Illinois Real Property Law and Practice

-Practice-

Volume 3



QUESTIONS ABOUT THIS PUBLICATION?

For questions about the Editorial Content appearing in these volumes or reprint permission, please call or email: Scott Andre, Esq. at
For assistance with replacement pages, shipments, billing or other customer service matters, please call:
Customer Services Department at(800) 833-9844Outside the United States and Canada, please call(518) 487-3385Fax Number(800) 828-8341LexisNexis® Support Centerhttps://supportcenter.lexisnexis.com/app/home/
For information on other Matthew Bender publications, please callYour account manager or(800) 223-1940Outside the United States and Canada, please call(518) 487-3385

Library of Congress Card Number: 88024182 ISBN: 978-1-6633-7726-5 (print)

Cite this publication as:

Illinois Real Property Law and Practice, Ch. no., § no. (Matthew Bender)

Example:

Illinois Real Property Law and Practice, Ch. 1, § 1.01 (Matthew Bender)

Because the section you are citing may be revised in a later release, you may wish to photocopy or print out the section for convenient future reference.

This publication is designed to provide authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

LexisNexis and the Knowledge Burst logo are registered trademarks of RELX Inc. Matthew Bender and the Matthew Bender Flame Design are registered trademarks of Matthew Bender Properties Inc.

Copyright © 2023 Matthew Bender & Company, Inc., a member of LexisNexis. All Rights Reserved. Originally published in: 1989.

No copyright is claimed by LexisNexis or Matthew Bender & Company, Inc., in the text of statutes, regulations, and excerpts from court opinions quoted within this work. Permission to copy material may be licensed for a fee from the Copyright Clearance Center, 222 Rosewood Drive, Danvers, Mass. 01923, telephone (978) 750-8400.

Editorial Office 230 Park Ave., 7th Floor, New York, NY 10169 (800) 543-6862 www.lexisnexis.com

MATTHEW BENDER

CHAPTER 3 PART 1 DECLARATIONS AND EASEMENT AGREEMENTS

§ 3.01	Overview of Declarations and Easement Agreements
§ 3.02	Declarations

Appendix to CHAPTER 3 PART 1 DECLARATIONS AND EASEMENT AGREEMENTS

§ 3.1	Practice Considerations
§ 3.2	Declarations
FORM 3.2.1	Declaration of Condominium Ownership and of
	Easements, Restrictions, Covenants and By-Laws for
	Condominium Association

CHAPTER 3 PART 2 DECLARATIONS AND EASEMENT AGREEMENTS

§	3.02	Declarations
8	5.02	Declarations

- § 3.03 Easement Agreements
- § 3.04 Reciprocal Easement and Operating Agreements

Appendix to CHAPTER 3 PART 2 DECLARATIONS AND EASEMENT AGREEMENTS

§ 3.2	Declarations
FORM 3.2.2	Declaration of Covenants, Conditions, Restrictions and
	Easements—Single Family
FORM 3.2.3	Declaration of Covenants, Conditions, Restrictions and
	Easementsfor Office/Industrial Park
FORM 3.2.4	Sample Declaration and By-Laws
FORM 3.2.5	The Condo Unit Owner's Rights and Responsibilities
	Handbook (IDFPR)
§ 3.3	Easement Agreements
FORM 3.3.1	Grant of Utility Easement(Short Form)
FORM 3.3.2	Grant of Utility Easement(Long Form)
FORM 3.3.3	Sign Easement Agreement
FORM 3.3.4	Parking Easement Agreement

FORM 3.3.5	Access Easement Agreement
FORM 3.3.6	GRANT OF EASEMENT
FORM 3.3.7	GRANT OF EASEMENT
FORM 3.3.8	EASEMENT
FORM 3.3.8.1	Temporary Construction Easement (Illinois Department of
	Transportation)
§ 3.4	Reciprocal Easement and Operating Agreements
FORM 3.4.1	Shopping Center Construction, Operation and Reciprocal
	Easement Agreement
FORM 3.4.2	Easement And Operating Agreement(Hotel and Office
	Building Project)

CHAPTER 4 DEEDS AND OTHER INSTRUMENTS OF CONVEYANCE

§ 4.01	Practice Considerations Concerning Deeds and Other Instruments of Conveyance
§ 4.02	Warranty Deeds
§ 4.03	Quitclaim Deeds
§ 4.04	Grant, Bargain, and Sale Deeds
§ 4.05	Special Warranty Deed
§ 4.06	Personal Representative's Deeds
§ 4.07	Sheriff's or Other Officer's Deeds (Including Tax Deeds)
§ 4.08	Deed Under Decree of Foreclosure
§ 4.09	Condominium Deed
§ 4.10	Release of Mortgage Deed
§ 4.11	Confirmatory or Correction Deed
§ 4.12	Life Estate Deeds
§ 4.13	Deeds Incident to Corporate or Partnership Action
§ 4.14	Co-Tenancy Deeds
§ 4.15	Cooperative Apartment Sale Documents
§ 4.16	Witness Clauses
§ 4.17	Acknowledgments
§ 4.18	Special Mortgage Clauses for Deeds
§ 4.19	Special Easement Clauses and Other Reservation Clauses for Deeds
§ 4.20	Conditions and Restrictions Concerning Use
§ 4.21	Local and Special Requirements
§ 4.22	Fraudulent Filings

Appendix to CHAPTER 4 DEEDS AND OTHER INSTRUMENTS OF CONVEYANCE

§ 4.1	Practice Considerations
§ 4.2	Warranty Deeds
FORM 4.2.1	Warranty Deed—Corporation Grantor
FORM 4.2.2	Warranty Deed—Individual Grantor
FORM 4.2.3	Warranty Deed—Partnership Grantor
FORM 4.2.3A	Warranty Deed Information Packet (Lake County)
§ 4.3	Quitclaim Deeds
FORM 4.3.1	Quitclaim Deed—Corporation Grantor
FORM 4.3.2	Quitclaim Deed—Individual Grantor
FORM 4.3.3	Quitclaim Deed—Partnership Grantor
FORM 4.3.3A	Quitclaim Deed Information Packet (Lake County)
§ 4.4	Grant, Bargain, and Sale Deeds
FORM 4.4.1	Grant, Bargain and Sale Deeds
§ 4.5	Special Warranty Deed
FORM 4.5	Special Warranty Deed
§ 4.6	Personal Representatives' Deeds
FORM 4.6.1	Executor's Deed
FORM 4.6.2	Deed from Guardian, Conservator, etc.
FORM 4.6.3	Deed from Trustee of Testamentary Trust
§ 4.7	Sheriff's or Other Officer's Deeds
FORM 4.7.1	Sheriff's Deed—Execution
FORM 4.7.2	County Clerk's Deed
FORM 4.7.2.1	Notice of Sale and Redemption Rights (Statutory Form)
FORM 4.7.2.2	Notice of Expiration of Period of Redemption (Statutory
	Form)
§ 4.8	Deed Under Decree of Foreclosure
FORM 4.8	Deed Under Decree of Foreclosure
FORM 4.8.1	Deed Under Decree of Foreclosure
§ 4.9	Condominium Deed
FORM 4.9.1	Condominium Deed
§ 4.10	Release of Mortgage Deed
FORM 4.10.1	Release Deed
§ 4.11	Confirmatory or Correction Deed
FORM 4.11.1	Confirmatory Deed
§ 4.12	Life Estate Deeds

FORM 4.12.1	Deed Granting Life Estate
FORM 4.12.2	Deed Reserving Life Estate
§ 4.13	Deeds Incident to Corporate or Partnership Action
FORM 4.13.1	Deed Pursuant to Merger
FORM 4.13.2	Deed Pursuant to Corporate Dissolution
FORM 4.13.3	Deed Pursuant to Partnership Dissolution
§ 4.14	Co-Tenancy Deeds
FORM 4.14.1	Deed Creating Tenancy in Common
FORM 4.14.2	Deed Creating Joint Tenancy
FORM 4.14.3	Deed Severing Joint Tenancy
FORM 4.14.4	Deed Creating Tenancy by the Entirety
§ 4.14A	Residential Property Transfer on Death
FORM 4.14A.1	Notice of Death Affidavit and Acceptance of Transfer on
	Death Instrument
FORM 4.14A.2	Transfer on Death Instrument
FORM 4.14A.3	Transfer on Death Instrument Revocation
FORM 4.14A.4	Transfer on Death—Alternate Form—Cook County
	Recorder (Official Form)
§ 4.15	Cooperative Apartment Sale Documents
FORM 4.15.1	Assignment of Proprietary Lease by Lessee
FORM 4.15.2	Assignment of Stock in Cooperative Corporation
§ 4.16	Witness Clauses
FORM 4.16.1	Individual Form
FORM 4.16.2	Corporate Form
FORM 4.16.3	Partnership Form
§ 4.17	Acknowledgments
FORM 4.17.1	Individual
FORM 4.17.2	Corporation
FORM 4.17.3	Partnership—Individual Partner
FORM 4.17.4	Partnership—Corporate Partner
FORM 4.17.5	Husband and Wife
FORM 4.17.6	Attorney-in-Fact Form
FORM 4.17.7	Public Officer, Personal Representative Form
§ 4.18	Special Mortgage Clauses for Deeds
FORM 4.18.1	Assumption of Mortgage Clause
FORM 4.18.2	"Subject to" Mortgage Clause
§ 4.19	Special Easement Clauses for Deeds
FORM 4.19.1	Deed Granting Easement

FORM 4.19.2	Deed Reserving Easement
§ 4.20	Special Reservation Clauses for Deeds
FORM 4.20.1	Clause Granting Oil, Gas and Other Mineral Rights
FORM 4.20.2	Clause Reserving Oil, Gas and Other Mineral Rights
FORM 4.20.3	Clause Granting Right to Use Lake
FORM 4.20.4	Clause Reserving Water Rights
FORM 4.20.5	Clause Reserving Timber (Or Crop) Rights
§ 4.21	Conditions and Restrictions Concerning Use
FORM 4.21.1	Clause Restricting Use to Residential Purposes
FORM 4.21.2	Clause Restricting the Manufacture or Sale of Alcohol
§ 4.22	Local and Special Requirements
§ 4.22.1	The Torrens System of Registering Titles
§ 4.22.2	The Plat Act
FORM 4.22.2	Plat Act Affidavit
FORM 4.22.2A	Plat Act Affidavit (Lake County)
FORM 4.22.2B	Guidelines for Recording Plats (Lake County)
§ 4.22.3	Transfer Taxes
FORM 4.22.3	Home Rule Real Estate Transfer Taxes
FORM 4.22.3.1	PTAX-203 Form and Instructions
FORM 4.22.3.2	PTAX-203-A Form and Instructions
FORM 4.22.3.3	PTAX-203-B Form and Instructions
FORM 4.22.3.4	PTAX-203-NR Form and Instructions
FORM 4.22.3.5	Chicago Real Property Transfer Tax (Form 7551)
FORM 4.22.3.6	Real Property Transfer Tax (7553) Senior Exemption
	Refund Application
§ 4.23	Fraudulent Filings

CHAPTER 5 LAND USE DOCUMENTS

§ 5.01	Introduction to Land Use Documents
§ 5.02	Petitions for Annexation and Ordinances Requesting
	Annexation
§ 5.03	Ordinances Annexing Territory
§ 5.04	Disconnection of Territory from One Municipality and Annexation to Second Municipality
§ 5.05	Annexation and Recapture Agreements
§ 5.06	Zoning Documents

Appendix to CHAPTER 5 LAND USE DOCUMENTS

§ 5.1	Practice Considerations
§ 5.2	Petitions for Annexation and Ordinances Requesting Annexation
FORM 5.2.1	Petition for Annexation Submitted Pursuant to 65 ILCS 5/7-1-2(formerly III. Rev. Stat. ch. 24, para. 7-1-2) (1987)
FORM 5.2.2	Ordinance Requesting Annexation Adopted Pursuant to 65ILCS 5/7-1-2 (formerly Ill. Rev. Stat. ch. 24, para. 7-1-2)
FORM 5.2.3	Petition for Annexation Submitted Pursuant to 65 ILCS5/7- 1-8 (formerly III. Rev. Stat. ch. 24, para. 7-1-8)
FORM 5.2.4	Petition for Annexation Submitted Pursuant to 65 ILCS 5/7-1-11
FORM 5.2.5	Petition for Annexation Submitted Pursuant to 65 ILCS 5/7-1-12
FORM 5.2.6	Ordinance Annexing Territory Pursuant to65 ILCS 5/7-1- 13
FORM 5.2.7	Notice to Library and Fire Protection Districts, Township Highway Commissioner and Board of Township Trustees Submitted Pursuant to 65 ILCS 5/7-1-1
§ 5.3	Ordinances Annexing Territory
FORM 5.3.1	Ordinance Annexing Territory Pursuant to 65 ILCS 5/7-1-8
FORM 5.3.2	Ordinance Annexing Territory Pursuant to 65 ILCS 5/7-1- 11
FORM 5.3.3	Ordinance Annexing Territory Pursuant to 65 ILCS 5/7-1- 12
§ 5.4	Disconnection of Territory from One Municipality and Annexation to a Second Municipality
FORM 5.4.1	Petition Requesting Disconnection of Territory and Annexation Pursuant to 65 ILCS 5/7-1-24, formerly Ill. Rev. Stat. ch. 24, para. 7-1-24 (1987)
FORM 5.4.2	Ordinance Providing for Disconnection of Territory Adopted Pursuant to 65 ILCS 5/7-1-24
§ 5.5	Annexation and Recapture Agreements
FORM 5.5.1	Resolution Authorizing Execution of an Annexation
	Agreement Adapted Pursuant to 65 ILCS 5/11-15.1-1,
	formerly Ill. Rev. Stat. ch. 24, para. 11-15.1-1 <i>et seq.</i> (1987)

FORM 5.5.2	Annexation Agreements
FORM 5.5.3	Recapture Agreements
§ 5.6	Zoning Documents
§ 5.6.1	Petitions for Zoning Relief
FORM 5.6.1.1	Petition for Rezoning
FORM 5.6.1.2	Petition for Zoning on Annexation
§ 5.6.2	Notice to Neighbors and Surrounding Property Owners
	Given in Accordance with Local Ordinance and Pursuant
	to 65 ILCS 5/11-13-7, formerly Ill. Rev. Stat. ch. 24, para.
	11-13-7 (1987)
FORM 5.6.2	Notice to Neighbors and Surrounding Property Owners
	Given in Accordance with Local Ordinance and Pursuant
	to 65 ILCS 5/11-13-7, formerly Ill. Rev. Stat. ch. 24,
	para. 11-13-7 (1987)
FORM 5.6.3	Ordinance Rezoning Property
FORM 5.6.4	Map Amendment Request (DeKalb County)
FORM 5.6.5	Request for Special Use (DeKalb County)
FORM 5.6.6	Request for Variation (DeKalb County)
FORM 5.6.7	Request for Zoning Action (DeKalb County)
FORM 5.6.8	Zoning Checklist (DeKalb County)
FORM 5.6.9	Complaint Based on Denial of Application for Zoning
	Approval

CHAPTER 6 LAND TRUST DOCUMENTS

- § 6.02 Creating Land Trust
- § 6.03 Use of Land Trust
- § 6.04 Letters of Direction and Trustee's Deed
- § 6.05 Liability of Land Trustees

Appendix to CHAPTER 6 LAND TRUST DOCUMENTS

- § 6.1 Practice Considerations
- § 6.2 Creating a Land Trust
 - FORM 6.2.1 Trust Agreement
 - FORM 6.2.2 Deed in Trust
 - FORM 6.2.3 Beneficiary Agreement
 - FORM 6.2.4 Amendment of Trust Agreement

§ 6.3	Use of a Land Trust
FORM 6.3.1	Assignment of Beneficial Interest
FORM 6.3.2	Facsimile Assignment of Beneficial Interest
FORM 6.3.3	Collateral Assignment of Beneficial Interest
FORM 6.3.4	Irrevocable Right to Approve Trust Documents
§ 6.4	Letters of Direction and Trustee's Deed
FORM 6.4.1	Direction to Execute
FORM 6.4.2	Direction to Convey
FORM 6.4.3	Land Trustee's Deed

CHAPTER 7 PART 1 MISCELLANEOUS REAL ESTATE DOCUMENTS

- § 7.01 License Agreements
- § 7.02 Management Agreements
- § 7.03 Brokerage Agreements
- § 7.04 Auction Agreements
- § 7.05 Agreements Affecting Adjoining or Neighboring Properties
- § 7.06 Escrow Agreements
- § 7.07 Construction Agreements
- § 7.08 Entity Classification Election

Appendix to CHAPTER 7 MISCELLANEOUS REAL ESTATE DOCUMENTS

§ 7.1	License Agreements
FORM 7.1.1	License Agreement
FORM 7.1.2	Satellite Dish License Agreement
FORM 7.1.3	License to Use University Facilities
§ 7.2	Management Agreements
FORM 7.2	Office Building Management Agreement
FORM 7.2A	Condominium Management Agreement
§ 7.3	Brokerage Agreements
FORM 7.3.1	Leasing and Brokerage Agreement
FORM 7.3.2	Exclusive Sales Listing Agreement
FORM 7.3.3	Notice of Commercial Real Estate Broker Lien
FORM 7.3.4	Broker's Final Waiver of Lien
FORM 7.3.5	Americans With Disabilities Act Provisions
§ 7.4	Auction Agreements
FORM 7.4	REAL ESTATE AUCTION AGREEMENT

§ 7.5	Party Wall Agreements
FORM 7.5	PARTY WALL AGREEMENT
§ 7.6	Escrow Agreements
FORM 7.6.1	Escrow Trust Instructions (Deed and Money Escrow)
FORM 7.6.2	Escrow Trust Instructions—(Money Lender's Escrow)
FORM 7.6.3	Strict Joint Order Escrow Trust
FORM 7.6.4	Construction Loan Escrow Trust
§ 7.7	Improvements to Real Property
FORM 7.7.1	Statutory Notice to Substitute Bond for Mechanic's Lien
	(770 ILCS 60/38.1)
§ 7.8	Illinois Association of Realtors—Broker-Buyer Forms
FORM 7.8.1	Sponsoring Broker-Salesperson Contract
FORM 7.8.2	Disclosure and Consent to Dual Agency
FORM 7.8.3	Confirmation of Consent to Dual Agency
FORM 7.8.4	Notice of Ministerial Acts
FORM 7.8.5	Exclusive Buyer Representation/Exclusive Right To
	Purchase Contract
FORM 7.8.6	Non-Exclusive Buyer Representation Contract
FORM 7.8.7	Additional Agent Designation
FORM 7.8.8	Non-Exclusive Buyer Representation Contract [Reserved]
FORM 7.8.9	[Reserved]
FORM 7.8.10	Buyer Agency Checklist
FORM 7.8.11	Buyer Information Checklist
FORM 7.8.12	Seller Agency Checklist
FORM 7.8.13	Notice of No Agency Relationship