

Montgomery County Predictable Recording Fee

Ordinance _____

WHEREAS, 55 ILCS 5/3-5018 provides that Montgomery County shall adopt and implement, by Ordinance, a predictable fee schedule that eliminates surcharges or fees based on the certain attributes of a standard document to be recorded; and

WHEREAS, allowed fees and distributions have been defined in accordance with 55 ILCS 5/3 5018 by Bellwether LLC and a predictable fee schedule has been prepared; and

WHEREAS, for purposes of this Ordinance, a "Non-Standard Document" shall include a document which is non-conforming, as described in paragraphs (1) through (5) of 55 ILCS 5/3-5018; a document making specific reference to 6 or more tax parcel identification numbers in Montgomery County, Illinois; or a document making specific reference to more than 5 other document numbers recorded in the county in which it is presented for recording; and

WHEREAS, notice was posted as required by 55 ILCS 5/3-5018, at least 2 weeks prior, but not more than 4 weeks prior to the adoption of the Predictable Fees; and

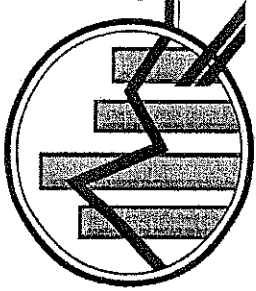
NOW, THEREFORE, BE IT ORDAINED that at a date not less than 60 days after the adoption of this Ordinance, the County Recorder shall be authorized to add a \$4.00 Predictable fee to each Standard Document recorded within the office of the Montgomery County Recorder, Montgomery County, Illinois.

ADOPTED in regular session of the Montgomery County Board this ____ day of _____, 2018.

Evan Young, Chairman, Montgomery County Board

ATTEST:

Sandy Leitheiser, Montgomery County Clerk/Recorder



Bellwether, LLC

Management Services & Consulting

Government Performance Services

Cost of Services

Montgomery County, Illinois

Predictable Real Estate Recording Fee

June 2018

Purpose

Montgomery County Clerk/Recorder engaged Bellwether, LLC. (Bellwether) to provide an update to the Cost of Serviced Review completed in March 2015.

Illinois HB 3036 effected changes to 55 ILCS 5/3-5018.1 wherein it directed that counties:

"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 revised statute further defines and disallows additional fees previously allowed and collected by the Recorder of Deeds for standard documents.

"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."

The Recorder of Deeds may continue to charge previously allowed additional fees for Non-Standard Documents.

"(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."

Method

55 ILCS 5/3-5018 describes the process for establishing the predictable fee as an averaging of fees. Bellwether's method complies with this direction, however, the model used also provides a method for future potential updates as necessary to recover county costs.

Key information was provided by the Montgomery County Clerk. The average page count per document type was identified as a proxy for individual fees charged. The revenue created by this additional page count was allocated across all documents within the Standard Document category.

Total Number of Recorded Documents	4,398
Estimated document types with additional pages	2,747
Total Revenue from Added pages	\$ 14,591
Divided across all documents	\$ 3.30
Round up to next whole dollar	\$ 4.00

Cost-of-service calculations include direct and indirect labor, technology and facilities costs. Processes developed within the leading technology providers in Illinois Recorder of Deeds' Offices make the cost-of-services indiscernible across the multiple categories of Standard Documents defined in 55 ILCS 5/3-5018. It is common practice to maintain a single fee for all Standard Real Estate Documents and well as fees for Non-Standard, Financial / UCC, Plat and Surveys.

Therefore, the results of this update suggests a Predictable Fee factor of \$4.00 should be added to the current Standard Document Fee. All other fees would remain as defined in 55 ILCS 5/3-5018 and modified by county board action.

Multi-year analysis suggests that the average number of pages per recorded document has increased steadily. Bellwether recommends maintaining the "Predictable Fee Factor" as a separate consideration for future fee analysis.

Bellwether does not propose specific recommendations for establishing or changing fees. Our observations suggest an increase in some fees may be warranted under current state law. The decision to change or add fees is the sole responsibility of Montgomery County government.

Bellwether assumes the information provided by the departments to be true and accurate to the best of their ability. Bellwether does not validate provided information.

MONTGOMERY COUNTY, ILLINOIS RECORDING FEES
EFFECTIVE January 1st, 2017

Statutory Reference: 55 ILCS 5/3-5018 and P.A. 94-0118
 ~UNIFORM FEES~

Sandy Leitheiser
 Montgomery County Clerk & Recorder
 #1 Courthouse Square, PO Box 595
 Hillsboro, Illinois 62049-1196
 (217) 532-9535 or (217) 532-9534 Fax (217) 532-9581
 Office Hours: Monday-Friday (8:00 am – 4:00 pm)

*Before
(current fees)*

<u>Fee Breakdown</u>			
<u>STANDARD DOCUMENTS</u>		<u>NON-STANDARD DOCUMENTS</u>	
Base Recording Fee	\$6.50	Base Recording Fee	\$21.50
Recorder's Record Storage Fund	\$39.50	Recorder's Record Storage Fund	\$39.50
G.I.S. Fund	\$20.00	G.I.S. Fund	\$20.00
State Rental Housing Surcharge	\$9.00	State Rental Housing Surcharge	\$9.00
Total	\$75.00	Total	\$90.00

MINIMUM FEE (up to four (4) pages).....\$75 each (*see exceptions)

Non-standard (Non-compliance) (up to four (4) pages).....\$90 each

*Exceptions: Memorandum of Judgment, Power of Attorney,
 Notice of Probate, Will, Birth/Death/Marriage Certificate
 Easement from Public Utility, State Agency,
 Local Government unit, School District\$66 each

Additions to Minimum Fee:

Additional pages (in excess of four (4)).....\$1 each

Additional PIN (Parcel) #'s (in excess of four (4)).....\$1 each

Referencing Prior Recorded Document, Book/Page
 (in excess of one (1) but not more than four (4)).....\$1 each

Documents without legal description.....\$1 each

Subdivision/Condominium Plats (need original & 1 signed copy).....\$106 each

Additional Pages/Lots (in excess of one (1)).....\$1 each

Surveys/Plats over 8 ½ x 14.....\$106 each

Additional Pages/Lots (in excess of one (1)).....\$1 each

Military Discharge (DD214).....FREE

Certified Copies.....FREE

MONTGOMERY COUNTY, ILLINOIS PREDICTABLE RECORDING FEES

EFFECTIVE January 1st, 2019

Statutory Reference: 55 ILCS 5/3-5018

Sandy Leitheiser

Montgomery County Clerk & Recorder

#1 Courthouse Square, PO Box 595

Hillsboro, Illinois 62049-0595

(217) 532-9535 or (217) 532-9534 Fax (217) 532-9581

Office Hours: Monday-Friday (8:00 am – 4:00 pm)

www.montgomeryco.com

recorder@montgomeryco.com

After Proposed fees

<u>Fee Breakdown</u>			
<u>STANDARD DOCUMENTS</u>		<u>NON-STANDARD DOCUMENTS</u>	
Base Recording Fee	\$10.50	Base Recording Fee	\$21.50
Recorder's Record Storage Fund	\$39.50	Recorder's Record Storage Fund	\$39.50
G.I.S. Fund	\$20.00	G.I.S. Fund	\$20.00
State Rental Housing Surcharge	<u>\$9.00</u>	State Rental Housing Surcharge	<u>\$9.00</u>
Total	\$79.00	Total	\$90.00

STANDARD DOCUMENT FEE:.....\$79 each (*see Exceptions)

*Exceptions: Memorandum of Judgment, Power of Attorney,
 Notice of Probate, Will, Birth/Death/Marriage Certificate
 Easement from Public Utility, State Agency,
 Local Government, School District, Federal Government.....\$70 each

NON STANDARD DOCUMENT FEE:.....\$90 each

Non Standard Documents are:

Documents referencing 6 or more tax Parcel Identification Numbers or

Documents referencing 6 or more recorded document numbers or Book/Page Numbers or

Documents not conforming as in 55 ILCS 5/3-5018.1, paragraphs 1 through 5 below:

1. 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 measure up to 11 inches by 17 inches shall be recorded without charging an additional fee.
2. The document shall be legibly printed in black ink, by hand, type or computer. Signatures and dates may be in contrasting colors if they will reproduce clearly.
3. 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 for non-essential notations that will not affect the quality of the document, including but not limited to form number, page numbers and customer notations.
4. The first page of the document shall contain a blank space, measuring at least 3 inches by 5 inches, from the upper right hand corner.
5. The document shall not have an attachment stapled or otherwise affixed to any page, however, pages may be stapled together.

Subdivision/Condominium Plats (need original & 1 signed copy).....\$106 each

Surveys/Plats over 8 ½ x 14.....\$106 each

Uniform Commercial Code (UCC).....\$79 each

Military Discharge (DD214).....FREE

Certified Copies.....FREE

Certified Copies of Recorded Documents..... Fee same as Recording fee on Document