



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3398

Introduced 2/4/2026, by Sen. Robert F. Martwick

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 17550 JRC 30978 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

(3) send a message to any person or persons who hold an ownership interest in the lands and 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.