

SB0046



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0046

Introduced 1/29/2021, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

765 ILCS 5/8

from Ch. 30, par. 7

Amends the Conveyances Act. Provides that special warranty deeds may be made in a specified form. Provides that every deed in substance in the specified form shall be deemed and held a conveyance in fee simple, to the grantee, his or her heirs and assigns, with specified covenants on the part of the grantor.

LRB102 00004 LNS 10004 b

A BILL FOR

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 Conveyances Act is amended by changing
5 Section 8 as follows:

6 (765 ILCS 5/8) (from Ch. 30, par. 7)

7 Sec. 8. Warranty deed; encumbrances done or suffered from
8 the grantor.

9 (a) In all deeds whereby any estate of inheritance in fee
10 simple shall hereafter be limited to the grantee and his
11 heirs, or other legal representatives, the words "grant,"
12 "bargain" and "sell," shall be adjudged an express covenant to
13 the grantee, his heirs, and other legal representatives,
14 to-wit: that the grantor was the owner of an indefeasible
15 estate in fee simple, free from encumbrances done or suffered
16 from the grantor, except the rents and services that may be
17 reserved, and also for quiet enjoyment against the grantor,
18 his heirs and assigns unless limited by express words
19 contained in such deed; and the grantee, his heirs, executors,
20 administrators and assigns, may in any action, assign
21 breaches, as if such covenants were expressly inserted:
22 Provided, always, that this law shall not extend to leases at
23 rack-rent, or leases not exceeding 21 years, where the actual

1 possession goes with the lease.

2 (b) Deeds made pursuant to this Section, sometimes
3 referred to as special warranty deeds, may be substantially in
4 the following form:

5 The grantor (here insert the name or names and address of
6 the grantor) for and in consideration of (here insert
7 consideration) hereby grants, bargains, sells, and conveys to
8 the grantee all of the following described land and the
9 improvements thereon situated in the County of, State
10 of Illinois, legally described and known as follows: (insert
11 legal description, common address, and permanent index number)
12 together with all and singular the hereditaments and
13 appurtenances thereto; to have and to hold the same, with the
14 appurtenances thereto, forever, subject to the following
15 matters:(insert known encumbrances).

16 Dated (insert date)

17 (signature of grantor or grantors)

18 The names of the parties shall be typed or printed below
19 the signatures. Such form shall have a blank space 3 1/2 inches
20 by 3 1/2 inches for use by the recorder. However, the failure
21 to comply with the requirement that the names of the parties by
22 typed or printed below the signatures and that the form have a
23 blank space 3 1/2 inches by 3 1/2 inches for use by the
24 recorder shall not affect the validity or effect of such a
25 form.

26 Every deed in substance in the above form, when otherwise

1 duly executed, shall be deemed and held a conveyance in fee
2 simple, to the grantee, his or her heirs and assigns, with
3 covenants on the part of the grantor (1) that at the time of
4 making and delivery of such a deed, the grantor was the lawful
5 owner of an indefeasible estate in fee simple in and to the
6 premises therein described and that grantor had good right and
7 full power to convey the same, (2) that the premises were free
8 from encumbrances done or suffered by or through the grantor,
9 except the rents and services that may be therein reserved,
10 and (3) that the grantor will warrant and defend the premises
11 against the lawful claims and demands of all persons claiming
12 through the grantor but none other.

13 (Source: P.A. 80-660.)