AFFIDAVIT FOR PURPOSE OF PLAT ACT REQUIREMENTS

Pursuant to Chapter 765 Illinois State Statutes 205/5a (Plat Act), the Madison County Recorder’s Office along with the CCAO/Maps & Plats GIS Division will be implementing the requirement of an AFFIDAVIT FOR PURPOSE OF PLAT ACT REQUIREMENTS form. This Affidavit form will ensure that every deed recorded will be in compliance with the State Plat Act. This Affidavit form must accompany every deed recorded in the Madison County Recorder’s Office. Below is additional information about the form and the reasons behind our decision to enact this Affidavit.

WHY IS THIS AFFIDAVIT A REQUIREMENT?

Section 205/5a of the Plat Act states, “The Recorder or the Registrar of Title of any county shall not record deeds or leases which attempt to convey property contrary to the provisions of this Act. In case of doubt, the Recorder or the Registrar of Title of any County may require the person presenting such deed or lease to give evidence of the legality of a conveyance by an affidavit as to the facts which exempt such conveyance from the provisions of this Act.”

In order for our office to follow the duties and guidelines required, as outlined in the State Plat Act, it is necessary for us to require submission of this Affidavit form with every deed submitted for recording.

WHAT IS THE PURPOSE OF THIS AFFIDAVIT?

This Affidavit informs our office if property is being divided or not. It also informs the Maps & Plats office as to what exemption to the Plat Act is being exercised. We have also combined the Municipality Approval form with this Affidavit to streamline our procedures with Municipalities.

WHEN WILL THIS AFFIDAVIT TAKE EFFECT?

This Affidavit will be required with every deed received in the Recorder of Deeds office after December 31, 2003. Any deed presented for recording from January 1st, 2004 on, will require this Affidavit attached.

WHY IS IT REQUIRED TO HAVE THE MUNICIPAL PLANNING OFFICIAL SIGN THIS AFFIDAVIT?

Several Municipalities in Madison County are concerned about property divisions being made and recorded that were in violation of their local ordinances. Since the municipalities were not reviewing the land divisions prior to the property being recorded, property owners (and municipalities) were not aware of these violations at the start of the process. Many times, property owners would discover that they were in violation when they attempted to get a building permit but were denied. This sign off requirement will assist property owners in keeping informed and aware of their municipality’s ordinances before significant time and money is spent on prospective changes to their property that cannot be implemented. You can obtain a list of these participating Municipalities from Maps & Plats GIS Div.

WHERE CAN I GET A COPY OF THIS AFFIDAVIT FORM?

Printed copies of this form are available at the Madison County Recorder’s Office or at the Chief County Assessment Office / Maps & Plats GIS Division & Maps & Plats Web Page (www.co.madison.il.us). We can also fax a copy of the form upon request. If you have any questions about this form please contact Maps & Plats GIS Division @ (618) 692-7040 ext. 4586.

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