



Sen. A. J. Wilhelmi

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09700HB1153sam001

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1 AMENDMENT TO HOUSE BILL 1153

2 AMENDMENT NO. _____. Amend House Bill 1153 on page 3, by
3 replacing line 18 with the following:

4 "Section 40. Requirements.

5 (a) A transfer on death instrument:"; and

6 on page 4, below line 6, by inserting the following:

7 "(b) The failure to comply with any of the requirements of
8 subsection (a) will render the transfer on death instrument
9 void and ineffective to transfer title to the residential real
10 estate at the owner's death."; and

11 on page 10, line 3, after the period, by inserting the
12 following:

13 "If a notice of death affidavit and acceptance has not been
14 filed by at least one beneficiary or by a beneficiary's
15 authorized representative in the office of the recorder in the

1 county or counties where the residential real estate is located
2 within 30 days after the owner's death, the personal
3 representative of the owner's estate, if any, may take
4 possession of the residential real estate in accordance with
5 Section 20-1 of the Probate Act of 1975, and shall be entitled
6 to a lien for all reasonable costs and expenses incurred in the
7 management and care thereof provided that a reasonable attempt
8 to notify the beneficiary or beneficiaries has been made. If a
9 notice of death affidavit and acceptance has not been filed by
10 at least one beneficiary or by the beneficiary's authorized
11 representative in the office of the recorder in the county or
12 counties where the residential real estate is located within 2
13 years after the owner's death, the transfer on death instrument
14 shall be void and ineffective and the residential real estate
15 shall pass to the owner's estate as provided in paragraph (2)
16 of subsection (a) of Section 65 to be administered and
17 distributed in accordance with the terms thereof."; and

18 on page 10, line 5, by replacing "Disclaimers" with "the
19 Disclaimer"; and

20 on page 10, by replacing lines 16 through 22 with the
21 following:

22 "Section 95. Preparation of a transfer on death instrument
23 or its revocation. A transfer on death instrument or its

1 revocation shall be prepared only by an Illinois licensed
2 attorney. Nothing in this Section, however, shall prohibit an
3 owner from preparing his or her own transfer on death
4 instrument or revocation."; and

5 on page 11, by deleting lines 1 through 4.