so. For the purpose of recording the document, your document must meet all of the recording requirements (the document has to have the property tax number, address, legal description and preparer's name and address, with signatures/notary. For recording you must provide the original plus one copy, you may also want to review the following Illinois State Statute: 765 ILCS 5/28.

### **Maritime Liens**

I want to file a maritime lien against real estate and/or against a person, can I do that at the Recorder's Office? No. The Recorder's Office does NOT file and will NOT accept for recording, documents concerning maritime liens. Maritime liens are generally attached to the entire boat or ship, which may include its equipment, furniture, cargo. The lien is filed with the US National Vessel Documentation Center for the lien to be effective. A preferred ship mortgage is a lien recorded against a vessel document with the U.S. Coast Guard.

### **Marriage**

Please note that the Recorder's Office does NOT file, certify, or authenticate marriage certificates, marriage licenses, or foreign marriage certificates. For additional copies of a marriage document contact directly the specific agency or entity that issued that record. If your marriage occurred overseas, you may wish to contact that nation/country's embassy or consular services.

### **Mechanics Lien**

Mechanics Liens (770 ILCS 60) are a statutory document, having specific legal requirements, including notices and deadlines, and can even lapse or be forfeited, or bonded through court process. The Mechanics Lien form may be obtained from various sources. Example: attorneys, legal form stores, and online legal form stores

Mechanics Liens document requires property tax number, property address, complete legal description and preparer's name and address. STATUTE: Mechanics Lien Act – General Assembly  
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2254&ChapterID=63>

### **Mechanics Lien Disputes**

My contractor and I had a dispute and they recorded a mechanic's lien against my property, what do I do? Depends, Mechanic's liens, if not litigated in court, generally expire 2 years from the date of completed work as noted in the recorded lien 770 ILCS 60/9.

- a. For liens not yet expired: you may wish to consult with your own lawyer to determine whether to approach the Illinois Attorney General's Office who may mediate your dispute or litigate the matter in court.
- b. For expired liens: you may again wish to consult with your attorney to determine whether to litigate the matter.
- c. For expired liens on residential property with 4 or fewer units, you may also wish to contact the Recorder's Office's Fraud Unit Investigators to pursue an administrative remedy.

### **Mechanics Lien Dispute, Special Note**

You can also contact the Office of the Illinois Attorney General to file a consumer complaint for cooperative mediation at any time you feel you need help. If you can't get satisfaction through personal negotiation or cooperative mediation, consider consulting a lawyer to explore what options you have for resolving your dispute in court. Keep in mind that there are time deadlines to cancel sales contracts and pursue legal claims. The Illinois Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/) allows you to sue if you have been damaged by unfair or deceptive acts or practices. You may be able to file a lawsuit for monetary damages and your attorney's fees.

[http://www.illinoisattorneygeneral.gov/consumers/homerepair\\_construction.html#mechanics](http://www.illinoisattorneygeneral.gov/consumers/homerepair_construction.html#mechanics)

### **Mortgage Foreclosure (See also How do I take my name off property I no longer want? and Deed in Lieu of Foreclosure)**

My property mortgage was foreclosed on by my lender, when will my name come off the property? Depends on the mortgage foreclosure action that you are involved in. Sometimes the foreclosure ends without any transfer of title. First confirm whether the case concluded with the property being taken by contacting the Chancery Court with the case number for status because the case may have simply been dismissed with the lender leaving your name on the title. However, if the case was concluded with the property being taken, and the judicial deed was never recorded, unfortunately there is no requirement that the lender or new owner record their deed. If this is the case, please consult a private lawyer regarding your next steps to remove your name from title.

### **MyDec and MyDec Images**

I want to record a deed and I don't know how many MyDec's I need. You need to review the Illinois Department of Revenue's Administrative Code IL Admin Code Title 86 Chap 1, Pt120 SECTION 120.5, which can be found on the Illinois Secretary of State's website. But, It's super simple: it's a one to one ratio, so one deed gets one MyDec. That means each deed gets one MyDec.

What about multiple properties on one deed? It's super simple: one deed gets one MyDec. Just keep in mind the maximum number of properties per deed policy (it is currently capped at 10 properties per deed).

Can I get a MyDec Image for the Recorder's Office? No

The Recorder's Office currently does NOT scan or retain any MyDec images, although some pre-2016/2017 images may be available. Should you require a MyDec image, contact:

[https://mytax.illinois.gov/MyDec/\\_/](https://mytax.illinois.gov/MyDec/_/)  
FREEDOM OF INFORMATION OFFICER  
ILLINOIS DEPARTMENT OF REVENUE  
101 W JEFFERSON ST MC 6-595  
SPRINGFIELD, IL 62702  
Rev.FOIA@illinois.gov

I have questions about how to use the MyDec system. Please direct your questions about this system to the Illinois Department of Revenue. A detailed set of instructions for the MyDec program can be found at <https://www2.illinois.gov/rev/programs/MyDec/Documents/MyDecHelp.pdf> and the Illinois Department of Revenue has a toll-free hotline dedicated to supporting the MyDec program. Support personnel can be reached Monday thru Friday from 8:00AM - 4:30PM by calling 844-445-1114 or via email at [Rev.MyDecProject@illinois.gov](mailto:Rev.MyDecProject@illinois.gov).

### **Name Changes**

Please note that legal name changes commonly occur through marriages, dissolution of marriage in court, and legal name changes in court. Legal name changes do not occur by simply preparing a document or affidavit declaring you have changed your name outside of any court proceeding and are NOT recorded in our offices.

### **NOTARY SEAL**

While Notaries from other states may or may not need a seal based on that state's specific requirement, Illinois Notaries are required to use a seal.

ILLINOIS NOTARY PUBLIC 5 ILCS 312/3-101

Sec. 3-101. Official seal.

(a) Each notary public shall, upon receiving the commission from the county clerk, obtain an official rubber stamp seal with which the notary shall authenticate his official acts. The rubber stamp seal shall contain the following information: (1) the words "Official Seal"; (2) the notary's official name; (3) the words "Notary Public", "State of Illinois", and "My commission expires ..... (commission expiration date)"; and (4) a serrated or milled edge border in a rectangular form not more than one inch in height by two and one-half inches in length surrounding the information. (b) (Blank). (Source: P.A. 100-81, eff. 1-1-18.) <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=000503120K3-101>

### **Notary Application and Commission**

Can I submit my notary application with the Recorder, or can I get a copy of my commission from the Recorder's Office? No. As a Notary, you are responsible for finding, reading, understanding and abiding by the law and applicable administrative rules. Notary application and commission are not processed through the Recorder's Office. Illinois Notary Publics are appointed through the Secretary of State's Index Department, and filed with the Cook County Vital Records Notary Public Unit

### **Notary Act, Sunset of Certain Provisions**

Notaries, please note that 5 ILCS 312/3-102 contains a sunset provision for certain notary requirements (Notarial Record requirement a/k/a fingerprint requirement) related to real estate transactions. Certain applicable sections sunset effective July 1, 2018.

### **Notice of Receivership (Obtaining and Recording Receivership)**

735 ILCS 5/15-1704 Receivers.

(a) Receiver. Notwithstanding the provisions of subsections (b), (c). and (d) of Section 15-1701, and except as provided in Section 15-1702, upon request of any party and a showing of good cause, the court shall appoint a receiver for the mortgaged real estate. 65 ILCS 5/11-31-2

(a) If the appropriate official of any municipality determines, upon due investigation, that any building or structure therein fails to conform to the minimum standards of health and safety...the municipality may make application to the circuit court...if, upon application hereunder, the court order the appointment of a receiver.

### **Monuments (Land Survey Monuments Act, 765 ILCS 220/4)**

Can a Surveyor record a monument? Yes, pursuant to state law, an entry book shall be provided by the Recorder for the recordation of a monument record by Illinois Registered Land Surveyors for public land survey corners. The document is subject to the predictable fee schedule.

### **Ordination Certificates**

Private Entities and Religious Organizations can license or ordain a person to perform or officiate at various ceremonies. Note that although the person's license or ordination certificate is NOT filed with the Recorder's Office, Cook County marriages performed by that privately licensed or ordained person are filed with the Cook County Clerk Vital Records.

### **Plats**

We record plats of subdivision\* but rarely plats of survey such as individual home surveys, surveys provided at your real estate closing, etc. For that you should try the title company, mortgage company or the surveyor who did the survey for your property purchase.

Note: Plats of survey are like bread, they get stale after a while. So even if the property owner can locate an old plat of survey, odds are it is obsolete and you will still have to hire a private land surveyor to create an updated survey if selling your property, doing home improvement, or even refinancing. If you need to get a new survey prepared, contact several surveying firms and compare costs. Additionally, surveyors may be able to spot problems with your lot lines, such as fences or driveways that encroach on a neighbor's land. Issues like these, left unresolved, might delay a real estate transaction or lead to costly disputes.

\*Plats of subdivision, vacation, dedication, addition, annexation, disconnection, etc.

### **Power of Attorney: How the Agent Should Sign?**

The American Bar Association  
[https://www.americanbar.org/groups/real\\_property\\_trust\\_estate/resources/estate\\_planning/power\\_of\\_attorney/](https://www.americanbar.org/groups/real_property_trust_estate/resources/estate_planning/power_of_attorney/) provides the following, paraphrased, example for how an agent executes a document pursuant to a power of attorney: John Doe, attorney-in-fact for Jane Doe. If you are ever called upon to take action as someone's agent, you should consult with a lawyer about actions you can and cannot take and whether there are any precautionary steps you should take to minimize the likelihood of someone challenging your actions. This is especially important if you take

actions that directly or indirectly benefit you personally. Please consult with your own private lawyer should you have any questions regarding how you should execute a document under a power of attorney.

### **Probate, etc.**

Property titled only in a deceased owner's name can be transferred through various legal procedures including but not limited to: probate, miscellaneous probate, title insurance in lieu of probate, heirship affidavit, heirship deed. Please consult a private lawyer before deciding on any of the above options, etc.

### **Promissory**

### **Notes**

I entered into a "Promissory Notes", can I record this document? Yes, but you may wish to seek your own lawyer's advice before proceeding. For the purpose of recording the document, your document must meet all of the recording requirements (the document has to have the property tax number, address, legal description and preparer's name and address, with signatures/notary, but does not require an Illinois Anti Predatory Certificate. For recording you must provide the original plus one copy. (Real estate/conveyances act 765 ILCS 5/28, etc.)

### **Public Notice Illinois**

(715 ILCS 5/2.1) Sec. 2.1. Statewide website. Whenever notice by publication in a newspaper is required by law, order of court, or contract, the newspaper publishing the notice shall, at no additional cost to government, cause the notice to be placed on the statewide website established and maintained as a joint venture of the majority of Illinois newspapers as a repository for such notices. (Source: P.A. 100-72, eff. 1-1-18.) <https://www.publicnoticeillinois.com/>

### **Redaction of Personal Information**

Statute 55 ILCS 5/3-5047 provides for the redaction of the following specific information: "social security number, employer taxpayer identification number, driver's license number, State identification number, passport number, checking account number, savings account number, credit card number, debit card number, or personal identification (PIN) code from any internet website maintained by the recorder or used by the recorder to display public records. The request must be made in writing and delivered by mail, facsimile, electronic transmission, or in person to the office of the recorder. The request must specify the personal information to be redacted and identify the document that contains the personal information..." (For Judges/judicial officers, see Judicial Privacy Act 705 ILCS 90/1-1,1-10)

### **Release of Mortgage for a Failed/Closed Bank (My Bank failed, and I don't have a release of mortgage)**

Suggestions to obtain a release: Contact the bank that took over the failed bank, see institution history search. Contact the lender or successor lender to obtain a duplicate release <https://www.ffiec.gov/NPW>. Contact the FDIC regarding obtaining a possible release. Contact FDIC to obtain a replacement release for a failed bank if the bank was an FDIC insured bank. FDIC 1-888-206-4662, FDIC general call center 1-877-275-3342. You may wish to consult with a private lawyer in order to file Quiet Title lawsuit in Chancery Court to obtain court order declaring the mortgages released depending on the facts and circumstances of your matter.

### **Religious Corporations**

Religious Corporations can be filed through the Illinois Secretary of State or created under the Religious Corporation Act 805 ILCS 110. In order to record a document pursuant to the Religious Corporation Act 805 ILCS 110 statute, the document must comply with that statute referring to recording (see below) and be prepared accordingly.

BUSINESS ORGANIZATIONS-recording sections:

Religious Corporation Act.

805 ILCS 110/36

805 ILCS 110/39

805 ILCS 110/46b

805 ILCS 110/46c

805 ILCS 110/46g

### **Re-Recording of Documents**

Unfortunately, as of February 2017, re-recording of instruments are no long accepted. Because document re-recording has been discontinued, four (4) available options to update the recording history are as follows (please note that affidavits CANNOT be e-filed):

- a) Prepare new or duplicate deed/conveyance instrument\*, or duplicate loan instrument, etc., with all new signatures and all requirements, (\*35 ILCS 200/31-45 (d) Deeds or trust documents that, without additional consideration, confirm, correct, modify, or supplement a deed or trust document previously recorded.
- b) Prepare a simple scrivener's affidavit (with NO copy of previously recorded document attached) Note: the scrivener's affidavit is great for simple typos or errors that need to be clarified, Scriveners Affidavit  
<https://cookrecorder.com/wp-content/uploads/2013/02/Scriveners-Affidavit.pdf>
- c) Obtain court order reforming to correct the documents if you are already in court (such as when in probate or foreclosure)
- d) Utilize the new Corrective Recordings process.\*

\*Corrective Recordings process instructions and Affidavit. The basic requirement is that all the parties to a previously recorded document sign-off\* on any updates, changes or corrections regarding that document, through the use of a corrective affidavit. The details of the error/correction are noted only in the affidavit instead of on the document itself. If more room is needed, extra pages of explanation may be attached as an exhibit to the affidavit. The unaltered document with the error is only attached as an exhibit to the affidavit. Note, certified copy or original document may be used with the affidavit. The Corrective Affidavit can only be signed by the actual parties to the document or those with a power of attorney to do so for the party. (\*Note: If preparing the corrective recording affidavit, if necessary please attach a certified copy of the death certificate in lieu of the person's signature. The corrective recording affidavit requires all parties to the document sign off to make it clear that ll parties are aware of the error and acknowledge the correction. This is best if the parties may disagree at a later dated, example – a mortgage that may end up in foreclosure at some future point if problems arise. For this affidavit, both the lender and borrower has to sign.) See FORMS page on our website for Corrective Recording Affidavit provided as a courtesy.

### **Resignation of Land Trustee/Statement Grantor Grantee**

Statute 55 ILCS 5/3-5020 require the grantor/grantee affidavit for all exempt transfers/deeds/ABIs, etc. Note under Section 5020c, trustee's deed of land trust resignation provides for alternative version of statement grantor grantee. Please consult a private lawyer if you have any questions.

### **Restitution Lien (Liens not recognized by Illinois Law)**

Some states have laws for a restitution lien wherein a victim of a crime records liens against a convicted offender. Please remember that, even where your lien meets the basic recording requirement and gets recorded, recording a fraudulent lien will subject you to an administrative fraud review process that could result in substantial penalties. Before recording any lien, you should strongly consider obtaining competent legal advice from your private lawyer.

If you are a victim of a crime, you may want to review the Illinois Attorney General and Illinois Secretary of State's website for crime victim assistance programs:

<http://www.illinoisattorneygeneral.gov/victims/index.html>

[https://www.cyberdriveillinois.com/departments/court\\_of\\_claims/victims.html](https://www.cyberdriveillinois.com/departments/court_of_claims/victims.html).

### **Small Estate Affidavit**

I heard about a small estate affidavit, can I use it to transfer property from my deceased (whomever that might be) because her estate is really small, she only has a small house? No you cannot record a small estate affidavit with the Recorder's Office and we cannot answer questions about the use of a small estate affidavit. A Small Estate Affidavit, 755 ILCS 5/25-1, concerns personal property and is not for use with real estate.

### **Statement Grantor/Grantee (Grantor/Grantee Affidavit)**

The Grantor/Grantee affidavit form has a line for a single signature grantor/grantee, or their agent if there are multiple grantor or grantees. Please consult your closing agent, real estate agent and/or private lawyer.

### **Tax Bills Not Received Still Due**

Statute 35 ILCS 200/20-15 clarifies that "failure or neglect of the collector to mail the bill, or the failure of the taxpayer to receive the bill, shall not affect the validity of any tax, or the liability for the payment of any tax." You may wish to update/verify the "taxpayer of record" information with the Cook County Treasurer's Office.

### **Tax Bills Paid in Error**

I paid my neighbor's tax bill in error, what do I do now? Can I lien their property? Depends on whether you want to litigate the issue as adverse liens can require litigation if not provided for by statute. If possible, you and your neighbor should go to the Cook County Treasurer's Office and request a "Transfer of Payments" for your taxes. You might also want to request an "Interest and Penalty" waiver if this was a mistake caused by a government action. For example: Where the Assessor's Office creates new Condominium PINs but incorrectly associates tax bill addresses to the condo units may prompt you to ask the Assessor's Office for an "interest and penalty" waiver letter as well as a request to "Transfer Payments" (and possibly a sale in error if that was the case).

### **Taxes Sold (Sale in Error)**

If you did not pay your property taxes, then you may lose your property to a Tax Buyer at the tax sale. Tax Sale information is provided by the Cook County Treasurer and the Cook County Clerk's Office. If your taxes were sold, you may wish to obtain an "Estimate of Redemption" from the Cook County Clerk's Office and/or obtain information on how to save your property. If you believe that the taxes were sold in error due to a factual issue with your assessment, you may wish to contact the Cook County Assessor Office's Legal Department and/or the Cook County Treasurer's Legal Department to determine if a "Sale in Error" is warranted. Again, please approach the correct government agency to determine these rights if any.

### **(TODI) Illinois Residential Real Property Transfer on Death**

Transfer on Death Instruments (TODI) are an important tool in your estate planning toolbox and, if used appropriately, may greatly reduce your heir(s) expenses. TODIs can be used for: Residential real property improved with not more than four (4) residential units (755 ILCS 27/5).

- I have a commercial property I'd like my son to get, can I use a TODI? No, TODI's are for residential properties with not more than 4 residential units.
- I have a Power of Attorney, can I sign the TODI for my (mom, dad, uncle, aunt, or etc.)? No, a person with a Power of Attorney cannot sign for the owner (755 ILCS 27/35)
- What must the TODI contain? Hint, use the blank form available on the Recorder's Website. TODI must contain basic deed contents, signed, 2 independent witnesses, notarized, read that the transfer to the designated beneficiary is to occur at the owner's death; and recorded before the owner's death (755 ILCS 27/40 & 45).
- Can my heirs record the TODI after I die? No, the TODI must be recorded before the owner's death
- Can I revoke the TODI? Yes, the TODI can be revoked by recording another recorded instrument revoking TODI (755 ILCS 27/55)
- Do I still own the property after recording a TODI? Yes, despite recording a TODI, the owner can still do anything they want with their property (755 ILCS 27/60)
- I am a TODI Beneficiary, but I don't want the burden of owning the property, what do I do? TODI Beneficiary can disclaim interest owner's death, property remains subject to any existing mortgage, lien, etc. (755 ILCS 27/65 & 80)
- I am a TODI Beneficiary, the person who signed the TODI has died, what do I do to get the property? TODI Beneficiary may record notice of death affidavit to confirm title following the death of the owner (755 ILCS 27/75)
- I don't think the TODI was proper (example: I have a dispute amongst the heirs), how do I challenge it? Statute of Limitations to challenge TODI in court is limited to within 2 years after owner's death, or within 6 months of owner's probate estate if an estate was opened (755 ILCS 27/90)

- Can I go to the Recorder's Office to challenge the TODI (example: I'm an heir who was left out)? No, the Recorder's Office is not the proper forum to challenge a TODI. TODI or revoking document can only be prepared by the owner or their Illinois attorney (755 ILCS 27/95)

Note: Please consult your own private lawyer should you require any further assistance.

### **Trusts**

My property is in a trust, can you give me advice on how to get it out? No. You might have gone to a lawyer or trust company to put the property into a trust and that means you need to talk to them. If property is in a land trust, you would need to reach out to the trust company in order to do so. If property is in a living trust, you may need a trustee's deed, or even reach out to the trust lawyer.

### **Trusts and Property Tax Homeowner's Exemption**

If your property currently is in a trust, the beneficiary names ordinarily do not appear on the recorded deed and may result in the loss of an existing homeowner type exemption (Homeowner, Senior, Long-Time, etc.). You may be required to prove your status as a beneficiary of a trust to the Assessor's Office when applying or re-applying for a homeowner type exemption. Proof of beneficial interest in a trust is not obtained from the Recorder's Office (and not filed with the Recorder's Office). Please consult your trust, trustee and/or private lawyer.

### **Torrens Land Registration Abolished**

Statute 765 ILCS 35 was repealed in 1992 by 765 ILCS 40. While no new documents can be added to Torrens, the historical registered instrument library of Torrens documents is maintained at the concourse level of the Recorder of Deeds office.

### **Tribal Nations**

I am a tribal nation and want to record documents related to my tribal nation. You cannot record that document at the Recorder's Office. Please note that the US Department of the Interior, Bureau of Indian Affairs handles all government to government matters (which may include federal tribal recognition, right to self-government and benefits) pertaining to American Indian or Alaska Native Tribal entities. The Recorder's Office will NOT accept for recording any matter subject to Federal Jurisdiction.

### **UCC**

UCC "Uniform Commercial Code Documents" 810 ILCS 5/9. Effective July 1, 2001, the only UCC documents the Recorder's Office can record are real estate related UCCs regarding timber or fixtures (goods that are or are to become fixtures on real estate) "the office designated for the filing or recording of a record of a mortgage on the related property". The office of the Secretary of State is the filing office in all other cases. 810 ILCS 5/9-501. (Note the letter U numbered database/non-real estate filing database CANNOT accept any UCC-1 filings).

Note: The Recorder's Office will NOT accept for the recording database any non-real estate UCCs.

### **UCC Search Request**

How do I do a UCC search? Depends on what you are looking for. UCC-11 search can be obtained 3 ways by:

- Contacting the Secretary of State UCC Department and search statewide (217-782-7518)
- Using the website [cookrecorder.com](http://cookrecorder.com) and search by Property Index Number (PIN)
- Paying a \$10 Fee for to the Cook County Recorder for a UCC "U" doc for filings dated prior to 2001. (Note: This search is conducted only on the UCC "U" database and **not** the public records online at [cookrecorder.com](http://cookrecorder.com)).

### **Unincorporated Areas of Cook County/Municipality Stamp/Exemption Deed/ABI Requirements**

Note that certain property in Cook County are located in Unincorporated areas of Cook County and not in the principality (city, village, town) identified in the property address. For those properties, the lack of a municipal transfer requirement must be confirmed by the customer directly with the municipality identified in the property address prior to submission of Deed/ABI for recording.

### **Vehicle Liens and Releases**

Liens and Releases concerning vehicles generally and mobile homes specifically in trailer park are filed with the Secretary of State except recording under statute Labor and Storage Lien Act 770 ILCS 45.

### **Victim of a Crime**

If you are a victim of a crime, you may want to review the Illinois Attorney General and Illinois Secretary of State's website for crime victim assistance programs:

<http://www.illinoisattorneygeneral.gov/victims/index.html>

[https://www.cyberdriveillinois.com/departments/court\\_of\\_claims/victims.html](https://www.cyberdriveillinois.com/departments/court_of_claims/victims.html).

### **Water Bill**

I can't record my deed without proof that the water bill is paid up, what do I do? Contact your local municipality or the municipality's water department to obtain proof of full payment. If your property is in the City of Chicago you can obtain a full payment water certificate (FPC) online from the City of Chicago Department of Water or at Chicago Department of Water 333 South State Street, Suite 330, Chicago, IL 60604, phone numbers: 312-744-4426 or 4420.

I am a condominium owner, but my condominium pays the water bill, what do I do? Again, contact your local municipality's water department first. You may also wish to speak to the representative of your own condominium board for assistance.

### **Wills**

Can I record a will? You probably want to consult your own private lawyer before you take that type of action – once you record a will, an action that cannot be reversed, you will have allowed everyone in the world to see that will. The statute that governs Wills specifies that Wills after death are filed with the Circuit Court Will Counter (312-603-6441). See STATUTE 755 ILCS 5/6-1 Duty to file will, although Statute 765 ILCS 5/33 provides that wills can be recorded during the person's lifetime, it is usually a private matter and not commonly recorded. Circuit court will search link <http://www.cookcountyclerkofcourt.org/CourtCaseSearch/WillSearch.aspx>