



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2611

Introduced 1/20/2006, by Sen. Terry Link - Arthur J. Wilhelmi

SYNOPSIS AS INTRODUCED:

765 ILCS 5/11.1 new

Amends the Conveyances Act. Provides that every mortgage or deed of trust in the nature of a mortgage relating to the financing of residential real estate must include the name of the financial institution providing the financing and the loan officer who signed the document, the name of the residential mortgage licensee receiving compensation relating to the financing, the name of the loan originator who signed the mortgage loan application, and the name of the real estate appraiser who provided the appraisal on which the financing was based. Provides that the county recorder may not record a mortgage if the required information is not provided. Provides that the failure to comply with the new requirements does not invalidate the recording of a mortgage or trust deed or impair the rights of the mortgagee or beneficiary of the trust deed.

LRB094 18962 AJ0 54426 b

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT in relation to real property.

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

4 Section 5. The Conveyances Act is amended by adding Section
5 11.1 as follows:

6 (765 ILCS 5/11.1 new)

7 Sec. 11.1. Recording of liens on residential real estate.

8 (a) As used in this Section:

9 (1) "Residential real estate" means a dwelling
10 consisting of one to 4 family units or that is in a
11 dwelling consisting of condominium or cooperative units.

12 (2) "Financial institution" means a bank, credit
13 union, insurance company, mortgage banking company,
14 savings bank, savings and loan association, or other
15 residential real estate lender.

16 (3) "Residential mortgage licensee" means a licensee
17 under the Residential Mortgage License Act of 1987.

18 (4) "Real estate appraiser" means a State certified
19 residential real estate appraiser, a State certified
20 general real estate appraiser, or a State licensed real
21 estate appraiser under the Real Estate Appraiser Licensing
22 Act of 2002.

23 (b) Every mortgage or deed of trust in the nature of a
24 mortgage relating to the financing of residential real estate
25 that is filed on or after the effective date of this amendatory
26 Act of the 94th General Assembly must, to the extent
27 applicable, include in the recording of the mortgage or trust
28 deed the following information:

29 (1) The name of the financial institution providing the
30 financing to the mortgagor or transferor of the trust deed
31 and the name of the loan officer employed by the financial
32 institution who signed the mortgage or trust deed on behalf

1 of the financial institution.

2 (2) The name of the residential mortgage licensee
3 receiving compensation relating to the financing by the
4 mortgagor or transferor of the trust deed and the name of
5 the residential mortgage licensee's loan originator who
6 signed the mortgage loan application relating to the
7 financing.

8 (3) The name of the real estate appraiser who provided
9 the appraisal on which the financing by the mortgagor or
10 transferor of the trust deed was based.

11 (c) The county recorder may not record the mortgage of any
12 financial institution or residential mortgage licensee if the
13 information required by subsection (b) is not provided.

14 (d) Failure to comply with this Section does not invalidate
15 any recording of the mortgage or trust deed or impair in any
16 way the rights, title, or interests of the mortgagee or the
17 beneficiary of the trust deed or the rights, title, or
18 interests of his or her successors or assigns, whether by sale,
19 deed, transfer, grant, conveyance, or otherwise.