

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

6 (70 ILCS 805/3a) (from Ch. 96 1/2, par. 6305)

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

1 a vacancy occurring otherwise than by expiration of term shall  
2 be filled for the unexpired term by appointment of a  
3 commissioner by the county board chairman with the advice and  
4 consent of the members of the county board. In the one district  
5 in existence on July 1, 1977, that is managed by an appointed  
6 board of commissioners, the incumbent 5 commissioners shall  
7 complete their respective terms as originally prescribed in  
8 this Act. However, upon the expiration of the terms of 2 of the  
9 incumbent commissioners on January 1, 1978, they or their  
10 successors shall be appointed to hold office for terms of 3 and  
11 5 years, and until June 30 thereafter, respectively, as  
12 determined and fixed by lot. Furthermore, upon the expiration  
13 of the terms of the remaining incumbent commissioners on  
14 January 1, 1980, they or their successors shall be appointed  
15 to hold office for terms of 2, 4, and 5 years, and until June  
16 30 thereafter, respectively, as determined and fixed by lot.  
17 Thereafter, each successor commissioner shall be appointed for  
18 a term of 5 years. Each member of the board before entering  
19 upon the duties of the ~~his~~ office shall take the oath  
20 prescribed by the constitution. From the time of the  
21 appointment of the first board of commissioners, such forest  
22 preserve district shall be construed in all courts to be a body  
23 corporate and politic by the name and style determined as  
24 aforesaid and by such name may sue and be sued, contract and be  
25 contracted with, acquire and hold real and personal estate  
26 necessary for its corporate purposes and adopt a seal and

1 alter the same at its pleasure.

2 In case the boundaries of a district are co-extensive with  
3 the boundaries of any county, city, village, incorporated town  
4 or sanitary district, the corporate authorities of such county  
5 (until the commissioners elected under Section 3c and 3d take  
6 office), city, village, incorporated town or sanitary district  
7 shall have and exercise the powers and privileges and perform  
8 the duties and functions of the commissioners provided for in  
9 this Act and in that case no commissioner shall be appointed  
10 for that district. The corporate authorities, other than  
11 members of a county board in counties under township  
12 organization having a population of less than 3,000,000 and  
13 members of a county board in a county not under township  
14 organization who were elected prior to July 1, 1965, shall act  
15 without any other pay than that already provided by law. The  
16 members of a county board of a county under township  
17 organization and members of a county board of a county not  
18 under township organization who were elected prior to July 1,  
19 1965, who also act as commissioners of a forest preserve  
20 district in counties having a population of less than  
21 3,000,000 may receive for their services as commissioners of a  
22 forest preserve district a per diem fee to be fixed by such  
23 board, but not to exceed \$36 per day, which shall be in full  
24 for all services rendered on such day, or an annual salary to  
25 be fixed by such board, but not to exceed \$3,000, plus mileage  
26 expenses at a rate not more than the amount allowed for members

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

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

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

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

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

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

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

1 notification of the vacancy shall be given to the county  
2 central committee of each established political party within 3  
3 business days after the occurrence of the vacancy. If the  
4 vacancy occurs in the office of forest preserve district  
5 commissioner, the president of the board of commissioners  
6 shall, within 60 days after the date of the vacancy, with the  
7 advice and consent of other commissioners then serving,  
8 appoint a person to serve for the remainder of the unexpired  
9 term. The appointee shall be affiliated with the same  
10 political party as the commissioner in whose office the  
11 vacancy occurred and be a resident of such district. If a  
12 vacancy in the office of president occurs, other than by  
13 expiration of the president's term, the remaining members of  
14 the board of commissioners shall, within 60 days after the  
15 vacancy, appoint one of the commissioners to serve as  
16 president for the remainder of the unexpired term. In that  
17 case, the office of the commissioner who is appointed to serve  
18 as president shall be deemed vacant and shall be filled within  
19 60 days by appointment of the president with the advice and  
20 consent of the other forest preserve district commissioners.  
21 The commissioner who is appointed to fill a vacancy in the  
22 office of president shall be affiliated with the same  
23 political party as the person who occupied the office of  
24 president prior to the vacancy. A person appointed to fill a  
25 vacancy in the office of president or commissioner shall  
26 establish the appointee's ~~his or her~~ party affiliation by the

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

1 provisions of the Election Code.

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

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

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

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

14 (70 ILCS 805/3d)

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

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

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

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

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

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

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

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

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

26 This Section does not apply to a forest preserve district

1 created under Section 18.5 of the Conservation District Act.

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

3 (70 ILCS 805/12) (from Ch. 96 1/2, par. 6322)

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

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

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

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

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

13 (750 ILCS 65/1) (from Ch. 40, par. 1001)

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

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

1 (750 ILCS 65/2) (from Ch. 40, par. 1002)

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

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

7 (750 ILCS 65/5) (from Ch. 40, par. 1005)

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

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

16 (750 ILCS 65/9) (from Ch. 40, par. 1009)

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

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

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

8 (750 ILCS 65/10) (from Ch. 40, par. 1010)

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

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

16 (750 ILCS 65/11) (from Ch. 40, par. 1011)

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

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

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

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

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

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

1 (750 ILCS 65/13) (from Ch. 40, par. 1013)

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

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

10 (750 ILCS 65/14) (from Ch. 40, par. 1014)

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

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

17 (750 ILCS 65/15) (from Ch. 40, par. 1015)

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

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

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

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

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

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

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

1 claim.

2 (b) (Blank).

3 (c) (Blank).

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

5 (750 ILCS 65/16) (from Ch. 40, par. 1016)

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

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

16 (750 ILCS 65/17) (from Ch. 40, par. 1017)

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

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

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

8 (750 ILCS 65/22) (from Ch. 40, par. 1022)

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

17 This amendatory Act of 1995 is declarative of existing  
18 law.

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

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

22 (750 ILCS 75/10)

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

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

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

7 "Department" means the Department of Public Health.

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

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

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

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

23 (765 ILCS 5/10) (from Ch. 30, par. 9)

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

1 following form:

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

8 Dated (insert date).

9 (signature of grantor or grantors)

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

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

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

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

7            (765 ILCS 5/19) (from Ch. 30, par. 18)

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

15       (Source: P.A. 77-435.)

16            (765 ILCS 5/27) (from Ch. 30, par. 26)

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

23       (Source: P.A. 80-346.)

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

3           (765 ILCS 1005/1) (from Ch. 76, par. 1)

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

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

2 (765 ILCS 1005/1c) (from Ch. 76, par. 1c)

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

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

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

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