

Fingerprint "Pilot" for Residential Conveyances in Cook County

We reported in our 2008 End-of-Session Report and in the December 2008 Illinois Banker magazine that [Public Act 95-988](#), effective June 1, 2009, amends the [Illinois Notary Public Act](#) to address mortgage fraud by requiring notaries to obtain a fingerprint from any party signing a document of conveyance for a building containing 1-4 units or an individual condominium unit located in Cook County. The law contains several exceptions for transactions where fraud is unlikely to occur, including court ordered conveyances, judicial sale deeds, or deeds shifting ownership to a trust where the beneficiary also is the grantor. To protect an individual's privacy, the notary is not permitted to retain the Notarial Record. If the notary works for a title insurance company, financial institution, or attorney, then the notary must deliver the records to the employer or principal within 14 days after the notarial act. The employer must retain the Notarial Record as part of its business records for seven years. If the notary is not employed by any of the above, then the records must be sent to the Recorder of Deeds, which will retain the records for seven years. The current Illinois Notary Public Act specifies that a notary public has "satisfactory evidence" that a person is the person whose signature is on a document if that person (1) is personally known to the notary, (2) is identified upon the oath or affirmation of a credible witness personally known to the notary, or (3) is identified on the basis of identification documents. For all notarial acts, Public Act 95-988 modifies the third type of "satisfactory evidence" by mandating that, until July 1, 2013, identification documents must be valid at the time of the notarial act, issued by a state or federal government agency, and bear the individual's face and signature. The pilot program begins on June 1, 2009, and sunsets on July 1, 2013. It is the product of two years of negotiations between the Cook County State's Attorney's office, the Illinois State Bar Association, the title insurance industry and the lending industry – including the IBA. Of interest to employers of notaries public is a December 26, 2008, [ruling](#) in an Illinois Appellate Court case, [Vancura v. Katris et al.](#) involving the liability of Kinko's (now FedEx) in connection with a Chicagoland Kinko's employee's notarial act.