



Sen. Kirk W. Dillard

Filed: 5/21/2012

09700HB3372sam001

LRB097 10901 AJO 69352 a

1 AMENDMENT TO HOUSE BILL 3372

2 AMENDMENT NO. _____. Amend House Bill 3372 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 13-120 as follows:

6 (735 ILCS 5/13-120) (from Ch. 110, par. 13-120)

7 Sec. 13-120. Limitation on sections. Sections 13-118
8 through 13-121 of this Act shall not be applied:

9 1. to bar any lessor or his or her successor as reversioner
10 of his or her right to possession on the expiration of any
11 lease or any lessee or his or her successor of his or her
12 rights in and to any lease; or

13 2. to bar or extinguish any interest created or held for
14 any public utility purpose; or

15 3. to bar or extinguish any easement or interest in the
16 nature of an easement, or any rights granted, reserved or

1 excepted by any instrument creating such easement or interest,
2 the existence of which such easement or interest either is
3 apparent from or can be proved by physical evidences of its
4 use, whether or not such physical evidences of its use are
5 visible from the surface; or

6 4. to bar or extinguish any separate mineral estate or any
7 rights, immunities and interests appurtenant or relating
8 thereto; or

9 5. to bar any interest of a mortgagee or interest in the
10 nature of that of a mortgagee where the due date of the
11 mortgage is stated on the face, or ascertainable from the
12 written terms thereof and is not barred by Section 13-116 of
13 this Act.

14 6. to validate any encroachment on any street, highway or
15 public waters.

16 Nothing contained in Sections 13-118 through 13-121 of this
17 Act shall be construed to extend the period for the beginning
18 of any action or the doing of any other required act under any
19 statutes of limitation nor, except as provided in this Section
20 13-120, to affect the operation of any statutes or case law
21 governing the recording or the failure to record any
22 instruments affecting land.

23 Sections 13-118 through 13-121 of this Act shall not be
24 deemed to affect any easement obtained by a governmental entity
25 by way of an eminent domain proceeding for the construction of
26 an underground water main, storm sewer, or sanitary sewer

1 regardless of whether the easement interest is recorded in the
2 recorder's office located in the county in which the property
3 subject to the easement is located, provided that the
4 governmental entity shows that the easement was obtained by way
5 of a final judgment in a condemnation action for the easement
6 and shows the subsequent payment of just compensation by the
7 governmental entity to the party adjudged by the trial court to
8 be entitled to the just compensation.

9 No statement recorded or action filed pursuant to the
10 provisions of Sections 13-118 through 13-121 of this Act shall
11 affect real estate registered under "An Act concerning land
12 titles" approved May 1, 1897, as amended; and real estate
13 heretofore or hereafter registered under "An Act concerning
14 land titles" shall be subject to the terms thereof and all
15 subsequent amendments thereto.

16 Sections 13-118 through 13-121 of this Act shall not be
17 deemed to affect any right, title or interest of the United
18 States unless the Congress shall assent to its operation in
19 that behalf.

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

21 Section 10. The Conveyances Act is amended by changing
22 Section 30 as follows:

23 (765 ILCS 5/30) (from Ch. 30, par. 29)

24 Sec. 30. All deeds, mortgages and other instruments of

1 writing which are authorized to be recorded, shall take effect
2 and be in force from and after the time of filing the same for
3 record, and not before, as to all creditors and subsequent
4 purchasers, without notice; and all such deeds and title papers
5 shall be adjudged void as to all such creditors and subsequent
6 purchasers, without notice, until the same shall be filed for
7 record. However, any easement obtained by a governmental entity
8 by way of an eminent domain proceeding for the construction of
9 a public improvement of an underground water main, storm sewer,
10 or sanitary sewer shall be deemed valid regardless of whether
11 the easement interest is recorded in the recorder's office
12 located in the county in which the property subject to the
13 easement is located, provided that the governmental entity
14 shows that the easement was obtained by way of a final judgment
15 in a condemnation action for the easement and shows the
16 subsequent deposit of just compensation to the county treasurer
17 as provided in Section 10-5-85 of the Eminent Domain Act or
18 otherwise shows payment of just compensation as provided by any
19 other statute utilized by the governmental entity providing for
20 the exercise of eminent domain.

21 (Source: Laws 1871-2, p. 282.)".