

AN ACT concerning property.

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

Section 5. The Downstate Forest Preserve District Act is amended by changing Sections 3a, 3c, 3d, and 12 as follows:

(70 ILCS 805/3a) (from Ch. 96 1/2, par. 6305)

Sec. 3a. Except as otherwise provided in this Section, and except as provided in Section 3c, 3d, and 3.5, the affairs of the district shall be managed by a board of commissioners consisting of 5 commissioners, who shall be appointed by the presiding officer of the county board of the county in which such forest preserve district is situated, with the advice and consent of such county board. The first appointment shall be made within 90 days and not sooner than 60 days after such forest preserve district has been organized as provided herein. Each member of such board so appointed shall be a legal voter in such district. The first commissioners shall be appointed to hold office for terms of one, 2, 3, 4, and 5 years, and until June 30 thereafter, respectively, as determined and fixed by lot. Thereafter, successor commissioners shall be appointed in the same manner no later than the first day of the month in which the term of a commissioner expires. Except as provided in Section 3c and 3d,

a vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term by appointment of a commissioner by the county board chairman with the advice and consent of the members of the county board. In the one district in existence on July 1, 1977, that is managed by an appointed board of commissioners, the incumbent 5 commissioners shall complete their respective terms as originally prescribed in this Act. However, upon the expiration of the terms of 2 of the incumbent commissioners on January 1, 1978, they or their successors shall be appointed to hold office for terms of 3 and 5 years, and until June 30 thereafter, respectively, as determined and fixed by lot. Furthermore, upon the expiration of the terms of the remaining incumbent commissioners on January 1, 1980, they or their successors shall be appointed to hold office for terms of 2, 4, and 5 years, and until June 30 thereafter, respectively, as determined and fixed by lot. Thereafter, each successor commissioner shall be appointed for a term of 5 years. Each member of the board before entering upon the duties of the ~~his~~ office shall take the oath prescribed by the constitution. From the time of the appointment of the first board of commissioners, such forest preserve district shall be construed in all courts to be a body corporate and politic by the name and style determined as aforesaid and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal estate necessary for its corporate purposes and adopt a seal and

alter the same at its pleasure.

In case the boundaries of a district are co-extensive with the boundaries of any county, city, village, incorporated town or sanitary district, the corporate authorities of such county (until the commissioners elected under Section 3c and 3d take office), city, village, incorporated town or sanitary district shall have and exercise the powers and privileges and perform the duties and functions of the commissioners provided for in this Act and in that case no commissioner shall be appointed for that district. The corporate authorities, other than members of a county board in counties under township organization having a population of less than 3,000,000 and members of a county board in a county not under township organization who were elected prior to July 1, 1965, shall act without any other pay than that already provided by law. The members of a county board of a county under township organization and members of a county board of a county not under township organization who were elected prior to July 1, 1965, who also act as commissioners of a forest preserve district in counties having a population of less than 3,000,000 may receive for their services as commissioners of a forest preserve district a per diem fee to be fixed by such board, but not to exceed \$36 per day, which shall be in full for all services rendered on such day, or an annual salary to be fixed by such board, but not to exceed \$3,000, plus mileage expenses at a rate not more than the amount allowed for members

of the county board of such county, as fixed by the board, for each mile necessarily traveled in attending meetings of the board of such district, plus any expense incurred while, or in connection with, carrying out the business of such district outside the boundaries of such district, payable from the forest preserve district treasury. The president of the Board of Commissioners of the Forest Preserve District in counties of less than 3 million may receive in lieu of a per diem fee an annual salary to be fixed by such board. No Forest Preserve Commissioner shall file for a per diem payment for services rendered on the same day for which the commissioner ~~he~~ filed for a per diem payment as a county supervisor. When the county board also acts as such commissioners, a member of the county board of a county under township organization and a member of the county board of a county not under township organization, who is elected prior to July 1, 1965 may, with the permission of the county board, work alone as such a commissioner and be paid in the usual manner.

Unless otherwise qualified, the term "board", when used in this Act, means the board of commissioners of any forest preserve district, or the corporate authorities of any county, city, village, incorporated town, or sanitary district, when acting as the governing body of a forest preserve district.

(Source: P.A. 96-239, eff. 8-11-09.)

Sec. 3c. Elected board of commissioners in certain counties. If the boundaries of a district are co-extensive with the boundaries of a county having a population of more than 800,000 but less than 3,000,000, all commissioners of the forest preserve district shall be elected from the number of districts as determined by the forest preserve district board of commissioners. Such a forest preserve district is a separate and distinct legal entity, and its board members are elected separate and apart from the elected county commissioners. Upon its formation, or as a result of decennial reapportionment, such a forest preserve district shall adopt a district map determining the boundary lines of each district. That map shall be adjusted and reapportioned subject to the same decennial reapportionment process stated in Section 3c-1. No more than one commissioner shall be elected from each district. At their first meeting after election in 2022 and at their first meeting after election next following each subsequent decennial reapportionment of the county under Section 3c-1, the elected commissioners shall publicly, by lot, divide themselves into 2 groups, as equal in size as possible. Commissioners from the first group shall serve for terms of 2, 4, and 4 years, and commissioners from the second group shall serve terms of 4, 4, and 2 years. The president of the board of commissioners of the forest preserve district shall be elected by the voters of the county, rather than by the commissioners. The president shall be a resident of the

county and shall be elected throughout the county for a 4-year term without having been first elected as commissioner of the forest preserve district. Each commissioner shall be a resident of the forest preserve board district from which the commissioner ~~he or she~~ was elected not later than the date of the commencement of the term of office. The term of office for the president and commissioners elected under this Section shall commence on the first Monday of the month following the month of election. Neither a commissioner nor the president of the board of commissioners of that forest preserve district shall serve simultaneously as member or chairman of the county board. No person shall seek election to both the forest preserve commission and the county board at the same election, nor shall they be eligible to hold both offices at the same time. The president, with the advice and consent of the board of commissioners shall appoint a secretary, treasurer, and such other officers as deemed necessary by the board of commissioners, which officers need not be members of the board of commissioners. The president shall have the powers and duties as specified in Section 12 of this Act.

Candidates for president and commissioner shall be candidates of established political parties.

If a vacancy in the office of president or commissioner occurs, other than by expiration of the president's or commissioner's term, the forest preserve district board of commissioners shall declare that a vacancy exists and

notification of the vacancy shall be given to the county central committee of each established political party within 3 business days after the occurrence of the vacancy. If the vacancy occurs in the office of forest preserve district commissioner, the president of the board of commissioners shall, within 60 days after the date of the vacancy, with the advice and consent of other commissioners then serving, appoint a person to serve for the remainder of the unexpired term. The appointee shall be affiliated with the same political party as the commissioner in whose office the vacancy occurred and be a resident of such district. If a vacancy in the office of president occurs, other than by expiration of the president's term, the remaining members of the board of commissioners shall, within 60 days after the vacancy, appoint one of the commissioners to serve as president for the remainder of the unexpired term. In that case, the office of the commissioner who is appointed to serve as president shall be deemed vacant and shall be filled within 60 days by appointment of the president with the advice and consent of the other forest preserve district commissioners. The commissioner who is appointed to fill a vacancy in the office of president shall be affiliated with the same political party as the person who occupied the office of president prior to the vacancy. A person appointed to fill a vacancy in the office of president or commissioner shall establish the appointee's ~~his or her~~ party affiliation by the

appointee's ~~his or her~~ record of voting in primary elections or by holding or having held an office in an established political party organization before the appointment. If the appointee has not voted in a party primary election or is not holding or has not held an office in an established political party organization before the appointment, the appointee shall establish the appointee's ~~his or her~~ political party affiliation by the appointee's ~~his or her~~ record of participating in an established political party's nomination or election caucus. If, however, more than 28 months remain in the unexpired term of a commissioner or the president, the appointment shall be until the next general election, at which time the vacated office of commissioner or president shall be filled by election for the remainder of the term. Notwithstanding any law to the contrary, if a vacancy occurs after the last day provided in Section 7-12 of the Election Code for filing nomination papers for the office of president of a forest preserve district where that office is elected as provided for in this Section, or as set forth in Section 7-61 of the Election Code, a vacancy in nomination shall be filled by the passage of a resolution by the nominating committee of the affected political party within the time periods specified in the Election Code. The nominating committee shall consist of the chairman of the county central committee and the township chairmen of the affected political party. All other vacancies in nomination shall be filled in accordance with the

provisions of the Election Code.

The president and commissioners elected under this Section may be reimbursed for their reasonable expenses actually incurred in performing their official duties under this Act in accordance with the provisions of Section 3a. The reimbursement paid under this Section shall be paid by the forest preserve district.

Compensation for the president and the forest preserve commissioners elected under this Section shall be established by the board of commissioners of the forest preserve district.

This Section does not apply to a forest preserve district created under Section 18.5 of the Conservation District Act.

(Source: P.A. 102-668, eff. 11-15-21; 103-600, eff. 7-1-24.)

(70 ILCS 805/3d)

Sec. 3d. Elected board of commissioners in certain other counties. If the boundaries of a district are co-extensive with the boundaries of a county having a population of more than 200,000 but less than 800,000, bordering the State of Wisconsin but not adjoining any county with a population of over 2,000,000, all commissioners of the forest preserve district shall be elected at large by the voters of the county, beginning with the general election held in 2010 and each succeeding general election. Nomination of candidates for the office of commissioner at the initial and each succeeding election shall be made by petition signed in the aggregate for

each candidate by not less than 100 qualified voters of the forest preserve district. Seven commissioners shall be elected, with candidates receiving the highest, second-highest, and third-highest number of votes being elected for 6-year terms. Candidates receiving the fourth-highest and fifth-highest number of votes shall be elected for 4-year terms. Candidates receiving the sixth-highest and seventh-highest number of votes shall be elected for 2-year terms. Thereafter, each commissioner shall be elected for a 6-year term.

After each general election, the forest preserve district commissioners shall elect a president from among their members for a 2-year term.

Each commissioner shall be a resident of the county from which the commissioner ~~he or she~~ was elected no later than the date of the commencement of the term of office. The term of office for the president and commissioners elected under this Section shall commence on the first Monday of the month following the month of election.

Neither a commissioner nor the president of the board of commissioners shall serve simultaneously in any other elective or appointive office in the county. The president, with the advice and consent of the board of commissioners, shall appoint a secretary, treasurer, and any other officer deemed necessary by the board of commissioners. The officers need not be members of the board of commissioners. The president shall

have the powers and duties as set forth in Section 12 of this Act.

Candidates for commissioner shall not be candidates of established political parties, but shall be non-partisan.

If a vacancy in the office of president or commissioner occurs, other than by expiration of the president's or a commissioner's term, the forest preserve district board of commissioners shall declare that a vacancy exists, and the board of commissioners shall, within 60 days after the date of the vacancy, upon the majority vote of the commissioners then serving, elect a person to serve for the remainder of the unexpired term. If, however, more than 28 months remain in the unexpired term of a commissioner, at the time of appointment, the appointment shall be until the next general election, at which time the vacated office of commissioner shall be filled by election for the remainder of the term. All other vacancies in nomination shall be filled in accordance with the provisions of the Election Code.

The president and commissioners elected under this Section shall serve without compensation. The president and commissioners may be reimbursed for their reasonable expenses actually incurred in performing their official duties under this Act in accordance with the provisions of Section 3a. The cost of reimbursement under this Section shall be paid by the forest preserve district.

This Section does not apply to a forest preserve district

created under Section 18.5 of the Conservation District Act.

(Source: P.A. 96-239, eff. 8-11-09.)

(70 ILCS 805/12) (from Ch. 96 1/2, par. 6322)

Sec. 12. The president of the board of any district organized hereunder, shall preside at all meetings of the board, be the executive officer of the district, and be a member of the board. The president ~~He~~ shall sign all ordinances, resolutions and other papers necessary to be signed and shall execute all contracts entered into by the district and perform other duties as may be prescribed by ordinance. The president ~~He~~ may veto any ordinance and any orders, resolutions and actions, or any items therein contained, of the board which provide for the purchase of real estate, or for the construction of improvements within the preserves of the district. Such veto shall be filed with the secretary of the board within 5 days after the passage of the ordinance, order, resolution or action and when so vetoed the ordinance, order, resolution or action or any item therein contained is not effective unless it is again passed by two-thirds vote of all the members of the board. The president may vote in the same manner as the other members of the board. In the temporary absence or inability of the president, the members of the board may elect from their own number a president, pro tem.

The "Yeas" and "Nays" shall be taken, and entered on the

journal of the board's proceedings, upon the passage of all ordinances and all proposals to create any liability, or for the expenditure or appropriation of money. The concurrence of a majority of all the members elected or appointed to the board is necessary to the passage of any such ordinance or proposal. In all other cases the "Yeas" and "Nays" shall be taken at the request of any member of the board and shall be entered on the journal of the board's proceedings.

(Source: P.A. 91-933, eff. 12-30-00.)

Section 10. The Rights of Married Persons Act is amended by changing Sections 1, 2, 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 22 as follows:

(750 ILCS 65/1) (from Ch. 40, par. 1001)

Sec. 1. Rights to sue and be sued. A married person may, in all cases, sue and be sued without joining the married person's ~~his or her~~ spouse as if unmarried. Either spouse ~~A husband or wife~~ may sue the other for a tort committed during the marriage. No finding by any court under Section 401 of the Illinois Marriage and Dissolution of Marriage Act shall be admissible or be used as prima facie evidence of a tort in any civil action brought under this Act. An attachment or judgment in an action may be enforced by or against a married person as if unmarried.

(Source: P.A. 87-286.)

(750 ILCS 65/2) (from Ch. 40, par. 1002)

Sec. 2. Defending in own right or for other. If a married couple ~~husband and wife~~ are sued together, either may defend individually ~~for his or her own right~~ and, if either neglects to defend, the other may defend for both.

(Source: P.A. 87-286.)

(750 ILCS 65/5) (from Ch. 40, par. 1005)

Sec. 5. Neither spouse in a marriage ~~husband or wife~~ shall be liable for the debts or liabilities of the other incurred before marriage, and (except as herein otherwise provided) they shall not be liable for the separate debts of each other, nor shall the wages, earnings or property of either, nor the rent or income of such property, be liable for the separate debts of the other.

(Source: R.S. 1874, p. 576.)

(750 ILCS 65/9) (from Ch. 40, par. 1009)

Sec. 9. Property. A married person may own in the married person's ~~his or her~~ own right real and personal property obtained by descent, gift, or purchase and may manage, sell, and convey that property to the same extent and in the same manner as an unmarried person. When the spouses ~~husband and wife~~ live together, however, no transfer or conveyance of goods and chattels between the spouses ~~husband and wife~~ shall

be valid as against the rights and interests of any third person unless the transfer or conveyance is in writing and filed in the same manner as security interests are required to be filed by the laws of this State in cases where the possession of the property is to remain with the person giving the security.

(Source: P.A. 87-286.)

(750 ILCS 65/10) (from Ch. 40, par. 1010)

Sec. 10. Should either spouse ~~the husband or wife~~ unlawfully obtain or retain possession or control of property belonging to the other, either before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, in the same manner and to the same extent as if they were unmarried.

(Source: R.S. 1874, p. 576.)

(750 ILCS 65/11) (from Ch. 40, par. 1011)

Sec. 11. In case one spouse ~~the husband or wife~~ abandons the other and leaves the state, and is absent therefrom for one year, without providing for the maintenance and support of the absent spouse's ~~his or her~~ family, or is imprisoned in the penitentiary, the circuit court in the county where the abandoned spouse or the spouse who is ~~the husband or wife so abandoned or,~~ not confined, resides, may, on application by petition, setting forth fully the facts, if the court is

satisfied of the necessity by the evidence, authorize the abandoned spouse ~~him or her~~ to manage, control, sell or incumber the property of the other, as shall be necessary, in the judgment of the court, for the support and maintenance of the family, and for the purpose of paying debts of the other, or debts contracted for the support of the family. Notice of such proceedings shall be given as in other civil actions, and anything done under or by virtue of the order or judgment of the court, shall be valid to the same extent as if the same were done by the party owning the property.

(Source: P.A. 84-1308.)

(750 ILCS 65/12) (from Ch. 40, par. 1012)

Sec. 12. All contracts, sales or incumbrances made by one spouse to a marriage ~~either the husband or wife~~, by virtue of the power contemplated in the preceding section, shall be binding on both, and during such absence or confinement, the person acting under such power may sue and be sued thereon; and for all acts done the property of both shall be liable, and execution may be levied or attachment issued accordingly. No suit or proceeding shall abate, or be in anywise affected, by the return or release of the person absent or confined, but the person ~~he or she~~ shall be permitted to prosecute or defend jointly with the other.

(Source: R.S. 1874, p. 576.)

(750 ILCS 65/13) (from Ch. 40, par. 1013)

Sec. 13. The spouse ~~husband or wife~~ affected by the proceedings contemplated in the 2 preceding sections may have the order or judgment of the court set aside or annulled, by filing a petition therefor and serving a notice on the person in whose favor the same was granted, as in other civil actions. But the setting aside of such judgment or order shall in nowise affect any act done thereunder.

(Source: P.A. 84-1308.)

(750 ILCS 65/14) (from Ch. 40, par. 1014)

Sec. 14. Either spouse ~~A husband or wife~~ may constitute the other spouse's ~~his or her~~ attorney in fact, to control and dispose of ~~his or her~~ property for their mutual benefit or otherwise, and may revoke the same to the same extent and in the same manner as other persons.

(Source: R.S. 1874, p. 576.)

(750 ILCS 65/15) (from Ch. 40, par. 1015)

Sec. 15. (a)(1) The expenses of the family and of the education of the children shall be chargeable upon the property of both spouses ~~husband and wife~~, or of either of them, in favor of creditors therefor, and in relation thereto they may be sued jointly or separately.

(2) No creditor, who has a claim against a spouse or former spouse for an expense incurred by that spouse or former spouse

which is not a family expense, shall maintain an action against the other spouse or former spouse for that expense except:

(A) an expense for which the other spouse or former spouse agreed, in writing, to be liable; or

(B) an expense for goods or merchandise purchased by or in the possession of the other spouse or former spouse, or for services ordered by the other spouse or former spouse.

(3) Any creditor who maintains an action in violation of this subsection (a) for an expense other than a family expense against a spouse or former spouse other than the spouse or former spouse who incurred the expense, shall be liable to the other spouse or former spouse for the other spouse's ~~his or her~~ costs, expenses and attorney's fees incurred in defending the action.

(4) No creditor shall, with respect to any claim against a spouse or former spouse for which the creditor is prohibited under this subsection (a) from maintaining an action against the other spouse or former spouse, engage in any collection efforts against the other spouse or former spouse, including, but not limited to, informal or formal collection attempts, referral of the claim to a collector or collection agency for collection from the other spouse or former spouse, or making any representation to a credit reporting agency that the other spouse or former spouse is any way liable for payment of the

claim.

(b) (Blank).

(c) (Blank).

(Source: P.A. 101-13, eff. 6-12-19.)

(750 ILCS 65/16) (from Ch. 40, par. 1016)

Sec. 16. Neither spouse ~~the husband nor wife~~ can remove the other or their children from their homestead without the consent of the other, unless the owner of the property shall, in good faith, provide another homestead suitable to the condition in life of the family; and if one spouse abandons the other, the abandoned spouse ~~he abandons her, she~~ is entitled to the custody of their minor children, unless a court of competent jurisdiction, upon application for that purpose, shall otherwise direct.

(Source: R.S. 1874, p. 576.)

(750 ILCS 65/17) (from Ch. 40, par. 1017)

Sec. 17. When one spouse ~~the husband or wife~~ is under legal disability and therefore incapable of executing a deed or mortgage, and relinquishing or conveying the incapable spouse's ~~his or her~~ right to homestead in the real property of the other, such other person may present the other person's ~~his or her~~ petition to the circuit court in the county where the petitioner resides, or where the real estate to be affected is situated, setting forth the facts, and

particularly describing the real estate sought to be conveyed or mortgaged, and asking for an order authorizing the petitioner, or some other person, to execute a deed or mortgage for the person who is under legal disability, and thereby relinquish the incapable person's ~~his or her~~ right of homestead in the real estate.

(Source: P.A. 83-706.)

(750 ILCS 65/22) (from Ch. 40, par. 1022)

Sec. 22. Nothing in this Act abolishes or prevents the creation and enjoyment of the estate of tenancy by the entirety with respect to any devise, conveyance, assignment, or other transfer of property, including a beneficial interest in a land trust, maintained or intended for maintenance as a homestead by ~~both~~ both spouses married to each other together during marriage ~~husband and wife during coverture~~ made or executed on or after October 1, 1990.

This amendatory Act of 1995 is declarative of existing law.

(Source: P.A. 89-88, eff. 6-30-95; 89-438, eff. 12-15-95.)

Section 15. The Illinois Religious Freedom Protection and Civil Union Act is amended by changing Section 10 as follows:

(750 ILCS 75/10)

Sec. 10. Definitions. As used in this Act:

"Certificate" means a document that certifies that the persons named on the certificate have established a civil union in this State in compliance with this Act.

"Civil union" means a legal relationship between 2 persons, of either the same or opposite sex, established pursuant to this Act.

"Department" means the Department of Public Health.

"Officiant" means the person authorized to certify a civil union in accordance with Section 40.

"Party to a civil union" means a person who has established a civil union pursuant to this Act. "Party to a civil union" means, and shall be included in, any definition or use of the terms "spouse", "family", "immediate family", "dependent", "next of kin", "marriage", "married", "married to each other", "husband", "wife", "bride", "groom", "wedlock", and other terms that refer to or denote the spousal relationship, as those terms are used throughout the law, regardless of whether the parties to a civil union are of the same sex or different sexes.

(Source: P.A. 96-1513, eff. 6-1-11.)

Section 20. The Conveyances Act is amended by changing Sections 10, 19, and 27 as follows:

(765 ILCS 5/10) (from Ch. 30, par. 9)

Sec. 10. Quitclaim deeds may be, in substance, in the

following form:

The grantor (here insert grantor's name or names and place of residence), for the consideration of (here insert consideration), convey and quit claim to (here insert grantee's name or names) all interest in the following described real estate (here insert description), situated in the County of, in the State of Illinois.

Dated (insert date).

(signature of grantor or grantors)

The names of the parties shall be typed or printed below the signatures. Such form shall have a blank space of 3 1/2 inches by 3 1/2 inches for use by the recorder. However, the failure to comply with the requirement that the names of the parties be typed or printed below the signatures and that the form have a blank space of 3 1/2 inches by 3 1/2 inches for use by the recorder shall not affect the validity and effect of such form.

Every deed in substance in the form described in this Section, when otherwise duly executed, shall be deemed and held a good and sufficient conveyance, release and quit claim to the grantee, his heirs and assigns, in fee of all the then existing legal or equitable rights of the grantor, in the premises therein described, but shall not extend to after acquired title unless words are added expressing such intention.

Notwithstanding any provision of law to the contrary, the recording of a quitclaim deed is exempt from all recording fees if executed for the sole purpose of reflecting a legal name change, and the grantor and grantee are the same individual or individuals.

(Source: P.A. 91-357, eff. 7-29-99.)

(765 ILCS 5/19) (from Ch. 30, par. 18)

Sec. 19. The acknowledgment or proof of any deed, mortgage, conveyance, power of attorney, or other writing of or relating to the sale, conveyance, or other disposition of lands or real estate, or any interest therein, by a married person ~~woman~~, may be made and certified the same as if that person was unmarried ~~she were a feme sole~~, and shall have the same effect.

(Source: P.A. 77-435.)

(765 ILCS 5/27) (from Ch. 30, par. 26)

Sec. 27. No deed or other instrument shall be construed as releasing or waiving the right of homestead, unless the same shall contain a clause expressly releasing or waiving such right. And no release or waiver of the right of homestead by one spouse ~~the husband or wife~~ shall bind the other spouse unless such other spouse joins in such release or waiver.

(Source: P.A. 80-346.)

Section 25. The Joint Tenancy Act is amended by changing Sections 1 and 1c as follows:

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

Sec. 1. No estate in joint tenancy in any lands, tenements or hereditaments, or in any parts thereof or interest therein, shall be held or claimed under any grant, legacy or conveyance whatsoever heretofore or hereafter made, other than to executors and trustees, unless the premises therein mentioned shall expressly be thereby declared to pass not in tenancy in common but in joint tenancy; and every such estate other than to executors and trustees (unless otherwise expressly declared as aforesaid, or unless, as to a devise or conveyance of homestead property, expressly declared to pass to individuals married to each other ~~a husband and wife~~ as tenants by the entirety in the manner provided by Section 1c), shall be deemed to be in tenancy in common and all conveyances heretofore made, or which hereafter may be made, wherein the premises therein mentioned were or shall be expressly declared to pass not in tenancy in common but in joint tenancy, are hereby declared to have created an estate in joint tenancy with the accompanying right of survivorship the same as it existed prior to the passage of "An Act to amend Section 1 of an Act entitled: 'An Act to revise the law in relation to joint rights and obligations,' approved February 25, 1874, in force July 1, 1874," approved June 26, 1917.

(Source: P.A. 86-966.)

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

Sec. 1c. Whenever a devise, conveyance, assignment, or other transfer of property, including a beneficial interest in a land trust, maintained or intended for maintenance as a homestead is made by both spouses during marriage or a civil union ~~husband and wife together during coverture shall be made~~ and the instrument of devise, conveyance, assignment, or transfer expressly declares that the devise or conveyance is made to tenants by the entirety, or if the beneficial interest in a land trust is to be held as tenants by the entirety, the estate created shall be deemed to be in tenancy by the entirety. Where the homestead is held in the name or names of a trustee or trustees of a revocable inter vivos trust or of revocable inter vivos trusts made by the settlors of such trust or trusts who are married to each other or in a civil union ~~husband and wife~~, and the spouses ~~husband and wife~~ are the primary beneficiaries of one or both of the trusts so created, and the deed or deeds conveying title to the homestead to the trustee or trustees of the trust or trusts specifically state that the interests of both spouses ~~the husband and wife~~ to the homestead property are to be held as tenants by the entirety, the estate created shall be deemed to be a tenancy by the entirety. Subject to the provisions of paragraph (d) of Section 2 and unless otherwise assented to in

writing by both tenants by the entirety, the estate in tenancy by the entirety so created shall exist only if, and as long as, the tenants are and remain married to each other, and upon the death of either such tenant the survivor shall retain the entire estate; provided that, upon a judgment of dissolution of marriage or of declaration of invalidity of marriage, the estate shall, by operation of law, become a tenancy in common until and unless the court directs otherwise; provided further that the estate shall, by operation of law, become a joint tenancy upon the creation and maintenance by both spouses together of other property as a homestead. A devise, conveyance, assignment, or other transfer to 2 grantees who are not in fact married to each other or in a civil union ~~husband and wife~~ that purports to create an estate by the entirety shall be construed as having created an estate in joint tenancy. An estate in tenancy by the entirety may be created notwithstanding the fact that a grantor is or the grantors are also named as a grantee or the grantees in a deed. No deed, contract for deed, mortgage, or lease of homestead property held in tenancy by the entirety shall be effective unless signed by both tenants. This Section shall not apply to nor operate to change the effect of any devise or conveyance.

Except for the changes made to Section 10 of the Conveyances Act, this amendatory Act of the 104th General Assembly and the ~~This~~ amendatory Act of 1995 are ~~is~~ declarative of existing law.

Public Act 104-0040

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LRB104 06306 JRC 16341 b

(Source: P.A. 96-1145, eff. 1-1-11.)