

1 AN ACT concerning property law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Joint Tenancy Act is amended by changing
5 Section 1c as follows:

6 (765 ILCS 1005/1c) (from Ch. 76, par. 1c)

7 Sec. 1c. Whenever a devise, conveyance, assignment, or
8 other transfer of property, including a beneficial interest
9 in a land trust, maintained or intended for maintenance as a
10 homestead by both husband and wife together during coverture
11 shall be made and the instrument of devise, conveyance,
12 assignment, or transfer expressly declares that the devise or
13 conveyance is made to ~~persons, named and expressly identified~~
14 ~~in that instrument as husband and wife, not as joint tenants~~
15 ~~or tenants in common but as~~ tenants by the entirety, or if
16 the beneficial interest in a land trust is to be held ~~by both~~
17 ~~husband and wife~~ as tenants by the entirety, the estate
18 created shall be deemed to be in tenancy by the entirety.
19 Subject to the provisions of paragraph (d) of Section 2 and
20 unless otherwise assented to in writing by both tenants by
21 the entirety, the estate in tenancy by the entirety so
22 created shall exist only if, and as long as, the tenants are
23 and remain married to each other, and upon the death of
24 either such tenant the survivor shall retain the entire
25 estate; provided that, upon a judgment of dissolution of
26 marriage or of declaration of invalidity of marriage, the
27 estate shall, by operation of law, become a tenancy in common
28 until and unless the court directs otherwise; provided
29 further that the estate shall, by operation of law, become a
30 joint tenancy upon the creation and maintenance by both
31 spouses together of other property as a homestead. A devise,

1 conveyance, assignment, or other transfer to 2 grantees who
2 are not in fact husband and wife that purports to create an
3 estate by the entirety shall be construed as having created
4 an estate in joint tenancy. An estate in tenancy by the
5 entirety may be created notwithstanding the fact that a
6 grantor is or the grantors are also named as a grantee or the
7 grantees in a deed. No deed, contract for deed, mortgage, or
8 lease of homestead property held in tenancy by the entirety
9 shall be effective unless signed by both tenants. This
10 Section shall not apply to nor operate to change the effect
11 of any devise or conveyance.

12 This amendatory Act of 1995 is declarative of existing
13 law.

14 (Source: P.A. 89-88, eff. 6-30-95; 89-438, eff. 12-15-95.)