

AN ACT concerning civil law.

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

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

(735 ILCS 5/13-109.2 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) be signed by the person or persons objecting;
- (2) describe the subject lands or tenements;
- (3) state that the objecting person or persons have an ownership interest in the subject lands or tenements; and
- (4) declare their objection.