



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4763

Introduced 1/11/2010, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Deeds Effective on Death Act. Provides that a deed that conveys an interest in real property to a grantee designated by the owner, that expressly states that the deed is not to take effect until the death of the owner, transfers the interest provided to the designated grantee beneficiary, effective on death of the owner, if the deed is executed and filed of record with the recorder in the county or counties in which the real property is situated prior to the death of the owner. Provides that a beneficiary deed need not be supported by consideration or be delivered to the grantee beneficiary. Provides that a beneficiary deed may be used to transfer an interest in real property to a trust estate, regardless of the trust's revocability. Provides that the Act does not preclude other methods of conveyancing that are permitted by law and that have the effect of postponing enjoyment of an interest in real property until the death of the owner. Provides that the Act does not invalidate any deed, otherwise effective by law to convey title to the interest and estates therein provided, that is not recorded until after the death of the owner.

LRB096 16126 AJ0 31375 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 1. Short title. This Act may be cited as the Deeds  
5 Effective on Death Act.

6 Section 5. Deed effective on death of owner. A deed that  
7 conveys an interest in real property to a grantee designated by  
8 the owner, that expressly states that the deed is not to take  
9 effect until the death of the owner, transfers the interest  
10 provided to the designated grantee beneficiary, effective on  
11 death of the owner, if the deed is executed and filed of record  
12 with the recorder in the county or counties in which the real  
13 property is situated prior to the death of the owner. A  
14 beneficiary deed need not be supported by consideration or be  
15 delivered to the grantee beneficiary. A beneficiary deed may be  
16 used to transfer an interest in real property to a trust  
17 estate, regardless of the trust's revocability.

18 Section 10. Other conveyances. This Act does not preclude  
19 other methods of conveyancing that are permitted by law and  
20 that have the effect of postponing enjoyment of an interest in  
21 real property until the death of the owner. This Act does not  
22 invalidate any deed, otherwise effective by law to convey title

1 to the interest and estates therein provided, that is not  
2 recorded until after the death of the owner.