



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2953

Introduced 2/1/2012, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

765 ILCS 5/28
765 ILCS 5/30

from Ch. 30, par. 27
from Ch. 30, par. 29

Amends the Conveyances Act. In a provision requiring deeds, mortgages, powers of attorney, and other instruments relating to or affecting the title to real estate to be recorded, adds language requiring the instruments to be recorded in the recorder's office in the county in which the real estate is situated. In provisions concerning the effect of recording deeds, mortgages, and other instruments, makes the following changes: provides that those provisions also apply to the recording of assignments, mortgage releases, mortgage modifications, land equity loans, liens, lis pendens, and memoranda of judgment; changes the scope to instruments that affect interests in real property; and provides that deeds and title papers are void until recorded (instead of void until recorded as to creditors and subsequent purchasers) with the recorder's office in the county in which the property is located. Effective immediately.

LRB097 13484 AJO 58561 b

1 AN ACT concerning civil law.

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 changing
5 Sections 28 and 30 as follows:

6 (765 ILCS 5/28) (from Ch. 30, par. 27)

7 Sec. 28. Deeds, mortgages, powers of attorney, and other
8 instruments relating to or affecting the title to real estate
9 in this state, shall be recorded in the recorder's office in
10 the county in which such real estate is situated; but if such
11 county is not organized, then in the county to which such
12 unorganized county is attached for judicial purposes. No deed,
13 mortgage, assignment of mortgage, or other instrument relating
14 to or affecting the title to real estate in this State may
15 include a provision prohibiting the recording of that
16 instrument, and any such provision in an instrument signed
17 after the effective date of this amendatory Act shall be void
18 and of no force and effect.

19 (Source: P.A. 89-160, eff. 7-19-95.)

20 (765 ILCS 5/30) (from Ch. 30, par. 29)

21 Sec. 30. Effect of recording. All deeds, mortgages,
22 assignments, mortgage releases, mortgage modifications, land

1 equity loans, liens, lis pendens, memoranda of judgment, and
2 other instruments in ~~of~~ writing that affect interests in real
3 property and that ~~which~~ are authorized to be recorded, shall
4 take effect and be in force from and after the time of filing
5 the same for record, and not before, ~~as to all creditors and~~
6 ~~subsequent purchasers, without notice;~~ and all these ~~such~~ deeds
7 and title papers shall be adjudged void ~~as to all such~~
8 ~~creditors and subsequent purchasers, without notice,~~ until the
9 same shall be filed for record with the recorder's office in
10 the county in which the property is located.

11 (Source: Laws 1871-2, p. 282.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.