

PUBLIC NOTICE

PROPOSED
ORDINANCE
No.
PREDICTABLE FEE SCHEDULE
FOR RECORDING STANDARD DOCUMENTS

WHEREAS, the Illinois General Assembly has enacted Public Act 100-0271, effective August 22, 2017, which requires counties to adopt and implement, by ordinance or resolution, a predictable fee schedule for recording certain standard documents by the office of the Recorder; and

WHEREAS, Public Act 100-0271 amends Section 5/3-5018 of the Counties Code under which the current traditional recording fee schedule is authorized, to remain effective except as provided for in new Section 5/3-5018.1, which requires a predictable fee schedule for recording certain standard documents; and

WHEREAS, Section 5/3-5018.1 requires the County to adopt and implement, by January 1, 2019, a predictable fee schedule for standard documents which shall be divided into five classifications for which a single, all inclusive, County and State-imposed aggregate fee shall be charged at the time of recording and called the document class flat fee; and

WHEREAS, Section 5/3-5018.1 authorizes certain minimum document class flat fees for each of the following document classes: (1) deeds; (2) leases, lease amendments, and similar transfer of interest documents; (3) mortgages; (4) easements not otherwise part of another classification; and (5) miscellaneous; and

WHEREAS, a fee study analysis was performed regarding the costs associated with the recording of documents, including an analysis of the average fees collected by document classification and such analysis revealed that the current statutorily prescribed fees are not sufficient to cover the costs of providing the services related to each document class; and

WHEREAS, it is necessary for the County Board to formally adopt the statutorily prescribed predictable fee schedule and formally approve an increase to the document class flat fee schedule in order to increase such fees to cover the costs of providing the recording services in compliance with Public Act 100-0271 and 55 ILCS 5/3-5018.1; and

WHEREAS, an amendment is necessary to the existing County Code, reflecting the foregoing.

NOW, THEREFORE BE IT ORDAINED, that the County approves a document class flat fee and adopts the initial predictable fee schedule allowed under Public Act 100-0271 and Sections 5/3-5018.1(c) and (d) of the Counties Code for standard documents, as set forth on Exhibit A (Fee Schedule) and B (Public Act 100-0271), attached hereto; and

IT IS FURTHER ORDAINED, that all previously enacted ordinances and statutory requirements for non-standard documents, which documents are defined in Section 5/3-5018.1 of the Counties Code, shall remain in effect; and

IT IS FURTHER ORDAINED, that the amendment to the County Code, as aforesaid, shall become effective on the _____ day of _____, 201__; and

IT IS FURTHER ORDAINED, that a copy of this Ordinance be forwarded by the County Clerk to Sterling Codifiers for inclusion in the electronic version of the County Code.

Enacted and approved this ____ day of _____, 2018 at Wheaton, Illinois.

Daniel J. Cronin, Chairman
DuPage County Board

ATTEST:

Paul Hinds, County Clerk

Fred Bucholz, DuPage County Recorder



Fee Schedule

Illinois State Statute 55 ILCS 5/3-5018 & 55 ILCS 5/3-5018.1

Standard Documents

- Deeds
- Mortgages
- Easements
- Leases
- Miscellaneous
- The document shall consist of one or more individual sheets measuring 8.5 inches by 11 inches, not permanently bound and not a continuous form. Graphic displays accompanying a document to be recorded that measures up to 11 inches by 17 inches shall be recorded without charging an additional fee.
- The document shall be legibly printed in black ink, by hand, type, or computer. Signatures and dates may be in contrasting colors as long as they will reproduce clearly.
- The document shall be on white paper of not less than 20-pound weight and shall have a clean margin of at least one-half inch on the top, the bottom, and each side. Margins may be used only for non-essential notations which will not affect the validity of the document, including but not limited to form numbers, page numbers, and customer notations.
- The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right corner.
- The document shall not have any attachment stapled or otherwise affixed to any page.

Non-Standard Documents

- A document that creates a division of a then active existing tax parcel identification number.
- A document recorded pursuant to the Uniform Commercial Code (UCC.)
- A document which is non-conforming, as described in paragraphs 1-5 of section 3-5018.
- State lien or Federal lien
- A document making specific reference to more than 5 tax parcel identification numbers in the county in which it is presented for recording.
- A document making specific reference to more than 5 other document numbers recorded in the county in which it is presented for recording.

Recording Fee Schedule

Standard Documents	55 ILCS 5/3-5018.1
Deeds	\$54.00
Leases	\$54.00
Mortgages	\$54.00
Easements	\$54.00
Miscellaneous	\$54.00

Non-Standard Documents	55 ILCS 5/3-5018 & 55 ILCS 5/3-5018.1
First Four (4) Pages	\$80.00
Each additional Page	\$2.00

Plat Documents (Plat Size up to 30x36)	55 ILCS 5/3-5018
First Page	\$78.00
Each additional Page	\$1.00

Plat of Survey	
First Page	\$40.00
Each additional Page	\$1.00

Exhibits (11x17 or less)	\$54.00
Accompanying a Standard Document	

UCC Documents	810 ILCS 5/9-525 & 810 ILCS 5/9-404.5
Filing (Secretary of State Form)	\$48.00
Termination (Secretary of State Form)	\$33.00
Non-Conforming	\$38.00
Each additional Name	\$5.00

The recording amounts above include the following fees: Recording, Document Storage System (DSS) \$3.00, Geographic Information System (GIS) \$15.00, Real Property \$1.00 and Rental Housing Support Program (RHSP) \$9.00. The RHSP fee does not apply when recording documents which are not real estate related or documents recorded by units of government. 310 ILCS 105/7.

Military Discharge	55 ILCS 5/3-5015
Recording	No Charge
First Certified Copy	No Charge

State, Federal & Local Government Agencies	55 ILCS 5/3-5018 & 770 ILCS 110/5
Discounted prices are applicable only if paid by agency.	
Liens	\$23.00
Release of Liens	\$23.00
Each additional Name	\$1.00

Archive Fee Schedule

Document Copy

Per page	\$0.50
Certification	\$5.00
See service charge below	

Plat Copy

11x17 Page	\$1.50
18x24 Page	\$2.50
24x36 Page	\$5.00
36x48 Page	\$8.00
See service charge below	

UCC Copy

Per page	\$1.00
Certification	\$5.00

UCC Search

810 ILCS 5/9-525

Certificate issued per name searched.

Search Fee per Name	\$10.00
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Faxed Copy

Per page	\$0.50
See service charge below	

Service Charge

Applied to phone orders, fax orders and mail requests.

Per Document/Plat	\$5.00
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Military Discharge

55 ILCS 5/3-5015

Request form needs to be completed and identification is required.

Certified Copy	\$1.25
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Map of DuPage County 1897

Color Print 18x24	\$5.00
Color Print 24x36	\$10.00
Color Print 36x48	\$15.00

USB

USB's must be purchased through the Recorder's Office and cannot be recycled for additional documents after purchase.

USB 2G	\$10.00
Per page	\$0.50

Reports (.pdf)

Per page	\$0.50
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Payment

Pay Types

Credit Card	Visa, MasterCard, Discover, UnionPay
Check (no starter checks)	Payable to: DuPage County Recorder
Money Order	Payable to: DuPage County Recorder
Cash	

Business Accounts

Agreement must be completed and submitted for approval.

Automated Clearing House (ACH)
Escrow

Pay Type Fees

Credit Card Convenience Fee (\$30.00 and above)	2.75%
Credit Card Convenience Fee (\$29.99 and under)	\$2.00
Returned Check Charge: Refer to Maker	\$4.50
Returned Check Charge: Stop Payment	\$4.50
Returned Check Charge: Non-Sufficient Funds	\$9.00

EXHIBIT 'B'

(55 ILCS 5/3-5018.1)

Sec. 3-5018.1. Predictable fee schedule.

(a) As used in this Section:

"Nonstandard document" means:

(1) a document that creates a division of a then active existing tax parcel identification number;

(2) a document recorded pursuant to the Uniform Commercial Code;

(3) a document which is non-conforming, as described in paragraphs (1) through (5) of Section 3-5018;

(4) a State lien or a federal lien;

(5) a document making specific reference to more than 5 tax parcel identification numbers in the county in which it is presented for recording; or

(6) a document making specific reference to more than 5 other document numbers recorded in the county in which it is presented for recording.

"Standard document" means any document other than a nonstandard document.

(b) On or before January 1, 2019, a county shall adopt and implement, by ordinance or resolution, a predictable fee schedule that eliminates surcharges or fees based on the individual attributes of a standard document to be recorded. The initial predictable fee schedule approved by a county board shall be set only as allowed under subsections (c) and (d) and any subsequent predictable fee schedule approved by a county board shall be set only as allowed under subsection (e). Except as to the recording of standard documents, the fees imposed by Section 3-5018 shall remain in effect. Under a predictable fee schedule, no charge shall be based on: page count; number, length, or type of legal descriptions; number of tax identification or other parcel identifying code numbers; number of common addresses; number of references contained as to other recorded documents or document numbers; or any other individual attribute of the document except as expressly provided in this Section. The fee charged under this Section shall be inclusive of all county and State fees that the county may elect or is required to impose or adjust, including, but not limited to, GIS fees, automation fees, document storage fees, and the Rental Housing Support Program State surcharge.

A predictable fee schedule ordinance or resolution adopted under this Section shall list standard document fees, including document class flat fees as required by subsection (c), and non-standard document fees.

Before approval of an ordinance or resolution under this Section, the recorder or county clerk shall post a notice in their office at least 2 weeks prior, but not more than 4 weeks prior, to the public meeting at which the ordinance or resolution may be adopted. The notice shall contain the proposed ordinance or resolution number, if any, the proposed document class flat fees for each classification, and a reference to this Section or this amendatory Act of the 100th

General Assembly.

A predictable fee schedule takes effect 60 days after an ordinance or resolution is adopted.

(c) Pursuant to an ordinance or resolution adopted under subsection (b), the recorder elected as provided for in this Division shall receive such fees as are or may be provided for him or her by law, in case of provision thereof: otherwise he or she shall receive the same fees as are or may be provided in this Section except when increased by county ordinance or resolution pursuant to the provisions of this Section, to be paid to the county clerk for his or her services in the office of recorder for like services. For the purposes of the fee charged, the ordinance or resolution shall divide standard documents into the following classifications and shall establish a single, all inclusive, county and State-imposed aggregate fee charged for each such classification of document at the time of recording for that document, which is called the document class flat fee. A standard document is not subject to more than one classification at the time of recording for the purposes of imposing any fee. Each standard document shall fall within one of the following document class flat fee classifications and fees for each document class shall be charged only as allowed by this subsection (c) and subsection (d):

(1) Deeds. The aggregate fee for recording deeds shall not be less than \$21 (being a minimum \$12 county fee plus \$9 for the Rental Housing Support Program State surcharge). Inclusion of language in the deed as to any restriction; covenant; lien; oil, gas, or other mineral interest; easement; lease; or a mortgage shall not alter the classification of a document as a deed.

(2) Leases, lease amendments, and similar transfer of interest documents. The aggregate fee for recording leases, lease amendments, and similar transfers of interest documents shall not be less than \$21 (being a minimum \$12 county fee plus \$9 for the Rental Housing Support Program State surcharge).

(3) Mortgages. The aggregate fee for recording mortgages, including assignments, extensions, amendments, subordinations, and mortgage releases shall not be less than \$21 (being a minimum \$12 county fee plus \$9 for the Rental Housing Support Program State surcharge).

(4) Easements not otherwise part of another classification. The aggregate fee for recording easements not otherwise part of another classification, including assignments, extensions, amendments, and easement releases not filed by a State agency, unit of local government, or school district shall not be less than \$21 (being a minimum \$12 county fee plus \$9 for the Rental Housing Support Program State surcharge).

(5) Miscellaneous. The aggregate fee for recording documents not otherwise falling within classifications set forth in paragraphs (1) through (4) and are not nonstandard documents shall not be less than \$21 (being a minimum \$12 county fee plus \$9 for the Rental Housing Support Program State surcharge). Nothing in this subsection shall preclude an alternate predictable fee

schedule for electronic recording within each of the classifications set forth in this subsection (c). If the Rental Housing Support Program State surcharge is amended and the surcharge is increased or lowered, the aggregate amount of the document flat fee attributable to the surcharge in the document may be changed accordingly.

(d) If an ordinance or resolution establishing a predictable fee schedule is adopted pursuant to subsection (b) and any document class flat fee exceeds \$21, the county board shall:

(1) obtain from the clerk or recorder an analysis of the average fees collected for the recording of each of the classifications under subsection (c) based on the 3 previous years of recording data, and, if a cost study has not been performed, set respective document class flat fees for each of the 5 document classifications at the average for that class rounded upward to the next whole dollar amount; or

(2) if a cost study has been completed within the last 3 years that shows \$21 is not sufficient to cover the costs of providing the services related to each document class, obtain from the clerk or recorder an analysis of the average fees collected for the recording of each of the document classifications under subsection (c) from the date of the cost study and set respective document class flat fees for each of the 5 document classifications at the average for that document class rounded upward to the next whole dollar amount.

(e) After a document class flat fee is approved by a county board under subsection (b), the county board may, by ordinance or resolution, increase the document class flat fee and collect the increased fees only if the increase is justified by a cost study that shows that the fees allowed by subsections (c) and (d) are not sufficient to cover the cost of providing the service related to the document class for which the fee is to be increased. A statement of the costs of providing each service, program, and activity shall be prepared by the county board. All supporting documents shall be public record and subject to public examination and audit. All direct and indirect costs, as defined in the United States Office of Management and Budget Circular A-87, may be included in the determination of the costs of each service, program, and activity.

Nothing in this Section precludes a county board from adjusting amounts or allocations within a given document class flat fee as long as the document class flat fee is not increased.

(Source: P.A. 100-271, eff. 8-22-17.)