

# SB2971



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2971

Introduced 12/15/2021, 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 and the grantee's heirs and assigns, with specified covenants on the part of the grantor.

LRB102 22569 LNS 31710 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 the  
11 grantee's ~~his~~ heirs, or other legal representatives, the words  
12 "grant~~r~~", "bargain", and "sell~~r~~" shall be adjudged an express  
13 covenant to the grantee, the grantee's ~~his~~ heirs, and other  
14 legal representatives, to-wit: that the grantor was the owner  
15 of an indefeasible estate in fee simple, free from  
16 encumbrances done or suffered from the grantor, except the  
17 rents and services that may be reserved, and also for quiet  
18 enjoyment against the grantor and the grantor's ~~r, his~~ heirs  
19 and assigns unless limited by express words contained in such  
20 deed; and the grantee, the grantee's ~~his~~ heirs, executors,  
21 administrators, and assigns, may, in any action, assign  
22 breaches, as if such covenants were expressly inserted;  
23 provided ~~:-Provided~~, always, that this law shall not extend to

1 leases at rack-rent, or leases not exceeding 21 years, where  
2 the actual possession goes with the lease.

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

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

17 Dated (insert date)

18 (signature of grantor or grantors)

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

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

14       (Source: P.A. 80-660.)