



R2010-1301

# City of Chicago

Office of the City Clerk

## City Council Document Tracking Sheet



<b>Meeting Date:</b>	11/10/2010
<b>Status:</b>	Introduced
<b>Sponsor(s):</b>	Burke, Edward Mell, Richard
<b>Type:</b>	Resolution
<b>Title:</b>	Supreme Court of State of Illinois urged to enact legislation concerning residential foreclosure proceedings.
<b>Committee(s) Assignment:</b>	Committee on Finance

## RESOLUTION

**WHEREAS**, the corporate authorities of the City of Chicago are committed to protecting Chicago residents from all harms attributable to the foreclosure crisis; and

**WHEREAS**, the New York State court system recently imposed a new rule requiring all lawyers handling foreclosure cases to verify the accuracy of all paperwork filed; and

**WHEREAS**, the New York filing requirement intends to protect the integrity of the foreclosure process and to prevent wrongful foreclosure filings; and

**WHEREAS**, the rule requires plaintiff's counsel in foreclosure actions to file an affirmation, under oath and subject to penalty of perjury, certifying that counsel has taken reasonable steps, including inquiry to banks and lenders and careful review of the papers filed in the case, to verify the accuracy of documents filed in support of residential foreclosure filings; and

**WHEREAS**, New York's rule follows the recent disclosures by major mortgage lenders of significant insufficiencies in residential foreclosure filings in state courts nationwide; and

**WHEREAS**, in October 2010, GMAC Home Mortgage, Inc., a unit of Ally Financial Inc., J.P. Morgan Chase & Co.'s home-loan unit and Bank of America Corp. took the unusual step of suspending tens of thousands of foreclosures in the 23 U.S. states that handle foreclosures through the court system, including New York, Florida, Illinois, New Jersey and Connecticut, pending a review of their paperwork practices; and

**WHEREAS**, both GMAC Home Mortgage, Inc. and J.P. Morgan Chase & Co. have employed so-called robo-signers, who have admitted in sworn depositions to signing as many as 10,000 documents each month without properly reviewing and notarizing them; and

**WHEREAS**, Illinois Attorney General Lisa Madigan has launched an investigation into whether GMAC Home Mortgage, Inc. violated the Illinois Consumer Fraud Act in its pursuit of Illinois homeowners in foreclosure; and

**WHEREAS**, the Corporate Authorities of the City of Chicago seek to ensure that legal documents relied upon by judges in foreclosure cases are thoroughly examined, accurate and error-free before Chicago residents are subjected to the judicial foreclosure process; now therefore

**BE IT RESOLVED**, that we, the Mayor and Chicago City Council, do hereby urge the Supreme Court of the State of Illinois to enact a rule requiring attorneys representing plaintiffs in residential foreclosure proceedings to file an affirmation, under oath and subject to penalty of perjury, certifying that counsel has taken reasonable steps to verify the accuracy of all documents filed in support of residential foreclosure actions.

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*EMB*

Edward M. Burke, Alderman, 14<sup>th</sup> Ward

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