



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

**HB4896**

by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/13-109.2 new

Amends the Code of Civil Procedure. Establishes a process for a tenant in common or tenants in common who have inherited real property under the intestate provisions of the Probate Act of 1975 to obtain legal title to that property. Provides that the petitioner or petitioners must have been in actual possession for 7 years and have paid all taxes on the property during those 7 years. Requires that the petitioner or petitioners must file a signed declaration with the recorder of deeds at least 2 years before an action under the new provisions may be commenced stating intent to acquire title using the process under the new provisions, send notice to any other person or persons with an ownership interest in the property, and publish a notice of the action in a newspaper of general circulation in the jurisdiction where the property is located. Permits persons with ownership to oppose the petition. Makes other changes.

LRB104 17427 JRC 30852 b

1 AN ACT concerning civil law.

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

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

6 (735 ILCS 5/13-109.2 new)

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

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

16 (1) for 7 successive years, the person or persons  
17 bringing the action have:

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

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

1           (C) acquired an ownership interest in the lands or  
2           tenements through intestate succession; and  
3           (2) for 7 successive years, no other person or persons  
4           holding an ownership interest in the lands or tenements as  
5           tenants in common have:

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

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

13           (C) asserted or acted to preserve any interest in  
14           or any claim related to the lands or tenements.

15           The requirements of subsection (b) are satisfied if there  
16           is no objection by a person or persons with a bona fide  
17           ownership interest in the subject lands or tenements as  
18           tenants in common as set forth under subsection (c).

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

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

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

1 owners;

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

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

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

12 (2) send written notice to any person or persons who  
13 hold an ownership interest in the lands or tenements by  
14 certified and first-class mail to their last known address  
15 that includes:

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

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

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

