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RECORDING DELAYS IN COOK COUNTY, ILLINOIS

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As a result of the ongoing pandemic, many courthouses and county functions are still operating at a limited capacity. The Cook County Recorder's Office remains closed to the public and is operating on a limited schedule. As such, there are delays in obtaining document recording in the County. Currently, our firm has experienced document delays in recording of up to 8 weeks from the date the document was submitted for recording.

These delays have led to title concerns as well as new lawsuits being filed naming parties still on record. It is important to note these delays in evaluating your portfolio of loans in Cook County, Illinois. Some clients have been named in suits related to properties they conveyed title on, where the conveyance had yet to be recorded due to the County delay. In addition, some title underwriters are placing exceptions into their title policies carving out defects, liens and unenforceability arising out of the inaccessibility of the Cook County Recorder of Deeds, including, but not limited to, (I) an inability to search Public Records, or (II) any delay in recordation of the documents vesting title or creating the lien of the Insured Mortgage in the Public Records, or (III) any claim based on an assertion that the recording of the Insured Mortgage failed to be timely.

Delays have been ongoing since the early days of the pandemic. To make matters worse, the City of Chicago, in facing a severe budget crisis, will be merging its Recorder of Deeds Office into the Cook County Clerk's Office in an effort to streamline operations and reduce overhead costs. It is estimated that approximately 80 current employees of the Cook County Recorder of Deeds will lose their jobs due to the merger.

Should you have any questions on this issue or need any assistance in a new legal matter filed as a result of a recording delay, please feel free to contact the undersigned.

Marcos Posada