

1 AN ACT concerning mineral rights.

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 changing Section 17-101 as follows:

6 (735 ILCS 5/17-101) (from Ch. 110, par. 17-101)

7 Sec. 17-101. Compelling partition. When lands,  
8 tenements, or hereditaments are held in joint tenancy or  
9 tenancy in common, whether such right or title is derived by  
10 purchase, legacy or descent, or whether any or all of the  
11 claimants are minors or adults, any one or more of the  
12 persons interested therein may compel a partition thereof by  
13 a verified complaint in the circuit court of the county where  
14 the premises or part of the premises are situated. If lands,  
15 tenements or hereditaments held in joint tenancy or tenancy  
16 in common are situated in 2 or more counties, the venue may  
17 be in any one of such counties, and the circuit court of any  
18 such county first acquiring jurisdiction shall retain sole  
19 and exclusive jurisdiction. Ownership of an interest in the  
20 surface of lands, tenements, or hereditaments by a co-owner  
21 of an interest in minerals underlying the surface does not  
22 prevent partition of the mineral estate. This amendatory Act  
23 of the 92nd General Assembly is a declaration of existing law  
24 and is intended to remove any possible conflicts or  
25 ambiguities, thereby confirming existing law pertinent to the  
26 partition of interests in minerals and applies to all actions  
27 for the partition of minerals now pending or filed on or  
28 after the effective date of this amendatory Act of the 92nd  
29 General Assembly.

30 (Source: P.A. 82-280.)

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.