**Section 1260.120 Contracts and Conveyances**

The proposed contract, conveyance and any other document to be executed in connection with the sale of a subdivided lot shall be included as exhibits to the application. The documents shall meet the following requirements.

a) All documents shall accurately describe the lot or lots being sold. The description shall refer and conform to the map filed with the Division pursuant to the Act.

b) The contract shall contain a representation by the subdivider that the purchaser has been furnished with a copy of the public property report as required by the Act.

c) The contract shall contain a representation by the subdivider that the contract and the public property report contain all material representations made to the purchaser in connection with the sale.

d) The contract shall fully disclose any arrangements for financing the purchase between the subdivider (or any affiliated entity) and the purchaser.

e) The contract shall set forth the terms and conditions of any resale or exchange program available to the purchaser.

f) The contract shall require delivery of a deed meeting the requirements of subsection (g).

g) Contents of the Deed

1) The deed shall convey fee simple title to the grantee, his or her heirs or assigns, with covenants on the part of the grantor that:

A) at the time of the making and delivery of the deed, he or she was the lawful owner of an indefeasible estate in fee simple, in and to the premises described, and had good right and full power to convey those premises;

B) the premises were then free from all encumbrances; and

C) he or she warrants to the grantee, his or her heirs and assigns, the quiet and peaceable possession of the premises, and will defend the title to those premises against all persons who may lawfully claim the premises.

2) These covenants shall be obligatory upon any grantor, his or her heirs and personal representatives. The deed shall also set forth any condition, reservation or restriction running with the land and applying to any part or all of the subdivision. The deed shall be in proper form so that it can be recorded.

(Source: Amended at 35 Ill. Reg. 11407, effective June 28, 2011)