

I. TITLE SEARCH PERIODS**A. Search Requirement**

ATG's Administrative Regulation No. 3 requires that a title search be conducted in connection with issuing title commitments and policies. Admin. Reg. No. 3 further defines a search as a chain of title search (also known throughout as a "conveyance search"), a judgment and lien index search and a general real estate tax and special assessment search on the land and names to be insured.

1. ATG requires searches in the following situations:
 - a. To issue a commitment, members must obtain an initial search, covering the search period required below for the type of property and prior title evidence available.
 - b. A gap search must be conducted from the effective date of the commitment to a time as close to the closing date and time as possible for property located in Cook, Du Page, Kane, Lake, McHenry, and Will Counties.
 - c. To issue a final policy, members must obtain a later date search from the commitment's effective date through the date that the deed or mortgage to be insured is recorded.
2. There are several methods by which searches can be obtained. For property located in Cook County, the following search requirements apply:
 - a. For judgment and lien information, members must use an ATG-approved computerized title plant.
 - b. For tract search information, members may use an ATG-approved title search company, conduct their own searches (when so approved by ATG legal staff), or use another ATG-approved member.
 - c. For real estate tax and special assessment information, members may use an ATG-approved title search company, conduct their own searches (when so approved by ATG legal staff), or use another ATG-approved member.
3. For property located in other Illinois counties, the following search requirements apply:
 - a. ATG members may perform title searches, or rely on other ATG members who are in good standing to perform the title search. Please contact the Member Sales and Support Department for training on how to conduct a search.
 - b. ATG provides a list of approved search providers. Members may use any ATG-approved search provider.
 - c. If the county the property is located in does not have any ATG-approved search providers, then members may use any title search company or title searcher to provide the search.

You must always keep copies of the search results in your title file. Search results include the search notes, as well as printouts of computer search results and copies of all relevant documents in the search, which is further explained below. If conducting your own search, you may wish to use ATG's search checklist form for preparing your search notes. This form is available in the forms section of our website, www.atgf.com, when you log in as a member.

B. Search Period

The following is a chart with brief information about ATG's search standards for conveyances and judgment and lien searches that you can copy and take with you when conducting searches or provide to your search provider. Please note that it is important to review the complete explanations of these standards, provided after the chart, to be sure you are fully complying with the requirements.

| Type of Property | Search Period |
|--|--|
| Any property where prior title evidence has been provided. See the definition of prior title evidence, below. | From the Date of Policy of the prior; forward for conveyances and judgments and liens. 5 years for real estate taxes. |
| Subdivided residential land, no prior title evidence, where the exception below does not apply. | 20 years, plus a review of the plat, declaration, and first deed for conveyances. See the explanation below about reviewing the plat. 20 years for judgments and liens. 5 years for real estate taxes. |
| Subdivided residential land, no prior policy, where the subdivision plat or plat of condominium was recorded at least 10 years ago and contains ten or more lots or units. | From the recording date of the subdivision plat or plat of condominium forward for conveyances. 20 years for judgments and liens. 5 years for real estate taxes. |
| Unsubdivided land, and all commercial and non-residential land | Back to 1900, plus a review of the plat, declaration, and first deed, if any, for conveyances. 20 years for judgments and liens. 5 years for real estate taxes. |

1. Prior Title Evidence

If you have an existing owner or mortgagee policy written by an ATG member or a commercial title insurance company authorized to conduct business in the state where the property is located, then the search may be conducted from the date of that policy forward. You must search real estate taxes for a five year period, regardless of the date of the prior policy, because delinquent real estate taxes can result in a complete failure of title, see the chapter on Real Estate Taxes for details. Verify that the prior policy covers the same legal description as the property to be insured. If any parcels to be insured are not included in the prior policy's coverage, then those parcels must be searched using the guidelines below for full searches.

Please note the following about the definition of a prior policy:

- a. Short Form Residential Mortgagee Policies do not qualify as prior policies.
- b. Mid-America Title Insurance Company policies are not acceptable as prior title policies.
- c. A prior title commitment may be used as prior evidence of title so long as the transaction for which the commitment was written has closed and the title company is obligated to issue the final policies.
- d. You may rely on an abstract as a prior policy so long as you issue an abstract opinion letter through the last continuation date. This requirement exists because you, and consequently ATG, will have no privity of contract on which to sue a different author of a title opinion letter should a claim arise. If another ATG

member wrote the opinion letter, contact the ATG Underwriting Department for approval to rely upon the abstract.

2. No Prior Title Evidence – Full Search

The following guidelines explain the search requirements in situations in which there is no prior title evidence, known as a “full search.” In each case, the searcher must search back the full length of the required search period to the last arm’s length transaction with a warranty deed predating the search period. For example, for a 20-year search from the year 2006, that would mean searching for the last warranty deed between unrelated parties occurring before 1986.

If the land being searched is part of an area that has a history of land patents to Native Americans, reservations of mineral rights or other land grants or reservations, it may be necessary to search for the federal land patent. Contact the Underwriting Department for assistance in these cases.

a. Subdivided Residential Land

In the case of subdivided residential land, the search for conveyances, judgments and liens must go back 20 years. The real estate taxes must be searched for a 5-year period. Subdivided residential land includes property divided into lots pursuant to a plat of subdivision and intended for or containing homes, townhomes where individual units sit on separate subdivision lots, and duplexes, but not apartment buildings. It also includes condominium units created pursuant to the Condominium Property Act.

There is an exception to the 20-year rule. If the subdivision or condominium was created a minimum of 10 years ago, and there are 10 or more lots or units, the conveyance search may be conducted beginning with the recorded plat. The judgment and lien search must nevertheless cover a 20-year period. If there are less than 10 lots or units, then a 20-year search must be conducted.

In addition to a search conducted pursuant to either of the two rules stated above, the searcher must provide copies of the plat, any declaration of covenants, conditions, and restrictions, whether attached to the plat or separately recorded, and the first deed using the legal description from the plat. This requirement must be followed, even if the plat and declaration pre-date the 20-year search period.

- i. The purpose of reviewing the plat is to determine that the property was platted in accordance with statute, and raise any necessary exceptions if it was not, because the plat is the basis for the legal description insured.
- ii. The purpose of reviewing the declaration is to determine whether it contains any rights of reversion or possibilities of forfeiture.
- iii. The first deed conveying the lot being searched must be reviewed to uncover any restrictions created by that deed. To find this deed, the searcher should search the name of the subdivision developer in the Grantor Index or find the first deed following the plat in the Tract index if available.

b. Unsubdivided Land, All Commercial Property, or other Non-Residential Land

In the case of unsubdivided land, all commercial property, or any other non-residential property, the search for conveyances must go back to the year 1900. The judgment and lien search must cover a 20-year period and the real estate tax search must cover a 5-year period. If the property is subdivided, then the searcher must obtain copies of the plat, any declaration and the first deed, even if they pre-date 1900.

3. Later Date Searches

To issue a final policy, you must obtain a later date search. A later date search for conveyances and real estate taxes must cover the period from the effective date of the commitment through the recording date of the deed, mortgage or other conveyance to be insured. Further, the later date search must include a judgment and lien search of the buyers and sellers, because there may be a question of liability for matters that appear of record between the effective date of the commitment and the recording date.

II. FORM AND CONTENT OF TITLE SEARCHES

A. Conveyance Search and Chain of Title Report

For every property you insure, you must obtain a conveyance search of the same legal description as the vesting deed shows. If the parcel to be insured was subdivided from a larger parcel during the search period, then you must also search the legal description of the larger parcel. If the parcel to be insured is an easement, then you must search both the legal description for the easement and the legal description for the property the easement burdens.

The Grantor-Grantee Index in the Recorder's Office is the official index for providing record notice of conveyances of a property. Tract indexes, which are searched by legal description, are not official indexes. If the county recorder's office has an accurate tract index, you or your search provider may use it. However, if the county has an unreliable tract index, be sure that you or your search provider also searches the Grantor-Grantee Index. If using a computer to search, then the search must be conducted using the legal description, PIN, and names to be sure you have all documents that apply to the property. Furthermore, you must review copies of all documents that appear in your search to determine whether they belong in your search report. If you do not conduct your own searches, be sure your search provider uses these procedures and provides you with copies of all documents so you can make that determination.

B. Judgment and Lien Search

When you order or conduct a search, it must include a judgment and lien search on the names of the buyers, sellers, and all parties in title for the past twenty years, or, if there is prior title evidence, back to the date of the prior policy. ATG requires a twenty-year search because Illinois tax liens have a statute of limitations of twenty years. Observe the following guidelines in determining which names to search:

1. If a corporation or a limited liability company (LLC) is or was in title, the corporate or LLC name must be searched.
2. If a partnership is or was in title, the name of the partnership as well as the names of all partners must be searched. If any partner has a judgment or lien recorded against his or her name, contact the Underwriting Department for guidance about whether you need to raise an exception for it.
3. If a trustee is or was in title, the name of the trustee and the trust must be searched. In addition, if the trust is any type of trust other than an Illinois Land Trust, then the names of all present beneficiaries of the trust must be searched.
4. If a decedent is or was in title, the search must include the names of the decedent and of all the heirs and devisees, which include all those who would take title to the property via the rules of intestate succession and all those who would take title to the property via the terms of the decedent's will.
5. If a minor or disabled adult with an open guardianship proceeding is or was in title, the name of the minor or disabled adult must be searched.
6. For instructions on how to search the names of churches, associations, and other unincorporated organizations, please contact the Underwriting Department.

Confirm that your judgment and lien search has included all possible spellings, variants, nicknames, and initials for the names to be searched. For example, assume for sake of reference that we are searching the names John Public and Patricia C. Public. In that case, John Public, Jon Public, Jonathon Public, Johnathon Public, Jonathan Public, Johnathan Public, J. Public, Patricia Public, Pat Public, Patty Public, and P. Public should all be searched. If a searcher finds a judgment or lien against “John M. Public,” or “P.C. Public,” those documents should be considered as applying to the search and possible matches to the parties in title. Also the search should include nicknames that begin with different letters than the full name, such as “Bill” for William and “Bob” for Robert. This is particularly important when relying on a computer search. Be certain to check the names searched in the judgment and lien search against the names in any deeds in the chain of title; do not rely on the names supplied on an application for title insurance, or communications from attorneys, brokers, or lenders.

If you find your search does not include all parties and all variants of names that should be searched, contact your searcher to ask that the additional names be searched.

C. Real Estate Tax Search

For all transactions, even those where you have prior title evidence, you must obtain a real estate tax search for the past five years. The search must include the amount and status (i.e., paid; unpaid and due; unpaid and forfeited; unpaid and sold; not yet due and payable) for each of all five year’s installments.

ATG handles a large number of claims each year arising out of the fact that the real estate tax search was conducted on a permanent index number (PIN) for property other than the insured property. To prevent this problem, the search must include a copy of the tax map for the legal description of the property searched, to allow you to confirm that the PIN or PINs shown in the search are correct.

D. Special assessments

The search must contain a special assessment search, indicating the date the special assessment was confirmed, the amount due, the total number of installments, if any, and the status of payment.

E. Special service areas

The searcher must examine the tax bill for information regarding special service areas and separately report the information, including the name or number of the special service area.

F. Documenting the Search

1. Prior Title Evidence

Keep a copy of the prior policy or abstract and opinion letter if any, in your title file for the transaction.

2. Search Notes or Search Report

Keep copies of your search notes in the title file for the transaction, if you conduct your own searches. Search notes include your search checklist or worksheet, written notes and computer printouts. For counties with computerized records, maintain a copy of the legend explaining any abbreviations, column headings, etc. for computer printouts in your office.

The search notes should indicate the legal description searched, each name that was searched, and the effective date for the search. The effective date of a search is the last date and time through which documents have been posted in the Recorder’s Office, not the date and time at which you conducted the search. The Recorder’s Office should be able to provide you with this information each time you conduct a search. Some counties are several days to months behind in posting and indexing documents, so you or your searcher must confirm the effective date with the Recorder’s Office for each search.

If you do not conduct your own searches, then your search provider should meet all ATG's search guidelines and give you a written report containing all the information listed above. Keep a copy of this report in your title file.

3. Copies of Documents

The search must contain copies or abstracts of documents in accordance with the requirements set forth below.

a. General Rule

The search must include copies of all documents in the search report, including, but not limited to, deeds, open mortgages, unpaid liens, plats, easements, restrictions, and declarations. You may rely upon your search provider to review mortgage and lien releases if your searcher does not provide copies of released mortgages and liens.

When the property searched is part of a condominium or subdivision, the search must include complete copies of the plat of subdivision or condominium, the declaration, if any, and the first deed after the plat.

b. Abstracts of documents

In all counties except Cook and DuPage, if documents are not available or if copying documents would be unreasonably expensive or time consuming, the searcher may have an ATG approved abstractor abstract the document. Abstracting is permitted only for form deeds, mortgages, releases, assignments of mortgages and assignments of rent. Copies of any non-form document must be provided with the search.

Abstracting of a document must include at a minimum the following information:

- i. Type of document, including whether mortgages are revolving credit mortgages;
- ii. Date of the document;
- iii. Date of acknowledgement of the document;
- iv. Date of recording of the document;
- v. The document number and book and page (if applicable);
- vi. Names and marital status of the grantors;
- vii. Names and estate or tenancy of the grantees;
- viii. Restrictions, reservations, covenants, or agreements;
- ix. Clauses stricken from a preprinted form;
- x. Variations in the legal description in the document with the legal description searched;
- xi. The absence of, or inconsistencies or irregularities in, the signatures and acknowledgement of the document.

III. TITLE SEARCH PROCEDURES

The result of a title search must be a permanent record of the search that is legible and easily understood by the reader. All members must keep copies of search notes and search documents in their title files. If you are conducting your own search, ATG's Search Checklist is designed to help you create such a record.

Complete the top portion of the search checklist before going to the recorder's office to become familiar with the particulars of the search and for your reference during the search. Further, examine the prior title

evidence before starting the search to determine what information you know before beginning your search. List on the back of the checklist any liens that show as exceptions in the prior title evidence, including any outstanding mortgages. Use this list to remind yourself to check the original indexing of the lien for a release.

Maintain a list of all documents found in the search. Indicate “NOP” (“not our property”) beside the information for any document that does not affect the subject property. Make copies of documents as required under the section entitled Document Copies. The last page of the checklist provides a place to record pertinent information concerning each document found in the search.

A. A Guide to Recorder’s Office Indexes

1. Grantee Index

Each county includes a different selection of types of documents in the Grantor and Grantee Indexes. Some counties index all documents therein, some index only deeds, mortgages, and other documents that contain a legal description and convey all or part of a property. For example, Champaign County maintains a Miscellaneous Index which contains powers of attorney and other documents that do not contain a legal description. Other counties do not maintain a Miscellaneous Index and index these documents in the Grantor and Grantee Indexes.

The Grantee Index contains documents indexed by the name of the grantee and should be searched for all the grantees of conveyances recorded within the search period, starting with the name of the seller, and searching back in time. Once the searcher has found the first warranty deed between unrelated parties recorded *before* the beginning of the search period, then the searcher can stop searching the grantee index. The searcher should make copies of all conveyances of the search property that found and include each document’s information on the chain of title portion of the search checklist.

2. Grantor Index

Once the Grantee Index has been searched for the search period, then the searcher can begin searching the Grantor Index. The Grantor Index contains documents indexed by the name of the grantor. The searcher begins with the first warranty deed between unrelated parties recorded *before* the beginning of the search period and searches forward in time, to the present, in the Grantor Index. The searcher should make copies of all conveyances of the search property found and include each document’s information on the chain of title portion of the search checklist. Compare the findings from the Grantee and Grantor Index searches to find any discrepancies and note them. See below for more information on wild deeds and breaks in the chain of title.

If a document has been recorded that creates a new interest in the property since the seller took title, (e.g., a deed in trust or memorandum of contract), the additional names must be searched forward in the Grantor Index from the date the interests in the property were created.

3. Tract Index

Some counties maintain a Tract Index in addition to the indexes required by statute. All documents that contain a legal description will be indexed in a Tract Index, which is then searched using the legal description.

The Grantor and Grantee Indexes in the Recorder’s Office are the official indexes for providing record notice of real property conveyances. Tract indexes are not official indexes. If the county recorder’s office has an accurate tract index, you or your search provider may use it. However, if the county has an unreliable tract index, be sure that you or your search provider also searches the grantor-grantee index. If using a computer to search, then the search must be conducted using the legal description, PIN, and names to be sure you have all documents that apply to the property.

Because the search using the Tract Index is conducted using the legal description and not the titleholders' names, you may locate conveyances from parties unknown to the chain of title. In those cases, the searcher should make copies of any such documents for examination, and include the information in the search report and chain of title. See below for more information on wild deeds and breaks in the chain of title.

4. Mortgagor Index

Mortgages are indexed in this index by the name of the mortgagor. Some counties do not maintain a mortgage index, but index mortgages in the Grantor/Grantee Index. The Mortgagor Index should be searched using the names of all titleholders during the search period.

The search report should give information on all open mortgages from titleholders during the search period. To determine which mortgages are open and which are released, you must find the county's release information, which may be contained in a Mortgage Release Index. Some counties do not maintain a Release Index, but index releases on the same line as the original indexing of the mortgage. Also, some counties do not even index releases, but simply note the recording information of the release on the copy of the mortgage. Absent a Mortgage Release Index, the searcher should question the recorder regarding how releases of mortgages are indexed.

Further, with the secondary mortgage market and mortgage assignments, it is necessary to search for an assignment of any existing mortgage on the property. To do this, the searcher must first determine where assignments are indexed. Some counties may index them in the Grantor Index, while others may index them in the Mortgagor Index. Simply check with the recorder to find out where they are indexed. Thereafter, when conducting a search, search the name of the mortgagee in the appropriate index. Because of the volume of documents found in the name of a mortgagee and the fact that mortgage assignments are made individually, you may rely on the legal description in the index to determine whether an assignment relates to the subject property. In some counties, the index may reference the book and page or document number of the mortgage being assigned rather than to the legal description and you may rely on this information also to determine whether an assignment relates to the subject property.

5. Mortgagee Index

Mortgages are indexed in this index in the name of the mortgagee. While this index is maintained in recorders' offices that maintain a Mortgagor Index, you are not required to search this index under any name.

6. Oil and Gas Lease Index

Conveyances of mineral rights in the property will be indexed in the Oil and Gas Lease Index. This index must be searched in the names of all titleholders during the search period.

7. Lessor Index

A Lessor Index provides an index to all titleholders granting recorded leases to property. Thus, this index should be searched in the same fashion as a Grantor Index, using the names of all titleholders during the search period.

8. Lessee Index

Like the Grantee Index, you are not required to search this index in the course of your search.

9. Plats and Amendments

If the county in which the property is located maintains a Tract Index, plats or amendments to plats will be indexed therein and no other index need be searched. If the

county maintains a Grantor/Grantee Index system and the property lies within a platted subdivision, the searcher must search the Plat Index in the name of the subdivision for the term of the search period. If the county maintains a Grantor/Grantee system and the property lies within unplatted ground, search the Plat Index in the names of the titleholders during the search period.

Review the plat and any amendments and report information about any easements or building setback lines that affect the lot or lots to be insured.

10. Miscellaneous Index

Few counties maintain a Miscellaneous Index. In those counties with a Miscellaneous Index, it contains documents that do not have a legal description. Some examples include powers of attorney, articles of incorporation, reports of stock transfers, and other documents for which there is not a separate index. It is necessary to conduct a search in the names of the titleholders during the search period.

11. Mortgage Release Index

Few counties maintain a Release Index. But if they do, mortgage releases are indexed therein. In other counties, mortgage releases are noted on the same line as the original indexing of the mortgage, or noted on the copy of the mortgage maintained in the Recorder's office, either on microfilm cards or photocopies. The name of the mortgagor must be searched for each mortgage from the date of the mortgage forward. Search the applicable names in the Grantee section of this index, as the mortgagor will be the grantee in a release.

Remember that the originals of certain liens are returned to their rightful owners after recording and others are kept in the recorder's office. In most cases, those liens that are kept in the recorder's office are filed by a "file number" rather than by book and page number or document number. Thus, the searcher will not find them in microfilm or photocopies but in filing cabinets located in the recorder's office. The releases of these liens are indexed on the same line as the original indexing of the lien.

Sometimes the buyer of property assumes a mortgage entered into by a prior owner (mortgagor) of the property. If this is so and the county indexes releases in a Mortgage Release Index, search for a release under the name of the mortgagor.

B. Liens

The following table contains a breakdown of various liens that may be encountered during the search process and the statutes of limitations relating to those liens.

| Type of Lien | Lien Affects Property or Person | Whose Name to Search | Statute of Limitations |
|--|---------------------------------|--------------------------------|---|
| Bail Bond Forfeiture Judgment Lien | Person | Buyer, Seller and Predecessors | 7 years, plus one year if there is a pending action to enforce it. May be re-filed for up to 20 years. |
| Bail Bond | Property | Seller and Predecessors | 5 years |
| Drainage District Assessment | Property | Seller and Predecessors | Indefinitely, until paid. |
| Federal Tax Lien | Person | Buyer, Seller and Predecessors | 10 years and 30 days from date of tax assessment, and may be re-filed. |
| Illinois Tax Lien | Person | Buyer, Seller and Predecessors | 20 years |
| Judgment Lien | Person | Buyer, Seller and Predecessors | 7 years, plus one year if there is a pending action to enforce it. May be re-filled for up to 20 years. |
| <i>Lis Pendens</i> Notice | Property | Seller and Predecessors | None. Search and report all notices recorded within the search period. |
| Mechanics' Lien | Property | Seller and Predecessors | 2 years. Search and report all mechanics' liens recorded within the search period. |
| Mobile Home Local Services Tax Lien | Person | Buyer, Seller and Predecessors | 10 years from the date of the recorded notice. |
| Mortgages | Property | Seller and Predecessors | 20 years from the due date, or, if no due date, 30 years from the date of execution. |
| Municipal and County Demolition and Weed-Cutting Liens | Property | Seller and Predecessors | Indefinitely, until paid. |
| Municipal and County Water and Sewer Liens | Property | Seller and Predecessors | 10 Years from the date of recording the notice. |
| Oil & Gas | Property | Seller and Predecessors | See Below |
| Old Age Assistance and Public Aid Liens | Property | Buyer, Seller and Predecessors | 5 Years from the recording date of the notice, and may be re-filed. |
| Public Water District Lien | Property | Seller and Predecessors | 10 Years from the recording date of notice. |
| Real Estate Taxes | Property | Seller and Predecessors | 20 Years. |
| Retailer's Occupation Tax, Excise Tax Lien and Lottery Liens | Person | Buyer, Seller and Predecessors | 20 Years from recording date of notice. See below for additional information. |

| Type of Lien | Lien Affects Property or Person | Whose Name to Search | Statute of Limitations |
|---|---------------------------------|--------------------------------|---|
| Sanitary District Lien | Property | Seller and Predecessors | 10 Years from the date of the recorded notice. |
| Unemployment Compensation Contribution Lien | Person | Buyer, Seller and Predecessors | 3 Years. Search and report all liens recorded within the search period. |

That a lien applies to the “Property” means that the lienholder is entitled to a lien only on a particular parcel of real estate and the notice of the lien will contain a legal description. A tract index will contain information about notices of liens applying to particular properties, containing legal descriptions. If your county does not maintain a tract index, or if the tract index is not reliable, you must search the sellers’ and prior titleholders’ names in the applicable lien index.

That a lien applies to a “Person” means that the lien applies to all property that the person owns, or later acquires title to, in the county. These lien notices will be found by searching the name of the party in the appropriate index, but will not be found in a tract index.

This list may not include all types of liens you will find indexed in the recorder’s office. If you find other liens recorded against the parties or property, contact the ATG Underwriting Department for information concerning the effect and duration of those liens.

C. General Real Estate Taxes

The search checklist contains a section for recording information concerning the real estate tax search. Indicate the permanent index number (PIN) assigned to the property. The searcher must find the county’s tax maps and review them to determine whether the PIN is correct, whether additional PINs may apply to the insured property, or whether other property not insured is also affected by the same PIN. If the property is being developed, or was recently developed, then the original PIN must be reported and searched, and, if possible, the new PIN must be determined and searched. Further, make a note of the name of the party paying the real estate taxes (or the party to whom the taxes are billed).

The searcher must determine the amount and status of the current year’s taxes. The next step is to check the real estate taxes for the prior five years to determine whether those taxes have been paid, unpaid, sold or forfeited.

D. Special Assessments

The procedures necessary to levy a special assessment of any kind are basically the same. A petition for court approval with an assessment roll is filed, notice to interested parties is served, a court hearing is held, and the court’s decision with the assessment roll is certified to the appropriate collecting officials. When any assessment roll has been approved and confirmed by the Circuit Court having jurisdiction of the district, a certified copy of the judgment is delivered to the county collector and recorded. In counties with township organization, the offices of the county collector and county treasurer are combined.

Before any assessment becomes due and payable, the collector mails a notice to the owner of the property, or to the persons in whose name the property was last assessed, a statement containing a property description, the amount of the assessment, the date the assessment is due, and the manner in which it should be paid. The annual maintenance assessments are due and payable and become a lien on the property on the first day of January next succeeding the confirmation of the levy. Original and additional assessments are due as specified in the court order approving the assessments. One-half of the annual maintenance assessment becomes delinquent on the first day of the following June and the remaining half becomes delinquent on the first day of the following September.

The Illinois Drainage Code, at 70 ILCS 605/5-14 requires that, after entry of the judgment for a special assessment for a drainage district, the clerk shall record the entire assessment roll or verdict as confirmed in the record, and make out and certify copies of the assessment roll or verdict as it pertains to property in the district located in the county. The statute further requires the commissioner to file the certified copies in the recorder's office of every county containing lands or other property of the district. It requires that all municipal assessments be recorded in the county recorder's office. No lien for payment can exist until this recording takes place, so the searcher should be able to find all liens for drainage districts in the search of the recorder's office.

The concern is finding the proper keeper of records of city or township assessments or assessments by the various other authorities empowered to levy these assessments prior to September 17, 1987 or January 1, 1988. Prior to these dates, assessments became liens on the property upon entry of the judgment approving the assessment. There was no requirement that the judgment be recorded. Bear in mind that assessments may be levied by drainage districts (which records are normally kept with the county treasurer) or hospital, fire protection, forest preserve, or other types of special districts. These records may be kept by city or village clerks, treasurers, township officials, or commissioners. In smaller towns, it is often more difficult to find the keeper of the records, but easier to keep abreast of special assessments because of newspaper coverage or one's involvement in city government. Personal knowledge of road improvements or street lighting additions (or the like) should alert the searcher that assessments might exist against the property.

E. Break in the Chain of Title/Wild Deed or Mortgage

If a deed from an interloper (stranger) is found in the search, the searcher should show the chain of title up to the last grantee before the interloper, report the deed from the interloper with a note that the deed is outside the chain of title, and continue the search through both the interloper and the proper grantee in the chain, if possible.

If the search reveals a wild deed or mortgage (a deed or mortgage in which neither the grantors or mortgagors nor the grantees or mortgagees appear anywhere in the chain of title), report the wild deed or mortgage with a note that the grantors/mortgagors and the grantees/mortgagees do not appear in the chain of title, and continue the search through the proper grantees.

F. Miscellaneous – Torrens Property (Cook County)

Property registered in Torrens will have a Certificate that shows the owner of the property, the legal description, and, on the reverse side, the exceptions that pertain to the property. The Torrens system has been eliminated, but some properties have not yet been deregistered.

In searching Torrens property, check the last Torrens certificate at the registrar's office. Copies should be provided, if available.

All documents from the last Torrens certificate must be reported and included with the search report, even if there is a prior policy.

Property that has been deregistered will have a new chain of title beginning with the recorded Certification of Title, a document prepared by the Torrens Office showing the names of the owners of the property, the legal description, and the matters that affect the title to the property.

The requirements of the above sections entitled Search Period, Documenting the Search and Document Copies must be followed for all Torrens searches.

