



Rep. Jennifer Gong-Gershowitz

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10400HB4896ham002

LRB104 17427 JRC 36525 a

1 AMENDMENT TO HOUSE BILL 4896

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4896, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

7 (735 ILCS 5/13-109.2 new)

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

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

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

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

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

11           (A) held exclusive possession of the lands or  
12           tenements, with or without the permission or knowledge  
13           of others who may hold an interest in the lands or  
14           tenements as tenants in common;

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

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

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

22           (A) contributed to any taxes assessed on the lands  
23           or tenements, other than a lender under the  
24           Residential Mortgage License Act of 1987 making  
25           payments of taxes as part of its duties related to a  
26           mortgage loan;

1           (B) contributed to the care, maintenance, or  
2           improvement of the lands or tenements; or

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

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

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

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

15           (A) intention to seek ownership of lands or  
16           tenements to the exclusion of any nonclaiming owner or  
17           owners;

18           (B) ownership interest in the lands or tenements  
19           as tenants in common;

20           (C) exclusive possession of the property and  
21           consistent payment of all taxes legally assessed on  
22           the lands or tenements; and

23           (D) belief that no other person or persons with an  
24           ownership interest in the lands or tenements have  
25           contributed to the payment of taxes or the care,  
26           maintenance, or improvement of the lands or tenements;

1           and

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

7                   (A) a statement of intention to seek ownership of  
8                   lands or tenements to the exclusion of any nonclaiming  
9                   owner or owners, including the address or a  
10                   description of the lands or tenements;

11                   (B) a notification that the person or persons with  
12                   an ownership interest in the lands or tenements may  
13                   file an objection with the recorder of deeds in the  
14                   county where the lands or tenements are located as set  
15                   forth in subsection (c); and

16                   (C) an attached copy of the declaration described  
17                   in paragraph (1); and

18           (3) send a message after conducting the search  
19           described in paragraph (2) of subsection (a) to any person  
20           or persons who hold an ownership interest in the lands or  
21           tenements by email at their last known email address, if  
22           any, and by text at their last known telephone number, if  
23           any, that includes:

24                   (A) a statement of intention to seek ownership of  
25                   lands or tenements to the exclusion of any nonclaiming  
26                   owner or owners, including the address or a

1 description of the lands or tenements; and

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

7 (4) publish or cause to be published one notice of the  
8 claim under the Notice by Publication Act in a newspaper  
9 of general circulation covering the county, city, or  
10 township where the lands or tenements are located.

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

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

16 (2) describe the subject lands or tenements;

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

19 (4) declare their objection."