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MCLEAN COUNTY BAR ASSOCIATION

Real Estate Issues with Divorce

MCBA OCTOBER 2019 CLE LUNCH PRESENTATION

PAUL BENDER, CLARK WALKER AND TOM HUNDMAN



Scenario 1

Scenario 1: John and Fred marital bliss has come to an end. John has been awarded custody of their Doberman Pincher and the marital home. The dissolution of marriage property settlement included awarding the property to John as well as the Mortgage payments. After the dissolution Fred leaves to begin his new life in a Buddhist Monastery in Tibet.

John wants to take advantage of lowering interest rates and goes to Sally lender where he tells Sally he was awarded the house in the divorce. Sally takes the application and asks Happy Hour title company for a title commitment. Happy Hour reports ownership in both John and Fred as tenants by the entirety and makes no mention of the divorce proceeding.

Sally calls Happy Hour and asks why the dissolution of marriage was not reported on the title commitment?

Scenario 1

- What is the impact of the marriage dissolution on the ownership of the property?
 - Was the title company derelict in not reporting the marriage dissolution in its title report?
 - Sally wants Happy Hour to insure the mortgage on just John's signature.
 - Sally says that the divorce decree passed title to the property. Is she correct?
- 

Scenario 2

Same as above only Fred dies in a plane crash before arriving at the Monastery in Tibet.

Scenario 2

- Who owns the home?

Scenario 3

Same as 1 except that Fred's attorney Mary Meticulous filed a lis pendens notice in the recorder's office describing the property and the Circuit Court marriage dissolution proceeding.

Does this change the answer to the initial four questions?

Scenario 3

- What is the impact of the marriage dissolution on the ownership of the property?
- Was the title company derelict in not reporting the marriage dissolution in its title report?
- Sally wants Happy Hour to insure the mortgage on just John's signature.
- Sally says that the divorce decree passed title to the property. Is she correct?

Examine Records

- ❑ Determine how title is held and appropriate legal descriptions
 - ❑ Review results and find latest deed for the property
 - ❑ Review the deed to determine how clients took title
 - ❑ Legal name or nickname
 - ❑ Middle initials
 - ❑ Suffix
 - ❑ Review the deed to determine adequacy of legal description

Examine Records

THIS INDENTURE WITNESSETH, that the Grantors, *Grantor A*), a married person, and *Grantor B*), a single person, of the State of Illinois, as owners of the following described real estate, to-wit: for and in the consideration of the sum of Ten Dollars and Other Good and Valuable Consideration in hand paid. CONVEYS and WARRANTS to Grantees, *John Doe III* and *Jane D. Doe* , husband and wife, as tenants by the entirety, of the City of Bloomington, County of McLean, and State of Illinois, the following described real estate, to-wit: *A.*

The East 99 Feet of the North 40 Feet of the South half of Block 9 in Major's Northern Addition to the City of Bloomington.

TAX I.D. # 14-33-361-005

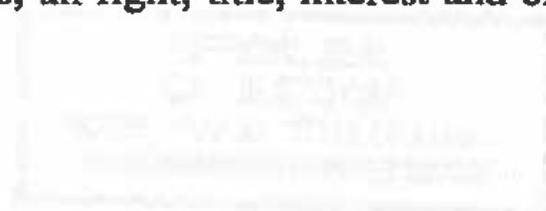
commonly known as : *123 Main Street* , Bloomington, Illinois situated in the County of McLean, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois. The Grantee assumes and agrees to pay the 2017 and subsequent year's real estate taxes and takes title subject to such taxes and zoning ordinances, easements, restrictions and conditions of record.

Examine Records

The Grantor, *Jane Doe*, of the City of Bloomington in the County of McLean and the State of Illinois; for and in consideration of the sum of TEN DOLLARS (\$10.00) in hand paid, CONVEY AND QUIT CLAIM to *John Doe* in the form of SOLE OWNERSHIP, of the City of Bloomington, in the County of McLean, and State of Illinois, all right, title, interest and claim to the following described real estate:

MAJORS NORTHERN ADD N40' LOT 4 BLK 9

PIN: 14-33-361-005



Examine Records

Good legal used in deed (from recorded deed)

The East 99 Feet of the North 40 Feet of the South 1/2 of Block 9 in Major's Northern Addition to the City of Bloomington,

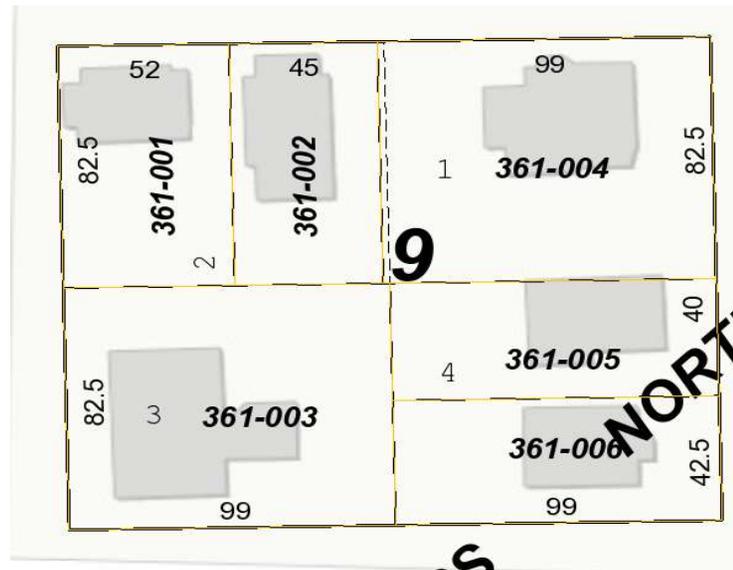
TAX ID#(41)14-33-361-005

PROPERTY ADDRESS: 1102 NORTH ROOSEVELT, BLOOMINGTON, ILLINOIS

Bad legal used in deed (from Assessor's website)

MAJORS NORTHERN ADD N40' LOT 4 BLK 9

Examine Records



MAJORS NORTHERN ADD N40' LOT 4 BLK 9

Other Issues

- ❑ Multiple Deeds
 - ❑ Review legal and compare with land owned via GIS
- ❑ Metes and Bounds not complete
- ❑ Names
 - ❑ Use a f/k/a

Recorder of Deeds Office

- ❑ Register for new account with the Recorder's office – 309-888-5170
- ❑ <http://recorder.mcleancountyil.gov/External/User/Login.aspx?ReturnUrl=%2fexternal>

Recorder of Deeds

McLean County, Illinois Clerk - Kathy Michael

Account Sign-In

User ID

Password

Tip: Password is case-sensitive.
[Password Reminder](#) | [Create an Account](#)

Certified Dates

View indexing information and statistics by visiting the [Certified Dates](#) page.

It is highly recommended that users visit this utility prior to searching.

Site Requirements

- One of the following browsers:

  **Firefox**

 **chrome**



Protect yourself from fraudulent filings made on your behalf with [PropertyCheck](#)

Kathy Michael
McLean County Clerk
115 E. Washington Street, Room 102
PO Box 2400 Bloomington, IL 61702-2400
Phone: 309-888-5190 Fax: 309-888-5932
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Recorder of Deeds

- ❑ Obtain property information from clients – PIN or legal names in title
- ❑ Obtain title search or search county recorder's website for deed information
 - ❑ Enter information provided by client – use initials or abbreviated names for best results

Recorder of Deeds

McLean County, Illinois Clerk - Kathy Michael My Account Sign Out Thomas Hundman

Indexed Records | Name | File Number | Date Range | Pin Number | Advanced | Property | Historical Record Books 1831-1970 | Certified Dates

Your subscription is still active with unlimited days remaining.

Name Search [Begin New Search](#)

Last/Firm Name <input type="text"/>	Begins With ▾	Middle <input type="text"/>	Index Type	OFFICIAL RECORDS ▾	Groups	CORPORATION FILINGS ▾
First Name (up to 2) <input type="text"/>	Begins With ▾	Title <input type="text"/>	Reset	UCC ▾	Reset	DEEDS
Same Instrument * <input type="checkbox"/>	Begins With ▾	Party <input type="text"/>				LIENS
						MISCELLANEOUS ▾
		Date	FROM	THRU	Kind	
					Reset	ACCEPTANCE OF DEATH
						ADDENDUM
						AFFIDAVIT
						AGREEMENT

Recorder of Deeds

McLean County, Illinois Clerk - Kathy Michael												
Indexed Records												
Name	File Number	Date Range	Pin Number	Advanced	Property	Historical Record Books 1831-1970	Certified Dates	Print Search Criteria				
SEARCH CRITERIA Firm/Last Name HUNDMAN (BEGINS WITH) First Name THOMAS (BEGINS WITH)												
Name Search	Begin New Search	Edit Search										
Displaying records 1 - 26 of 26 at 8:12 AM CT on 10/2/2019												
Select All Clear All Print Current Page Expand All Rows Collapse All Rows View Selected Images View Selected Details Clear Flags												
Select	Index	Date Filed	Instrument Date	Kind	GRANTORS	GRANTEES	Description (Not Warranted)	File Number	Book/Page	Ref	Amount	Images
<input type="checkbox"/>	OFF	08/04/2006 Instrument Date 07/15/2006	7/15/2006	DEED	MERZ, DANIEL C MERZ, AMY	HUNDMAN, THOMAS	Pin Number: 21-10-202-026 OAKLAND 2ND ADD Block:5 Lot:12	2006-00021135			\$152,000.00	2 pages Flag
<input type="checkbox"/>	OFF	08/04/2006 Instrument Date 07/21/2006	7/21/2006	MORTGAGE	HUNDMAN, THOMAS	FREESTAR BANK NA	Pin Number: 21-10-202-026 OAKLAND 2ND ADD Block:5 Lot:12	2006-00021136			\$135,000.00	15 pages Flag
<input type="checkbox"/>	OFF	01/24/2008 Instrument Date 01/14/2008	1/14/2008	MORTGAGE	HUNDMAN, THOMAS	MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC	Pin Number: 21-10-202-026 OAKLAND Block:5 Lot:12	2008-00001889			\$124,000.00	16 pages Flag
<input type="checkbox"/>	OFF	01/24/2008 Instrument Date 01/14/2008	1/14/2008	MORTGAGE	HUNDMAN, THOMAS M	CENTRAL ILLINOIS BANK	Pin Number: 21-10-202-026 OAKLAND Block:5 Lot:12	2008-00001890			\$15,500.00	12 pages Flag
<input type="checkbox"/>	OFF	01/30/2008 Instrument Date 01/14/2008	1/14/2008	MORTGAGE	HUNDMAN, THOMAS M	CENTRAL ILLINOIS BANK	Pin Number: 21-10-202-026 OAKLAND Block:5 Lot:12	2008-00002492			\$15,500.00	12 pages Flag
<input type="checkbox"/>	OFF	02/06/2008 Instrument Date 01/23/2008	1/23/2008	RELEASE	FREESTAR BANK	HUNDMAN, THOMAS	Pin Number: 21-10-202-026 OAKLAND 2ND ADD Block:5 Lot:12	2008-00002950		2006-00021136		1 page Flag
<input type="checkbox"/>	OFF	02/22/2008 Instrument Date 02/13/2008	2/13/2008	RELEASE	CENTRAL ILLINOIS BANK	HUNDMAN, THOMAS M	Pin Number: 21-10-202-026 OAKLAND Block:5 Lot:12	2008-00004436		2008-00002492		2 pages Flag
<input type="checkbox"/>	OFF	12/07/2009 Instrument Date 11/30/2009	11/30/2009	CERTIFICATE OF RELEASE	MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC	HUNDMAN, THOMAS	Pin Number: 21-10-202-026 OAKLAND 2ND ADD Block:5 Lot:12	2009-00036843		2008-00001889		2 pages Flag

Real Estate Issues with Divorce

Questions?

