

1 AN ACT concerning property.

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

4 Section 5. The Joint Tenancy Act is amended by changing  
5 Section 1c as follows:

6 (765 ILCS 1005/1c) (from Ch. 76, par. 1c)

7 Sec. 1c. Whenever a devise, conveyance, assignment, or  
8 other transfer of property, including a beneficial interest  
9 in a land trust, maintained or intended for maintenance as a  
10 homestead by both husband and wife together during coverture  
11 shall be made and the instrument of devise, conveyance,  
12 assignment, or transfer expressly declares that the devise or  
13 conveyance is made to tenants by the entirety, or if the  
14 beneficial interest in a land trust is to be held as tenants  
15 by the entirety, the estate created shall be deemed to be in  
16 tenancy by the entirety. Subject to the provisions of  
17 paragraph (d) of Section 2 and unless otherwise assented to  
18 in writing by both tenants by the entirety, the estate in  
19 tenancy by the entirety so created shall exist only if, and  
20 as long as, the tenants are and remain married to each other,  
21 and upon the death of either such tenant the survivor shall  
22 retain the entire estate; provided that, upon a judgment of  
23 dissolution of marriage or of declaration of invalidity of  
24 marriage, the estate shall, by operation of law, become a  
25 tenancy in common until and unless the court directs  
26 otherwise; provided further that the estate shall, by  
27 operation of law, become a joint tenancy upon the creation  
28 and maintenance by both spouses together of other property as  
29 a homestead. A devise, conveyance, assignment, or other  
30 transfer to 2 grantees who are not in fact husband and wife  
31 that purports to create an estate by the entirety shall be

1 construed as having created an estate in joint tenancy. An  
2 estate in tenancy by the entirety may be created  
3 notwithstanding the fact that a grantor is or the grantors  
4 are also named as a grantee or the grantees in a deed. No  
5 deed, contract for deed, mortgage, or lease of homestead  
6 property held in tenancy by the entirety shall be effective  
7 unless signed by both tenants. This Section shall not apply  
8 to nor operate to change the effect of any devise or  
9 conveyance.

10 This amendatory Act of 1995 is declarative of existing  
11 law.

12 (Source: P.A. 92-136, eff. 1-1-02.)