



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB0060

Introduced 1/9/2013, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

765 ILCS 5/10

from Ch. 30, par. 9

Amends the Conveyances Act. Provides that no quitclaim deed may be recorded in a county with a population of 3,000,000 or more unless each grantor conveying real estate by the quitclaim deed signs or acknowledges his or her signature in the recorder's office before a notary public who is an employee of the recorder's office and who is satisfied that there appears no reason not to notarize the grantor's signature. Provides that a grantor of a quitclaim deed shall acknowledge that he or she read and signed the quitclaim deed and understands that the quitclaim deed conveys any and all interest of the grantor in the real estate conveyed to the grantee. Provides that a quitclaim deed executed by a financial institution conveying an interest that it has in real estate is exempt from the notarization requirement. Provides that a quitclaim deed is exempt from the requirement to have the quitclaim deed notarized in the recorder's office if the quitclaim deed was executed by a grantor and notarized before a notary public other than an employee of the recorder's office for health reasons or because of a disability and if the deed has attached a licensed physician's report attesting to the health reasons or disability based on the physician's personal examination of the grantor within 10 days prior to the execution of the quitclaim deed. Provides that an additional fee of \$50 may be collected by the recorder to record a quitclaim deed under the new provisions. Provides that a quitclaim deed that is exempt from any of the new provisions is still subject to the additional fee. Provides that all fees collected under the new provisions shall be deposited into the Recorder's Operation and Administrative Fund created by the recorder, and shall be used to offset the costs incurred by the recorder in performing the additional duties required provided by the new provisions.

LRB098 04064 HEP 34085 b

FISCAL NOTE ACT
MAY APPLY

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 10 as follows:

6 (765 ILCS 5/10) (from Ch. 30, par. 9)

7 Sec. 10. Quitclaim deeds.

8 (a) Quitclaim deeds may be, in substance, in the following
9 form:

10 The grantor (here insert grantor's name or names and place
11 of residence), for the consideration of (here insert
12 consideration), convey and quit claim to (here insert grantee's
13 name or names) all interest in the following described real
14 estate (here insert description), situated in the County of
15, in the State of Illinois.

16 Dated (insert date).

17 (signature of grantor or grantors)

18 The names of the parties shall be typed or printed below
19 the signatures. Such form shall have a blank space of 3 1/2
20 inches by 3 1/2 inches for use by the recorder. However, the
21 failure to comply with the requirement that the names of the

1 parties be typed or printed below the signatures and that the
2 form have a blank space of 3 1/2 inches by 3 1/2 inches for use
3 by the recorder shall not affect the validity and effect of
4 such form.

5 (b) Every deed in substance in the form described in this
6 Section, when otherwise duly executed, shall be deemed and held
7 a good and sufficient conveyance, release and quit claim to the
8 grantee, his heirs and assigns, in fee of all the then existing
9 legal or equitable rights of the grantor, in the premises
10 therein described, but shall not extend to after acquired title
11 unless words are added expressing such intention.

12 (c) No quitclaim deed, except as provided in this
13 subsection (c), may be recorded in a county with a population
14 of 3,000,000 or more, unless each grantor conveying real estate
15 by the quitclaim deed signs or acknowledges his or her
16 signature in the recorder's office before a notary public who
17 is an employee of the recorder's office and who, when satisfied
18 that there appears no reason not to notarize the grantor's
19 signature, requires the grantor to complete and sign the
20 following attestation, which shall be attached to or made a
21 part of the quitclaim deed:

22 Attestation

23 State of Illinois)

24 _____) SS.

25 County of)

1 (ii) A quitclaim deed is exempt from the requirement to
2 have the quitclaim deed notarized in the recorder's office
3 if the quitclaim deed was, for health reasons or because of
4 a disability, executed by a grantor before a notary public
5 other than an employee of the recorder's office and the
6 quitclaim deed has attached to it a report from a licensed
7 physician which contains: (1) a description of the nature
8 of the grantor's health status or disability and an
9 assessment of how the health status or disability prevents
10 the grantor from appearing in the recorder's office before
11 a notary employed by the recorder; (2) the results of an
12 evaluation of the grantor's health status or disability
13 which has been performed personally by the licensed
14 physician no less than 10 days before the date that the
15 grantor signed the quitclaim deed; and (3) the signature of
16 the licensed physician who personally evaluated the
17 grantor, along with the licensed physician's license
18 number or designation.

19 A recorder in a county with a population of 3,000,000 or
20 more may collect, in addition to any other fees collected for
21 the filing of a quitclaim deed, an additional fee of \$50 to
22 record a quitclaim deed under this subsection (c). The fact
23 that a quitclaim deed is exempt from any requirement of this
24 subsection (c) does not exempt the quitclaim deed from the
25 additional fee. All fees collected under this subsection (c)
26 shall be deposited into the Recorder's Operation and

1 Administrative Fund created by the recorder, and shall be used
2 to offset the costs incurred by the recorder in performing the
3 additional duties required by this subsection (c).

4 (Source: P.A. 91-357, eff. 7-29-99.)