

KAREN A. YARBROUGH

RECORDER OF DEEDS / REGISTRAR OF TORRENS TITLES COOK COUNTY, ILLINOIS

VIA EMAIL

July 8, 2016

Sheik Lyonel Love El Sheikess Moalt D. Love El Moorish Science Temple of America moorishhomeoffice@gmail.com

Sheik and Sheikess Love El:

In the past few days, the Cook County Recorder of Deeds ("CCRD") has received several forms of email correspondence from you regarding concerns that you have involving the organizational documents and other documents relating to the Moorish Science Temple of America ("MSTA"). I am writing to address these concerns and clarify the role that CCRD has as the custodian of public records. Many of your concerns were raised in the form of numbered questions. CCRD's responses to these questions are as follows:

1. In her capacity as the Registrar of Torrens Titles, what is the full scope of the fiduciary duty owed to Document #10105905 and the resulting entity (the Moorish Science Temple of America as body politic) named in said document?

Response – After reading your question, I assume that you are asking what the Recorder's duties and responsibilities are in relation to this (and other) documents. In this regard, the Recorder has two specific duties and responsibilities. First, the Recorder is responsible for recording documents that are entitled to be recorded. Second, the Recorder has the responsibility of being the custodian of all recorded documents.

Document #10105905 is an Affidavit of Organization under the Religious Corporations Act [805 ILCS 110 et. seq.]. Under the Religious Corporations Act, there are specific requirements that need to be met in order for a document to be recorded pursuant to that Act. See 805 ILCS 110/36. At the time that this document was presented to CCRD, it met all of those requirements and it was recorded.

As custodian for this document and other recorded documents (unless specifically restricted by law), the documents are made available for purchase by the public. *See* 55 ILCS 5/4-12002). In other words, if a customer requests to purchase a certified or non-certified copy of this document from CCRD, CCRD will provide such a copy to the customer if they pay the requisite fee.

CCRD has no other duties and responsibilities relating to this particular document. In other words, CCRD is simply a custodian of this record and makes this available to the public for a fee.

2. What are the procedures for filing documents under the 805 ILCS Religious Corporations Act related to property, mortgages, notes, etc.

Response – Real estate related documents, such as property deeds, mortgages or notes, are not recorded under the Religious Corporations Act. For the recording requirements for real estate related documents, please see the state Recording statute at 55 ILCS 5 *et. seq.*

3. What are the procedures for including the Moorish Science Temple of America to the list of body politics on file with the Cook County Recorder of Deeds.

Response - CCRD does not maintain a list of "body politics". With this said, as mentioned above, CCRD accepts documents relating to the organization/incorporation of religious entities under the Religious Corporations Act. The document that you are concerned with, Document #10105905, has already been recorded by CCRD.

4. Isn't it true that in accordance to provisions made possible for body politics under Home Rule that documentation and laws of the Moorish Science Temple of America as a body politic are applicable to the management of said trust.

Response - CCRD is unaware of what specific documentation and laws are applicable to the management of any trust maintained by, or for the benefit of, the Moorish Science Temple of America. I would like to note that the Religious Corporations Act states that trustees of religious organizations shall have the care, custody and control of the real and personal property of that organization. *See* 805 ILCS 110/43. CCRD is not a trustee of any trust or trust assets being held by, or for the benefit of, the Moorish Science Temple of America.

5. Has this office done any competent research to determine who are the current Executive Rulers of the Adept Chamber of the Moorish Science Temple of America/SHEIKS with powers and duties similar to that of a Trustee.

Response - It is my understanding that the current Sheiks of the Moorish Science Temple of America are reflected in recorded documents that amend Document # 10105905. If there were any changes to the trustees of this organization that are not reflected in these documents, CCRD would not be aware of them.

6. Is this office aware that only the founder, Prophet Noble Drew Ali, has the authorization to issue Document # 10105905 and such has been the case since 8/1/1929?

Response - Although I am unclear what you mean by "issuing" the document, but part of the Recorder's duties include maintaining recorded documents and providing certified and non-certified copies of recorded documents for sale to the public. *See* 55 ILCS 5/4-12002.

7. Is this Office aware that the unauthorized issuance and collections of funds resulting from said issuance constitutes: a breach of the Registrar's fiduciary duty as custodian, criminal fraud, embezzlement, etc?

Response – Your position is legally and factually incorrect. Please see the relevant statutory authority referenced above.

In some of your other correspondence, you indicate that CCRD has refused to file certain real estate and non-real estate related documents and "index them under Trust # 10105905". To be clear, Document #10105905 is not a trust document. This document is simply an Affidavit of Organization under the Religious Corporations Act. What this means is that the document serves as a record that the Moorish Science Temple of America is organized/incorporated as a religious corporation under the Religious Corporations Act. CCRD is not a trustee of any trusts or trust assets maintained by, or for the benefit of, the MSTA. That responsibility lies with MSTA. If you are having difficulty recording certain documents in our office, please refer to the recording requirements referenced in the legal authority cited above.

Finally, you indicated that you would like MSTA to place employees in CCRD for various purposes. State law clearly indicates that you have no authority to demand that you employ members of your congregation in our office. The Recorder has the right to control the internal operations of her office. *See* 55 ILCS 5/3-5005.2.

If you have any further questions regarding this letter, please submit them in writing to me at james.gleffe@cookcountyil.gov.

Regards,

James Gleffe Chief Legal Counsel Cook County Recorder of Deeds