

AN ACT concerning civil law.

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

Section 5. The Conveyances Act is amended by changing
Section 8 as follows:

(765 ILCS 5/8) (from Ch. 30, par. 7)

Sec. 8. Warranty deed; encumbrances done or suffered from
the grantor.

(a) In all deeds whereby any estate of inheritance in fee simple shall hereafter be limited to the grantee and his heirs, or other legal representatives, the words "grant," "bargain" and "sell," shall be adjudged an express covenant to the grantee, his heirs, and other legal representatives, to-wit: that the grantor was the owner of an indefeasible estate in fee simple, free from encumbrances done or suffered from the grantor, except the rents and services that may be reserved, and also for quiet enjoyment against the grantor, his heirs and assigns unless limited by express words contained in such deed; and the grantee, his heirs, executors, administrators and assigns, may in any action, assign breaches, as if such covenants were expressly inserted: Provided, always, that this law shall not extend to leases at rack-rent, or leases not exceeding 21 years, where the actual

possession goes with the lease.

(b) Deeds made pursuant to this Section, sometimes referred to as special warranty deeds, may be substantially in the following form:

The grantor (here insert the name or names and address of the grantor), for and in consideration of (here insert consideration), hereby grants, bargains, sells, and conveys to the grantee all of the following described land and the improvements thereon situated in the County of, State of Illinois, legally described and known as follows: (insert legal description, common address, and permanent index number) together with all and singular the hereditaments and appurtenances thereto; to have and to hold the same, with the appurtenances thereto, forever, subject to the following matters:(insert known encumbrances).

Dated (insert date)

(signature of grantor or grantors)

The names of the parties shall be typed or printed below the signatures. Such form shall have a blank space 3 inches by 5 inches for use by the recorder. However, the failure to comply with the requirement that the names of the parties be typed or printed below the signatures and that the form have a blank space 3 inches by 5 inches for use by the recorder shall not affect the validity or effect of such a form.

Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a conveyance in fee

simple, to the grantee, his or her heirs and assigns, with covenants on the part of the grantor (1) that at the time of making and delivery of such a deed, the grantor was the lawful owner of an indefeasible estate in fee simple in and to the premises therein described and that grantor had good right and full power to convey the same, (2) that the premises were free from encumbrances done or suffered by or through the grantor, except the rents and services that may be therein reserved, and (3) that the grantor will warrant and defend the premises against the lawful claims and demands of all persons claiming through the grantor but none other.

(Source: P.A. 80-660.)