



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details

File #: 14-0091 **Version:** 2 **Name:** UNLAWFUL CLOUDING OF TITLE
Type: Ordinance Amendment **Status:** Approved
File created: 9/11/2013 **In control:** Board of Commissioners
On agenda: 1/15/2014 **Final action:** 1/15/2014
Title: PROPOSED SUBSTITUTE TO 14-0091

PROPOSED ORDINANCE

UNLAWFUL CLOUDING OF TITLE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE II. - OFFENSES INVOLVING PROPERTY RIGHTS, SECTION 58-45 of the Cook County Code is hereby enacted as follows:

Sec. 58-45. Unlawful Clouding of Title.

(a) Any person who intentionally records or files or causes to be recorded or filed any document in the Office of the Cook County Recorder of Deeds that is a cloud on the title of land in Cook County, knowing that the theory upon which the purported cloud on title is based is not recognized as a legitimate legal theory by the Courts of the United States, the State of Illinois, or any County within the State of Illinois, commits the offense of unlawful clouding of title.

(b) Any person who commits the offense of unlawful clouding of title shall be fined \$5,000.00 for the first offense. Any person who commits this offense a second time shall be fined \$7,500.00. Any person who commits this offense a third or subsequent time shall be fined \$10,000.00 for each offense.

(c) This Section does not apply to any attorney licensed to practice law in the State of Illinois who, in good faith, files a lien on behalf of his or her client and who, in good faith, believes that the validity of the lien is supported by law or by a good faith argument for an extension, modification, or reversal of existing law relating to the validity of the lien.

(d) For purposes of this Section, the term "cloud on title" or "cloud on the title" means an outstanding claim or encumbrance that, if valid, would affect or impair the title of the owner of an estate in land and on its face has that effect, but can be shown by extrinsic proof to be invalid or inapplicable to that estate.

Effective date: This ordinance shall be in effect immediately upon adoption.

Sponsors: ROBERT STEELE, JESÚS G. GARCÍA, STANLEY MOORE, PETER N. SILVESTRI, DEBORAH SIMS, JOHN P. DALEY, LARRY SUFFREDIN

Indexes: (Inactive) JOHN ALLEN, Director, Department of Administrative Hearings, (Inactive) KAREN A. YARBROUGH, Recorder of Deeds

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------|------------------------|--------|
| 1/15/2014 | 1 | Board of Commissioners | approve as substituted | Pass |

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|-----------|---|------------------------|-----------------------|------|
| 1/15/2014 | 1 | Board of Commissioners | accept as substituted | Pass |
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