

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 adding Section 13-109.2 as follows:

6 (735 ILCS 5/13-109.2 new)

7 Sec. 13-109.2. Tenancy in common, intestate succession.

8 (a) A person or persons with an ownership interest in
9 lands or tenements held as tenants in common, who acquired an
10 ownership interest through intestate succession under Article
11 2 of the Probate Act of 1975, and who are in actual possession
12 of the lands or tenements, may commence an action seeking to be
13 adjudged the legal owner or owners of the lands or tenements to
14 the exclusion of any nonclaiming owner or owners, if the court
15 finds that:

16 (1) the person or persons bringing the action each
17 have a household income of under 80% of area median income
18 as determined by the United States Department of Housing
19 and Urban Development for the county where the lands or
20 tenements are located;

21 (2) the person or persons bringing the action have
22 conducted a search, with due diligence, for anyone who may
23 have an ownership interest in the property;

1 (3) for 7 successive years, the person or persons
2 bringing the action have:

3 (A) held exclusive possession of the lands or
4 tenements, with or without the permission or knowledge
5 of others who may hold an interest in the lands or
6 tenements as tenants in common;

7 (B) paid or caused to be paid all taxes legally
8 assessed on the lands or tenements; and

9 (C) acquired an ownership interest in the lands or
10 tenements through intestate succession; and

11 (4) for 7 successive years, no other person or persons
12 holding an ownership interest in the lands or tenements as
13 tenants in common have:

14 (A) contributed to any taxes assessed on the lands
15 or tenements, other than a lender under the
16 Residential Mortgage License Act of 1987 making
17 payments of taxes as part of its duties related to a
18 mortgage loan;

19 (B) contributed to the care, maintenance, or
20 improvement of the lands or tenements; or

21 (C) asserted or acted to preserve any interest in
22 or any claim related to the lands or tenements; and

23 (5) the requirements of subsection (b) are satisfied
24 and no objection is made by a person or persons with a bona
25 fide ownership interest in the subject lands or tenements
26 as tenants in common as set forth under subsection (c).

1 (b) A minimum of 2 years before commencing an action under
2 subsection (a), a person or persons shall:

3 (1) file a signed declaration with the recorder of
4 deeds in the county where the lands or tenements are
5 located that provides a legal description of the subject
6 lands or tenements and states the person's or persons':

7 (A) intention to seek ownership of lands or
8 tenements to the exclusion of any nonclaiming owner or
9 owners;

10 (B) ownership interest in the lands or tenements
11 as tenants in common;

12 (C) exclusive possession of the property and
13 consistent payment of all taxes legally assessed on
14 the lands or tenements; and

15 (D) belief that no other person or persons with an
16 ownership interest in the lands or tenements have
17 contributed to the payment of taxes or the care,
18 maintenance, or improvement of the lands or tenements;
19 and

20 (2) send written notice after conducting the search
21 described in paragraph (2) of subsection (a) to any person
22 or persons who hold an ownership interest in the lands or
23 tenements by certified and first-class mail to their last
24 known address that includes:

25 (A) a statement of intention to seek ownership of
26 lands or tenements to the exclusion of any nonclaiming

1 owner or owners, including the address or a
2 description of the lands or tenements;

3 (B) a notification that the person or persons with
4 an ownership interest in the lands or tenements may
5 file an objection with the recorder of deeds in the
6 county where the lands or tenements are located as set
7 forth in subsection (c); and

8 (C) an attached copy of the declaration described
9 in paragraph (1); and

10 (3) send a message after conducting the search
11 described in paragraph (2) of subsection (a) to any person
12 or persons who hold an ownership interest in the lands or
13 tenements by email at their last known email address, if
14 any, and by text at their last known telephone number, if
15 any, that includes:

16 (A) a statement of intention to seek ownership of
17 lands or tenements to the exclusion of any nonclaiming
18 owner or owners, including the address or a
19 description of the lands or tenements; and

20 (B) a notification that the person or persons with
21 an ownership interest in the lands or tenements may
22 file an objection with the recorder of deeds in the
23 county where the lands or tenements are located as set
24 forth in subsection (c); and

25 (4) publish or cause to be published one notice of the
26 claim under the Notice by Publication Act in a newspaper

1 of general circulation covering the county, city, or
2 township where the lands or tenements are located.

3 (c) A person or persons with an ownership interest in the
4 lands or tenements may object to a claim under this Section by
5 filing an objection with the recorder of deeds in the county
6 where the lands or tenements are located. The objection shall:

7 (1) be signed by the person or persons objecting;

8 (2) describe the subject lands or tenements;

9 (3) state that the objecting person or persons have an
10 ownership interest in the subject lands or tenements; and

11 (4) declare their objection.