



Rep. Jim Durkin

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09700HB2546ham001

LRB097 07776 AJ0 52604 a

1 AMENDMENT TO HOUSE BILL 2546

2 AMENDMENT NO. _____. Amend House Bill 2546 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 13-106 as follows:

6 (735 ILCS 5/13-106) (from Ch. 110, par. 13-106)

7 Sec. 13-106. Accrual of right of entry or to bring action.
8 The right to make an entry or bring an action to recover land
9 shall be deemed to have first accrued at the times respectively
10 hereinafter provided:

11 (a) When any person is wrongfully ousted from possession,
12 his or her right of entry or of action shall be deemed to have
13 accrued at the time of such wrongful ouster.

14 (b) When he or she claims as heir or legatee of an owner in
15 possession who died, his or her right shall be deemed to have
16 accrued at the time of such death, unless there is an estate

1 intervening after the death of such ancestor or testator; in
2 which case his or her right shall be deemed to accrue when such
3 intermediate estate expires, or when it would have expired by
4 its own limitations.

5 (c) When there is such an intermediate estate, and in all
6 other cases when the party claims by force of any remainder or
7 reversion, his or her right, so far as it is affected by the
8 limitation herein prescribed, shall be deemed to accrue when
9 the intermediate or precedent estate would have expired by its
10 own limitation, notwithstanding any forfeiture thereof for
11 which he or she might have entered at an earlier time.

12 (d) Paragraph (c) of this Section shall not prevent a
13 person from entering when entitled to do so by reason of any
14 forfeiture or breach of condition; but if he or she claims
15 under such a title, his or her right shall be deemed to have
16 accrued when the forfeiture was incurred or the condition was
17 broken.

18 (e) In all cases not otherwise specially provided for, the
19 right shall be deemed to have accrued when the claimant, or the
20 person under whom he or she claims, first became entitled to
21 the possession of the premises under the title upon which the
22 entry or the action is founded.

23 (f) In the case of a publicly maintained sanitary or storm
24 sewer or water pipe, the right shall be deemed to have been
25 established at the time of the construction of the sanitary or
26 storm sewer or water pipe.

1 (Source: P.A. 84-549.)

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