

NEW LAW ALERT (13-06)

June 13, 2006

STATE: ILLINOIS

BILL: House Bill 4760

EFFECTIVE: January 1, 2007

SIGNED: June 1, 2006

CHAPTER: 94-821

AFFECTS: Amends Illinois Compiled Statutes Chapter 765, Act 5 "Conveyances Act."

CHANGES: Requires a deed, instrument of conveyance or any document to be made a matter of record to be acknowledged before a Notary.

ANALYSIS: In virtually every state, real property deeds must be acknowledged before a Notary Public before being filed in the local land records. Previously, Illinois did not require these conveyance instruments to be notarized. An independent task force commissioned by the state attorney to investigate incidents of real property and mortgage fraud in Cook County proposed the notarization requirement as one of its recommendations to the Illinois General Assembly. Incidentally, the task force also studied revamping the state's Notary laws and instituting a Notary journal requirement.

As is not uncommon with Notary laws, legislators used the term "acknowledge" incorrectly. The new law reads, "the signatures of the parties making the conveyance shall be acknowledged by a notary public." It should read, "... before a notary public."