



Sen. Robert F. Martwick

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10400SB3398sam002

LRB104 17550 JRC 36512 a

1 AMENDMENT TO SENATE BILL 3398

2 AMENDMENT NO. _____. Amend Senate Bill 3398, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (735 ILCS 5/13-109.2 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and

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

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

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

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

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

24 (A) a statement of intention to seek ownership of
25 lands or tenements to the exclusion of any nonclaiming
26 owner or owners, including the address or a

1 description of the lands or tenements; and

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

7 (4) publish or cause to be published one notice of the
8 claim under the Notice by Publication Act in a newspaper
9 of general circulation covering the county, city, or
10 township where the lands or tenements are located.

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

15 (1) be signed by the person or persons objecting;

16 (2) describe the subject lands or tenements;

17 (3) state that the objecting person or persons have an
18 ownership interest in the subject lands or tenements; and

19 (4) declare their objection."