

TABLE OF CONTENTS

	<i>Page</i>
Of Special Interest to Attorneys in Illinois.....	ix
2023 Legislative Changes.....	xi
2024 Legislative Changes.....	xiii
Electronic Wills, Estate Planning Documents, and Remote Witness Act.....	xv

LEGAL ANALYSIS

Chapter 1. Place of Probate of Will or Administration of Estate in Illinois and Court's Power to Ascertain and Declare Heirship Under the Probate Act.....	1
Chapter 2. Probate of Wills and Issuance of Letters of Office Under the Probate Act.....	5
Chapter 3. Probate of Foreign Wills and Estates of Nonresidents Under the Probate Act.....	7
Chapter 4. Letters of Administration Under the Probate Act.....	9
Chapter 5. Small Estates Under the Probate Act.....	13
Chapter 6. County Estate and Probate Forms.....	21
Chapter 7. Principal Place of Trust Administration and Role of the Court in Trust Administration.....	115
Chapter 8. Office of Trustee.....	117
Chapter 9. Illinois Estate Tax and Generation-Skipping Transfer Tax.....	121

ILLINOIS COMPILED STATUTES ANNOTATED

CHAPTER 755. ESTATES

Probate Act of 1975

Article I. General Provisions, 755 ILCS 5/1-1 to 755 ILCS 5/1-11.....	143
Article II. Descent and Distribution, 755 ILCS 5/2-1 to 755 ILCS 5/2-9.....	146
Article III. Simultaneous Deaths, 755 ILCS 5/3-1, 755 ILCS 5/3-2.....	156
Article IV. Wills, 755 ILCS 5/4-1 to 755 ILCS 5/4-15.....	157
Article IVa. Presumptively Void Transfers, 755 ILCS 5/4a-5 to 755 ILCS 5/4a-35.....	159
Article V. Place of Probate of Will or of Administration, 755 ILCS 5/5-1 to 755 ILCS 5/5-3.....	161
Article VI. Probate of Wills and Issuance of Letters of Office, 755 ILCS 5/6-1 to 755 ILCS 5/6-21.....	161
Article VII. Probate of Foreign Wills and Estates of Nonresidents, 755 ILCS 5/7-1 to 755 ILCS 5/7-6.....	166
Article VIII. Will Contests, 755 ILCS 5/8-1, 755 ILCS 5/8-2.....	167
Article IX. Letters of Administration, 755 ILCS 5/9-1 to 755 ILCS 5/9-10.....	169
Article X. Administrators to Collect, 755 ILCS 5/10-1 to 755 ILCS 5/10-5.....	172
Article XI. Minors, 755 ILCS 5/11-1 to 755 ILCS 5/11-18.....	173
Article XIa. Guardians for Adults with Disabilities, 755 ILCS 5/11a-1 to 755 ILCS 5/11a-25.....	184
Article XII. Bonds — Oaths — Acceptance of Office, 755 ILCS 5/12-1 to 755 ILCS 5/12-15.....	203
Article XIII. Public Administrators, Guardians and Conservators, 203 755 ILCS 5/13-1 to 755 ILCS 5/13-5.....	205
Article XIV. Inventory and Appraisal, 755 ILCS 5/14-1 to 755 ILCS 5/14-3.....	209
Article XV. Spouse and Child Awards, 755 ILCS 5/15-1 to 755 ILCS 5/15-4.....	209

TABLE OF CONTENTS

iv

Page

Article XVI.	Recovery of Property and Discovery of Information, 755 ILCS 5/16-1 to 755 ILCS 5/16.2	211
Article XVII.	[Reserved]	212
Article XVIII.	Claims Against Estates, 755 ILCS 5/18-1 to 755 ILCS 5/18-15	212
Article XIX.	Administration and Personal Estate, 755 ILCS 5/19-1 to 755 ILCS 5/19-14	215
Article XX.	Administration of Real Estate, 755 ILCS 5/20-1 to 755 ILCS 5/20-24	218
Article XXI.	Investments by Representative, 755 ILCS 5/21-1 to 755 ILCS 5/21-2.15	224
Article XXII.	Nonresident Representative, 755 ILCS 5/22-1 to 755 ILCS 5/22-6	227
Article XXIII.	Resignation and Removal of Representative, 755 ILCS 5/23-1 to 755 ILCS 5/23-8	229
Article XXIV.	Accounts, 755 ILCS 5/24-1 to 755 ILCS 5/24-22	230
Article XXV.	Small Estates, 755 ILCS 5/25-1 to 755 ILCS 5/25-4	235
Article XXVI.	Appeals and Post-Judgment Motions, 755 ILCS 5/26-1 to 755 ILCS 5/26-3	238
Article XXVII.	Miscellaneous, 755 ILCS 5/27-1 to 755 ILCS 5/27-9	239
Article XXVIII.	Independent Administration of Decedent's Estates, 755 ILCS 5/28-1 to 755 ILCS 5/28-12	240
Article XXIX.	[Reserved]	245
Article XXX.	Repeal — Savings Clause — Effective Date, 755 ILCS 5/30-1 to 755 ILCS 5/30-3	245
Electronic Wills and Remote Witnesses Act		
Article 1.	General Provisions, 755 ILCS 6/1-1 to 755 ILCS 6/1-20	245
Article 5.	Electronic Wills, 755 ILCS 6/5-5 to 755 ILCS 6/5-15	247
Article 10.	Certified Paper Copies, 755 ILCS 6/10-5 to 755 ILCS 6/10-15	248
Article 11.	Electronic Nontestamentary Estate Planning Documents, 755 ILCS 6/11-5 to 755 ILCS 6/11-70	249
Article 15.	Remote Witnesses, 755 ILCS 6/15-5 to 755 ILCS 6/15-20	251
Article 20.	Admission of Wills to Probate, 755 ILCS 6/20-5 to 755 ILCS 6/20-45	253
Article 95.	Amendatory Provisions	255
Article 99.	Effective Date, 755 ILCS 6/99-99	255
Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act		
Article 1.	General Provisions, 755 ILCS 8/101 to 755 ILCS 8/106	255
Article 2.	Jurisdiction, 755 ILCS 8/201 to 755 ILCS 8/209	257
Article 3.	Transfer of Guardianship or Conservatorship, 755 ILCS 8/301, 755 ILCS 8/302	259
Article 4.	Registration and Recognition of Orders From Other States, 755 ILCS 8/401 to 755 ILCS 8/403	260
Article 5.	Miscellaneous Provisions, 755 ILCS 8/501 to 755 ILCS 8/505	260
Supported Decision-Making Agreement Act, 755 ILCS 9/1 to 755 ILCS 9/99		
Uniform International Wills Act, 755 ILCS 10/0.01 to 755 ILCS 10/10		
Safety Deposit Box Opening Act, 755 ILCS 15/0.01, 755 ILCS 15/1		
Escheats Act, 755 ILCS 20/0.01 to 755 ILCS 20/7		
Lifetime Transfer of Property Act, 755 ILCS 25/0.01 to 755 ILCS 25/2		
Real Property Transfer on Death Instrument Act, 755 ILCS 27/1 to 755 ILCS 27/100		
Third Party Beneficiary Contract Act, 755 ILCS 30/0.01 to 755 ILCS 30/2		
Illinois Living Will Act, 755 ILCS 35/1 to 755 ILCS 35/10		
Health Care Surrogate Act, 755 ILCS 40/1 to 755 ILCS 40/70		
Mental Health Treatment Preference Declaration Act, 755 ILCS 43/1 to 755 ILCS 43/115		
Illinois Power of Attorney Act		
Article I.	Short Title, 755 ILCS 45/1-1	290

TABLE OF CONTENTS

	<i>Page</i>
Article II. Durable Powers of Attorney, 755 ILCS 45/2-1 to 755 ILCS 45/2-11	290
Article III. Statutory Short Form Power of Attorney For Property, 755 ILCS 45/3-1 to 755 ILCS 45/3-5	297
Article IV. Powers of Attorney For Health Care, 755 ILCS 45/4-1 to 755 ILCS 45/4-12	303
Uniform Anatomical Gift Act, 755 ILCS 50/1	312
Article 1. Title and General Provisions, 755 ILCS 50/1-1 to 755 ILCS 50/5.....	312
Article 5. Organ donation, 755 ILCS 50/5-5 to 755 ILCS 50/11	313
Illinois Corneal Transplant Act [Repealed]	321
Organ Donation Request Act [Repealed]	321
Disposition of Remains Act, 755 ILCS 65/1 to 755 ILCS 65/300	321
Disposition of Remains of the Indigent Act [Repealed]	325
Revised Uniform Fiduciary Access to Digital Assets Act (2015), 755 ILCS 70/1 to 755 ILCS 70/21	327
Uniform Partition of Heirs Property Act, 755 ILCS 75/1 to 755 ILCS 75/99	332
CHAPTER 760. TRUSTS AND FIDUCIARIES	
Illinois Trust Code	
Article 1. General Provisions and Definitions, 760 ILCS 3/101 to 760 ILCS 3/115	337
Article 2. Judicial Proceedings, 760 ILCS 3/201 to 760 ILCS 3/204	344
Article 3. Representation, 760 ILCS 3/301 to 760 ILCS 3/307	344
Article 4. Creation, Validity, Modification, and Termination of Trust, 760 ILCS 3/401 to 760 ILCS 3/417	347
Article 5. Creditor's Claims; Spendthrift and Discretionary Trusts, 760 ILCS 3/501 to 760 ILCS 3/509	351
Article 6. Revocable Trusts, 760 ILCS 3/601 to 760 ILCS 3/605	354
Article 7. Office of Trustee, 760 ILCS 3/701 to 760 ILCS 3/709	355
Article 8. Duties and Powers of Trustee, 760 ILCS 3/801 to 760 ILCS 3/821.....	358
Article 9. Illinois Prudent Investor Law; Life Insurance; Affiliated Investments, 760 ILCS 3/900 to 760 ILCS 3/914	369
Article 10. Liability of Trustees and Rights of Persons Dealing with Trustee, 760 ILCS 3/1001 to 760 ILCS 3/1014	372
Article 11. Total Return Trusts, 760 ILCS 3/1101 to 760 ILCS 3/1113	376
Article 12. Trust Decanting, 760 ILCS 3/1201 to 760 ILCS 3/1227	379
Article 13. Uniform Powers of Appointment Law, 760 ILCS 3/1301 to 760 ILCS 3/1336	387
Article 14. Perpetuities, 760 ILCS 3/1401 to 760 ILCS 3/1407	393
Article 15. Miscellaneous Provisions, 760 ILCS 3/1501 to 760 ILCS 3/1506.....	396
Article 16. Amendatory Provisions, 760 ILCS 3/1601 to 760 ILCS 3/1613.....	397
Article 99. Effective Date, 760 ILCS 3/9999.....	397
Trusts and Trustees Act [Repealed].....	397
Trustees' Emergency Act, 760 ILCS 10/1 to 760 ILCS 10/7	401
Principal and Income Act, 760 ILCS 15/1 to 760 ILCS 15/17.....	402
Illinois Uniform Transfers to Minors Act, 760 ILCS 20/1 to 760 ILCS 20/24.....	408
Disclaimer Under Nontestamentary Instrument Act, 760 ILCS 25/0.01, 760 ILCS 25/1.....	415
Instruments Regarding Adopted Children Act, 760 ILCS 30/0.01, 760 ILCS 30/1	415
Trusts and Dissolutions of Marriage Act [Repealed]	415
Trusts for Employees Act, 760 ILCS 40/0.01 to 760 ILCS 40/3.....	415
Common Trust Fund Act, 760 ILCS 45/1 to 760 ILCS 45/8	416
Uniform Management of Institutional Funds Act [Repealed]	419
Uniform Prudent Management of Institutional Funds Act, 760 ILCS 51/1 to 760 ILCS 51/11	419
Charitable Trust Act, 760 ILCS 55/1 to 760 ILCS 55/19	422
Charitable Trust Tax Law Conformance Act, 760 ILCS 60/0.01 to 760 ILCS 60/2	428

TABLE OF CONTENTS

vi

	<i>Page</i>
Fiduciary Obligations Act, 760 ILCS 65/0.01 to 760 ILCS 65/12	429
Fiduciary Transfer of Securities Act, 760 ILCS 70/0.01 to 760 ILCS 70/9	431
Securities in Fiduciary Accounts Act, 760 ILCS 75/0.01 to 760 ILCS 75/4	433
Fiduciary Surety Release Act [Repealed]	434
Trustee Surety Release Act, 760 ILCS 85/0.01, 760 ILCS 85/1.....	434
Burial Lot Perpetual Trust Act, 760 ILCS 90/0.01 to 760 ILCS 90/2.....	434
Cemetery Perpetual Trust Authorization Act, 760 ILCS 95/0.01, 760 ILCS 95/2	435
Cemetery Care Act, 760 ILCS 100/1 to 760 ILCS 100/26	436
Uniform Powers of Appointment Act [Repealed]	450

RELATED CONTENT

CHAPTER 15. EXECUTIVE OFFICERS

Secretary of State, 15 ILCS 305/5.15	455
--	-----

CHAPTER 405. MENTAL HEALTH

Mental Health and Developmental Disabilities Code	
Chapter III. Admission, Transfer and Discharge Procedures for the Mentally Ill	
Article VI. Emergency Admission by Certificate, 405 ILCS 5/3-601.2.....	457

CHAPTER 705. COURTS

Circuit Clerks	
Clerks of Courts Act, 705 ILCS 105/27.3f	459

CHAPTER 735. CIVIL PROCEDURE

Code of Civil Procedure	
Article XII. Judgments — Enforcement, Part. 1. In General, 735 ILCS 5/12-140	461
Article XIII. Limitations, Part 2. Personal Actions, 735 ILCS 5/13-220 to 735 ILCS 5/13-223	461

CHAPTER 765. PROPERTY

Land Trusts	
Land Trust Beneficial Interest Disclosure Act, 765 ILCS 405/0.01 to 765 ILCS 405/3	463
Land Trust Beneficiary Rights Act, 765 ILCS 407/1, 765 ILCS 407/5, 765 ILCS 407/10	464
Land Trust Successor Trustee Act 765 ILCS 410/0.01 to 765 ILCS 410/2	464
Land Trustee as Creditor Act, 765 ILCS 415/0.01 to 765 ILCS 415/4	465
Land Trust Recordation and Transfer Tax Act, 765 ILCS 420/1 to 765 ILCS 420/4.....	466
Building Law Violation Ownership Disclosure Act, 765 ILCS 425/0.01 to 765 ILCS 425/2	466
Sale of Residential Property Subject to Land Trust Act, 765 ILCS 430/0.01, 765 ILCS 430/2	467
Land Trust Fiduciary Duties Act, 765 ILCS 435/1 to 765 ILCS 435/99	468

CHAPTER 815. BUSINESS TRANSACTIONS

Securities	
Uniform TOD Security Registration Act, 815 ILCS 10/7	471
Deceptive Practices	
Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2BB.....	471

ILLINOIS COURT RULES

RULES OF THE CIRCUIT COURT OF COOK COUNTY

Part 12. Probate Proceedings, Rules 12.1 to 12.19	473
Part 24. Probate Division Court-Annexed Mediation, Rules 24.01 to 24.11	480

GENERAL ORDERS OF THE CIRCUIT COURT OF COOK COUNTY

Order 14. Probate Proceedings.....	485
------------------------------------	-----

RULES OF PRACTICE OF THE CIRCUIT COURT SIXTH JUDICIAL CIRCUIT

Rules 8.1 to 8.9.....	487
-----------------------	-----

UNIFORM RULES OF PRACTICE CIRCUIT COURT OF ILLINOIS EIGHTH JUDICIAL CIRCUIT

Part 8. Probate Proceedings, Rules 8.1 to 8.12 491

STATE OF ILLINOIS NINTH JUDICIAL CIRCUIT

Part 9.00. Probate, Rules 9.05 to 9.80 495

RULES OF THE CIRCUIT COURT OF THE 10TH JUDICIAL CIRCUIT STATE OF ILLINOIS

Probate Court

Part 1. General, Rules 60 to 62 501

Part 2. Opening Decedent's Estates, Rules 63 to 71 501

Part 3. Accounts and Distribution, Rules 72 to 81..... 503

LOCAL COURT RULES 12TH JUDICIAL CIRCUIT COURT

Part 10.00. Probate, Rules 10.01 to 10.17 505

RULES OF PRACTICE OF THE CIRCUIT COURT THIRTEENTH JUDICIAL CIRCUIT

Part 11. Probate Proceedings, Rules 11.1 to 11.18 509

RULES OF PRACTICE OF THE CIRCUIT COURT FOURTEENTH JUDICIAL CIRCUIT OF ILLINOIS

Part 8. Rules Relating To Probate, Rule 8..... 515

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT

Part 9. Probate Proceedings, Rules 9.1 to 9.19 517

STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT

Article 8. Probate Proceedings, Rules 8.00 to 8.27 523

17TH JUDICIAL CIRCUIT COURT OF THE STATE OF ILLINOIS

Part 15.00. Probate, Rules 15.05 to 15.17 533

STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

Article 18. Probate, Rules 18.01 to 18.07 537

LOCAL COURT RULES NINETEENTH JUDICIAL CIRCUIT LAKE COUNTY, ILLINOIS

Chapter 5. Probate

Part 1. Motions Notice, Rules 5-1.01 to 5-1.07 541

Part 2. Proceedings Before Trial, Rules 5-2.01 to 5-2.14 544

Part 3. Probate Proceedings, Rules Rules 5-3.01 to 5-3.28..... 547

STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE TWENTY-FIRST JUDICIAL CIRCUIT

Part 10. Probate Proceedings, Rules 10.1 to 10.7 557

STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT

Part 14.00. Probate Proceedings, Rules 14.01 to 14.27 561

IndexI-1