

TITLE ISSUES

USING A TITLE COMPANY AS AN AID IN COMPLETING FORECLOSURE PROCEEDINGS

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Title insurance can be an effective tool to help provide an attorney with some of the information needed to file a foreclosure proceeding. The information provided is produced in the form of a title commitment and dating down the commitment can assure the attorney of the sufficiency of the foreclosure proceeding.

The title company can make searches of the public records at various stages of the proceeding, can prepare a list of the necessary and permissible parties as disclosed by the public records at the outset of the proceeding, and can review the court file throughout the entire proceeding — all with a view toward providing an owner's title insurance policy at the conclusion of the proceeding insuring the foreclosure plaintiff or its purchaser free and clear of claims and interests affected by the proceeding. With the aid of the title company along with careful adherence to the Illinois Mortgage Foreclosure Law¹, ("IMFL"), the foreclosure plaintiff's attorney is well on the way to the completion of an insurable foreclosure proceeding.

STEP 1: PARTIES

To assist in the diligent inquiry for the names and addresses of all interested parties, the foreclosure plaintiff's attorney should request the title company to prepare a title commitment on the land subject to the lien to be foreclosed. This commitment, known as a "necessary parties exam or minutes of foreclosure," would, like all title commitments, include a legal description of the land, the name of the record owner, a listing of all recorded easements, covenants, restrictions, liens, and encumbrances affecting the land, and a report of the current status of real estate taxes affecting the land. In addition, the necessary parties exam would include a list of all necessary and permissible parties to be named as defendants in the proceeding, as disclosed by a search of the public records. In order to facilitate the processing of the application for a necessary parties exam, the foreclosure plaintiff's attorney should provide the title company with the following: the name, address and phone number of the attorney applicant; the legal description of the land; permanent index number or street address of the land; and the recorded instrument number of the

lien to be foreclosed. Furnishing the document number to the title company will insure that the list of necessary and permissible parties prepared by the title company would accurately include only the names of lien claimants whose interests are subordinate to the lien to be foreclosed. Mistakenly naming as a defendant a senior lien holder would be a costly error since that interest would not be affected by the foreclosure proceeding. The attorney should use the completed necessary parties commitment as an aid in compiling a list of the necessary defendants to be named in the foreclosure complaint.

Following the guidelines established by IMFL, the title company's list of necessary and permissible parties will include the names of all persons and entities whose rights may be affected by the proceedings, provided that each person or entity is subjected to the jurisdiction of the court through service of process in accordance with Article II of the Illinois Code of Civil Procedure². Under the IMFL³, the only true necessary parties are (a) the mortgagor, defined in 15-1209⁴ as any person whose interest in the real estate is the subject of the mortgage and any person claiming through a mortgagor as successor and (b) other persons (not guarantors) who owe payment of indebtedness or other obligations secured by the mortgage and against whom personal liability can be asserted. All other interested parties are defined in IMFL⁵ as permissible parties and may be joined as defendants in the foreclosure proceeding. IMFL contains a non-exclusive list of permissible parties:

- persons having a possessory interest in the mortgaged real estate
- mortgagor's spouse
- trustee holding an interest in the land or a beneficiary of said trust
- guarantors
- State of Illinois, (see section 15-1501(g) for an explanation of service of process on the State)⁶
- United States of America, (see section 2410 of the Federal Judicial Code for an explanation of service of process on the United States of America)⁷
- any assignee of leases or rents
- recorded mechanics' lien claimants
- any other mortgagee or claimant
- "unknown owners", as defined in the Code of Civil Procedure⁸

In addition to the above mentioned parties, the title company may also include in its list the following types of permissible parties: noteholders under mortgages and trust deeds, condominium associations, heirs, devisees, legatees or claimants in pending probate estates, guardians or executors, property managers, and bankruptcy trustees. Finally the necessary parties exam will point out that the attorney should also name as defendants any other persons or entities having an interest in the land who were not named in the title commitment but who are known to the plaintiff or plaintiff's attorney.

If a permissible party is not named as a defendant in the proceeding then the title company may state on its title commitment that the interest of said party will remain as an exception to title even upon the completion of the foreclosure. On the other hand, the interests of parties properly before the court and subsequently terminated by the foreclosure proceeding will be deleted from the title commitment when the commitment is dated down to cover the completion of the case.

IMFL⁹ also permits the termination of the rights of nonrecord claimants, (defined in paragraph 15-1210¹⁰, as any person who has an interest in the land, whose interest, at the time a notice of foreclosure is recorded, is not disclosed of record, and whose interest falls in the following categories: right of homestead, judgment creditor, beneficial interest under trust, or unrecorded mechanics' lien claimant) even though such claimants are not made parties defendant. This paragraph, a new addition to Illinois foreclosure law, permits the interests of nonrecord claimants to be terminated by a simple affidavit and notice procedure. This section gives rise to the query: "Have the requirements of due process been satisfied with respect to nonrecord claimants?" It is questionable whether a title company will insure that the foreclosure proceeding has affected the interest of any nonrecord claimant.

The following is an example of the title commitment exception which includes the list of necessary and permissible parties:

(1) IN ORDER THAT WE MAY INSURE TITLE AFTER COMPLETION OF ANY PROCEEDING BROUGHT TO FORECLOSE THE LIEN RECORDED AS DOCUMENT 87999999, WE NOTE THE FOLLOWING:

(A) OUR POLICY, WHEN ISSUED, WILL BE MADE SUBJECT TO DIRECT ATTACK UPON THE JUDGMENTS AND ORDERS ENTERED IN THE CASE;

(B) UPON FILING OF THE COMPLAINT, A PROPER NOTICE OF FORECLOSURE PURSUANT TO SECTION 15-1503 OF THE ILLINOIS MORTGAGE FORECLOSURE LAW SHOULD BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, OR,

IF THE LAND IS REGISTERED IN TORRENS, FILED IN THE OFFICE OF THE REGISTRAR OF TITLES;

(C) THE FOLLOWING NECESSARY OR PERMISSIBLE PARTIES SHOULD BE JOINED IN THE CONTEMPLATED PROCEEDING IN ORDER THAT WE MAY INSURE THAT THEIR INTERESTS WILL BE AFFECTED:

- (1) ALL PERSONS ACQUIRING RIGHTS IN THE LAND SUBSEQUENT TO THE DATE OF THIS COMMITMENT AND PRIOR TO THE TIME A NOTICE OF FORECLOSURE HAS BEEN RECORDED/FILED;
- (2) ALL PERSONS, OTHER THAN THOSE NAMED HEREIN, KNOWN BY PLAINTIFF OR PLAINTIFF'S ATTORNEY TO HAVE OR CLAIM TO HAVE AN INTEREST IN THE LAND;
- (3) ALL PERSONS IN POSSESSION OF THE LAND;
- (4) RUFUS T. FIREFLY, RECORD OWNER OF THE LAND, AND HIS SPOUSE, IF ANY.
- (5) ACME CONSTRUCTION CO., MECHANICS' LIEN CLAIMANT SHOWN ABOVE.
- (6) NORMAN BATES, CONTRACT PURCHASER SHOWN ABOVE.
- (7) LAST NATIONAL BANK OF CHICAGO, JUNIOR MORTGAGEE SHOWN ABOVE.
- (8) STATE OF ILLINOIS BY REASON OF STATE INCOME TAX LIEN NOTED ABOVE.
- (9) UNITED STATES OF AMERICA, BY REASON OF EXCEPTION NOTED ABOVE.

NOTE: IF THE UNITED STATES OF AMERICA IS SHOWN HEREIN AS A NECESSARY OR PERMISSIBLE PARTY, YOUR ATTENTION IS DIRECTED TO THE PROVISIONS IN SECTION 2410 OF THE UNITED STATES JUDICIAL CODE (28 U.S.C.A. SECTION 2410) REQUIRING THAT ANY ACTION TO FORECLOSE A MORTGAGE NAMING THE UNITED STATES AS A PARTY UNDER THIS SECTION "MUST SEEK A JUDICIAL SALE." IN THE EVENT SUCH A SALE IS NOT SOUGHT IN THE CONTEMPLATED PROCEEDING, SUCH PROCEEDING WILL NOT AFFECT THE RIGHTS OF THE UNITED STATES, AND THE UNITED STATES SHOULD NOT BE MADE A PARTY THERETO. IN ADDITION, WE NOTE THE CONSEQUENCES OF LIENS, IF ANY, IN FAVOR OF THE UNITED STATES WHICH APPEAR OF RECORD AFTER THE DATE OF THE COMMITMENT.

NOTE: IF IT IS KNOWN THAT ANY OF THE NECESSARY OR PERMISSIBLE PARTIES LISTED HEREIN ARE DECEASED, THEIR HEIRS OR

LEGATEES SHOULD BE MADE PARTIES BY NAME IF KNOWN, AND IF UNKNOWN, THEN BY THE NAME AND DESCRIPTION OF "UNKNOWN HEIRS OR LEGATEES OF" SUCH DECEASED PERSON OR PERSONS. IF IT IS NOT KNOWN OR CANNOT BE ASCERTAINED WHETHER ANY OF SAID PARTIES ARE LIVING OR DEAD, THEN SUCH PARTIES SHOULD BE MADE PARTIES BY NAME, AND SUCH PERSON(S) AS WOULD BE THEIR HEIRS OR LEGATEES SHOULD ALSO BE MADE PARTIES TO THE PROCEEDING AS "UNKNOWN OWNERS." IN THIS CONNECTION WE DIRECT YOUR ATTENTION TO SECTION 2-413 OF THE CODE OF CIVIL PROCEDURE.

NOTE: IN THE EVENT THAT THERE ARE ANY PERSONS WHO ARE NECESSARY OR PERMISSIBLE PARTIES TO THE CONTEMPLATED PROCEEDING, BUT THE NAMES OF SUCH PERSONS ARE UNKNOWN AND UNASCERTAINABLE, THEN, AND IN THAT EVENT ONLY, SUCH PERSONS SHOULD BE MADE PARTIES UNDER THE DESCRIPTION OF "UNKNOWN OWNERS," UNLESS THE CONTRARY IS HEREIN INDICATED.

NOTE: IF "UNKNOWN OWNERS" OR "UNKNOWN HEIRS OR LEGATEES" ARE TO BE MADE DEFENDANTS, ANY CONTEMPLATED PROCEEDING SHOULD BE FILED IN STATE COURT BEFORE THE COMPANY WILL INSURE THAT THEIR INTERESTS WILL BE AFFECTED. ADDITIONALLY, THE QUESTION OF THE COMPANY'S WILLINGNESS TO RELY ON THE DESIGNATION OF "UNKNOWN OWNERS" TO INSURE OVER THE INTEREST OF AN UNRECORDED MECHANICS' LIEN CLAIMANT, IF ANY, SHOULD BE SUBMITTED TO AN UNDERWRITER.

NOTE: ATTENTION IS DIRECTED TO THE PROVISIONS OF SECTION 15-1502 (C) OF THE ILLINOIS MORTGAGE FORECLOSURE LAW, PURSUANT TO WHICH THE RIGHTS OF NON-RECORD CLAIMANTS MAY BE TERMINATED BY COMPLIANCE WITH THE AFFIDAVIT AND NOTICE PROVISIONS SET FORTH IN SAID SECTION. HOWEVER, UNLESS PERSONS WHOSE INTERESTS APPEAR OF RECORD OR WHOSE IDENTITIES ARE KNOWN TO THE PLAINTIFF ARE MADE PARTIES TO THE CONTEMPLATED PROCEEDING, THE COMPANY WILL NOT INSURE THAT ANY SUCH PROCEEDING WILL AFFECT THEIR INTERESTS.

NOTE: THE CONTEMPLATED PROCEEDING MAY AFFECT THE RIGHTS OF ONLY THOSE PARTIES NAMED HEREIN IN PARAGRAPH "C" AS NECESSARY OR PERMISSIBLE PARTIES. THE POLICY, WHEN ISSUED, WILL BE SUBJECT TO THE RIGHTS OF ALL OTHER PARTIES AND INTER-

ESTS SHOWN IN THIS COMMITMENT UNLESS SATISFACTORY DISPOSITION THEREOF IS OTHERWISE MADE.

STEP 2: COMPLAINT AND NOTICE OF FORECLOSURE

Using information provided by the client and by the necessary parties exam, the foreclosure plaintiff's attorney should draft a foreclosure complaint and file it in the circuit court of the county in which the mortgaged real estate is located. We can thank the legislature for drafting a succinct foreclosure statute which lays out the elements necessary for a statutorily proper complaint.¹¹ Refer to this section for a sample form of complaint that can be customized for each foreclosure.

After filing the complaint in the circuit court, plaintiff's attorney should record a notice of foreclosure, as defined in paragraph 15-1211 of IMFL¹², in the office of the recorder of deeds of the county in which the mortgaged real estate is located.¹³ The recording of the notice constitutes constructive notice of the pendency of the foreclosure to all parties claiming an interest in the real property subsequent to the recording date. The statute states that the notice must be executed by any party or any party's attorney and shall include (1) names of all plaintiffs, (2) the case number, (3) the court in which the action was brought, (4) the names of title holders of record, (5) a legal description, (6) a common address, and (7) identification of the mortgage to be foreclosed. The notice of foreclosure replaces the lis pendens notice required by law prior to enactment of IMFL.

Plaintiff's attorney should next proceed to obtain service of process on all defendants and ask the title company to review the proceedings to this point. The title company will update the status of title and review the contents of the court file. When reviewing a foreclosure complaint, the title company will compare the complaint to the section 15-1504 sample. In addition, the title company will examine the proceedings in order to ascertain whether the court has proper jurisdiction over the subject matter. In other words, whether the court has the power to hear and determine the matter in controversy. Finally the title company will determine whether all the named defendants were properly served with process in compliance with Article II of the Illinois Code of Civil Procedure. In Illinois, there are four methods of obtaining service on defendants: (1) personal service (code section 2-203), (2) substituted service (code section 2-203), (3) service by publication (code sections 2-206 and 2-207), and (4) personal service outside the State (code section 2-208).¹⁴ The title company will also consider code section 2-413¹⁵ which describes the process for obtaining jurisdiction over unknown owners.

The following is an example of the after complaint title commitment exception:

(2) WE HAVE EXAMINED THE PROCEEDING IN CASE NUMBER 92CH9999 TO FORECLOSE THE LIEN

RECORDED AS DOCUMENT NUMBER 87999999, AND
NOTE THE FOLLOWING:

- (A) OUR POLICY, WHEN ISSUED, WILL BE MADE SUBJECT TO DIRECT ATTACK UPON JUDGMENTS AND ORDERS ENTERED IN THE CASE;
- (B) A PROPER NOTICE OF FORECLOSURE HAS NOT BEEN RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS
- (C) PROPER SERVICE OF PROCESS SHOULD BE HAD UPON THE FOLLOWING NAMED PARTIES DEFENDANT:

RUFUS T. FIREFLY;

NOTE: ATTENTION IS DIRECTED TO THE PROVISIONS OF SECTION 15-1502(C) OF THE ILLINOIS MORTGAGE FORECLOSURE LAW, PURSUANT TO WHICH THE RIGHTS OF NON-RECORD CLAIMANTS MAY BE TERMINATED BY COMPLIANCE WITH THE AFFIDAVIT AND NOTICE PROVISIONS SET FORTH IN SAID SECTION. HOWEVER, UNLESS PERSONS WHOSE INTERESTS APPEAR OF RECORD OR WHOSE IDENTITIES ARE KNOWN OR SHOULD BE KNOWN TO THE PLAINTIFF ARE MADE PARTIES TO THE PROCEEDING, THE COMPANY WILL NOT INSURE THAT THEIR INTERESTS WILL BE AFFECTED.

NOTE: ATTENTION IS DIRECTED TO THE PROVISIONS OF SECTION 2410 OF THE UNITED STATES JUDICIAL CODE REQUIRING THAT ANY ACTION TO FORECLOSE A MORTGAGE NAMING THE UNITED STATES AS A PARTY UNDER THIS SECTION "MUST SEEK A JUDICIAL SALE." IN THE EVENT TITLE IS DERIVED THROUGH THE PROCEEDING WITHOUT SUCH A SALE, THE PROCEEDING WILL HAVE NO EFFECT ON ANY RIGHTS IN THE LAND THE UNITED STATES MAY PRESENTLY HAVE OR HEREAFTER MAY ACQUIRE PRIOR TO ANY JUDGMENT VESTING TITLE TO THE LAND IN PLAINTIFF.

- (D) THE COMPLAINT SHOULD BE AMENDED BY LEAVE OF COURT AND THE FOLLOWING SHOULD BE NAMED ADDITIONAL PARTIES DEFENDANT AND SERVED WITH PROCESS:

FRED C. DOBBS, JUDGMENT CREDITOR,
WHOSE INTEREST IN THE LAND AROSE PRIOR
TO ANY RECORDED NOTICE OF FORECLOSURE;

- (E) DEFECTS OR ADDITIONAL INFORMATION, IF ANY: THE MORTGAGE DOCUMENT NUMBER IN THE COMPLAINT IS INCORRECT.

NOTE: THE PROCEEDING MAY AFFECT THE RIGHTS OF ONLY THOSE PARTIES ALREADY PROPERLY SERVED WITH PROCESS AND THOSE PARTIES, IF ANY, NAMED ABOVE IN PARAGRAPHS "C" AND "D". THE POLICY, WHEN ISSUED, WILL BE SUBJECT TO THE RIGHTS OF ALL OTHER PARTIES AND INTERESTS SHOWN IN THIS COMMITMENT UNLESS SATISFACTORY DISPOSITION THEREOF IS OTHERWISE MADE.

As one will note in paragraph (D) above, the title company will list in this exception any and all defects discovered in the examination of the filed foreclosure complaint. If the title company reports any defects, it would be prudent for plaintiff's attorney to file an amended complaint.

STEP 3: AFTER JUDGMENT

After prove-up of the case and entry of the judgment of foreclosure, the foreclosure plaintiff's attorney should request the title company to again update the title commitment to cover the date of entry of said judgment. The after-judgment title commitment will update the current status of title and review the proceedings to this point. Paragraph 15-1506 of IMFL¹⁶ sets forth the necessary elements of a valid judgment of foreclosure. The title company's review of the foreclosure judgment includes a determination that the judgment complies with the section in that it contains proper findings that the court had acquired jurisdiction over the parties and the subject matter and that the allegations of the complaint were proved. Also, the judgment must include rulings of the court with respect to each request for relief pleaded in the complaint. The court's judgment order should also describe the method of the judicial sale of the mortgaged property.¹⁷

Generally, the judgment should include a recitation of the date of the expiration of the redemption period; however, the statute states that the absence of said date in the judgment neither extends the redemption period nor impairs the validity of the judgment. IMFL has changed redemption rights in two ways: 1) only one party has a statutory right of redemption – namely the mortgagor, and 2) the redemption period expires before the judicial sale. This last rule is set forth in section 15-1603 (b)¹⁸, and is the opposite of the previous statutory redemption rule. Under prior law, the various redemption periods began after the judicial sale. The current redemption periods are as follows:

- (1) residential real estate: redemption period ends the later of 7 months after mortgagors are subjected to the jurisdiction of the court, or, 3 months after the date the judgment is entered.
- (2) all other foreclosures: redemption period ends the later of 6 months after mortgagors are subjected to the jurisdiction of the court, or 3 months after the date the foreclosure judgment is entered.

The time periods described above are subject to one

extension, a special right to redeem¹⁹, found in IMFL. With respect to residential real estate, (defined in IMFL in paragraph 15-1219)²⁰ when the foreclosing mortgagee is the successful bidder at the sale and the sale price is less than the redemption amount, then the holder of the redemption right has an additional 30 days to redeem after the confirmation of the sale.

The following is an example of the after judgment title commitment exception:

(3) WE HAVE EXAMINED THE PROCEEDING IN CASE NUMBER 92CH9999 TO FORECLOSE THE LIEN RECORDED AS DOCUMENT 87999999 AND NOTE THE FOLLOWING:

- (A) JUDGMENT ENTERED ON JULY 4, 1989 PROVIDING THAT THE LAND BE SOLD AS PROVIDED IN SAID JUDGMENT;
- (B) EXPIRATION DATE OF MORTGAGOR'S RIGHT OF REDEMPTION: OCTOBER 4, 1989;

NOTE: IF THE LAND QUALIFIES AS "RESIDENTIAL REAL ESTATE," AND IF THE PURCHASER AT THE SALE IS A MORTGAGEE WHO IS A PARTY TO THE FORECLOSURE OR ITS NOMINEE, AND IF THE SALE PRICE IS LESS THAN THE AMOUNT REQUIRED TO REDEEM, A SPECIAL RIGHT OF REDEMPTION EXISTS IN THE MORTGAGOR FOR A PERIOD OF 30 DAYS AFTER THE ORDER CONFIRMING THE SALE.

NOTE: ANY ORDER ENTERED CONFIRMING A SALE CONDUCTED PURSUANT TO THE JUDGMENT NOTED AT PARAGRAPH "A" ABOVE SHOULD INCLUDE A FINDING THAT THE PERIOD OF REDEMPTION, IF ANY, HAS EXPIRED AND THAT NO REDEMPTION HAS BEEN MADE BY THE MORTGAGOR WITHIN SAID PERIOD.

- (C) RIGHT OF ANY INTERESTED PARTY TO HAVE SET ASIDE, MODIFIED OR REVERSED THE JUDGMENTS OR ORDERS ENTERED IN SAID CASE;
- (D) RIGHT OF ANY PARTY SERVED BY PUBLICATION, OR OF ANY PERSON CLAIMING UNDER SAID PARTY, TO APPEAR AND BE HEARD IN REGARD TO THE JUDGMENTS AND ORDERS ENTERED IN SAID CASE WITHIN THE TIME ALLOWED BY LAW;
- (E) RIGHT, IF ANY, BY REASON OF MILITARY SERVICE, OF ANY PERSON INTERESTED IN THE SUBJECT MATTER OF THE PROCEEDING TO

REDEEM WITHIN THE TIME PERMITTED BY THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT;

- (F) CONSEQUENCES OF ANY STAY, EXTENSION, COMPOSITION OR REORGANIZATION, AFTER THE DATE HEREOF, UNDER ANY BANKRUPTCY LAW OF THE UNITED STATES;
- (G) RIGHTS OF THE UNITED STATES OF AMERICA TO REDEEM THE LAND WITHIN THE TIME PERMITTED BY LAW FROM ANY SALE HELD PURSUANT TO THE JUDGEMENT BY REASON OF ANY FEDERAL LIEN WHICH MAY PRESENTLY OR HEREAFTER APPEAR OF RECORD;
- (H) A PROPER NOTICE OF FORECLOSURE HAS BEEN RECORDED
- (I) DEFECTS OR ADDITIONAL INFORMATION, IF ANY: IT MAY BE QUESTIONABLE WHETHER PROPER JURISDICTION WAS OBTAINED OVER RUFUS T. FIREFLY BECAUSE SHERIFF'S RETURN OF SERVICE WAS NOT FOUND IN THE COURT FILE.

NOTE: THE PROCEEDING MAY AFFECT THE RIGHTS OF ONLY THOSE PARTIES ALREADY PROPERLY SERVED WITH PROCESS. THE POLICY, WHEN ISSUED, WILL BE SUBJECT TO THE RIGHTS OF ALL OTHER PARTIES AND INTERESTS SHOWN IN THIS COMMITMENT UNLESS SATISFACTORY DISPOSITION THEREOF IS OTHERWISE MADE.

STEP 4: SALE AND DEED

After judicial sale, confirmation of the sale, and the issuance and recordation of the sheriff's deed²¹, the foreclosure plaintiff's attorney should request a final update of the title commitment. The after-deed exam will update the current status of title, show the grantee of the sheriff's deed as the record owner of the land, and review the proceedings to this point. The title company must ascertain that the applicable period of redemption expired without a redemption being made, that the judicial sale was conducted strictly according to the terms of the judgment, and that a proper order of confirmation of the sale was entered in the case. The sheriff's deed should recite the case number and the court which ordered the deed executed, as well as the title or authority of the person executing the deed.

The following is an example of the after-deed title exception:

(4) WE HAVE EXAMINED THE PROCEEDING IN CASE NUMBER 92CH9999 TO FORECLOSE THE LIEN RECORDED AS DOCUMENT 87999999 AND NOTE THE FOLLOWING:

- (A) RIGHT OF ANY INTERESTED PARTY TO HAVE SET ASIDE, MODIFIED OR REVERSED THE JUDGMENTS OR ORDERS ENTERED IN SAID CASE;
- (B) RIGHT, BY REASON OF MILITARY SERVICE, OF ANY PERSON INTERESTED IN THE SUBJECT MATTER OF THE CASE TO REDEEM WITHIN THE TIME PERMITTED BY THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT;
- (C) SPECIAL STATUTORY RIGHTS IN THE MORTGAGOR TO REDEEM THE LAND WITHIN 30 DAYS AFTER ENTRY OF THE JUDGMENT CONFIRMING THE SALE.
- (D) RIGHTS OF THE UNITED STATES OF AMERICA TO REDEEM THE LAND FROM SAID SALE BY REASON OF FEDERAL LIEN(S) NOTED HEREIN.

If applicable, the United States of America has special redemption rights that begin after the judicial sale.

CONCLUSION

By utilizing the information contained in the title commitments produced at various stages of the foreclosure proceeding, an attorney can be assured of completing a successful foreclosure.

The foreclosure plaintiff's attorney will then be able to present the client with an owner's title insurance policy free of interests terminated by the proceeding, subject to the "right of appeal" exception. This exception will fall, however, when the land is conveyed to a bona fide purchaser for value.

CITATION LIST

1. ILL REV STAT, CH 110, PARA 15-1101 ET SEQ
2. ILL REV STAT, CH 110, PARA 2-201 ET SEQ
3. ILL REV STAT, CH 110, PARA 15-1501 (a)
4. ILL REV STAT, CH 110, PARA 15-1209
5. ILL REV STAT, CH 110, PARA 15-1501 (b)
6. ILL REV STAT, CH 110, PARA 15-1501 (g)
7. 28 U.S.C.A. SECTION 2410
8. ILL REV STAT, CH 110, PARA 2-2413
9. ILL REV STAT, CH 110, PARA 15-1502 (c)
10. ILL REV STAT, CH 110, PARA 15-1210
11. ILL REV STAT, CH 110, PARA 15-1504
12. ILL REV STAT, CH 110, PARA 15-1211
13. ILL REV STAT, CH 110, PARA 15-1503
For Cook County properties still registered under the Torrens system, the notice of foreclosure must be filed with the Registrar of Titles as an adverse instrument. The Registrar, however, need not be named as a defendant in the foreclosure proceeding.
14. ILL REV STAT, CH 110, ARTICLE II
15. ILL REV STAT, CH 110, PARA 2-413
16. ILL REV STAT, CH 110, PARA 15-1506
17. See IMFL section 15-1507 (ILL REV STAT, CH 110, PARA 15-1507) allowing sales to be conducted by persons other than the sheriff. See also IMFL Section 15-1402 (ILL REV STAT, CH 110, PARA 15-1402) for the rules governing consent foreclosure judgments.
18. ILL REV STAT, CH 110, PARA 15-1603 (b)
19. ILL REV STAT, CH 110, PARA 15-1604
20. ILL REV STAT, CH 110, PARA 15-1219
21. For Cook County properties still registered under the Torrens system, the sheriff's deed grantee should request the Registrar to de-register the land. Thereafter, the deed should be recorded.

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