Index

ABANDONED, LOST, AND UNCLAIMED PROPERTY

Adverse possession, § 12:163 Deed, lost deed, § 10:158 Public highway, estoppel, § 12:150

ABUTTING LAND OWNERS

Riparian rights, § 12:198

ACCRETION

Generally, § 12:202

ACKNOWLEDGMENTS

Attorney in fact, acknowledgment by, § 10:128

Capacity and acknowledgment, § 10:147

Certificate of acknowledgment, § 10:133

Electronic, § 10:134

Conveyances Act form acknowledgment, § 10:130

Corporation, acknowledgment by, § 10:126

Delivery of deed, presumption of, § 10:146

Effect of no acknowledgment of deed, § 10:149

Execution of deed, proof of, § 10:145 Individual, acknowledgment by,

§ 10:125

Mechanics of acknowledgment, § 10:148

Military service person, acknowledgment by, § 10:131

Mortgage conveyance, § 7:144

Partnership, acknowledgment by, § 10:127

Personal representative, acknowledgment by, § 10:129

Presumptive validity, § 10:144

Public officer, acknowledgment by, § 10:129

Trustee, acknowledgment by, § 10:129

ACKNOWLEDGMENTS—Cont'd

Validity, presumptive of acknowledged instrument, § 10:144

ACTIONS AND REMEDIES

Generally, §§ 14:1 to 14:322 Brokerage relations law, § 2:51

Condominiums

Assessment liens, § 16:124 Statutes of limitations, § 16:197

Consumer Fraud Act, § 14:214

Discrimination, § 14:70

Flooding, § 14:273

Quasi contract recovery, § 14:33

Reformation of deeds, § 10:252

Representations, breach of, § 14:77

Slander of Title, § 14:279

Statute of Limitations (this index)

Venue, Consumer Fraud Act, § 14:219

Warranties, breach of, § 14:77

Waste, §§ 14:270; 14:272

ADJACENT LANDOWNER EXCAVATION PROTECTION ACT

Generally, §§ 6:138 to 6:140

Damages under Act, § 6:139

Duties of landowner under Act, § 6:139

ADVERSE POSSESSION

Generally, § 12:164

Abandonment, § 12:163

Acquiescence by servient owner in prescriptive easement, § 12:70

Actual possession, § 12:166

Adverseness, § 12:164

Affidavit as to term of use, § 12:333

Alterations of easement by dominant

owner, § 12:82

Boundary disputes

Generally, § 12:173

Mistaken boundary cases, § 12:174

Claim by tenant, § 12:168

ADVERSE POSSESSION—Cont'd	ADVERSE POSSESSION—Cont'd
Claim of right, use of easement under,	Permissive use of easement, § 12:78
§ 12:77	Presumptions, § 12:157
Claim of title, §§ 12:172; 12:184	Public, claims against, § 12:176
Color of title	Requirements, § 12:158
Claim of title vs, § 12:184	Satisfying the requirements, §§ 12:159;
Good faith requirements, § 12:179	12:160
Tax payments, §§ 12:178; 12:180	Seasonal use, § 12:75
Community knowledge, § 12:170	Servient owner acquiescence by in
Continuous possession, § 12:161	prescriptive easement, § 12:70
Continuous use, § 12:74	State, claims against, § 12:176
Corporate officers, § 12:175	Tacking
Definitions, § 12:156	Generally, § 12:162
Easement, prescriptive	Easement, prescriptive, § 12:80
Acquiescence by servient owner, § 12:70	Tax payments
Adverse use, § 12:69	Generally, § 12:180
Alterations by dominant owner,	Actual possession, § 12:181
§ 12:82	Color of title, §§ 12:178; 12:180
Claim of right, use under, § 12:77	Color of title vs claim of title,
Continuous use, § 12:74	§ 12:184
Exclusive use, §§ 12:73 to 12:82	Good faith, § 12:183
Maintenance by dominant owner,	Payment, § 12:182 Term of use
§ 12:82	
Owner's use, § 12:81	Affidavit, § 12:333
Permissive use, § 12:78	Easement, prescriptive, § 12:79
Seasonal use, § 12:75	Title insurance, § 12:185
Servient owner, acquiescence by,	Uninterrupted use of easement, § 12:76
§ 12:70	Urban area, vacant land in, § 12:165
Tacking, § 12:80	Vacant land in urban area, § 12:165
Term of use, § 12:79	ADVERTISING
Uninterrupted use, § 12:76	Broker's role, § 2:11
Use by owner, § 12:81	
Easements by adverse use, § 12:71	AFFIDAVITS
Exclusive possession, § 12:169	Adverse possession, term of use,
Exclusive use, §§ 12:73 to 12:82;	§ 12:333
12:171	Broker's Lien Act, § 2:153
Good faith tax payments, § 12:183	Corrective recording, § 12:354
Government, claims against, § 12:176	Corrective recording affidavit, § 10:287
Hostile possession, § 12:164	Deceased joint tenancy, § 12:351
Inconsistent claim of title, § 12:172	Dissolution of marriage, judge's deed,
Knowledge, § 12:170	§§ 10:272; 10:274
Maintenance of easement by dominant	Joint tenant, affidavit of death of,
owner, § 12:82	§ 5:340
Mistaken boundary cases, § 12:174	Judgment liens, tenancy by the entirety,
Notorious possession, § 12:169	§ 12:352
Open possession, § 12:169	No improvement affidavit, § 11:52
Owner's use of easement, § 12:81	Order survey, affidavit of no change in
Permissive possession, § 12:167	survey, form, § 9:10

AFFIDAVITS—Cont'd AGENTS AND AGENCY—Cont'd Plat Act affidavits Contract of sale, signature by agent, § 5:41 Generally, §§ 11:81 to 11:85 Dual agencies Boone County, § 11:84 Generally, §§ 2:38; 2:61 Cook County, § 11:82 Iroquois County, § 11:85 Disclosures, §§ 2:64; 2:65 Imputed knowledge, § 2:66 Shelby County, § 11:83 Presumptive informed consent, Property manager lien, § 12:355 § 2:62 Scrivener's, § 12:357 Timing of disclosure form presenta-Special assessments, § 12:339 tion, § 2:63 Survey, no change in Withdrawal of agent, § 2:67 Generally, § 9:10 Written disclosures, § 2:64 Form, § 11:79 Duty to keep records, § 3:107 Survey and no improvement affidavit, Escrow matters § 11:52 Agency closings Surveys, appended to existing survey, Cook County, § 13:54 § 11:80 Costs, § 13:55 Surviving tenant, §§ 4:98; 12:356 Use of, § 13:56 Survivorship, marital property, tenancy by the entirety, § 12:353 Agent for possession Tenancy by the entirety Generally, § 5:161 Indemnification, § 5:162 Judgment lien affidavit, § 12:352 Survivorship affidavit, marital prop-Instructions, § 5:163 erty, § 12:353 Fiduciaries and personal representa-**Title and Ownership** (this index) tives, successor agent, § 3:103 Title insurance extended coverage, Gift from principal to agent, § 10:236 § 12:350 Income taxation, closing agents' reporting requirements, § 15:102 AFTER-ACQUIRED PROPERTY Indemnification of agent, § 5:162 OR INTEREST Instructions to escrow agent, § 5:163 Warranty deed transfers, after-acquired Mortgage brokers, § 7:65 title, § 10:24 Non-statutory power of attorney, § 3:113 AGED PERSONS Notice to, § 3:139 Municipal transfer taxes, senior citizen Power of attorney, Durable Power of refund, § 9:55 Attorney Act provisions, § 3:144 Real Estate Agents and Brokers (this AGENTS AND AGENCY index) Auctioneers, § 5:327 Right of agent to act after court appoint-Certification and acceptance of authorment of guardian, § 3:106 ity, §§ 3:142; 3:143 Self dealing, Consumer Fraud Act Closing, agent for claims, § 14:206 Generally, § 5:146 Signatures, agent, § 5:41 All cash deal, § 5:149 Successor agent's certification and Services of, § 5:147 acceptance of authority, § 3:142 Who may serve, § 5:148 Undue influence, § 10:236 Co-agents Certification and acceptance of **AGREEMENTS** authority, § **3:143 Contracts and Agreements** (this Powers of attorney, §§ 3:112; 3:113

index)

ALLEYS

Highways, Streets, and Bridges (this index)

ALTERATION OR MODIFICATION

Loans and financing, § 7:28

ALTERNATIVE DISPUTE RESOLUTION

Additional costs claims, § 6:45 Architects' decisions in construction disputes, § 6:56

Claims

Generally, § 6:40 Additional costs, § 6:45 Extras, claims for, § 6:45 Time limits, § 6:42

Concealed conditions, § 6:44
Continued performance during process, § 6:43

Extras, claims for, § 6:45 New construction, generally, § 6:39 Performance to continue during process, § 6:43

Time limits for claims, § 6:42 Unknown conditions, § 6:44

ANCIENT AND HISTORICAL MATTERS

Documents, easements, § 12:20

ANNEXATION OF PROPERTY OR TERRITORY

Plat Act, § 11:58

ANTICIPATORY REPUDIATION

Repudiation of the contract, § 14:3

APPRAISAL OR APPRAISERS

Consumer Fraud Act claims against, § 14:212
Fees, § 7:87

ARBITRATION AND AWARD

Home Repair and Remodeling Act, arbitration waiver, § 6:132

AS IS PROVISION

Disclosure, § 3:92

ASSESSMENTS

Condominiums, Townhouses, and Cooperatives (this index)

ASSIGNMENTS

Land Trusts (this index)

ASSOCIATIONS AND CLUBS

Party designations, § 10:72

ATTORNEYS

Advisor, attorney as, § 1:7
Attorneys' Fees (this index)
Broker, use of in sale
Generally, § 2:7
Listing agreement, reviewing,
§ 1:11

Broker-attorney relationships

Attorney unable to also act as broker, § 2:59

Committees, lawyer-broker, § 2:152 Form contracts, completing, § 2:151

Checklists

Closing preparations
Buyer, §§ 9:121; 9:122

Seller, §§ 9:119; 9:120 Time dockets for closings

Buyer, § 9:121 Seller, § 9:119

Closing preparations

Generally, §§ 9:1 to 9:163

Advance review by buyer's attorney, § 9:96

Broker's fees, § 9:97

Buyer's attorney's responsibilities, § 9:3

Buyer's checklists, §§ 9:121; 9:122 Condominium sale, assessment status

First refusal letter, obtaining, §§ 9:12; 9:13; 9:123

Homeowner's association, fees status, § 9:14

Timing considerations, § 9:15 Waiver of rights, § 9:12

Dual representation concerns, § 9:4

Earnest money, § 9:97

Easement problems, § 12:14

Escrow balance status, § 9:33

Forms preparation, § 9:95

ATTORNEYS—Cont'd ATTORNEYS—Cont'd Closing preparations—Cont'd Contract review—Cont'd Land trust, obtaining deed from, Approval provisions—Cont'd § 9:35 Rider, §§ 5:216 to 5:230 Mortgage payment status, § 9:32 Buyer defaults, § 14:14 Overview, § 1:3 Conditioned acceptance of offer, Powers of attorney for absent sell-§ 5:35 ers. § 9:89 Damages provisions, § 14:14 Preclosing problems, § 13:6 Modification of contract by attorney Property insurance Rider, §§ 5:218 to 5:222; 5:229 Generally, §§ 9:16; 9:19 Personal property, inclusion in sale Condominium or townhouse, generally, §§ 5:184; 5:185 § 9:18 Sales contract, negotiating, §§ 3:28; Free-standing home, § 9:17 Release of prior mortgage, § 9:25 Title company selection Repair problems, §§ 13:3; 13:4 Generally, § 5:129 Role of attorney, § 1:3 Lender specification of, § 5:130 Scheduling the closing, § 9:110 Title issues Seller checklists, §§ 9:119; 9:120 Buyer's attorney, § 5:128 Seller closings, § 9:98 Seller's attorney, § 5:127 Seller-provided mortgages, §§ 9:86; Cook County, overview of residential 9:87 transactions, § 1:4 Seller's attorney, §§ 1:19; 9:2 Coordinator, attorney as, § 1:8 Seriatim closings, § 9:118 Counselor, attorney acting as Statement, closing, § 9:109 Broker's agreement, § 1:11 Tax payment status, § 9:37 Contract approvals, § 1:16 Overview of residential transac-Tax status, § 9:33 tions, § 1:5 Title insurance, ordering, § 9:5 Title insurance preparations, § 13:7 Downstate transfers, overview of residential transactions, § 1:4 Trust deed, ordering, § 9:36 Dual representation concerns, § 9:4 Walk-throughs, § 13:1 Easement problems, §§ 12:14; 14:13 What to bring to closing, § 13:8 Engagement letters, §§ 1:22 to 1:24 Condominium sales, practical aspects, § 16:251 Engagement timetable, § 2:20 Consumer Fraud Act liabilities, Financing; attorney contacts with § 14:211 lender, §§ 9:113; 9:114 Contingencies, monitoring status of Listing agreement, review of Generally, § 9:20 Generally, § 1:11 Mortgage contingencies, § 9:22 Amending the agreement, § 2:132 Notice of failure to obtain mortgage Buyer defaults, effect of, § 2:126 Generally, § 9:24 Buyer's broker, § 2:130 Form, § 9:129 Closing requirements, § 2:125 Request of extension of mortgage Early termination, § 2:135 contingency, § 9:23 Exclusive right to sell, explaining to Sale of existing home client, § 2:124 Generally, § 9:21 Expiration of agreement, § 2:131 Contract review Rate of commission, § 2:127 Approval provisions Right to commission, § 2:128 Generally, § 1:16 Survey requirements, § 2:133

ATTORNEYS-Cont'd ATTORNEYS—Cont'd Listing agreement, review of—Cont'd Overview of residential transactions Termination date, § 2:134 —Cont'd Timing considerations, § 2:129 Downstate, § 1:4 Title requirements, § 2:133 Negotiator, attorney as, § 1:6 Loan commitment, review, § 7:106 Role of attorney, § 1:3 Negotiator, attorney as, § 1:6 Rural properties, § 1:4 New construction contracts, review Party walls, practical aspects, § 12:116 Generally, § 6:81 Purchaser's attorney, engagement letter, Approval of subcontractors, § 6:86 § 1:22 Assurance of sufficient funds for Refinancing, attorney involvement, completion, § 6:91 § 7:180 Bonding, § 6:89 Reverse mortgage counseling, § 7:201 Certificate of occupancy provisions, Rural properties conveyances, § 1:4 § 6:92 Scheduling the closing, § 9:110 Conditions, site, § 6:84 Seller's attorney Contractor's insurance, § 6:88 Closing preparations, § 9:86 Defects, responsibility for, § 6:83 Closing responsibilities, § 1:19 Designation of subcontractors, Engagement letter, § 1:23 § 6:86 Standard form contracts, working with, Drawings, § 6:82 § 2:151 Escrow of payments, § 6:90 Survey preparation Plans, § 6:82 Generally, § 9:6 Site conditions, § 6:84 Information for surveyor, § 9:11 Specifications, § 6:82 Older survey, no change in Subcontractor approvals, § 6:86 Generally, § 9:9 Utilities, locating, § 6:85 Affidavit, § 9:10 Warranties, § 6:87 New construction risk counseling Practical aspects, § 9:7 Requirements in listing agreements, Generally, § 6:7 Bankruptcy, § 6:10 § 2:133 Construction defect risk, §§ 6:8; 6:9 Time to order, § 9:8 Cost overruns, § 6:11 Time dockets for closings Defects, § 6:9 Buyer's, checklists, § 9:121 Delay of completion, § 6:12 Seller's, checklists, § 9:119 Design defect risk, § 6:8 Title company selection Financial difficulties of builder, Generally, § 5:129 § 6:10 Lender specification of, § 5:130 Liens, § 6:14 Title insurance Pre-construction risk, § 6:22 Closing preparations, § 9:5 Solvency of builder, § 6:10 Schedule A review, § 12:280 Supervision, § 6:13 Schedule B review, § 12:289 Timing of completion, § 6:12 Title requirements in listing agreements, Overview of residential transactions § 2:133 Advisor, attorney as, § 1:7 **ATTORNEYS' FEES** Attorney's perspective, § 1:2 Cook County, § 1:4 Generally, §§ 14:52 to 14:63 Coordinator, attorney as, § 1:8 Chicago Landlord and Tenant Counselor, attorney as, § 1:5 Ordinance, §§ 17:47 to 17:52

ATTORNEYS' FEES—Cont'd ATTORNEYS' FEES—Cont'd Condominiums, townhouses, and Townhouses. condominiums, townhouses, and cooperatives, above cooperatives Trial judge discretion, § 14:66 Generally, § 16:102 Assessment lien disputes, § 16:122 **AUCTIONS AND AUCTIONEERS** Liens, assessment, § 16:139 Advance preparation, § 5:326 Records inspections, § 16:172 Agency status of auctioneers, § 5:327 Consumer Fraud Act Generally, § 14:217 BANKRUPTCY Standard for award, § 14:218 Construction risks, § 6:10 Contingent fee, proof of fees, § 14:63 Residence sales, tax considerations, Contract provisions, § 14:59 § 15:99 Cooperatives. condominiums, townhouses, and cooperatives, above BANKS AND BANKING Hearing, right to, § 14:67 Exempt entities from predatory lending Home Repair and Remodeling Act, database, § 7:19 § 6:137 Predatory lending database, §§ 7:18; Interest on security, § 13:25 7:19 Lease termination, proof of fees, § 14:62 **BED BUGS** Mortgage foreclosure, §§ 8:35; 8:36 Chicago bed bugs ordinance Partition, § 14:269 Landlord obligations, §§ 17:59 to Prevailing party 17:61 Defendant, § 14:55 Tenant obligations, § 17:60 Multiple claims, § 14:57 Violation penalties, § 17:61 Plaintiff, § 14:56 Condominiums, townhouses, and Proof of fees cooperatives, board of managers, §§ 16:87; 16:88 Generally, § 14:61 Fact sheet, § 17:85 Contingent fee, § 14:63 Pest management plan, § 17:84 Lease termination, § 14:62 Prevention, informational brochure, Reasonableness, § 14:64 § 17:83 Time records, § 14:65 Pro se attorney, §§ 14:68; 14:69 **BILLS OF SALE** Ouiet title, action to, § 14:290 Generally, §§ 5:193; 5:369; 10:191 Reasonableness, proof of fees, § 14:64 Additional grantors Rescission, § 14:60 Generally, §§ 10:7; 10:10 Residential Real Property Disclosure Corporations, § 10:9 Act, § 3:96 Estate grantors, § 10:9 Safe Homes Act, § 17:66 LLCs, § 10:9 Security Deposit Return Act, §§ 13:24; Partnerships, § 10:9 13:25 Spouses signatures, § 10:8 Seller financing, § 7:265 Trusts, § 10:9 Slander of title, § 14:282 Bulk transfer laws Statutory provisions, mandatory fees, Generally, § 10:194 § 14:58 Coordination with tax regulations Supreme Court Rule 137, pro se State timing requirements, attorney, § 14:69 § 10:198 Tender, § 14:53 10-day notice to state, **§ 10:197** Time records, proof of fees, § 14:65 Definitions, § 10:195

BILLS OF SALE—Cont'd

Bulk transfer laws—Cont'd

Illinois Department of Employment
Security, § 10:200
Priority of lien, § 10:201
Priority of state lien, § 10:199
Tax regulations, coordination with,
notice to Department of Revenue.

§§ 10:196; 10:294 Condition of personalty included in sale Generally, §§ 10:203; 10:204 Form, § 10:296

Repair of inspected items, § 10:205
Repair of uninspected items,
§ 10:206

Third-party warranties
Generally, § 10:207
Assignment form, § 10:297
Document requirements, § 10:1
Drafting considerations, §§ 10:202 to

10:207 Drafting requirements, § 10:1 Escrows to repair, §§ 10:205; 10:206 Forms, §§ 10:10; 10:292 General requirements, § 10:2 Legal requirements, § 10:3 Lender, coordination with, § 10:6 Real property sales contract provisions for, §§ 5:193; 5:369 Title company, coordination with, § 10:6 Title to personal property, warranties of, § 10:192 UCC warranties, § 10:193 Warranties of title to personal property, § 10:192

BONA FIDE PURCHASERS

Deeds, § 14:253
Foreclosure, §§ 8:33; 8:34

BOONE COUNTY

Plat Act affidavits, § 11:84

BOUNDARIES

Generally, § 11:27
Agreement between owners to establish borders, § 11:4
ALTA/NSPS surveys, § 11:49
Annexations by cities under Plat Act, § 11:58

BOUNDARIES—Cont'd

Common areas, § 12:114
Condominiums boundary changes, § 16:45

Crops, boundary determinations, § 11:34

Disputed, adverse possession claims Generally, § 12:173 Mistaken boundary cases, § 12:174 Driveways, common, § 12:114 Emblements, doctrine of, § 11:35 Fences

Boundary line fences, § 11:31 Property line, fence beyond, § 11:30 Form, Plat Act exemptions, § 11:63 Land measurements map, § App 11A Lost boundaries

Generally, §§ 11:28 to 11:35 Crops, § 11:34 Emblements, doctrine of, § 11:35 Fence beyond property line, § 11:30 Fence on boundary line, § 11:31 Monuments and field notes, § 11:29 Tree on boundary line, § 11:32 Waterfront property, § 11:33 Mistaken boundary cases, § 12:174 Negligent survey. § 11:51 NSPS surveys, § 11:49 Parking areas, common, § 12:114 Perimeter surveys, § 11:45 Permits, surveys for, § 11:48 Plat Act exemptions, § 11:63 Plat surveys, § 11:44 Public streets, § 11:59 Spotted surveys, § 11:46 Staked surveys, § 11:47 Tree on boundary line, § 11:32

BRIDGES

Highways, Streets, and Bridges (this index)

Waterfront property, § 11:33

BROCHURE

Bed bug prevention, informational brochure, § 17:83

BROKERS

Real Estate Agents and Brokers (this index)

BUILDING AND CONSTRUCTION CONTRACTS AND WORK	BUILDING AND CONSTRUCTION CONTRACTS AND WORK
Building Codes (this index)	—Cont'd
Custom-built homes	New construction—Cont'd
Generally, § 6:3	Alternative dispute resolution
Claims by owner, § 6:67	—Cont'd
Contracts, § 6:32	Time limits for claims, § 6:42
Final payments, § 6:64	Unknown conditions, § 6:44
Financing, § 6:116	Applications for payment, § 6:52
Inspection rights, § 6:63	Approval of subcontractors,
Payments, § 6:65	attorney review, § 6:86
Substantial completion, § 6:63	Architects
Waiver of claims by contractor,	Contract provisions, § 6:38
§ 6:66	Investigation pre-contract,
Damages	§ 6:24
Implied warranty of workmanlike performance, § 14:29	Payment disputes, resolution, § 6:56
Lien on property owned by contrac-	Assignment rights, § 6:108
tor, § 14:34	Assurance of sufficient funds for
Lien on property owned by LLC by	completion, attorney review of
member, § 14:35	provisions, § 6:91
New construction, below	Attorneys (this index)
Recovery of contract price by	Bankruptcy risk, § 6:10
contractor, § 14:34	Brokers, oral representations by
Electric vehicle requirements, § 6:1.50	sales persons, § 6:25
Four corners rule, contracts, § 6:104	Builder financing, § 6:125
Investigation pre-contract, §§ 6:24 to 6:31	Cancellation rights, § 6:108
New construction	Certificate of occupancy provisions,
Generally, §§ 6:1 to 6:151	attorney review, § 6:92
Acquiring lot, §§ 6:4 to 6:6	Changes
Additional costs claims, § 6:45	Generally, § 6:46
	Executions of change requests,
Alternative dispute resolution	§ 6:48
Generally, § 6:39	Minor changes, § 6:49
Additional costs claims, § 6:45	Payment for, § 6:54
Architects' decisions, § 6:56	Punch lists
Claims	Generally, § 6:59
Generally, § 6:40	Walk through, preclosing,
Additional costs, § 6:45	§§ 6:105; 13:5
Extras, claims for, § 6:45	Requests for changes
Time limits, § 6:42	Generally, § 6:47
Concealed conditions, § 6:44	Execution of requests,
Consequential damages, § 6:41	§ 6:48
Continued performance during	Closings
process, § 6:43	Generally, § 6:107
Damages, § 6:41	Remedies after, § 6:115
Extras, claims for, § 6:45	Completion, financing requirements,
Performance to continue during	§ 6:123
process, § 6:43	Concealed conditions, § 6:44

BUILDING AND CONSTRUCTION

CONTRACTS AND WORK CONTRACTS AND WORK -Cont'd —Cont'd New construction—Cont'd New construction—Cont'd Conditions on site, attorney review, Contracts—Cont'd Attorney review—Cont'd Consequential damages, § 6:41 Warranties, § 6:87 Contingencies, § 6:101 Cancellation rights, § 6:108 Contractor, acquisition of lot from, Certificate of occupancy provi-§ 6:6 sions, § 6:92 Contractor responsibilities, § 6:37 Changes Contractor's insurance Generally, § 6:46 Generally, § 6:70 Executions of change Attorney approval of, § 6:88 requests, § 6:48 Minor changes, § 6:49 Contracts Generally, § 6:32 Orders and requests for changes compared, § 6:47 Applications for payment, Payment for, § 6:54 § 6:52 Approval of subcontractors, Punch lists, §§ 6:59; 6:105; attorney review, § 6:86 Architect's responsibilities, Requests for changes, § 6:47 § 6:38 Substantial completion, Assignment rights, § 6:108 § 6:58 Assurance of sufficient funds for Claims by owner, § 6:67 completion, attorney review Closing provisions, §§ 5:140; of provisions, § 6:91 6:107 Attorney review Conditions on site, attorney Generally, § 6:81 review, § 6:84 Approval of subcontractors, Contingencies, § 6:101 § 6:86 Contractor responsibilities, Assurance of sufficient funds § 6:37 for completion, § 6:91 Contractor's insurance, attorney Bonding, § 6:89 review, § 6:88 Certificate of occupancy Correction and completion of provisions, § 6:92 the work Conditions, site, § 6:84 Generally, § 6:74 Contractor's insurance, Owner completion, § 6:75 § 6:88 Corrections, § 6:106 Defects, responsibility for, Defects, responsibility for, § 6:83 § 6:83 Designation of subcontrac-Designation of subcontractors, tors, § 6:86 attorney review, § 6:86 Drawings, § 6:82 Documents, § 6:34 Escrow of payments, § 6:90 Down payments, semi-custom Plans, § 6:82 homes, § 6:95 Site conditions, § 6:84 Drawings, attorney review, Specifications, § 6:82 § 6:82 Subcontractor approvals, Duration of warranties, § 6:113 § 6:86 Earnest money, semi-custom homes, § 6:95 Utilities, locating, § 6:85

BUILDING AND CONSTRUCTION

BUILDING AND CONSTRUCTION BUILDING AND CONSTRUCTION CONTRACTS AND WORK CONTRACTS AND WORK —Cont'd -Cont'd New construction—Cont'd New construction—Cont'd Contracts—Cont'd Contracts—Cont'd Executions of change requests, Semi-custom homes § 6:48 Generally, § 6:93 Extras, payment for, § 6:95 Down payments, § 6:95 Earnest money, § 6:95 Four corners rule, § 6:104 Extras, payment for, § 6:95 Indemnity provisions, § 6:114 Inspection rights, § 6:63 Negotiability of terms, § 6:94 Insurance, § 6:69 Payment for extras, § 6:95 Integration clause, § 6:103 Site conditions, attorney review, Minor changes, § 6:49 § 6:84 Multiple corrections, § 6:106 Specifications, § 6:102 Negotiability of terms, § 6:94 Attorney review, § 6:82 Oral representations, §§ 6:103; Subcontractor approvals, 6:104 attorney review, § 6:86 Owner responsibilities, § 6:36 Substantial completion Payment provisions Generally, § 6:58 Generally, § 6:51 Corrections, § 6:106 Applications for payment, Inspection rights, § 6:63 § 6:52 Multiple corrections, Architects' decisions, § 6:56 § 6:106 Changes, § 6:54 Occupancy rights, § 6:60 Claims by owner, § 6:67 Punch lists, §§ 6:59; 6:105; Custom built homes, § 6:64 13:5 Documents, § 6:65 Warranties, §§ 6:61; 6:62 Extras, § 6:95 Substitutions, § 6:102 Materials, § 6:55 Suspension of, § 6:76 Owner payment, § 6:57 Time provisions Progress payments, § 6:53 Generally, § 6:50 Supplies, § **6:55** Substantial completion, Waiver of claims by contrac-§ 6:58 tor, § **6:66** Use approvals, § 6:146 Performance bonds Utilities, locating, attorney Generally, § 6:73 review, § 6:85 Attorney approval of, § 6:89 Waiver of claims by contractor, Plans, attorney review, § 6:82 § 6:66 Preclosing walk through, Warranty provisions §§ 6:105; 13:5 Generally, § 6:109 Progress payments, § 6:53 Attorney review, § 6:87 Punch list provisions Disclaimer, § 6:112 Generally, § 6:59 Duration, § 6:113 Walk through, preclosing, Exclusions, § 6:110 §§ 6:105; 13:5 Habitability warranty, Remedies after closing, § 6:115 §§ 6:111; 6:147 Safety precautions, § 6:68 Time period, § **6:113**

BUILDING AND CONSTRUCTION	BUILDING AND CONSTRUCTION
CONTRACTS AND WORK —Cont'd	CONTRACTS AND WORK —Cont'd
New construction—Cont'd	New construction—Cont'd
Contracts—Cont'd	Drawings, attorney review, § 6:82
Warranty provisions—Cont'd	Duration of warranties, § 6:113
Waivers, §§ 6:62; 6:147;	Duty of contractor, § 14:32
6:150; 6:151	Earnest money, § 6:95
Work stoppage and termination	Escrow of payments, attorney
by contractor, § 6:77	review, § 6:90
Corrections	Extras
Generally, §§ 6:74; 6:106	Buyer defaults, § 6:97
Owner completion, § 6:75	Claims for, alternative dispute
Cost overrun risk, § 6:11	resolution, § 6:45
Costs of upgrades, § 6:20	Payment
Custom-built homes	Generally, § 6:96
Generally, § 6:3	Buyer defaults, § 6:97
Claims by owner, § 6:67	Semi-custom homes, § 6:95
Contracts, § 6:32	Financial difficulties of builder,
Final payments, § 6:64	§ 6:10
Financing, § 6:116	Financing Congrelly, 88 6-116 to 6-125
Inspection rights, § 6:63	Generally, §§ 6:116 to 6:125 Bridge loans, § 7:52
Payments, § 6:65 Substantial completion, § 6:63	Builder financing, § 6:125
Waiver of claims by contractor,	Completion and, § 6:123
§ 6:66	Construction and permanent
Damages	financing, § 6:118
Generally, § 14:27	Construction loans, §§ 6:119;
Alternative dispute resolution,	7:43
§ 6:41	Custom built homes, § 6:116
Defective work, § 14:28	Multi-unit development, § 6:122
Duty of contractor, § 14:32	Quality of work, § 7:129
Price, recovery by contractor,	Semi-custom home, § 6:120
§ 14:31	Strictness of mortgage stan-
Quasi contract recovery, § 14:33	dards, § 6:121
Uncompleted work, § 14:30	Timing of completion and,
Date of contract, § 6:33	§ 6:123
Defective work	Wraparound mortgage, § 7:53
Damages, § 14:28	Floor plans, § 6:17
Responsibility for, attorney	Forms
review, § 6:83	Contract for new construction,
Risks of, §§ 6:8; 6:9	§ 6:145
Definitions, contracts, § 6:35	Contractor's statements, § 6:148
Delay damages, § 6:98	Habitability waiver, § 6:147
Delay of completion, § 6:12	Use approvals, § 6:146
Designation of subcontractors,	Waiver of warranties
attorney review, § 6:86	Full waiver, § 6:151
Downgrades, § 7:25	Habitability, § 6:147
Down payments, § 6:95	Partial waiver, § 6:150

BUILDING AND CONSTRUCTION BUILDING AND CONSTRUCTION CONTRACTS AND WORK CONTRACTS AND WORK —Cont'd —Cont'd New construction—Cont'd New construction—Cont'd General contractor's sworn state-Owner responsibilities, contract ment, § 6:14 provisions, § 6:36 Improvements to real property, **Payments** § 14:315 Generally, § 6:51 Independent source, acquisition of Applications for payment, § 6:52 lot from, § 6:5 Inspection rights Architects' decisions, § 6:56 Generally, § 6:63 Buyer defaults, § 6:97 Walk-throughs, §§ 6:105; 13:5 Claims by owner, § 6:67 Insurance Custom built homes, § 6:64 Generally, § 6:69 Escrow of payments, attorney Contractor's review, § 6:90 Generally, § 6:70 Extras Attorney approval of, § 6:88 Generally, § 6:96 Owner insurance, § 6:72 Buyer defaults, § 6:97 Performance bonds, § 6:73 Semi-custom homes, § 6:95 Project Management Protective Materials, § 6:55 Liability Insurance (PMPLI), Owner payment, § 6:57 § 6:71 Owner terminations of contract, Investigation, pre-contract § 6:79 Architects, § 6:24 Progress payments, § 6:53 Builders, § 6:24 Semi-custom homes, extras, Condominium projects, § 6:30 § 6:95 Cooperatives, § 6:30 Supplies, § **6:55** Crime, § 6:29 Waiver of claims by contractor, Municipal matters, § 6:26 § 6:66 Oral representations by sales Work stoppage, payment after, § 6:78 persons, § **6:25** Planned developments, § 6:31 Performance bonds Schools, § 6:28 Generally, § 6:73 Security, § 6:29 Attorney approval of, § 6:89 Townhouse developments, Planned developments, § 6:31 § 6:30 Plans, attorney review, § 6:82 Zoning laws, § 6:27 Preclosing walk through, §§ 6:105; Lien risks, § 6:14 13:5 Loan commitments, § 7:106 Pre-construction risk, § 6:22 Materials, payment provisions, Price, recovery by contractor, § 6:55 § 14:31 Minor changes, § 6:49 Progress payments, § 6:53 Multiple corrections, § 6:106 Project Management Protective Occupancy rights, substantial Liability Insurance (PMPLI), § 6:71 completion, § 6:60 Proration, § 6:100 Oral representations by sales persons, § 6:25 Punch list provisions Owner insurance, § 6:72 Generally, § 6:59

BUILDING AND CONSTRUCTION

CONTRACTS AND WORK CONTRACTS AND WORK —Cont'd -Cont'd New construction—Cont'd New construction—Cont'd Punch list provisions—Cont'd Site conditions, attorney review, Walk through, preclosing, §§ 6:105: 13:5 Solvency of builder. § 6:10 Spec built homes, § 6:15 Quality of work and financing requirements, § 7:129 Specifications, contract Generally, § 6:102 Quasi contract recovery, § 14:33 Attorney review, § 6:82 Real estate taxes, §§ 6:99; 6:100 Remedies after closing, § 6:115 Statutes of limitation Generally, § 14:301 Requests for changes Applicability, § 14:313 Generally, § 6:47 Counterclaims, § 14:309 Execution of requests, § 6:48 Discovery rule, § 14:307 Residential Real Property Fraudulent misrepresentations, Disclosure Act exceptions, § 3:69 § 14:316 Risk counseling Guarantees, § 14:317 Generally, § 6:7 Improvements to real property, Bankruptcy, § 6:10 §§ 14:304; 14:315 Construction defect risk, §§ 6:8; Investigation and tolling, 6:9 § 14:308 Cost overruns, § 6:11 Laches, § 14:318 Defects, §§ 6:8; 6:9 Legislative intent, § 14:311 Delay of completion, § 6:12 Outside limit, § 14:306 Design defect risk, § 6:8 Parties covered, § 14:303 Financial difficulties of builder, Precedence over other statutes, § 6:10 § 14:312 Liens, § 6:14 Repairs and tolling, § 14:308 Pre-construction risk, § 6:22 Scope of statute, § 14:314 Solvency of builder, § 6:10 Third party claims, § 14:309 Supervision, § 6:13 Tolling, § 14:308 Timing of completion, § 6:12 Warranties, § 14:317 Safety precautions, § 6:68 Subcontractor approvals, attorney Semi-custom homes review, § 6:86 Contracts Substantial completion Generally, § 6:93 Generally, § 6:58 Down payments, § 6:95 Corrections, § 6:106 Earnest money, § 6:95 Multiple corrections, § 6:106 Extras, payment for, § 6:95 Occupancy rights, § 6:60 Negotiability of terms, Punch lists § 6:94 Generally, § 6:59 Payment for extras, § 6:95 Walk through, preclosing, Extras, payment for, § 6:95 §§ 6:105; 13:5 Financing, § 6:120 Warranties, § 6:61 Substitutions in construction Negotiability of terms, § 6:94 Generally, § 6:23 Pre-construction considerations. §§ 6:16 to 6:22 Contracts, § 6:102

BUILDING AND CONSTRUCTION

BUILDING AND CONSTRUCTION BUILDING AND CONSTRUCTION CONTRACTS AND WORK CONTRACTS AND WORK —Cont'd —Cont'd New construction—Cont'd New construction—Cont'd Supervision requirements, § 6:13 Work stoppage and termination by Supplies, payment provisions, contractor-Cont'd § 6:55 Payment after, § 6:78 Suspension of contract, § 6:76 Work stoppage and termination by Termination of contract owner Generally, § 6:76 Generally, § 6:79 Contractor terminations Rights of owner, § 6:80 Generally, § 6:77 Permits, surveys for, § 11:48 Payment after, § 6:78 Registration certificates Owner terminations, §§ 6:79; Generally, §§ 9:61; 9:62 6:80 Semi-custom homes Time provisions, § 6:50 Generally, § 6:93 Timing of completion Down payments, § 6:95 Generally, § 6:12 Earnest money, § 6:95 Financing, § 6:123 Extras, payment for, § 6:95 Types of upgrades, § 6:19 Negotiability of terms, § 6:94 Uncompleted work, damages, Payment for extras, § 6:95 § 14:30 Surveys for, building permits, § 11:48 Unknown conditions, § 6:44 Warranty provisions. New construction, Upgrades, § 6:18 above Use approvals, § 6:146 **BUILDING CODES** Utilities, locating, attorney review, Compliance, §§ 5:257 to 5:264 § 6:85 Contingencies in contracts of sale Variations in construction, § 6:23 Generally, § 5:257 Warranties Representations by seller, § 5:392 Generally, § 6:109 Damages for violations, seller financ-Disclaimer, § 6:112 ing, § 5:264 Duration, § 6:113 Dwelling Unit Installment Contract Act. Exclusions, § 6:110 § 5:260 Habitability Laches, violation claims and seller Generally, § **6:111** financing, § **5:263** Waiver form, § 6:147 Review in light of planned use, § 5:258 Provisions, attorney review, Violations, seller financing § 6:87 Damages, § 5:264 Substantial completion and, Statutory requirements, § 7:233 § 6:61 **BUILDINGS AND STRUCTURES** Time period, § 6:113 Party walls, § 12:114 Waivers Generally, § 6:62 **BULK TRANSFERS** Forms, § 6:147 Generally, § 10:194 Full waiver, § 6:151 Chicago ordinance, § 10:295 Partial waiver, § 6:150 Definitions, § 10:195 Work stoppage and termination by Tax regulations, coordination with, contractor notice to Department of Revenue, §§ 10:196; 10:294 Generally, § 6:77

BURDEN OF PROOF

Resulting trusts, § 10:254

BUSINESS JUDGMENT RULE

Condominiums, townhouses, and cooperatives, § 16:56

CASUALTY LOSSES

Generally, § 15:64

CAUSATION

Residential Real Property Disclosure Act, duties of seller, § 3:77

CAVEAT EMPTOR

Damages

Implied warranty of habitability, § 14:83

CERTIFICATES AND CERTIFICATION

Chicago, zoning compliance certificate, § 9:155

Chicago utilities

Full payment certificate application form, § 9:153

Forms

Certificate of trust, § 5:330

CHECKLISTS

Attorneys

Closing preparations

Buyer, §§ 9:121; 9:122

Seller, §§ 9:119; 9:120

Time dockets for closings

Buyer, § 9:121

Seller, § 9:119

Chicago land transfers, recordation of transfers, § 10:262

Closing

Buyers, §§ 9:121; 9:122

Sellers, §§ 9:119; 9:120

Condominium townhouse and cooperatives, bylaws, § 16:272

Cook county land transfers, recordation, § 10:261

Deeds, §§ 10:11; 10:259

Limitation of actions, of statutes applicable to real property, § 14:319

Listing contract not yet executed, seller representation with broker where, § 3:127

CHECKLISTS—Cont'd

Records and recording

Chicago, § 10:262

Cook County land transfers,

§ 10:261

Non-Cook County transfers,

§§ 10:260 to 10:262

Remote notaries and consumers, § 10:262

Statutes of limitations, of statutes applicable to real property, § 14:319

Submission of sale contract, §§ 3:128 to 3:130

Time dockets for closings

Buyer, § 9:121

Seller, § 9:119

Title insurance, exceptions, of common exceptions, § 12:314

CHICAGO

Certificates and certification

Full payment certificate application form, § 9:153

Condominium ordinance, §§ 16:168 to 16:170; 16:207 to 16:210

Energy cost disclosure requirements, § 5:288

Records of inspection, condominium ordinance and, § 16:168

Zoning and planning

Multiple dwelling registration,

§§ 9:156; App 9A

Zoning compliance certificate, §§ 5:87; 5:356; 9:155

CHICAGO BED BUGS ORDINANCE

Condominium board of managers, §§ 16:87; 16:88

Landlord obligations, §§ 17:59 to 17:61

Tenant obligations, § 17:60

Violation penalties, § 17:61

Condominium board of managers, § 16:88

CHICAGO HOME SHARING ORDINANCE

Generally, §§ 17:68 to 17:78

Disputing notice of ineligibility, § 17:74

Listing ineligibility, § 17:72

CHICAGO HOME SHARING ORDINANCE—Cont'd

Operating requirements, § 17:76
Registration requirements, § 17:71
Required listing content, § 17:75
Restricted rental zone, § 17:78
Shared housing unit disclosure in lease and in sale, § 17:77
Size of building requirement, § 17:70
Terms and definitions, § 17:69
Unlawful acts, § 17:73

CHICAGO LANDLORD AND TENANT ORDINANCE

Generally, §§ 17:16 to 17:52; App 17A; App B

Affirmative defense, attorney's fees, § 17:52

Attorney's fees

Affirmative defense, § 17:52 Counterclaim, § 17:52

Plaintiff prevails, **§§ 17:48; 17:49**

Building, § 17:20

Counterclaim, attorney's fees, § 17:52

Dwelling units, § 17:19

Evaluations, protecting ten

Exclusions, protecting tenants in foreclosed properties, § 17:56

Financial institution holding security deposit, disclosure of, § 17:40

Interest rate on security deposit, § App D

Notice to tenants, protecting tenants in foreclosed properties, § 17:57

Occupied by owner, § 17:18 Owner, §§ 17:17; 17:18

Owner, §§ 17:17; 17:18

Property not covered by ordinance,

§ 17:53 Protecting tenants in foreclosed properties, §§ 17:55 to 17:58

Registration of foreclosed rental property, protecting tenants, § 17:58
Remedial and penal provisions, § 17:23
Remedial or penal damages, §§ 17:23;
17:45

Right to terminate lease, § 17:42 Security deposit

Generally, §§ 17:30 to 17:32 Commingling, §§ 17:31; 17:32 Damages, generally, §§ 17:36 to 17:52

CHICAGO LANDLORD AND TENANT ORDINANCE—Cont'd

Security deposit—Cont'd

Damages deducted from deposit,

§§ 17:36 to 17:52

Disclosures, §§ 17:34; 17:40

Interest, § 17:33

Interest rate, § App D

IOLTA deposit by attorney, § 17:32

Subtenancy, § 17:38

Summaries required from landlord with lease, § 17:29

Summary, § App C

Tenant's damages, § 17:37

Transfer to new property owner, § 17:39

Violations effect on enforceability of balance of lease, § 17:54

Willfulness, § 17:35

CHICAGO LAND TRANSFERS

Generally, § 9:56

Building registration certificate

Generally, § 9:61

Where to obtain, § 9:62

Bulk transfer laws, § 10:295

Cook County transfer tax declaration form, § 9:148

Forms

Water certifications, § 9:64 Zoning certification application,

§ 9:71

Zoning certifications, § 9:155 Heating costs disclosures, § 9:69

Mortgages, recordation, § 10:185

Recordation of transfers

Generally, §§ 10:166; 10:182

Checklists, § 10:262

Exempt transactions, § 10:183

Grantor-grantee statements,

§ 10:183

Mortgages, § 10:185

Other recordable documents,

§ 10:185

Tax billing information, § 10:184
Tax billing information, § 10:184

Transfer taxes

Generally, §§ 9:54; 9:56; 9:57

Cook County transfer tax declaration form, § 9:148

CHILDREN AND MINORS-Cont'd CHICAGO LAND TRANSFERS Contract of sale by-Cont'd —Cont'd Transfer taxes—Cont'd Representations as to majority Declaration form Generally, § 5:60 Form, § 5:337 County, § 9:148 Exemptions, §§ 9:59; 9:60 **Guardian and Ward** (this index) Included transfers, § 9:57 Guardian's deed, § 10:271 Reasonable cause for late payment Real estate sales ruling, § 9:149 Conservator's deed, § 10:39 Water certifications Contract of sale by Generally, § 9:63 Generally, §§ 5:53 to 5:60 Cost, § 9:68 Form, § 5:333 Exempt transfers, § 9:67 Representations as to majority Form, § 9:64 Generally, § 5:60 Full payment certificate application Form, § 5:337 form, § 9:151 Guardian's deed, § 10:271 Necessary information, § 9:65 Time to order, § 9:68 **CIVIL UNIONS** Type of tenancy, § 4:31 Where to obtain, § 9:66 Zoning certifications **CLAIMS** Generally, § 9:70 Adverse possession, § 12:172 Applications, § 9:71 Contests, § 9:72 **CLOSINGS** Form, § 9:155 Generally, §§ 9:1 to 9:163; 13:1 to Waivers, § 9:73 13:109 Absent sellers CHICAGO PROTECTING Generally, § 9:88 TENANTS IN FORECLOSED Payment proceeds letter, § 9:90 RENTAL PROPERTY Powers of attorney, § 9:89 **ORDINANCE** Pre-signing Generally, §§ 17:55 to 17:58; App Generally, § 9:91 17A; App B Counterparts, § 9:94 Exclusions, § 17:56 Notarization requirements, Notice to tenants, § 17:57 § 9:93 Registration of foreclosed rental prop-Principals' signatures, need for, erty, § 17:58 § 9:92 CHICAGO TITLE INSURANCE Principals' signatures, need for, § 9:92 **COMPANY** Advance review by buyer's attorney, Cook County, extended coverage § 9:96 requirements, form, § 12:347 Agent for closing Extended coverage requirements, form Generally, § 5:146 Chicago, § 12:346 All cash deal, § 5:149 Cook County, § 12:347 Services of, § 5:147 CHILDREN AND MINORS Who may serve, § 5:148 Conservator's deed, § 10:39 Amount of time needed for closing, § 5:137 Contract of sale by Generally, §§ 5:53 to 5:60 Anticipatory breach, § 14:2

Attorney, role of, § 1:3

Form, § 5:333

CLOSINGS—Cont'd	CLOSINGS—Cont'd
Brokers, document procurement duties,	Contract provisions—Cont'd
§ 2:37	Amount of time needed for closing,
Broker's fees, § 9:97 Buyer's attorney's responsibilities,	§ 5:137 Buyer's time constraints, § 5:138
§§ 9:3; 13:67	Condominiums, § 5:142
Buyer's checklists	Date essential, § 5:143
Generally, §§ 9:121; 9:122	Document requirements, § 11:86
Time docket, § 9:121	Documents to be furnished, § 5:274
Buyer's settlement form, § 9:161	Emailed or faxed documents,
Buyer's time constraints, § 5:138	§§ 5:280 to 5:282
Checklists	Extended or continuing care facility,
Buyers	§ 13:23
Generally, § 9:122	Inspection prior to closing Generally, § 5:248
Time docket, § 9:121 Sellers	Access to premises, § 5:279
Generally, § 9:120	Life Care Facilities Act, § 13:22
Time docket, § 9:119	Method of closing, § 5:144
Condominiums	New construction, § 5:140
Generally, § 5:142	Place of closing, § 5:145
Property insurance, § 9:18	Possession issues, § 13:37
Sale, assessment status. Condomin-	Possession on closing, § 5:158
ium sale, assessment status,	Reasonable time for, § 5:136
above	Security Deposit Return Act,
Condominium sale, assessment status	§§ 13:22; 13:23
First refusal letter, obtaining, §§ 9:12; 9:13; 9:123	Seller's time constraints, § 5:139 Seriatim closings, § 5:150
Homeowner's association, fees	Title company, scheduling with,
status, § 9:14	§ 5:141
Timing considerations, § 9:15	Cooperative sales, § 16:266
Waiver of rights, § 9:12	Date essential, contract provisions,
Contingencies, monitoring status of	§ 5:143
Generally, § 9:20	Death before closing
Kick-out clauses, § 5:254	Affidavit, death of joint tenant, § 5:340
Mortgage contingencies, § 9:22	Contingency clause, § 5:319
Notice of failure to obtain mortgage	Devise in will, § 5:318
Generally, § 9:24	Joint tenant, affidavit of death of,
Form, § 9:129	§ 5:340
Request of extension of mortgage	Purchase contract, § 5:316
contingency, § 9:23 Sale of existing home	Sales contract, § 5:317
Generally, § 9:21	Declaration form, memorandum regard-
Broker listing, requiring,	ing completion of, § 9:144
§ 5:252	Declaration form and instruction sheet,
Kick-out clauses, § 5:254	City of Evanston, § 9:150 Deed, failure to deliver at closing,
Seller protections, § 5:251	§ 13:39
Time for sale by buyer, § 5:253	Delay in closing, buyer's request for,
Contract provisions	§§ 9:130; 9:135
Generally, § 5:135	Direction to convey, § 9:138

CLOSINGS—Cont'd	CLOSINGS—Cont'd
Disclosure	Escrows—Cont'd
Closing settlement, difference	Financing, § 13:50
between, § 9:100	Instructions. Escrow instructions,
Confidentiality requirements,	above
§ 9:10 4	New York style closings, § 13:53
Exemptions, § 9:102	Payment, § 13:49
Party responsible for preparation,	Trustees and escrowees
§ 9:101	distinguished, § 13:46
Reviewing, §§ 13:68 to 13:74	Extended or continuing care facility,
Sample form, § 9:163	§ 13:23
Timing, § 9:103	Extension of time request, §§ 9:130;
Documents	9:135
Generally, § 5:274	Financing
Procurement duties of brokers, § 2:37	Attorney contacts with lender, §§ 9:113; 9:114
Dry closings	Escrows, § 13:50
Generally, § 13:63	Policies of lender, §§ 9:115; 9:116
Personal undertakings, § 13:64	Underwriting, relationship to,
Title indemnity agreement, § 13:65	§ 9:117
Dual representation concerns, § 9:4	Foreign Investments in Real Property
Earnest money, § 9:97	Tax Act (FIRPTA), § 13:83
Earnest money preparations, § 9:97	Forms
Easement problems, §§ 12:13; 12:14	Generally, § 9:95
Escrow balance status, § 9:33	Adjustments, § 13:84
Escrow instructions	Advance review by buyer's
Generally, § 13:47	attorney, § 9:96
Deed and money escrow, generally,	Assignment of beneficial interest
§ 13:97	endorsement, § 13:106
Disbursement of proceeds, §§ 13:58	Association questionnaire, § 9:126
to 13:60	Buyer's settlement, § 9:161
Gap coverage, §§ 13:98; 13:99	Closing statement, §§ 9:159; 9:162
Loan, § 13:101	Condominium resale disclosure
New York style closing, § 13:100	form, § 9:124
Sale without gap coverage, § 13:98	Deed and money escrows, § 13:97
Statement regarding disbursements	Delay in closing, buyer's request
before deposits have cleared,	for, §§ 9:130; 9:135
§ 13:60	Direction to convey, § 9:138
Escrows	Disclosure, closing, § 9:163
Generally, § 13:45	Document requirements provision,
Agency closings	§ 11:86
Generally, § 13:51	Escrow
Cook County, §§ 13:52; 13:54	Deed and money, § 13:97
Costs, § 13:55	Disbursement agreement,
Use of, § 13:56	§ 13:103
Contract, effect of closing on,	General form, § 13:96
§ 13:48	Payment, § 13:97
Deed escrows, § 13:49	To guarantee delivery of posses
Disbursement agreement, § 13:103	sion, § 13:95

CLOSINGS—Cont'd	CLOSINGS—Cont'd
Forms—Cont'd	Forms—Cont'd
Extension of time request, §§ 9:130 ; 9:135	Reproration of real estate taxes —Cont'd
Future sale of other property by purchaser, § 9:128	Vacant property assessments, § 13:89
Insurance binder for condominium	Request to condominium associa-
property, § 9:127	tion for closing documentation,
Insurance schedule, closing state-	§ 9:125
ment, § 9:162	Seller's settlement, § 9:160
Joint tenant, affidavit of death of, § 5:340	Service contract assignment, § 13:85
Mechanics' liens indemnity, § 13:109	Settlement sheet, § 13:102
Mortgage statement request, § 9:136	Statement, closing, §§ 9:159; 9:162
Notice of failure to obtain mortgage, § 9:129	Title indemnity deposit agreement, § 13:107
Paid assessment right of first refusal letter, § 9:123	Townhouse resale disclosure form, § 9:124
Payment escrow, § 13:97	Warranties, seller's, §§ 13:91 ; 14:320
Payment for delayed delivery,	Gap coverage, §§ 13:98; 13:99
§ 13:94	Holding over, § 13:43
Payoff letters, § 9:137	Inspections, closing walk-throughs
Payoff statement	Generally, § 13:1
Letter, § 9:137	New construction, § 13:5
Request, § 9:136	Land trust, obtaining deed from, § 9:35
Personal undertaking in lieu of probate, § 5:341	Lender, scheduling the closing with
Personal undertakings, §§ 13:104;	Generally, § 9:112
13:106	Closing policies of lender,
Possession	§§ 9:115; 9:116
Delivery, § 13:92 Escrow to guarantee delivery,	Lien clearing, §§ 12:249; 12:250 Life Care Facilities Act, § 13:22
§ 13:95	Listing agreement closing requirements,
Possession prior to closing	§ 2:125
Agreements, §§ 9:132 to 9:134	Loan closings, §§ 7:111 to 7:113
Request, § 9:131	Mechanics' liens indemnity, § 13:109
Preparation, § 9:95	Method of closing, § 5:144
Proration of real estate taxes,	Mortgage payment status, § 9:32
§ 13:86	Mortgages (this index)
Prorations, § 13:84	Municipal code considerations, §§ 9:81;
Real estate taxes proration, § 13:86	9:83
Rent schedule, closing statement, § 9:162	New construction, § 6:107
Representations, seller's, §§ 13:91; 14:320	New York style closing, escrow instructions, § 13:100
Reproration of real estate taxes	New York style closings, § 13:53
Escrow, § 13:90	Notice of failure to obtain mortgage
General form, § 13:87	Generally, § 9:24
Increase/decrease limits, § 13:88	Form. § 9:129

CLOSINGS—Cont'd	CLOSINGS—Cont'd
Occupancy payments	Possession issues—Cont'd
Generally, § 13:41	Possession on closing, § 5:158
Form, § 13:93	Prior to closing
Order survey, affidavit of no change in	Agreements, §§ 9:132 to 9:134
survey, form, § 9:10	Request, § 9:131
Overview of residential transactions	Powers of attorney for absent sellers,
Generally, §§ 1:3; 1:20	§ 9:89
Post-closing, § 1:21	Preclosing problems, § 13:6
Seller's attorney, responsibilities of,	Preparations
§ 1:19	Generally, §§ 9:1 to 9:163
Paid assessment right of first refusal	Advance review by buyer's
letter, § 9:123	attorney, § 9:96
Payment \$ 12.61	Broker's fees, § 9:97
Generally, § 13:61	Buyer's attorney's responsibilities,
Proceeds letter, absent sellers,	§ 9:3
§ 9:90 Payoff letters	Closing statement vs. closing disclosure, § 9:100
Generally, § 9:27	Condominium sale, assessment
Accuracy of, § 9:31	status
Contents, § 9:28	First refusal letter, obtaining,
Faxing payoff letters, § 9:34	§§ 9:12; 9:13; 9:123
Form, § 9:137	Homeowner's association, fees
Insurance escrow balance, § 9:33	status, § 9:14
Mortgage payments, § 9:32	Timing considerations, § 9:15
Ordering, § 9:30	Waiver of rights, § 9:12
Request for statement, § 9:136	Dual representation concerns, § 9:4
Sufficiency of, § 9:29	Earnest money, § 9:97
Tax balances, § 9:33	Easement problems, § 12:14
Place of closing, contract provisions,	Escrow balance status, § 9:33
§ 5:145	Forms preparation, § 9:95
Possession issues	Land trust, obtaining deed from,
Generally, §§ 13:38; 13:40	§ 9:35
Agreed payments, § 13:42	Mortgage payment status, § 9:32
Buyer in possession before closing,	Preclosing problems, § 13:6
§ 13:44	Property insurance
Contract specifications, § 13:37	Generally, §§ 9:16; 9:19
Deed, failure to deliver at closing,	Condominium or townhouse, § 9:18
§ 13:39	Free-standing home, § 9:17
Escrow to guarantee delivery, § 13:95	Repair problems, §§ 13:3; 13:4
Failure to deliver deed at closing,	Seller-provided mortgages, § 9:87
§ 13:39	Seller's attorney, §§ 9:2; 9:86
Holding over, § 13:43	Seller's closings, § 9:98
Occupancy and use payments	Seriatim closings, § 9:118
Generally, § 13:41	Tax payment status, § 9:37
Form, § 13:93	Tax status, § 9:33
Payment for delayed delivery,	Title insurance, ordering, § 9:5
§ 13:94	Title insurance preparations, § 13:7

CLOSINGS—Cont'd	CLOSINGS—Cont'd
Preparations—Cont'd	Seller's settlement
Trust deed, ordering, § 9:36	Form, § 9:160
Walk-throughs, § 13:1	Statement, closing, § 9:107
What to bring to closing, §§ 13:8 to	Seller's time constraints, contract provi
13:12	sions, § 5:139
Pre-signing by absent sellers	Seriatim closings, § 9:118
Generally, § 9:91	Contract provisions, § 5:150
Counterparts, § 9:94	Preparations, § 9:118
Notarization requirements, § 9:93	Service contract assignment, § 13:85
Principals' signatures, need for,	Settlement
§ 9:92	Generally, § 13:61
Property insurance	Charges
Generally, §§ 9:16; 9:19 Condominium or townhouse, § 9:18	Borrower's three day right of
Free-standing home, § 9:17	rescission, § 13:82
Real estate transfer tax form and infor-	Buyer, § 13:81
mation sheet, Village of Skokie,	Seller, § 13:79
§ 9:152	Form of settlement sheet, § 13:102
Reasonable time for, contract provi-	Statement, closing
sions, § 5:136	Generally, §§ 9:105; 9:109
Release of prior mortgage, § 9:25	Closing disclosure, difference
Generally, § 9:25	between, § 9:100
Certificate of Release Act, §§ 9:26;	Form, § 9:159
9:27	Information required, §§ 9:105;
Repair problems, §§ 13:3; 13:4	9:108
Representations, seller's, §§ 13:91;	Insurance schedule, § 9:162
14:320	Operative principles, § 9:106
Role of attorney, § 1:3	Optional information, § 9:108
Role of closer, § 13:62	Rent schedule, § 9:162
Scheduling the closing	Request to condominium associa-
Generally, § 9:110	tion for closing documentation, § 9:125
Lender	Seller's settlement, § 9:107
Generally, § 9:112	Survey preparation
Closing policies, §§ 9:115 ;	Generally, § 9:6
9:116	Information for surveyor, § 9:11
Seriatim closings, § 9:118	Older survey, no change in
Title company, § 9:111	Generally, § 9:9
Security Deposit Return Act, §§ 13:22; 13:23	Affidavit, § 9:10
Seller checklists, §§ 9:119; 9:120	Practical aspects, § 9:7
Seller closings, § 9:115, 9:120	Time to order, § 9:8
Seller-provided mortgages, §§ 9:86;	Tax payment status, § 9:37
9:87	Tax status, § 9:33
Seller's attorney, §§ 1:19; 9:2; 13:66	Time dockets
Seller's checklists	Buyer's, checklists, § 9:121
Generally, § 9:120	Seller's, checklists, § 9:121
Time docket, § 9:119	Time extension requests, §§ 9:130;
Seller's closings preparations, § 9:98	9:135
bener a crosmes preparations, \$ 7.70	7.100

CLOSINGS—Cont'd

Title company, scheduling with, §§ 5:141; 9:111

Title insurance, ordering, § 9:5

Title insurance preparations, §§ 9:5;

Transmittal of closing statement, § 9:99

Trust deed, ordering, § 9:36

Trustees and escrowees distinguished, § 13:46

Use payments

Generally, § 13:41

Form, § 13:93

Walk-throughs, § 13:1

Warranties, seller's

Generally, § 13:91

Form, § 14:320

Water billing affidavit, City of Evanston, § 9:151

What to bring to closing, §§ 13:8 to 13:12

COMMISSIONS

Real Estate Agents and Brokers (this index)

COMMON INTEREST COMMUNITY ASSOCIATIONS

Generally, §§ 16:268 to 16:271

Common Interest Community Associations Act, §§ 16:269 to 16:271

Small association exemption, § 16:271

COMPLIANCE OR NONCOMPLIANCE

Chicago, zoning compliance certificate, § 9:155

Escrow agreement, § 5:297

CONDOMINIUMS. TOWNHOUSES, AND COOPERATIVES

Generally, §§ 16:1 to 16:281

Accountings, § 16:215

Acknowledgments and waivers by boards of managers, § 5:359

Actions

Assessment liens, § 16:124 Records demand, § 16:233

Statutes of limitations, § 16:197

Add-on condominium, § 16:13

CONDOMINIUMS, TOWNHOUSES, AND COOPERATIVES—Cont'd

Adjustments, §§ 16:276; 16:278

Administration prior to election of managers, § 16:189

Alterations of units, § 16:161

Amendments of condominium instruments, § 16:43

Amendments of information provided to buyers, § 16:246

Appeal

Associations, § 16:156

Assessments

Amount of payment, § 16:114

Bartless Letter, collection under Fair Debt Collection Practices Act, § 16:118

Budgets and, § 16:109

Dispute with association, offset of assessment, § 16:107

Expense prior to conveyance of first unit, § 16:104

Expenses, lien, § 16:121

Fair Debt Collection Practices Act, §§ 16:117; 16:118

First unit conveyance, expenses prior to, § 16:104

Liens, assessment, § 16:119

Limited common elements.

§ 16:113

Managers' responsibilities, § 16:68

Payment, § 16:114

Preclosing status

First refusal letter, obtaining

Generally, §§ 9:12; 9:13

Letter form, § 9:123

Homeowner's association, fees status, **§ 9:14**

Timing considerations, § 9:15

Waiver of rights, § 9:12

Proportionate shares, § 16:105

Representations of sellers, § 16:277 Reserves

Generally, §§ 16:110 to 16:112

Disclosures of reserve waivers, § 16:112

Elections to waive, § 16:111

Waiver elections, § 16:111

CONDOMINIUMS,	CONDOMINIUMS,
TOWNHOUSES, AND	TOWNHOUSES, AND
COOPERATIVES—Cont'd	COOPERATIVES—Cont'd
Assessments—Cont'd	Boards—Cont'd
Right of owners to nullify special	Waivers, § 16:278
assessment or budget, § 16:116	Boundary changes, § 16:45
Special assessments, § 16:115	Budgets
Time of payment, § 16:114	Generally, § 16:67
Unit owner responsibilities, § 16:105	Assessments, § 16:109
Associations	Master association requirements,
Bylaws, right of review, § 5:357	§ 16:214 Bulk sale, § 16:159
Property taxes, § 16:154	Business judgment rule, § 16:56
Questionnaires, § 9:126	Buyers' inspections of property, § 3:10
Request to condominium associa-	Bylaws
tion for closing documentation,	Generally, § 16:42
§ 9:125	Amendments, § 16:43
Tax considerations, § 16:252	Boundary changes, § 16:45
Attorneys' fees	Checklists, § 16:272
Generally, § 16:102	Consents to amendments of instru-
Assessment liens, § 16:122	ments, § 16:49
Liens, assessment, § 16:139	Errors, §§ 16:46; 16:47
Records inspections, § 16:172	Fiduciary duties, § 16:57
Availability of records of association,	Meetings of unit owners, § 16:48
§ 16:165	Omissions, § 16:46
Ballots, § 16:228	Procedures for amendments,
Bearing walls as common elements,	§ 16:50
§ 16:98	Scrivener's errors, § 16:47
Board of managers	Statutory regulation, § 16:3
Generally, §§ 16:54 to 16:89	Voting on changes, § 16:44
Adequacy of reserves, § 16:194	Cable television, § 16:84
Chicago bed bugs ordinance,	Cancellation of developer agreements,
§§ 16:87; 16:88	§ 16:240
Chicago home sharing ordinance,	Ceilings as common elements, § 16:97
§ 16:89	Changes to unit, § 16:39
Non-board derivative claims, § 16:60	Checklists, bylaws, § 16:272
Penalties for violation of Chicago	Chicago bed bugs ordinance
bed bug ordinance, § 16:88	Board of managers, §§ 16:87; 16:88
Boards	Penalties for violation, § 16:88
Administration prior to election of	Chicago condominium ordinance
managers, § 16:189	Inspection and records of associa-
Developer deliveries to, § 16:192	tion, § 16:168
Initial elections, §§ 16:190; 16:191	Landlord duty to tenant relocation
Liens, board actions creating,	assistance, § 16:209
§ 16:150	Notice to tenants, § 16:208
Liens by, § 16:134	Product and timing, inspection of
Master association requirements,	records of association, § 16:169
§ 16:238	Proper purpose of inspection of
Organization, § 16:189	records of association, § 16:170

CONDOMINIUMS,

TOWNHOUSES, AND TOWNHOUSES, AND COOPERATIVES—Cont'd COOPERATIVES—Cont'd Chicago condominium ordinance Contracts of sale—Cont'd —Cont'd Cancellation periods, §§ 16:195; Required filing and notice to 16:196 purchaser, §§ 16:207 to 16:210 Closing provisions, § 5:142 Tenant right of first refusal. Identification of property, § 5:81 § 16:208 Insurance provision, § 5:360 Violation of ordinance, § 16:210 Practical aspects of sale, § 16:251 Chicago home sharing ordinance, board Conversions of managers, § 16:89 Generally, § 16:198 **Closings** (this index) Certificate of developer, § 16:202 Combinations of units, § 16:161 Deed, § 10:283 Common areas Definitions, § 16:12 Generally, § 12:114 Developers' certificates, § 16:202 Expenditures, § 16:226 First refusal rights, § 16:204 Common assets, rights in, § 16:81 Intent, notice of, §§ 16:199 to Common elements 16:202 Generally, §§ 16:93 to 16:101 Notice of intent, §§ 16:199 to Bearing walls, § 16:98 16:202; 16:200 Ceilings, § 16:97 Requirements, § 16:198 Condominium instruments, § 16:96 Schedule of selling prices, § 16:203 Definitions, § 16:7 Tenants' rights, §§ 16:205; 16:206; Ducts, § 16:98 16:275 Floors, § 16:97 Cooperatives Limited common elements Generally, § 16:256 Assessments for, § 16:113 Closings, § 16:266 Distinguishing, §§ 16:94 to 16:101 Financing, § 16:264 Partition attempts, § 16:41 First refusal rights, § 16:263 Residential Real Property Forcible detainer, § 16:262 Disclosure Act, § 16:101 Leases, proprietary, § 16:260 Separate appurtenances included in Ownership, form of, §§ 16:257; limited common elements, 16:259 § 16:99 Practical considerations, § 16:267 Transfers of limited common ele-Proprietary leases, § 16:260 ments, § 16:100 Real estate taxation, § 16:265 Walls, § 16:97 Sales, income tax gain exclusions, Wires, § 16:98 § 15:100 Common expenses, definition, § 16:15 Statutory requirements, § 16:258 Common Interest Community Associa-Corrections of information provided to tion Act, §§ 16:249; 16:268 to buyers, § 16:246 16:271 Damages, board's right to lease unit to Consents to amendments of instrurecover, §§ 16:138 to 16:140 ments, § 16:49 **Declarations** Constructive fraud, exercise of fiduciary Generally, §§ 16:26 to 16:33 care, § 16:58 Amendments, § 16:43 Contracts of sale Boundary changes, § 16:45 Generally, § 5:134

CONDOMINIUMS,

CONDOMINIUMS,	CONDOMINIUMS,
TOWNHOUSES, AND	TOWNHOUSES, AND
COOPERATIVES—Cont'd	COOPERATIVES—Cont'd
Declarations—Cont'd	Definitions—Cont'd
Consents to amendments of instru-	Unit owners' association, § 16:17
ments, § 16:49	Deposits by purchasers, § 16:188
Contract rules, § 16:29	Description of property in deed,
Errors, §§ 16:46 ; 16:47 Leasehold condominiums, § 16:24	§ 10:284 Determination of condominium law,
Master association requirements,	§ 16:2
§ 16:225	Developers
Meetings of unit owners, § 16:48	Certificates of conversions,
Omissions, § 16:46	§ 16:202
Procedures for amendments,	Deliveries to boards, § 16:192
§ 16:50	Duties, § 16:235
Recordation of changes, § 16:33	Notices, master association require
Records and Recording (this	ments, § 16:237
index)	Options to purchase, § 16:279
Right of review, § 5:357	Post-election duties, § 16:239
Scrivener's errors, § 16:47	Development liens
Senior citizen limitations, § 16:30	Generally, § 16:146
Statutory regulation, § 16:3	Releases, § 16:147
Voting on changes, § 16:44	Disclosure, liability under Municipal
Zoning limitations, § 16:31	Code for failure to disclose upon
Dedications, § 16:83	initial sale, § 16:186
Deeds	Disclosures by sellers
Conversion, § 10:283	Initial sales, §§ 16:181 to 16:187
Description of property, § 10:284	Resales, §§ 16:175 to 16:178
Recordation of declaration, § 16:37	Summary, Chicago required,
Title exceptions, § 10:111 Transfer, § 10:282	establishment of condominium,
Definitions	§ 16:26
Generally, § 16:6	Distressed property, § 16:163
	Driveways, common, § 12:114
Add-on condominium, § 16:13	Ducts as common elements, § 16:98
Common elements, § 16:7	Establishment of condominium
Common expenses, § 16:15	Generally, § 16:21
Condominium instruments, § 16:14	Disclosure summary, Chicago
Conversion condominium, § 16:12	required, § 16:27
Leasehold condominiums, § 16:23	Leasehold establishment, § 16:22
Limited common elements, § 16:8	Plat, § 16:25
Majority of board of managers, § 16:10	Property report, Chicago required,
Majority of unit owners, § 16:9	§ 16:26
Master association, § 16:18	Expenses
Meeting of board of managers,	Accountings, § 16:215
§ 16:11	Lien, § 16:121
Property, § 16:19	Repairs, § 16:64
Reserves, § 16:16	Fair Debt Collection Practices Act, collection of assessments, §§ 16:117;
Unit owner, § 16:20	16:118
Omi Owner, 5 10.20	10.110

CONDOMINIUMS, CONDOMINIUMS, TOWNHOUSES, AND TOWNHOUSES, AND COOPERATIVES—Cont'd COOPERATIVES—Cont'd Federal mortgage compliance require-Forms—Cont'd ments, § 16:51 Delivery of condominium Fiduciary duties documentation on resale, §§ 16:272; 16:273 Bylaw provisions, § 16:57 Description of property in deed, Managers, § 16:55 § 10:284 Financial records, § 16:76 Developer's option to purchase, Financing cooperatives, § 16:264 § 16:279 Fines Documentation, delivery on resale, Managers, § 16:80 § 16:273 Master association requirements, First refusal letter, § 9:123 § 16:223 Insurance, § 16:280 First refusal, exercise of right of, Insurance binder for condominium § 16:82 property, § 9:127 First refusal letter, obtaining Notice of intent forms, § 16:281 Generally, §§ 9:12; 9:13 Option to purchase, developer's, Letter form, § 9:123 § 16:279 First refusal rights Prorations, § 16:276 Conversions, § 16:204 Representations of sellers regarding Cooperatives, § 16:263 assessments, § 16:277 First unit conveyance, assessments for Request to condominium associaexpenses prior to, § 16:104 tion for closing documentation, Floors as common elements, § 16:97 § 9:125 Resale. delivery of condominium Forcible entry and detainer documentation on, § 16:273 Generally, §§ 16:138 to 16:140 Tenants' rights on conversion, Cooperatives, § 16:262 § 16:275 Master association requirements, Townhouse resale disclosure form, § 16:250 § 9:124 Foreclosures of assessment liens. Waivers, § 16:278 §§ 16:129; 16:136; 16:140 General Not For Profit Corporation Act. Forms inspection of records, § 16:167 Adjustments, §§ 16:276; 16:278 Homeowners' associations Assessment representations of sell-Condominiums distinguished, ers, § 16:277 § 16:4 Associations questionnaire, § 9:126 Statutory regulation, §§ 16:4; 16:5 Board waivers, § 16:278 Homestead defense to assessment liens, Condominium resale disclosure §§ 16:141 to 16:145 form, § 9:124 Identification of property in contract of Conversions, tenants' rights, sale, § 5:81 § 16:275 Illinois Condominium Property Act, Deed provisions, § 16:274 § 16:1 Deeds Improvements, § 16:66 Conversion, § 10:283 Incorporation of not-for-profit corpora-Description of property,

Generally, § 16:158

Boards of directors, § 16:159

§ 10:284

Transfer, § 10:282

CONDOMINIUMS, CONDOMINIUMS, TOWNHOUSES, AND TOWNHOUSES, AND COOPERATIVES—Cont'd COOPERATIVES—Cont'd Information provided to prospective Liens-Cont'd buyers, master association require-Assessment—Cont'd ments, §§ 16:243; 16:245 Liability of mortgagee taking Initial elections title through foreclosure. §§ 16:130; 16:131 Generally, §§ 16:190; 16:191 Notices, §§ 16:125 to 16:128 Master association requirements, Partial payment of post foreclo-§ 16:236 sure sale assessments, Inspection by buyer § 16:131 Generally, § 3:10 Priorities, § 16:123 New construction, § 6:30 Purchasers at foreclosures, Records of association, § 16:166 § 16:129 Installment sale buyers, voting rights, Recordation, § 16:120 § 16:221 Third party purchaser taking Instruments, condominium, definition, title through judicial foreclo-§ 16:14 sure, § 16:135 Insurance Assessments, foreclosure controls, Generally, § 16:157 § 16:140 Binder for condominium property, Limited common elements § 9:127 Assessments for, § 16:113 Forms, §§ 5:360; 16:280 Definition, § 16:8 Managers, § 16:70 Distinguishing, §§ 16:94 to 16:101 Land trust voting rights, § 16:230 Majority of board of managers, defini-Late payment charges, § 16:79 tion, § 16:10 Leasehold condominiums, § 16:22 Majority of unit owners, definition, § 16:9 Leasing restrictions, § 16:32 Managers Liens Generally, § 16:54 Assessment Access to units, § 16:77 Generally, § 16:119 Assessments, § 16:68 Actions to extinguish, § 16:124 Budgets, § 16:67 Attorneys' fees, §§ 16:122; Business judgment rule, § 16:56 16:139 Cable television, § 16:84 Boards, liens in favor of, Dedications, § 16:83 § 16:134 Expenditures for repairs, § 16:64 Board's right to lease unit to Fiduciary duties, § 16:55 recover damages, §§ 16:138 Financial records, § 16:76 to 16:140 Fines, § 16:80 Deed in lieu of foreclosure, Handicapped owners, § 16:86 §§ 16:130; 16:131 Improvements, § 16:66 Expenses, § 16:121 Insurance, § 16:70 Forcible entry and detainer, Late payment charges, § 16:79 §§ 16:138 to 16:140 Ownership of units, § 16:71 Foreclosures, §§ 16:129; Personnel, § 16:69 16:136; 16:140 Property tax relief, § 16:85 Homestead defense, §§ 16:141 Repair duties, §§ 16:63 to 16:66 to 16:145

CONDOMINIUMS, CONDOMINIUMS, TOWNHOUSES, AND TOWNHOUSES, AND COOPERATIVES—Cont'd COOPERATIVES—Cont'd Managers—Cont'd Master or umbrella associations Representative capacity, §§ 16:59 to —Cont'd 16:62 Not-for-profit corporation records, Rights in common assets, § 16:81 § 16:229 Notice of meetings, § 16:216 Rules and regulations, § 16:72 Street and utility dedications, Open meetings, § 16:217 § 16:83 Posting of meeting notices, Tax responsibilities, § 16:78 § 16:220 Unit ownership, § 16:71 Proxies, § 16:228 Master or umbrella associations Record copying costs, §§ 16:232; Generally, §§ 16:211 to 16:250 16:244 Recording of meetings, § 16:218 Accountings, § 16:215 Record keeping, §§ 16:224 to Actions to obtain records, § 16:233 16:230 Amendments of information provided to buyers, § 16:246 Records requests, § 16:231 Ballots, § 16:228 Required provisions, §§ 16:213 to 16:250 Board organization, § 16:238 Standing to sue, § 16:234 Budgets, § 16:214 Statutes of limitations, § 16:242 Cancellation of developer agreements, § 16:240 Unit associations, relationship to, § 16:212 Common area expenditures, § 16:226 Utility collections, § 16:222 Voting, §§ 16:228; 16:241 Common interest community associations, § 16:249 Voting rights, installment buyers, § 16:221 Corrections of information provided to buyers, § 16:246 Meetings Declarations, § 16:225 Definition, § 16:11 Definition, § 16:18 Master association requirements, §§ 16:216; 16:219 Developer notices, § 16:237 Developers duties, § 16:235 Minutes, § 16:227 Developers' post-election duties, Open meetings, § 16:217 § 16:239 Unit owners, § 16:48 Expenses accountings, § 16:215 Multiple units, liens against, § 16:149 Fines, § 16:223 New construction, inspection and Forcible entry and detainer, investigation by buyer, § 6:30 § 16:250 Note distributions, § 16:237 Information provided to prospective Not-for-profit corporation records, buyers, §§ 16:243; 16:245 § 16:229 Initial elections, § 16:236 Notices Installment sale buvers, voting Assessment liens, §§ 16:125 to rights, § 16:221 16:128 Land trust voting rights, § 16:230 Meetings, § 16:216 Offset of assessment due to dispute with Meetings, §§ 16:216; 16:219 Minutes of meetings, § 16:227 association, § 16:107 Necessary provisions, §§ 16:213 to Open meetings, § 16:217 16:250 Option to purchase, developer's,

§ 16:279

Note distributions, § 16:237

CONDOMINIUMS,	CONDOMINIUMS,
TOWNHOUSES, AND	TOWNHOUSES, AND
COOPERATIVES—Cont'd	COOPERATIVES—Cont'd
Parking areas, common, § 12:114	Record keeping—Cont'd
Partition of common elements, § 16:41	Minutes of meetings, § 16:227
Personnel managers, § 16:69	Records and Recording (this index)
Pet rules, § 16:52	Records of association
Plat, establishment of condominium,	Generally, §§ 16:164 to 16:174
§ 16:25	Attorney's fees, § 16:172
Posting of meeting notices, § 16:220	Availability, § 16:165
Post-unit sale development liens,	Copying costs, §§ 16:171; 16:232;
§ 16:148	16:244
Priorities, assessment liens, § 16:123	Exceptions, § 16:173
Procedures for amendments	Inspection, § 16:166
Generally, § 16:50	Master associations, § 16:229
Federal mortgage compliance	Not-for-profit corporations,
requirements, § 16:51	§ 16:229
Property definition, § 16:19	Public policy, § 16:174
Property report, Chicago required,	Requests for records, § 16:231
establishment of condominium,	Umbrella associations, § 16:229
§ 16:26	Records requests, § 16:231
Proportionate share assessments	Repairs
Generally, § 16:105	Duties of managers, §§ 16:63 to
Insurance exceptions, § 16:108	16:66
Prorations, § 16:276	Expenses, repairs, § 16:64
Proxies, § 16:228	Managers
Purchasers at foreclosures of assess-	Duties, §§ 16:63 to 16:66
ment liens, § 16:129	Expenditures for repairs,
Purchasers request for condominium	§ 16:64
documents, form, § 16:272	Representations of sellers, assessments,
Recordation of assessment liens,	§ 16:277
§ 16:120	Representative capacity of managers,
Recordation of declaration	§§ 16:59 to 16:62
Generally, § 16:35	Resale disclosure form, § 9:124
Changes, § 16:33	Reserves
Changes to unit, § 16:39	Generally, §§ 16:110 to 16:112
Deed requirements, § 16:37	Assessments for
Partition of common elements,	Generally, §§ 16:110 to 16:112
§ 16:41	Disclosures of reserve waivers,
Percentage ownership	§ 16:112
Generally, § 16:38	Elections to waive, § 16:111
Changes, § 16:40	Waiver elections, § 16:111
Timing, § 16:36	Definition, § 16:16
Record copying costs, master associa-	Developer's delivery of adequate
tion requirements, §§ 16:232; 16:244	reserves to board of managers,
Recording of meetings, § 16:218	§ 16:194
Record keeping	Disclosures of reserve waivers,
Master association requirements,	§ 16:112
§§ 16:224 to 16:230; 16:227	Elections to waive, § 16:111

CONDOMINIUMS,	CONDOMINIUMS,
TOWNHOUSES, AND	TOWNHOUSES, AND COOPERATIVES—Cont'd
COOPERATIVES—Cont'd Residential Real Property Disclosure	Street and utility dedications, § 16:83
Act, § 16:101	Streets, easements for owners within
Restrictions arising from general plan of	subdivision, § 12:144
development	Taxation, cooperatives
Generally, § 12:84	Generally, §§ 16:153; 16:265
Omission from deed or plat, § 12:86	Appeals of taxes levies, § 16:155
Requirements, § 12:85	Association properties, § 16:154
Restrictions run with the land, § 16:34	Managers' responsibilities, § 16:78
Right of owners to nullify special	Tenants' conversion rights
assessment or budget, § 16:116	Generally, §§ 16:205; 16:206
Rights in common assets, § 16:81	Forms, § 16:275
Rules and regulations	Third party liens
Disciplinary action against unit	Board actions creating, § 16:150
owner, § 16:75 Limits on, §§ 16:73; 16:74	Development liens
Managers, § 16:72	Generally, § 16:146
Pets, § 16:52	Post-unit sale, § 16:148
Restrictive covenants, § 16:74	Releases, § 16:147
Sales	Eminent domain notices to lienhold-
Condominium property, entire,	ers, § 16:151
§ 16:160	Multiple units, liens against,
Deposits by purchasers, § 16:188	§ 16:149
Disclosures by sellers	Post-unit sale development liens, § 16:148
Initial sales, §§ 16:181 to 16:187	Title, deed exceptions, § 10:111
Resales, §§ 16:175 to 16:178	Title exceptions, § 5:361
Seller financing, § 7:224	Title insurance
Senior citizen limitations, § 16:30	Condominium endorsements,
Separate appurtenances included in	§ 12:308
limited common elements, § 16:99	Homeowner's association endorse-
Solar energy, § 16:53	ments, § 12:309
Special assessments, § 16:115	Townhouses
Standing to sue	Eminent domain notices to lienhold-
Master association requirements,	ers, § 16:152
§ 16:234	Resale disclosure form, § 9:124
Unit owners' associations, § 16:91	Transfer deed, § 10:282
Statutes of limitations, § 16:242	Transfers of limited common elements, § 16:100
Statutory regulation	Umbrella associations. Master or
Generally, § 16:2	umbrella associations, above
Cooperatives, § 16:258	Unit owners
Declarations and bylaws, § 16:3	Alterations, § 16:161
Definitions, § 16:6	Associations
Homeowner associations, § 16:4 Removal from Condominium Act,	1 1000014410110
Kemovai mom Condominium Act,	Definition & 16.17
§ 16:162	Definition, § 16:17 Ownership of property, § 16:92

CONDOMINIUMS, CONSOLIDATION AND MERGER TOWNHOUSES, AND -Cont'd COOPERATIVES—Cont'd Inspection rights and Unit owners—Cont'd Generally, § 14:118 Associations—Cont'd Habitability warranty, §§ 14:88; Relationship to master associa-14:119 tions, § 16:212 Misrepresentations, § 14:116 Mutual mistake, § 14:116 Standing to sue, § 16:91 Combinations, § 16:161 Negotiations, § 14:122 Definition, § 16:20 Real estate tax prorations, § 14:121 Managers' access, § 16:77 Representations, § 14:117 Multiple units, liens against, Survival clause, § 5:267 § 16:149 Warranty defenses Ownership, **§ 16:71** Generally, § 14:117 Post-unit sale development liens, Contract of sale survival clause, § 5:267 § 16:148 Responsibilities for assessments CONSOLIDATIONS OF PARCELS Generally, § 16:105 **Real Estate** (this index) Insurance exceptions, § 16:108 Utility collections, § 16:222 CONSTRUCTIVE TRUSTS Voting Judgment liens, § 12:234 Cancellation of developer agree-Oral contracts affecting real property, ments, § 16:241 § 5:304 Initial elections, §§ 16:190; 16:191 **CONSUMER FRAUD ACT** Installment buyers' rights, § 16:221 Instrument changes, § 16:44 Generally, § 14:174 Master association requirements, Active concealment, § 14:189 §§ 16:221; 16:228; 16:241 Appraisers, claims against, § 14:212 Attorneys, § 14:211 Waivers of board of managers, § 5:359 Attorneys' fee awards Walls as common elements, § 16:97 Generally, § 14:217 Wires as common elements, § 16:98 Standard for award, § 14:218 Zoning limitations, § 16:31 **Attorneys' Fees** (this index) CONFIDENTIALITY Bait and switch, § 14:182 Generally, § 10:232 **Brokers** Generally, § 14:204 Brokers, § 2:29 Disclosure duties, § 2:45 Closings, disclosure, confidentiality Innocent misrepresentations, requirements, § 9:104 § 14:205 Evidentiary considerations, § 10:233 Liability for latent defects, § 14:192 CONSOLIDATION AND MERGER Self dealing, § 14:206 Generally, §§ 14:115 to 14:122 Case by case test, § 14:187 Exceptions Concealment, active, § 14:189 Generally, § 14:118 Contract disputes, § 14:191 Habitability warranty, §§ 14:88; Damages, § 14:216 14:119 Damage to plaintiff as element of cause Executory agreements in contract, of action, § 14:196 § 14:120 Deceptive act or practice, §§ 14:180 to

14:182

Habitability warranty, §§ 14:88; 14:119

CONSUMER FRAUD ACT—Cont'd CONTINGENCIES Elements of action, §§ 14:176 to **Mortgages** (this index) 14:212 CONTRACTOR PROMPT Elements of cause of action PAYMENT ACT Common law fraud and fraud, dif-Generally, §§ 6:141 to 6:144 ferences under Consumer Fraud Damages, § 6:144 Act, § 14:179 Obligations of owner, § 6:142 Damage to plaintiff, § 14:196 Subcontractor, contractor obligation to Federal Trade Commission Act. pay, § **6:143** § 14:185 Half truths, § 14:188 CONTRACTORS Home inspectors, claims against, Contractor Prompt Payment Act (this § 14:209 index) Incomplete disclosures, § 14:188 Definition of contractor, § 6:127 Innocent misrepresentations, § 14:205 Mechanics' liens, subcontactor claims, Intent, § 14:186 owner obligations, § 12:240 Jury trial, right to, **§ 14:213** CONTRACTS AND AGREEMENTS Landlord liabilities, § 14:208 Law, misrepresentations of, § 14:193 Anticipatory repudiation Repudiation of the contract, § 14:3 Legislative declaration, § 14:175 **Attorneys** (this index) Lenders Breach of contract Generally, § 14:201 Anticipatory breach, § 14:2 Disclosures, § 7:92 Good faith obligations, § 14:74 TILA claims, § 14:203 Representations, § 14:77 Title insurance steering, § 14:202 Warranty breach, §§ 10:22; 10:23 Mortgage Rescue Fraud Act, §§ 14:224 **Building and Construction Contracts** to 14:226 and Work (this index) Owners, sales by, §§ 14:198; 14:210 Building codes compliance, §§ 5:257 to Predatory lending database cause of 5:264 action, § 14:222 Chicago zoning certificate requirement, Puffing, § 14:190 § 5:87 Real estate transactions, application to, **Closings** (this index) § 14:200 **Contracts for Sale** (this index) Reliance, § 14:195 Date of contract Remedies, § 14:214 Generally, §§ 1:13; 5:12 Single sales, § 14:198 Deed, § 7:210 Title insurance companies, claims New construction, § 6:33 against Death while property transfer is under Generally, § 14:207 contract, § 5:323 Lender steering, § 14:202 Deed, date of contract, § 7:210 Trade or commerce requirement, Mold and mildew inspection rider, §§ 14:197; 14:199 § 5:245 Mortgage commitment contingency Unfair act or practice, §§ 14:181; 14:183 Effect, § 5:232 Uniform Deceptive Trade Practices Act, **Mortgages** (this index) §§ 14:184 to 14:194 Names of seller and purchaser, §§ 5:37 Venue, § 14:219 to 5:77 Zoning ordinances, misrepresentations New construction, date of contract,

§ 6:33

re, § 14:194

CONTRACTS AND AGREEMENTS CONTRACTS FOR SALE—Cont'd —Cont'd Acknowledgments of signatures Nominee and trust agreement, § 5:348 —Cont'd Notice to agent, § 3:139 Personal representative, acknowledgment by, § 10:129 Offer and acceptance Generally, § 1:12 Public officer, acknowledgment by, § 10:129 Brokers commissions, § 2:16 **Option Contracts** (this index) Trustee, acknowledgment by, § 10:129 **Option Contracts** (this index) **Oral Contracts** (this index) Agent, signature by, § 5:41 Agent for closing Parol Evidence (this index) **Powers of Attorney** (this index) Generally, § 5:146 **Prorations** (this index) All cash deal, § 5:149 Services of, § 5:147 Review in light of planned use, compliance with building codes, § 5:258 Who may serve, § 5:148 Right of first refusal All cash deal Cancellation of third party offer, Generally, § 5:105 § 5:323 Agent for closing, § 5:149 Notice, § 5:324 Anticipatory breach, § 14:2 Requirements of notice, § 5:325 Approval provisions Sale and Transfer of Property (this Generally, § 1:16 index) Attorney approval, § 1:16 **Specific Performance** (this index) Rider, §§ 5:216 to 5:230 **Statute of Frauds** (this index) As is disclaimers Statutory short form for power of Habitability warranties, § 14:106 attorney, §§ 3:114 to 3:117; 3:140 Personal property included in sale, **Title and Ownership** (this index) § 5:201 Trust other than land trust, § 5:49 "As is" provision, § 5:214 Unformed legal entity, names of seller Association bylaws, right of review, and purchaser, § 5:52 § 5:357 Assumption of mortgage CONTRACTS FOR SALE Generally, § 5:108 Abstract of title, § 5:131 Indemnification of seller, § 5:353 Acknowledgments of signatures Attorney review of contracts Generally, § 10:124 Generally, §§ 5:1 to 5:4 Attorney in fact, acknowledgment Approval provisions by, § 10:128 Rider, §§ 5:216 to 5:230 Condominium boards of managers, Ascertaining proper sellers and § 5:359 purchasers, § 5:38 Conveyances Act form acknowledg-Conditioned acceptance of offer, ment, § 10:130 § 5:35 Corporation, acknowledgment by, Contact with client, §§ 5:224 to § 10:126 5:226 Individual, acknowledgment by, Inquiries as to ownership, § 5:40 § 10:125 Modification of contract by attorney Military service person, Rider, §§ 5:218 to 5:222; 5:229 acknowledgment by, § 10:131 Out-of-state property, § 5:4

Partnership, acknowledgment by,

§ 10:127

Out of state property, § 5:230

CONTRACTS FOR SALE—Cont'd	CONTRACTS FOR SALE—Cont'd
Attorney review of contracts—Cont'd	Closing provisions—Cont'd
Personal property, inclusion in sale	Buyer's time constraints, § 5:138
generally, §§ 5:184; 5:185	Condominiums, § 5:142
Preparing contract, § 5:1	Date essential, § 5:143
Title company selection	Document requirements, § 11:86
Generally, § 5:129	Documents to be furnished, § 5:274
Lender specification of, § 5:130	Early possession by buyer, § 5:171
Title issues	Inspection prior to closing
Buyer's attorney, § 5:128	Generally, § 5:248
Seller's attorney, § 5:127	Access to premises, § 5:279
Attorneys' fees provision, §§ 14:59 to	Method of closing, § 5:144
14:65	New construction, § 5:140
Balance of purchase price, § 5:104	Per diem payment by seller in pos-
Blank spaces in form, § 5:13	session
Broker provisions	
Generally, § 5:269	Generally, §§ 5:166; 5:167
No-close commission provision,	Form, § 5:363
§ 5:270	Place of closing, § 5:145
Other brokers warranty, § 5:272	Possession
Payment of commission, § 5:271	Generally, § 13:37
Broker's role	Closing, on, § 5:158
Attorney engagement, § 2:20	Reasonable time for, § 5:136
Disclosure duties, exculpatory	Seller in possession
clauses, § 2:44	Damages during, § 5:170
Earnest money, obtaining, § 2:17	Post closing inspections, § 5:169
Preparation, § 2:16	Status recitals, § 5:168
Presentation to seller, § 2:18	Seller's time constraints, § 5:139
Signatures to sale contract, format,	Seriatim closings
§ 5:397	Generally, § 5:150
ŭ	Scheduling, § 9:118
Signing of contract, § 2:19 Puilding and contingencies	Title company, scheduling with,
Building code contingencies	§ 5:141
Generally, § 5:257	Common law principles, §§ 5:6 to 5:11
Representations by seller, § 5:392	Compliance of acceptance, § 5:30
Buyers	
Generally, § 5:37	Computation of time, § 5:152
Defaults, § 14:14	Conditioned acceptance
Sale of existing home, sale	Generally, § 5:34
contingent on, §§ 5:249; 5:250	Attorney approval, § 5:35
Cancellation periods, condominiums,	Conditioned acceptance of offer, § 5:35
§§ 16:195; 16:196	Condition of premises, § 5:213
Certificate of acknowledgment,	Condominiums
§ 10:133	Generally, § 5:134
Certified funds, § 5:106	Cancellation periods, §§ 16:195;
Certified mail, § 5:210	16:196
Closing provisions	Closing provisions, § 5:142
Generally, § 5:135	Identification of property, § 5:81
Amount of time needed for closing,	Insurance, § 5:360
§ 5:137	Practical aspects of sale, § 16:251

CONTRACTS FOR SALE—Cont'd	CONTRACTS FOR SALE—Cont'd
Constructive trust to enforce oral	Counteroffers, § 5:32
contract, § 5:304	Court approval required
Contingencies and riders	Generally, § 5:57
Generally, §§ 5:215 to 5:288	Certified copy of order, § 5:58
Attorney approvals, §§ 5:216 to	Deed, court-ordered, § 10:41
5:230	Covenants, conditions, and restrictions,
Attorney modifications, §§ 5:218 to	title subject to, § 5:355
5:222; 5:229	Currency reporting requirements,
Brokers' right to commission,	§ 5:107
§ 2:105	Damages provisions
Building code contingencies	Buyer defaults
Generally, § 5:257	Generally, § 14:13
Representations by seller, § 5:392	Attorney review of contract, § 14:14
Buyer's sale of existing home,	Seller defaults, § 14:10
§§ 5:249; 5:250	Date of contract, § 5:1
Closing preparation	Deadlines for acceptance
Generally, § 9:20	Generally, §§ 5:22 to 5:26
Kick-out clauses, § 5:254	Practical considerations, §§ 5:23 to
Court approval, §§ 5:57; 5:58	5:26
Death of party, § 5:319	Death before closing, contract provi-
FHA and VA loan requirements,	sions
§ 5:266	Affidavit, death of joint tenant,
First refusal rights prior to fulfill-	§ 5:340
ment, § 5:389	Contingency clause, § 5:319
Health code compliance	Devise in will, § 5:318
Generally, § 5:265 FHA and VA loan requirements,	Joint tenant, affidavit of death of,
§ 5:266	§ 5:340
Modifications of contract by	Purchase contract, § 5:316
attorney, §§ 5:218 to 5:222;	Sales contract, § 5:317
5:229	Debris removal provision, § 5:204
New construction, § 6:101	Deceased title holder
Sale of existing home	Generally, §§ 5:62 to 5:74
Generally, § 9:21	Affidavit, death of joint tenant,
Broker listing, requiring,	§ 5:340
§ 5:252	Bond in lieu of probate
Kick-out clauses, § 5:254	Generally, § 5:64
Seller protections, § 5:251	Form, § 5:341
Time for sale by buyer, § 5:253	Disclaimer of interest in property of
Zoning contingencies, §§ 5:255;	decedent, § 5:343
5:256	Exculpation of executor or
Contract for deed, § 5:109	administrator, § 5:344
Contract provisions	Executor's deed, § 5:345
Recitals, § 5:20	Heirs
Conveyances Act form acknowledg-	Disclaim, right to, § 5:70
ment, § 10:130	Sale to, § 5:69
Cooperatives, identification of property,	Independent administration, § 5:66
§ 5:81	Intestacy, § 5:67

CONTRACTS FOR SALE—Cont'd	CONTRACTS FOR SALE—Cont'd
Deceased title holder—Cont'd	Emailed or faxed documents, §§ 5:280
Legatees	to 5:282
Disclaim, right to, § 5:70	E-mail notices, § 5:211
Sale to, § 5:69	Escrow provisions
No power to sell, § 5:68	Closing and contract execution,
Notice of probate, § 5:342	§ 13:48
Personal undertaking in lieu of	Seller in possession, §§ 5:159;
probate, § 5:341	5:160; 5:165
Probate sales	Exceptions, generally
Generally, § 5:64	Title, § 12:4
Ownership during probate,	Exceptions to title, generally, § 12:8
§ 5:65	Exculpatory clauses
Release of estate's interest in real	Generally, § 5:283
estate, § 5:346	Brokers' disclosure duties, § 2:44
Supervised administration, § 5:68	Execution by escrow closing, § 13:48
Title company requirements, § 5:71	Executor's deed, § 5:345
Declaration of condominium, right of review, § 5:357	Exercise of option, § 5:308
Deed requirements	Faxed documents, §§ 5:280 to 5:282 FHA loan requirement contingency pro
Generally, § 5:113	visions, § 5:266
Quitclaim deeds, §§ 5:116; 5:117	Financing
Special warranty deeds, § 5:115	Assumption of mortgage
Warranty deeds, § 5:114	Generally, § 5:108
Default events	Indemnification of seller,
Generally, § 5:273	§ 5:353
Damages, § 5:398	Contract for deed, § 5:109
Purchaser defaults, § 5:399	FHA loan requirement contingency
Delivery of acceptance, § 5:41	provisions, § 5:266
Delivery of possession, § 5:362	Title, form in which buyer takes,
Description of property	§ 5:77
Certified legal description order	Title company selection, § 5:130
form, § 5:372	VA loan requirement contingency
Disclosures	provisions, § 5:266
Heating costs, § 5:288	Foreign country executions, § 10:132
Insulation, § 5:287	Foreign real estate, § 5:73
Mold, § 5:383	Forms
Residential Real Property	Acknowledgments
Disclosure Act, § 5:285	Signatures, § 10:125
Disputed fixtures, § 5:187	Waivers of board of managers, § 5:359
Documents to be furnished, § 5:274	Adjustments, § 5:366
Early possession by buyer, § 5:171	Administrator, exculpation of,
Earnest money deposits, generally,	§ 5:344
§§ 5:89 to 5:103	Assessments, sellers representa-
Easements, reservation to seller for	tions, § 5:358
ingress and egress, § 12:316	Association bylaws, right of review
Effect of contract formation, § 5:33	§ 5:357
Effect of exercise of option, § 5:310	Attorney in fact, acknowledgment
Electronic contract, § 5:5	by, § 10:128

CONTRACTS FOR SALE—Cont'd CONTRACTS FOR SALE—Cont'd Forms—Cont'd Forms—Cont'd Beneficiaries of land trustee seller, Earnest money undertakings of, § 5:332 Liquidated damages, as, § 5:399 Bill of sale for personal property Payment by check, §§ 5:338; included in sale, § 5:369 5:339; 5:349 Escrow, possession, where seller in Bond in lieu of probate, § 5:341 possession, § 5:364 Broker format for signatures to sale Exculpation of executor or contract, § 5:397 administrator, § 5:344 Building code representations, Exculpatory clause, sale by guard-§ 5:392 ian, §§ 5:335; 5:336 Cancellation rights if another offer Executor, exculpation of, § 5:344 received, § 5:390 Executor's deed, § 5:345 Cancellation rights if mortgagee First refusal rights, § 5:405 increases interest, § 5:352 First refusal rights prior to fulfill-Certificate of trust, § 5:330 ment, § 5:389 Closing of pending sale of Future refinancing of other property purchaser's other property, of purchaser, § 5:388 § 5:391 Future sale of other property by Condominium insurance, § 5:360 purchaser, §§ 5:387; 9:128 Condominium titles, § 5:361 Guardian, sale by, exculpatory Conveyances Act form acknowledgclause, §§ 5:335; 5:336 ment, § 10:130 Incompetent seller, § 5:334 Corporate seller, provision for deed Interest increase cancellation rights from, § 10:280 Generally, § 5:352 Corporation, acknowledgment by, Joint tenant, affidavit of death of, § 10:126 § 5:340 Covenants, conditions, and restric-Letter of intent, § 5:402 tions, title subject to, § 5:355 Liquidated damages, earnest money Damage to property prior to closing, as, § 5:399 § 5:401 Military service person, Deceased title holder, bond in lieu acknowledgment by, § 10:131 of probate, § 5:341 Minors, sales by, § 5:333 Declaration of condominium, right Mold disclosure, § 5:383 of review, § 5:357 Mortgage assumption indemnity Default events provision, § 5:353 Damages, § 5:398 Mortgage contingencies Earnest money as liquidated Generally, § 5:374 damages, § 5:399 Notice of failure to obtain neces-Purchaser defaults, §§ 5:398; sary financing, § 5:377 5:399 Payment schedule, § 5:375 Seller defaults, § 5:400 Request for extension of time, Delivery of possession, § 5:362 § 5:378 Disclaimer of intent to form Variable interest rate, §§ 5:375; contract, § 5:402 5:376 Mortgage interest increase cancella-Disclaimer of interest in property of tion rights, § 5:352 decedent, § 5:343 Notice, § 5:373 Document requirements provision, Notice of probate, § 5:342 § 11:86

CONTRACTS FOR SALE—Cont'd CONTRACTS FOR SALE—Cont'd Forms—Cont'd Forms—Cont'd Option contract, § 5:403 Survival of representations and warranties, § 5:393 Other property of purchaser, pending sale of, § 5:391 Termite inspection, § 5:382 Ownership representations, § 5:328 Partnership, acknowledgment by, Matters affecting, § 5:354 § 10:127 Time for objection to title evi-Payment for delayed possession, dence, § 12:315 § 5:365 Title subject to existing financing Pending sale of purchaser's other Generally, § 5:350 property, § 5:391 Consent of mortgagee, Per diem payment by seller in pos-§§ 5:351; 7:273 session, § 5:363 Trustee, acknowledgment by, Personal property included in sale § 10:129 Bill of sale, § 5:369 Waivers of board of managers, Condition representations, § 5:359 §§ 5:368; 10:296 Warranties Warranty of title, § 5:369 Generally, §§ 5:394; 13:91 Warranty transfer, § 5:370 Form, § 14:320 Personal representative, Survival of. § 5:393 acknowledgment by, § 10:129 Time of making, § 5:396 Possession, § 5:362 Title to personal property Possession escrow, § 5:364 included in sale, § 5:369 Prorations, § 5:366 Water test, § 5:385 Public officer, acknowledgment by, Fraud claims, size of property, § 5:84 § 10:129 Futile notices, § 5:212 Purchaser defaults, § 5:398 Future sale of other property by Purchaser's nominee, name of, §§ 5:347; 10:281 purchaser, § 9:128 Release of estate's interest in real Good faith obligations, § 14:74 estate, § 5:346 Guardian Representations Exculpatory clause, §§ 5:335; 5:336 Purchaser, § 5:395 Limitation of liability of, § 5:59 Seller, §§ 5:394; 13:91; 14:320 Health code compliance contingencies Survival of, § **5:393** Generally, § 5:265 Time of making, § 5:396 FHA and VA loan requirements, Risk of loss, §§ 5:278; 5:401 § 5:266 Second offer cancellation rights, Heating costs disclosures, § 5:288 § 5:390 Homestead rights, § 5:44 Seller defaults, § 5:400 Husband and wife, signatures by, § 5:42 Seller in possession Identification of real property, § 5:78 Escrow, possession, § 5:364 Property index number (PIN), Per diem payment by, § 5:363 § 5:79 Septic system test, § 5:385 Implied terms, specific performance Signatures, § 5:329 claims, § 14:137 Soil test, § 5:386 Incompetent persons Spouse signature, § 5:331 Generally, §§ 5:53 to 5:60 Survey requirements, §§ 5:371; Form, § 5:334 11:78

CONTRACTS FOR SALE—Cont'd	CONTRACTS FOR SALE—Cont'd
Incorporation of existing law in	Memorandum of option agreement,
contracts, § 5:6	§ 5:404
Inquiries as to ownership, § 5:40	Merger doctrine and executory agree-
Inspection riders	ments in contract, § 14:120
Generally, §§ 5:240; 5:242; 5:380	Method of closing, § 5:144
Closing	Minors, sales by
Generally, § 5:248	Generally, §§ 5:53 to 5:60
Access to premises, § 5:279	Form, § 5:333
Inclusion in contract, for, § 5:381	Representations as to majority
Mold disclosure, § 5:383	Generally, § 5:60
Preclosing	Form, § 5:337
Generally, § 5:248	Modification of contract by attorney
Access to premises, § 5:279	Rider, §§ 5:218 to 5:222; 5:229 Mold disclosure provision, § 5:383
Radon, § 5:243	Mortgage assumptions
Radon testing, § 5:244	Generally, § 5:108
Septic system test, § 5:385	Indemnification of seller, § 5:353
Soil test, § 5:386	Mortgage contingencies
Standards for inspection, § 5:241	Generally, §§ 5:231 to 5:239
Termite inspection, § 5:382	Buyer to apply for loan, § 5:237
Unsatisfactory reports, provision	Closing preparation
for, § 5:247	Generally, § 9:22
Water test, § 5:385	Notice of failure to obtain,
Insulation disclosures, § 5:287	§§ 9:24; 9:129
Joint owners, § 5:47	Request for extension, § 9:23
Joint tenants	Damages for default, § 14:12
Generally, § 5:63	Extension of time request, § 5:378
Affidavit of death of joint tenant,	Failure to obtain necessary financ-
§ 5:340	ing, notice of, § 5:377
Land trusts	Forms
Generally, §§ 5:48; 5:74	Generally, § 5:374
Beneficiaries of land trustee seller,	Notice of failure to obtain neces
undertakings of, § 5:332	sary financing, § 5:377
Lease with option to buy	Payment schedule, § 5:375
Generally, §§ 5:311 to 5:314	Request for extension of time,
Strict compliance with option terms,	§ 5:378
§ 5:313	Variable interest rate, §§ 5:375;
Termination of lease, § 5:314	5:376
Legal contract requirements, § 5:284	Inability to obtain financing, notice,
Legal description, party designated to	§ 5:238
supply, § 5:85	Notice of failure to obtain
Loss, sale at loss to seller, § 5:110	Generally, §§ 5:377; 9:24
Mailbox rule, §§ 5:209; 5:210	Form, § 9:129
Mailing notices, § 5:208	Inability, § 5:238
Manifestation of acceptance of offer,	Notices, § 5:234
§ 5:29	Option, seller to secure financing, § 5:235
Manner of acceptance of offer, §§ 5:27; 5:28	Pre-qualification of buyer 8 5.239

CONTRACTS FOR SALE—Cont'd	CONTRACTS FOR SALE—Cont'd
Mortgage contingencies—Cont'd	Offer and acceptance—Cont'd
Purchase money financing by seller,	Counteroffers, § 5:32
§ 5:236	Deadlines
Request for extension of time,	Generally, §§ 5:22 to 5:26
§§ 5:378; 9:23	Practical considerations, §§ 5:23
Seller financing	to 5:26
Generally, §§ 5:236; 7:203	Delivery of acceptance, § 5:41
Options, § 5:235	First refusal rights
Mutual cancellation agreement, notice	Generally, §§ 5:321 to 5:325
of inability to satisfy contingency	Different from option, § 5:322
and/or, § 5:379	Form, § 5:405
Names of seller and purchaser, gener-	Formal counteroffers, § 5:17
ally, § 5:37	Identification as offer, § 5:18
New construction	, ,
Generally, § 6:32	Manifestation of acceptance, § 5:29
Closing provisions, § 5:140	Manner of acceptance, §§ 5:27;
Nominee of buyer, § 5:75	5:28
	Matters to which acceptance is
Nonownership of purported seller, § 5:51	subject, §§ 5:34; 5:35
· ·	Option contracts, § 5:305
No signature by owner, § 5:50	Oral acceptance, § 5:31
Notarization of signatures	Second offer cancellation rights,
Generally, § 10:124	§ 5:390
Certificate of acknowledgment,	Time limit on offer, § 5:19
§ 10:133	Option contracts
Foreign country executions,	Generally, §§ 5:305 to 5:320
§ 10:132	Effect of exercise, § 5:310
Remote notarization, § 10:138	Exercise of option, § 5:308
Notice provisions	First refusal rights
Generally, §§ 5:207; 5:373	Generally, §§ 5:321 to 5:325
Certified mail, § 5:210	Form, § 5:405
E-mail notices, § 5:211	Lease with option
Exercise of option, § 5:309	Generally, §§ 5:311 to 5:314
Faxed notices, § 5:211	Strict compliance with option
Futile notices, § 5:212	terms, § 5:313
Inability to obtain financing,	Termination of lease, § 5:314
§ 5:238	Notice to exercise option, § 5:309
Mailbox rule, §§ 5:209; 5:210	Recordation, § 5:403
Mailing notices, § 5:208	Requirements for option, § 5:306
Probate, § 5:342	Title insurance endorsements,
Receipt of notices, § 5:208	§ 12:302
Transmitting notices, § 5:208	Option of seller to secure financing,
Offer and acceptance	§ 5:235
Generally, § 5:50	Oral acceptance, § 5:31
	Oral contracts
Cancellation rights if another offer	
received, § 5:390	Generally, § 5:299
Compliance of acceptance, § 5:30	Constructive trust to enforce,
Conditioned acceptance, §§ 5:34;	§ 5:304
5:35	Specific performance, § 14:139

CONTRACTS FOR SALE—Cont'd	CONTRACTS FOR SALE—Cont'd
Out-of-state property, §§ 5:4; 5:73	Personal property included in sale
Overview	—Cont'd
Approval by attorney, § 1:16	Inspections—Cont'd
Attorney's perspective, § 1:2	Repair of uninspected items,
Client's perspective, § 1:1	§ 10:206
Owners and ownership issues	Liens
Generally, § 5:39	Generally, § 5:194
Representation of ownership,	Buyer considerations, § 5:196
§ 5:328	Seller considerations, § 5:195
Parol evidence rule, §§ 5:8 to 5:11	UCC search, § 5:197
Generally, § 5:8	Listing of personalty, § 5:188
Exceptions to rule, § 5:10	Pricing separately, § 5:191
Scope of rule, § 5:11	Removability considerations,
Payment	§ 5:186
Delayed possession, § 5:365	Repair of inspected items, § 10:205
Earnest money recitals, § 5:349	Repair of uninspected items,
Per diem payment by seller in pos-	§ 10:206
session, § 5:166	Schedules, § 5:188
Generally, §§ 5:166; 5:167	Seller's considerations, § 5:189
Form, § 5:363	Title to personal property, warran-
Seller in possession, § 5:164	ties of, § 10:192
Specific performance, essential	UCC lien search, § 5:197
contract terms, § 14:138 Personal property, inclusion in sale gen	Warranties
Personal property, inclusion in sale generally, §§ 5:184; 5:185	Generally, § 14:80
Personal property included in sale	Third party
Generally, §§ 5:181; 5:192	Generally, § 10:207
Buyer's considerations, § 5:190	Assignment form, § 10:297
Condition representations	Title, §§ 5:369; 10:192
Generally, §§ 5:198; 10:203	Transfer, § 5:370
As is recital, § 5:201	Place of closing, § 5:145
Form, §§ 5:368; 10:296	Plat Act requirements, § 11:65
Good working condition,	Possession provisions
§ 5:199	Generally, § 5:156
Silent as to condition, § 5:200	Closing
Used condition, § 5:201	Possession on, § 5:158
Warranties, purchased, § 5:203	Possession rights, § 13:37
Working order, §§ 5:199; 5:202	Date certain, possession on, § 5:158
Debris removal, § 5:204	Definition, § 5:157
Disputed fixtures, § 5:187	Escrow, seller in possession
Escrows to repair, §§ 10:205;	Generally, §§ 5:159; 5:160
10:206	Time calculations, § 5:165
Inclusion in sale generally,	Payment by seller in possession,
§§ 5:184; 5:185	§ 5:164
Inspections	Per diem payment
Generally, § 10:204	Generally, §§ 5:166; 5:167
Repair of inspected items,	Form, § 5:363
§ 10:205	Powers of Attorney (this index)

CONTRACTS FOR SALE—Cont'd	CONTRACTS FOR SALE—Cont'd
Price particulars	Residential Real Property Disclosure
All cash deal	Act, § 5:285
Generally, § 5:105	Restrictive covenants, § 5:126
Agent for closing, § 5:149	Riders. Contingencies and riders, above
Assumption of mortgage, § 5:108	Sale of buyer's existing home, sale
Balance of purchase price, § 5:104	contingent on, §§ 5:249; 5:250
Certified funds, § 5:106	Seller financing
Contract for deed, § 5:109	Generally, §§ 5:236; 7:204; 7:208
Currency reporting requirements,	Mortgage contingencies
§ 5:107	Generally, § 7:203
Loss, sale at loss to seller, § 5:110	Option, § 5:235
Mortgage assumption, § 5:108	Seller in possession
Personalty included in sale, § 5:191	Damages during, § 5:170
Probate sales	Escrow
Generally, § 5:64	Generally, §§ 5:159; 5:161
	Form, § 5:364
Ownership during probate, § 5:65	Indemnification, § 5:162
Proper sellers and purchasers, § 5:38	Instructions, § 5:163
Prorations, generally, §§ 5:172; 5:179; 13:13	Mechanics of escrow, § 5:160
	Payment, § 5:164
Purchase money financing by seller,	Time calculations, § 5:165
§ 5:236	Post closing inspections, § 5:169
Purchase price, generally, §§ 5:88 to	Status recitals, § 5:168
5:110 Barbaran	Septic system test provision, § 5:385
Purchasers	Signature defined, § 5:14
Generally, § 5:37	Signing, broker's role, § 2:19
Nominee, name of	Size of property
Generally, § 5:347	Generally, § 5:82
Deed form, § 10:281	Fraud claims, § 5:84
Purported seller, nonownership of,	Surveys, § 5:83
§ 5:51	Soil test provision, § 5:386
Quitclaim deeds, §§ 5:116; 5:117	Special warranty deeds, § 5:115
Radon	Specific performance, essential contract
Generally, § 5:243	terms
Testing inspection rider, § 5:244	Generally, § 14:132
Receipt of notices, § 5:208	Ambiguities, § 14:134
Recordable title, § 5:132	Description, § 14:133
Record owner, § 5:39	Implied terms, § 14:137
Remote notarization, § 10:138	Payment provisions, § 14:138
Representations	Spousal rights, § 5:43
Marital status of seller, § 5:46	Statutory contract requirements, § 5:284
Purchaser's representations, § 5:395	Street address of property, § 5:80
Seller's	Survey requirements
Generally, §§ 5:394; 13:91	Generally, §§ 5:205; 5:206; 11:39
Form, § 14:320	Form, §§ 5:371; 11:78
, 9	The state of the s
Selling signatories, § 5:61	Size of property, § 5:83
Survival of, § 5:393	Standards, § 11:42
Time of making, § 5:396	Survival of warranties, § 5:267

CONTRACTS FOR SALE—Cont'd	CONTRACTS FOR SALE—Cont'd
Tenants by the entireties, § 5:63	Title requirements—Cont'd
Termite inspection provision, § 5:382	Exceptions—Cont'd
Time calculations, seller in possession,	Time for objection to title evi-
§ 5:165	dence, § 12:315
Time limit on offer, § 5:19	Form in which buyer takes
Time of the essence	Generally, § 5:76
Generally, § 5:151	Lender's considerations, § 5:77
Computation of time, § 5:152	Insurance, § 5:122
Effect of clause, § 5:153	Normal exceptions, § 5:124
Enforcement, § 5:154	Recordable title, § 5:132
Waiver of provision, § 5:155	Restrictive covenants, § 5:126
Time provisions	Review of exceptions, § 5:125
Amount of time needed for closing, § 5:137	Seller's attorney, considerations for, § 5:127
Buyer's time constraints, § 5:138 Condominiums, § 5:142	Subject to existing financing, § 5:350
Date essential, § 5:143	Consent of mortgagee,
New construction, § 5:140	§§ 5:351; 7:273
Offer, time limit on, § 5:19	Title company selection
Reasonable time for closing,	Generally, § 5:129
§ 5:136	Lender specification of, § 5:130
Seller's time constraints, § 5:139	Torrens System
Seriatim closings	Generally, § 10:187
Generally, § 5:150	Generally, §§ 5:120; 12:253
Scheduling, § 9:118	Deregistration, § 5:121
Title company scheduling, § 5:141	Townhouses, identification of property,
Title company selection	§ 5:81
Generally, § 5:129	Transmitting notices, § 5:208
Lender specification of, § 5:130	Treatment in sales transactions
Title insurance provisions, §§ 12:270;	Title
12:276	Generally, § 12:4
Title issues	VA loan requirement contingency pro-
Buyer's attorney, § 5:128	visions, § 5:266
Seller's attorney, § 5:127	Vendor's lien, § 10:257
Title of contract, §§ 5:16 to 5:19	Waiver of time of the essence provision,
Title requirements	§ 5:155
Generally, §§ 5:111; 12:252	Warranties
Abstract of title, § 5:131	Seller's
Affidavit of title, § 5:118	Generally, §§ 5:394; 13:91
Buyer's attorney, considerations for,	Form, § 14:320
§ 5:128	Survival of, §§ 5:267; 5:393
Evidence of title, § 5:119	Time of making, § 5:396
Exceptions	Warranty deeds, § 5:114
Generally, § 5:123	Water test provision, § 5:385
Handling exceptions, § 12:8	Wife and husband, signatures by, § 5:42
Normal exceptions, § 5:124	Writing after signature, § 5:14
Review of exceptions 8 5.125	Zoning contingencies 8 5.255

CONTRACTS FOR SALE—Cont'd

Zoning particulars, inclusion in identification of property, § 5:86

CONVEYANCES ACT

Deeds, § 10:13
Title requirements, § 5:112

COOK COUNTY

Transfers (this index)
Zoning and planning
Multi-dwelling unit registration
requirements, § 9:158
Zoning certificate application,
§ 9:157

Land transfers. Cook County Land

COOK COUNTY LAND TRANSFERS

Agency closings, §§ 13:52; 13:54 Escrows, §§ 13:52; 13:54 Mapping information, §§ 10:184; 10:293

Mortgages, recordation, § 10:185 Overview of residential transactions, § 1:4

Property tax mapping information, §§ 10:184; 10:293

Recordation

Generally, §§ 10:166; 10:182 Checklists, § 10:261 Exempt transactions, § 10:183

Grantor-grantee statements, § 10:183

Mortgages, § 10:185
Other recordable documents, § 10:185

Tax billing information, **§§ 10:184**; **10:186**

Tax billing information, **§§ 10:184**; **10:186**

COOPERATIVES

Condominiums, Townhouses, and Cooperatives (this index)

CORPORATE OFFICERS AND DIRECTORS

Real estate sale approval, **§§ 10:76**; **10:279**

Sale approval, §§ 10:76; 10:279

CORPORATIONS

Acknowledgment form, § 10:126 Adverse possession, corporate officers, § 12:175

Brokerage licenses, § 2:23 Condominiums

Generally, § 16:158
Boards of directors, § 16:159
Not-for-profit corporations, § 16:229

Contract provision for deed from corporation, § 10:280

Conveyance by, language of, § 10:77 Cooperative apartments, § 16:256 Deed designations

Generally, §§ 10:71; 10:266 Directors' approval of sale, §§ 10:76; 10:279

Good standing, certificate of, § 10:74

Grantor corporation, § 10:73
Language of corporate conveyance, § 10:77

Quitclaim deeds, § 10:31 Shareholder approval of sale, § 10:75

Signatories to corporate deed, § 10:78

Signatures, §§ 10:9; 10:115 Form of deed, corporate grantor, § 10:266

Good standing, certificate of, § 10:74
Grantor corporation, deed designation,
§ 10:73

Language of corporate conveyance, § 10:77

Shareholder approval of sale, § 10:75 Signature requirements, §§ 10:9; 10:115

COTENANCY AND JOINT OWNERSHIP

Affidavit of death of joint tenant, § 5:340

Agreement, severance by, § 4:19
Beneficial interest in land trust, § 4:28
Characteristics of, § 4:9
Consent to severance, § 4:17
Contracts of sale by
Generally, § 5:63

COTENANCY AND JOINT COTENANCY AND JOINT OWNERSHIP—Cont'd OWNERSHIP—Cont'd Contracts of sale by—Cont'd Mineral rights, § 4:5 Affidavit of death of joint tenant, Mortgage by one tenant § 5:340 Death of mortgagor, § 4:26 Joint owners, § 5:47 One joint tenant selling entire parcel Conveyance by grantor to themselves owned in joint tenancy, right of, and third party as grantees, § 4:12 § 4:14 Creation language, § 4:8 Ownership issues, § 5:63 Death of joint tenancy contract prior to Partition of joint tenancy, § 4:15 closing, § **4:13** Responsibilities of co-tenants Death of tenant affidavit, § 12:351 Joint tenancies, § 4:29 Deed issues Tenancies by the entireties, § 4:50 Agreement, severance by, § 4:19 Severance, §§ 4:16; 4:22 to 4:29 Beneficial interest in land trust, Severance of joint tenancy § 4:28 Mortgage by one tenant Characteristics of, § 4:9 Generally, § **4:24** Consent to severance, § 4:17 Survivorship rights, § 4:11 Conveyance by grantor to Tax liens, § 12:205 themselves and third party as Tenants in common, § 4:4 grantees, § 4:12 Uniform Fraudulent Transfer Act, Creation language, § 4:8 § 10:222 Death of joint tenancy contract prior Warranty deed form, § 10:264 to closing, § **4:13** Divorce and severance, § 4:20 **COVENANTS** Effect of severance, § 4:23 Land, covenants running with Equal interests, § 4:10 Generally, §§ 12:87 to 12:102 Mortgage by one Change in character of the area, Death of mortgagor, § 4:26 § 12:95 Real Property Transfer on Death Enforcement, § 12:93 Instrument Act, severance, § 4:18 Form, title subject to, § 5:355 Responsibilities of cotenancy, Intent of parties, § 12:90 § 4:29 Neighborhood change defense, Severance, §§ 4:16; 4:17 § 12:95 Severance of joint tenancy Original intent of parties, § 12:90 Mortgage by one Privity of estate, §§ 12:92; 13:106 Generally, § 4:24 Recordation, § 12:96 Survivorship rights, § 4:11 Subdivisions, violations of restric-Dissolution of marriage, effect of, tions in, § 12:94 § 10:247 Title impairment Effect of severance, § 4:23 Generally, § 12:262 Equal interests, § 4:10 Insurance endorsements, Failure to specify types, § 4:3 § 12:306 Form, warranty deed, § 10:264 Touch and concern requirement, Joint ownership § 12:91 Generally, §§ 4:6 to 4:29 Variance procedure, § 12:97 Creation language, § 4:7 Violations of restrictions in subdivi-Deed issues sions, § 12:94 Creation language, § 4:7 Tax deed, existing covenants, § 10:63

COVENANTS—Cont'd	DAMAGES—Cont'd
Title impairment	Demolition of property, § 14:39
Generally, § 12:262	Notice requirements, § 14:40
Insurance endorsements, § 12:306	Discrimination, § 14:51
DAMAGES	Duty to disclose defects, fraud and dam ages, §§ 14:24; 14:25
Generally, §§ 14:1 to 14:122	Easements, intentional interference,
Anticipatory breach, § 14:3	§ 12:87
Attorney fee awards, §§ 14:52 to 14:63	Balancing equities, § 12:88
Broker's listing agreement, termination	Evidence, § 14:9
of, §§ 2:89; 2:92	Extras outside scope of contract,
Building and Construction Contracts	§§ 14:36; 14:37
and Work (this index)	Fair market value, § 14:8
Buyer defaults	Flooding, § 14:275
Generally, §§ 14:11 to 14:21	Foreseeability, § 14:7
Conditional mortgage commitment,	Forfeiture of earnest money
§ 14:12	Generally, § 14:15
Contract provisions	Broker involvement, § 14:21
Generally, § 14:13	Exclusivity of remedy, § 14:18
Attorney review of contract,	Liquidated damages
§ 14:14	Generally, § 14:19
Forfeiture of earnest money	Return of earnest money as,
Generally, §§ 14:15; 14:19	§ 14:20
Broker involvement, § 14:21	Option, seller's, §§ 14:16; 14:17
Exclusivity of remedy, § 14:18	Return as liquidated damages,
Option, seller's, §§ 14:16; 14:17	§ 14:20
Return as liquidated damages,	Good faith obligations, § 14:74
§ 14:20	Implied duty of workmanlike perfor-
Liquidated damages	mance, defective work, § 14:29
Generally, § 14:19	Implied warranty of habitability, §§ 14:82 to 14:114
Return of earnest money as,	
§ 14:20	Caveat emptor, § 14:83
Conditional mortgage commitment	Liquidated damages
defaults, § 14:12	Generally, §§ 14:19; 14:22
Condominiums, townhouses, and	Earnest money as, §§ 14:20; 14:149
cooperatives, board's right to lease	Specific performance and, § 14:148
unit to recover, §§ 16:138 to 16:140	Measure, seller defaults, § 14:6
Consequential damages, construction	Misrepresentation, § 14:23
dispute, § 6:41	New construction. Building and
Consumer Fraud Act, § 14:216	Construction Contracts and Work
Contract provisions	(this index)
Buyer defaults	Offer to perform
Generally, § 14:13	Generally, § 14:1
Attorney review of contract,	Anticipatory breach, § 14:3
§ 14:14	Repudiation of the contract, § 14:3
Seller defaults, § 14:10	Prevailing party, attorney fee awards on
Crop losses, § 14:41	multiple claims, § 14:57
Defects found after conveyance,	Punitive damages
§ 14:26	Consumer Fraud Act, § 14:216

DAMAGES—Cont'd	DAMAGES—Cont'd
Punitive damages—Cont'd	Seller financing, building codes viola-
Habitability warranty, § 14:114	tions, § 5:264
Real estate recovery fund claims,	Slander of title, punitive damages for,
§ 2:149	§ 14:281
Purchaser defaults, § 5:398	Snow and ice removal
Quasi contract or unjust enrichment,	Actual or constructive knowledge,
§ 14:37	§ 14:46
Real estate agents and brokers	Common law, §§ 14:45 to 14:47
Real estate recovery fund punitive	Snow and Ice Removal Act
damages, § 2:149	Accumulations due to design
Termination of listing agreement	defects, § 14:50
Generally, § 2:89	Driveways and walkways,
Liquidated damages, § 2:90	§ 14:49
Revocation after buyer secured	d, Immunity from liability, § 14:48
§ 2:92	Sidewalks, § 14:48
Real property, §§ 14:1 to 14:122	Willful or wanton misconduct,
Remedial or penal damages, §§ 17:23	§ 14:51
17:25	Voluntary undertaking to remove,
Remedial or penal damages, §§ 17:23	§ 14:47
17:25	Specific performance and, §§ 14:123;
Representations, contractual	14:151
Generally, §§ 14:71 to 14:81	Termination of listing agreement
Contractual creation, § 16:72	Generally, § 2:89
Good faith, § 14:74	Liquidated damages, § 2:90
Good working order, § 14:76	Revocation after buyer secured,
Types of representations, § 14:75	§ 2:92
Repudiation of the contract, § 14:3	Warranties
Rescission	Generally, §§ 14:71 to 14:81
	Contractual creation, § 16:72
Impossibility of performance, § 14:154	Good faith, § 14:74
Timeliness of exercise, § 14:153	
· -	DEATH
Residential Real Property Disclosure	Closings (this index)
Act, § 3:83 Seller defaults	Contracts for Sale (this index)
	Decedents' Estates (this index)
Generally, § 14:5	Residential Real Property Transfer
Contract provisions, § 14:10	on Death Instrument Act (this
Earnest money as liquidated dam-	index)
ages, § 14:149	Sale and Transfer of Property (this
Evidence, § 14:9	index)
Fair market value, § 14:8	Wrongful Death (this index)
Foreseeability, § 14:7	
Liquidated damages, earnest mone	
as, § 14:149	Additional grantors, signature require-
Measure, § 14:6	ments, § 10:9
Post-closing damage to property,	Administrator's deed, § 10:269
§ 5:170	Bond in lieu of probate
Representations, § 14:71	Generally, § 5:64
Warranties, § 14:71	Form. § 5:341

DECEDENTS' ESTATES—Cont'd	DECEDENTS' ESTATES—Cont'd
Closing, contract provisions for death	Ownership during probate, § 5:65
prior to	Probate sales
Affidavit, death of joint tenant,	Generally, § 5:64
§ 5:340	Ownership during probate, § 5:65
Contingency clause, § 5:319	Purchase contract, provision for death
Devise in will, § 5:318	prior to, § 5:316
Joint tenant, affidavit of death of,	Release of estate's interest in real estate,
§ 5:340	§ 5:346
Purchase contract, § 5:316	Sales contract, provision for death prior
Sales contract, § 5:317	to, § 5:317
Contingency clause in sales contract,	Title holder deceased
§ 5:319	Generally, §§ 5:62 to 5:74
Deeds	Bond in lieu of probate
Additional grantors, signature	Generally, § 5:64
requirements, § 10:9	Form, § 5:341
Executor's deed, §§ 10:40; 10:270	Heirs
Quitclaim deeds, § 10:31	Disclaim, right to, § 5:70
Devise in will, sales contract provision,	Sale to, § 5:69
§ 5:318	Independent administration, § 5:66
Executor's deed	Intestacy, § 5:67
Generally, §§ 5:345; 10:40	Legatees
Form, §§ 5:345; 10:270	Disclaim, right to, § 5:70
Forms	Sale to, § 5:69
Administrator, exculpation of,	No power to sell, § 5:68
§ 5:344	Probate sales
Administrator's deed, § 10:269	
Bond in lieu of probate, § 5:341	Generally, § 5:64
Disclaimer of interest in property of	Ownership during probate,
decedent, § 5:343	§ 5:65
	Supervised administration, § 5:68
Exculpation of executor or administrator, § 5:344	Title company requirements, § 5:71
	DECEIT
Executor, exculpation of, § 5:344 Executor's deed, §§ 5:345; 10:270	Fraud and Deceit (this index)
Joint tenant, affidavit of death of,	
\$ 5:340	DECREES
Release of estate's interest in real	Judgments, Orders and Decrees (this
estate, § 5:346	index)
Heirs	DEDICATION
Disclaim, right to, § 5:70	Acceptance by municipality, § 12:132
Sale to, § 5:69	Common law dedication
Inheritances, basis for tax purposes,	Generally, § 12:139
§ 15:10	Abandonment, § 12:149
Joint tenant, affidavit of death of,	
\$\\$ 5:340; 12:351	Acceptance, §§ 12:142; 12:143
Judgment lien, deceased debtor,	Death of owner before acceptance,
§ 12:231	§ 12:143 Donative intent, § 12:140
Legatees	Easements for owners within
Disclaim, right to, § 5:70	subdivision, § 12:144
Sale to, § 5:69	Intent to donate, § 12:140
Saic io, 8 3.07	intent to donate, § 12:140

DEDICATION—Cont'd	DEEDS—Cont'd
Common law dedication—Cont'd	Acknowledgments of signatures
Maintenance by public authorities,	—Cont'd
§ 12:147	Public officer, acknowledgment by,
Plat reference, creation by, § 12:141	§ 10:129
Prescription and, §§ 12:145; 12:146	Remote notarization, § 10:138
Public maintenance, § 12:147	Trustee, acknowledgment by,
Subdivision owners, easements for,	§ 10:129
§ 12:144	Additional grantees to tenants by the
Condominium street and utility dedica-	entireties, § 4:35
tions, § 16:83	Additional grantors
Platted roads in subdivision	Generally, §§ 10:7; 10:10
Ownership of vacated road,	Corporations, § 10:9
§ 12:155	Estate grantors, § 10:9
Owner's rights, § 12:152	LLCs, § 10:9
Vacating by municipality, §§ 12:154; 12:155	Partnerships, § 10:9
Vacating by owners, § 12:153	Spouses signatures, § 10:8
Public highways, § 12:128	Trusts, § 10:9
Statutory, § 12:128	Administrator's deed, § 10:269
Statutory, § 12.120	Administrator's deed form, § 10:269
DEEDS	After-acquired title
Generally, §§ 10:11 to 10:153	Quitclaim deeds, § 10:34
Acceptance	Warranty deed transfer, § 10:24
Generally, § 10:161	Assignment of beneficial interest, land
Obligations, deed entailing,	trust facsimile
§ 10:162	Generally, § 10:179
Possession of property, § 10:163	Preparation, § 10:180
Presumptive acceptance, § 10:164	Recordation, §§ 10:181; 10:290
Acknowledgments of signatures	Beneficial interest in land trust, joint
Generally, § 10:123	tenancies, § 4:28
Attorney in fact, acknowledgment	Business entity as grantor or grantee,
by, § 10:128	§ 10:71
Certificate of acknowledgment,	Checklists, §§ 10:11; 10:259 to 10:265
§ 10:133	Closing, failure to deliver at, § 13:39
Conveyances Act form acknowledg-	Common areas, § 12:114
ment, § 10:130	Condominiums
Corporation, acknowledgment by, § 10:126	Exceptions to title, § 10:111
· ·	Form
Foreign country executions, § 10:132	Conversion, § 10:283
Individual, acknowledgment by,	Description of property,
§ 10:125	§ 10:284
Military service person,	Transfer, § 10:282
acknowledgment by, § 10:131	Recordation of declaration, § 16:37
Notary, before a, § 10:124	Solar energy, § 10:112
Partnership, acknowledgment by,	Special provisions for deeds,
\$ 10:127	§ 16:274
Personal representative,	Consent to severance of joint tenancy,
acknowledgment by 8 10.129	8 4.17

DEEDS—Cont'd	DEEDS—Cont'd
Conservator's deed	Date of deed, § 10:14
Generally, § 10:38	Death of joint tenancy contract prior to
Minor title holder, § 10:39	closing, joint tenancies, § 4:13
Consideration recitals in deeds, § 10:86	Delivery
Contract of sale requirements	Generally, § 10:150
Generally, §§ 5:109; 5:113	Effect of, § 10:156
Quitclaim deeds, §§ 5:116; 5:117	Escrow, §§ 10:155; 13:49
Special warranty deeds, § 5:115	Intent, § 10:152
Warranty deeds, § 5:114	Lost deed, § 10:158
Conveyance, words of, § 10:17	Manual, § 10:154
Conveyance by grantor to themselves	Methods of, §§ 10:153 to 10:155
and third party as grantees, joint	Presumptive, §§ 10:146; 10:160
tenancies, § 4:12	Relationship to recording, § 10:157
Conveyances Act, § 10:13	What is delivery, § 10:151
Conveyance to self, § 10:67	Descriptions of property, §§ 10:89;
Cook county	10:90
Clerk instructions to correct a previ-	Dissolution of marriage, judge's deed
ously recorded document,	Generally, § 10:272
§ 10:286	Form of deed, § 10:273
Co-ops, tenancies by the entireties, § 4:33	Form of supporting affidavit, § 10:274
Corporations as grantor or grantee	Severance of joint tenancy, § 4:20
Generally, § 10:71	Document requirements, § 10:1
Directors' approval of sale	Drafting requirements, § 10:1
Generally, § 10:76	Driveways, common, § 12:114
Authorizing resolution, § 10:279	Easements, drafting considerations
Form, § 10:266	Generally, § 12:46
Good standing, certificate of,	Reservation of easement, § 12:65
§ 10:74	Effect of delivery, § 10:156
Grantor corporation, § 10:73	Effect of no acknowledgment, § 10:149
Language of corporate conveyance, § 10:77	Effect of severance of joint tenancy, § 4:23
Provision for deed from, § 10:280	Entitlement to homesteads, § 10:92
Quitclaim deeds, § 10:31	Entity as grantor or grantee, § 10:71
Shareholder approval of sale,	Equal interests in joint tenancies, § 4:10
§ 10:75	Erroneous grantees, § 10:66
Signatories to corporate deed,	Escrow delivery of, § 10:155
§ 10:78	Escrowed, § 13:49
Signature requirements, §§ 10:9;	Estate planning purposes for inter vivos
10:115	trust, tenancy by the entireties, § 4:42
Cotenancy and Joint Ownership (this	Estates
index)	Additional grantors, signature
Court-ordered deed, § 10:41	requirements, § 10:9
Covenants types, § 10:16	Executor's deed, § 10:40
Creation language	Quitclaim deeds, § 10:31
Joint tenancies, §§ 4:7; 4:8	Exceptions to title
Tenancies by the entireties, § 4:32	Generally, § 10:109
Date, §§ 7:210; 10:120	Condominiums, § 10:111

DEEDS—Cont'd	DEEDS—Cont'd
Exceptions to title—Cont'd	Forms—Cont'd
Language used, § 10:110	Quitclaim deed, § 10:267
Restrictions, § 10:113	Sheriff's deed, § 10:275
Solar energy, § 10:112	Special warranty deed, § 10:266
Execution, proof of, § 10:145	Tenancy by the entireties warranty
Executor's deed form, § 10:270	deed, § 10:265
Extent of estate conveyed	Trustee's deed, § 10:268
Generally, § 10:87	Warranty deeds, §§ 10:263 to
Mineral rights, § 10:88	10:265
Facsimile assignment of beneficial	General requirements, § 10:2
interest, land trust	Gift, lost deed, § 10:159
Generally, § 10:179	Good title, implied covenant, § 10:28 Grant
Preparation, § 10:180	
Recordation, §§ 10:181; 10:290	Generally, § 10:18 Grantor, marital status and civil unions,
Fictitious grantees, § 10:66 Forged deed, § 10:239	§ 10:70
Format requisites for recordation	Grantor and grantee, sample statement,
Generally, §§ 10:174 to 10:178	§ 10:291
Noncompliant deeds, § 10:175	Guardian's deed form, § 10:271
Older documents, § 10:176	Homesteads
Forms	Generally, §§ 10:91; 10:96
Condominium deeds	Entitlement to, § 10:92
Conversion, § 10:283	Exceptions from homestead exemp-
Description of property,	tion, § 10:95
§ 10:284	Loss of homestead rights of spouse,
Special provisions for deeds,	§ 10:106
§ 16:274	Mortgage conveyances, § 10:102
Transfer, § 10:282	One spouse not owner, §§ 10:104;
Corporate grantor, §§ 10:266;	10:105
10:280	Partitions, § 10:97
Customary forms, § 10:10	Tenancies by the entireties, §§ 4:37;
Executor's deed, § 10:270	4:38
Grantor and grantee sample state-	Trust conveyances, § 10:102
ment, § 10:291	Types of ownership, § 10:93
Guardian's deed, § 10:271	Vetoing spouse, § 10:105
Individual to individual, warranty	Waivers
deed, § 10:263	Generally, § 10:98
Joint tenancy warranty deed,	Acknowledgment, § 10:99
§ 10:264	Both spouses granting, § 10:100
Judge's deed, dissolution of mar-	Effect of non-waiver, § 10:103
riage	Non-waiver, effect of, § 10:103
Generally, § 10:272	One spouse granting, § 10:101
Form of deed, § 10:273	Implied covenants, special warranty
Form of supporting affidavit,	deeds, § 10:28
§ 10:274	Information and items included, § 10:11
Judicial sale deed, § 10:278	Interpretation of, § 10:12
Naming of purchaser's nominee, § 10:281	Joint ownership. Cotenancy and Joint Ownership (this index)

DEEDS—Cont'd	DEEDS—Cont'd
Joint tenancy	Marital property—Cont'd
Bankruptcy by one tenant, § 4:27	Intent to defeat marital rights,
Real Property Transfer on Death	§ 10:243
Instrument Act, severance, § 4:18	Marital status of grantor, § 10:69
Severance agreement, § 4:19	Mark, signature by, § 10:118
Severance of joint tenancy	Methods of delivery, §§ 10:153 to
Creditor, levy by, § 4:25	10:155
Warranty deed form, § 10:264	Mineral rights, conveyance of, § 10:88
Judge's deed	Minor title holder, conservator's deed,
Generally, § 10:272	§ 10:39
Form of deed, § 10:273	Mistake, reformation for, §§ 14:250;
Form of supporting affidavit,	14:252
§ 10:274	Mistaken attempt to create tenancy by
Judicial sales	the entireties, § 4:36
Generally, §§ 10:42 to 10:45	Multiple quitclaim deeds, § 10:33
Equitable powers, § 10:43	Multiple-unit building, tenancies by the
Judgment lien, § 10:44	entireties, § 4:51
Sheriff's deed, § 10:45	Naming of purchaser's nominee, § 10:281
Statutory form, § 10:45	Obligations, acceptance of deed entail-
Land trusts	ing, § 10:162
Generally, § 10:81	Parking areas, common, § 12:114
Conveyance between land trusts,	Partnership as grantor or grantee
§ 10:84	Grantor partnership, § 10:79
Conveyance to another trustee,	Signatures, §§ 10:9; 10:80; 10:116
§ 10:85	Party designations, §§ 10:64 to 10:85
Facsimile assignment of beneficial	P.I.N. and common address, §§ 10:107;
interest	10:108
Generally, § 10:179	Possession of property and acceptance
Preparation, § 10:180	of deed, § 10:163
Recordation, §§ 10:181; 10:290	Presumptions
Language to be used, § 10:83	Acceptance, § 10:164
Power of trustee, § 10:82	Delivery, §§ 10:146; 10:160
Signature of trustee, § 10:37	Validity, § 10:144
Language required	Printed name of grantor, § 10:119
Land trusts, § 10:83	Prohibited transfer fees, § 10:258
Quitclaim deeds, § 10:30	Proof of execution, § 10:145
Legal requirements, § 10:3	Quiet enjoyment, implied covenant,
Lender, coordination with, § 10:6	§ 10:28
LLC as grantor or grantee; signatures,	Quieting title, forged deed, § 14:289
\$\\$ 10:9; 10:117	Quitclaim deeds
Lost deed, §§ 10:158; 10:159	Generally, §§ 10:29 to 10:35
Manual delivery, § 10:154	After-acquired title, § 10:34
Marital property	Contract of sale requirements, §§ 5:116; 5:117
Generally, §§ 10:240 to 10:248	\$\\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\
Concept of marital property,	Custom as to use of word quitclaim,
§ 10:242	§ 10:32
Explanation on deed, § 10:241	Estates, § 10:31
r	

DEEDS—Cont'd	DEEDS—Cont'd
Quitclaim deeds—Cont'd	Sellers' names, § 10:68
Form, § 10:267	Severance
Language required, § 10:30	Joint tenancies, §§ 4:16 to 4:18
Multiple quitclaims, § 10:33	Tenancies by the entireties, § 4:48
Statutory form, § 10:35	Sheriff's deeds
Trusts, § 10:31	Certificate of sale, § 10:277
Records and recording	Form, § 10:275
Condominium declarations, § 16:37	Judicial sale form, § 10:276
Delivery, relationship to recording,	Statutory form, § 10:45
§ 10:157	Signatures, Generally, § 10:114
Drafting considerations, § 10:4	Special warranty deeds
Format requisites	Generally, §§ 10:26; 10:27
Generally, § 10:174	Contract of sale requirements,
Noncompliant deeds, § 10:175	§ 5:115
Older documents, § 10:176	Form, § 10:266
Necessity of recording, §§ 10:167 to 10:170	Good title, implied covenant,
	§ 10:28
Recordability, drafting considerations, § 10:4	Implied covenants, § 10:28
Reformation of deeds	Quiet enjoyment, implied covenant,
Generally, §§ 10:252; 14:240 to	§ 10:28
14:254	Standardization of forms legislation,
Bona fide purchasers, § 14:253	§ 10:282
Evidentiary requirements, § 14:248	Statutory forms
Law, mistake of, § 14:244	Generally, § 10:19
Mistake	Judicial sales, § 10:45
Generally, §§ 14:250; 14:252	Quitclaim deeds, § 10:35
Mutual, §§ 14:241; 14:242	Sheriff's deed, § 10:45
Proof standard, § 14:254	Warranty deed, §§ 10:25; 10:27
Scrivener's error, § 14:242	Survivorship rights, joint tenancies,
Time of mistake, § 14:252	§ 4:11
Unilateral mistake, § 14:243	Tax deeds
Remote notaries and consumers,	Generally, §§ 10:46 to 10:63
§ 10:262	Challenge, § 10:59
Responsibilities of cotenancy	Constructive notice, § 10:49
Joint tenancies, § 4:29	Equitable redemption, § 10:58
Tenancies by the entireties, § 4:50	Existing easements and covenants,
Restrictions	§ 10:63
Generally, § 10:113	Indemnity fund in tax foreclosures,
General plan of development, omis-	§ 10:62
sion from deed, arising from,	Notice requirements, §§ 10:48 to
§ 12:86	10:50
Revocable inter vivos trust, tenancy by	Persons entitled to redeem, § 10:53
the entireties, § 4:34	Post-sale redemption, § 10:57
Scrivener's error, reformation of deed,	Pre-issuance redemption, § 10:54
§ 14:242	Prior liens, effect of, § 10:61
Seals, § 10:121	Procedures for obtaining tax deed,
Self conveyance, § 10:67	§ 10:52

DEEDS—Cont'd	DEEDS—Cont'd
Tax deeds—Cont'd	Warranty deeds—Cont'd
Redemption	Title warranties, § 10:21
Generally, § 10:53	Warranty types, § 10:16
Extension of period of redemp-	Wild deeds, § 14:295
tion, §§ 10:55; 10:56	Witnesses, § 10:122
Post-sale redemption, § 10:57	Words of conveyance, §§ 10:17 to
	10:19
Pre-issuance redemption,	10:19
§ 10:54	DEFAULT
Strict compliance with notice	
requirements, § 10:51	Brokers' commissions
Time limit to take, § 10:60	Buyer default, §§ 2:109; 2:126
Tenancy by the entireties, warranty	Seller default, § 2:108
deed, § 10:265	Contract provisions
Title company, coordination with,	Generally, § 5:273
§ 10:6	Buyer defaults, § 5:398
Trust deeds	Seller defaults, § 5:400
Generally, §§ 7:170; 10:36; 10:81	Installment contracts
Conveyance between land trusts,	Generally, § 7:217
§ 10:84	Reinstatement rights, §§ 7:218 to
	7:222
Conveyance to another trustee,	
§ 10:85	New construction, § 6:97
Form, § 10:268	Purchaser's default; seller reserves right
Land trustee, § 10:37	to hold purchaser liable for damages,
Language to be used, § 10:83	§ 14:322
Mortgages (this index)	Title defects, § 14:4
Power of trustee, § 10:82	DEFAULT JUDGMENT
Quitclaim deeds, § 10:31	
Signature requirements, § 10:9	Foreclosure, vacating default judgment
Typed name of grantor, § 10:119	for lack of standing, form, § 8:15
Types of deeds, § 10:15	DEFICIENCY JUDGMENT
Types of warranties and covenants,	
§ 10:16	Mortgage foreclosure, §§ 8:19; 8:20
Unincorporated associations as grantor	DEMOLITION AND DEMOLITION
or grantee, § 10:72	WORK
Variations in names, § 10:65	Damages, § 14:39
Warranty deeds	Damages, § 14.39
Generally, §§ 10:20 to 10:24	DESCRIPTION AND
After-acquired title, § 10:24	IDENTIFICATION
	Generally, §§ 11:1 to 11:35
Breach of warranty, §§ 10:22 ; 10:23	
	Acreage
Contract of sale requirements,	Generally, § 11:26
§ 5:114	Land measurements map, § App
Individual to individual form,	11A
§ 10:263	Adjacency, § 11:9
Joint tenancy form, § 10:264	ALTA/NSPS surveys, § 11:49
Land trusts; form, § 4:100	Annexations by cities under Plat Act,
Statutory form, § 10:25	§ 11:58
Tenancy by the entireties form,	City, § 11:8
§ 10:265	Condominium deed, § 10:284

DESCRIPTION AND DESCRIPTION AND IDENTIFICATION—Cont'd IDENTIFICATION—Cont'd Condominiums, cooperatives and town Sections in rectangular survey system, homes, § 5:81 § 11:22 Crops, boundary determinations, Size of property § 11:34 Generally, § 5:82 Deeds, §§ 10:89; 10:90 Fraud claims, § 5:84 Definiteness of description, § 11:3 Surveys, § 5:83 Specific performance requirements Easements, drafting considerations, Generally, § 14:133 § 12:58 Ambiguities, § 14:134 Emblements, doctrine of, § 11:35 Implied terms, § 14:137 Fences Spotted surveys, § 11:46 Boundary line fences, § 11:31 Staked surveys, § 11:47 Property line, fence beyond, § 11:30 State, § 11:8 Implied terms, specific performance Street address, §§ 5:80; 11:7 requirements, § 14:137 Subdivisions Inconsistent descriptions, §§ 11:10; Lot and block system, §§ 11:23; 14:12 11:24 Incorporation by reference, § 11:15 Resubdivision, § 11:25 Land measurements map, § App 11A **Townships** Legal description Rectangular survey system, § 11:19 Generally, §§ 11:6 to 11:9 Squares, § 11:21 Party designated to supply, § 5:85 Tree on boundary line, § 11:32 Lot and block system, §§ 11:23; 11:24 Waterfront property, § 11:33 Mechanic Lien Act, § 11:5 Zoning particulars, § 5:86 Metes and bounds description Generally, §§ 11:12; 11:13 DESIGNATION Reviewing, § 11:16 Agents, generally, § 2:29 Monuments, § 11:14 Negligent survey, § 11:51 DISCLOSURES NSPS surveys, § 11:49 Chicago Landlord and Tenant Party designated to supply, § 5:85 Ordinance, security deposit, § 17:34 Perimeter surveys, § 11:45 **Closings** (this index) Permits, surveys for, § 11:48 Condominiums, townhouses, and Plat surveys, § 11:44 cooperatives, liability for failure to Property, identification of, § 5:80 disclose upon initial sale, § 16:186 Public streets, § 11:59 Financial institution holding security Purpose of description, § 11:2 deposit, § 17:40 Ranges, rectangular survey system, Fraud in the inducement, § 3:41 § 11:20 Fraudulent concealment, § 3:40 Rectangular survey system **Lead Disclosure Laws** (this index) Mold, § 5:383 Generally, §§ 11:17 to 11:22 Basis of system, § 11:18 Mortgages Ranges, § 11:20 Consumer Fraud Act, § 7:92 Sections, § 11:22 Hidden fees, § 7:13 Townships, § 11:19 Private mortgage insurance, § 7:27 Township squares, § 11:21 Resales of mortgages, § 7:23 Resubdivision, § 11:25 RESPA requirements, §§ 7:91; 7:92

Consumer Fraud Act, § 14:195

DISCLOSURES—Cont'd DISCLOSURES—Cont'd Mortgages—Cont'd Sellers, by—Cont'd TILA requirements, §§ 7:93; 7:94 Failure to disclose lead levels, effect to 7:97 of, § 3:51 **Real Estate Agents and Brokers** (this Fiduciary transfers, § 3:68 index) Resale Assessments, sellers representa-Association may charge fee tions, § 5:358 No private right of action, Condominium resale disclosure § 16:179 form, § 9:124 **Residential Real Property Disclosure** Residential Real Property **Act** (this index) Disclosure Act, § 3:71 Sellers, by Townhouse resale disclosure Generally, §§ 3:32 to 3:98 form, § 9:124 Active concealment, § 14:189 Zoning and land planning Active concealment vs silence, restrictions, § 12:321 § 3:39 Fraud disclosures, Residential Real Actual knowledge, § 5:33 Property Disclosure Act, § 3:63 Advising sellers, § 3:89 Half truths, § 14:188 Affirmative falsehoods, § 3:38 Heating costs Amending disclosures, Residential Generally, § 5:288 Real Property Disclosure Act, Chicago land transfers, § 9:69 § 3:79 Insulation, § 5:287 Assessments, sellers representa-Incomplete disclosures, § 14:188 tions, § 5:358 Inspection, need for, § 3:33 Building code contingency Inspections of property and, generrepresentations, § 5:392 ally, § 3:33 Buyer reliance, § 3:80 Insulation, § 5:287 Buyer's knowledge of error Investigative duties of seller, Resi-Residential Real Property dential Real Property Disclosure Disclosure Act, § 3:81 Act, § 3:78 Chicago land transfers, heating costs Knowledge of errors, Residential disclosures, § 9:69 Real Property Disclosure Act, Concealment, active, §§ 3:39; §§ 3:75; 3:81 14:189 Limited usefulness cautions, § 3:94 Condominium common area Material defects, common law, disclosures, § 3:93 § 3:36 Condominium initial sales, Misrepresentation, concealment as, §§ 16:181 to 16:187 § 14:167 Condominium resales Need for inspection, § 3:33 Generally, §§ 16:175 to 16:178 New construction, § 3:69 Form, § 9:124 Court ordered transfers, Residential Personal property included in sale, condition representations, § 5:368 Real Property Disclosure Act exceptions, § 3:83 Practical aspects of disclosure documents, § 3:87 Definitions Residential Real Prop-Radon, §§ 3:42 to 3:46 erty Disclosure Act, § 3:64 Reliance Easements, § 12:17 Errors, knowledge of, § 3:75 Generally, § 3:80

Extent of disclosure, § 3:37

DISCLOSURES—Cont'd	DISCLOSURES—Cont'd
Sellers, by—Cont'd	Sellers, by—Cont'd
Residential Real Property	Zoning and land planning restric-
Disclosure Act	tions
Generally, §§ 3:55 to 3:98	Generally, §§ 12:122; 14:194
Amending disclosures, § 3:79	Form, § 12:321
Applicability, § 3:64	Non-conforming uses, § 12:123
Buyer's knowledge of error, § 3:81	DISCRIMINATION
Contract provision, § 5:285	Actions and remedies, § 14:70
Court ordered transfers, § 3:46	Damages, § 14:49
Damages liability, §§ 3:83; 3:84	DIVISIBILITY
Definitions, § 3:64	Separability or Divisibility (this index)
Duties of seller, §§ 3:73 to 3:79	
Errors, knowledge of, § 3:75	DIVISIONS AND
Excepted properties, §§ 3:65 to	CONSOLIDATIONS OF
3:70	PARCELS
Fiduciary transfers, § 3:68	Real Estate (this index)
Foreclosure transfers, § 3:67	DIVORCE AND SEPARATION
Form, § 3:71	Court directed transfers, § 10:246
Fraud disclosures, § 3:63	Dissolution of marriage, generally,
Investigative duties of seller,	§ 10:244
§ 3:78	Effect of marriage and divorce,
Knowledge of error, § 3:81	§§ 10:240 to 10:248
Knowledge of errors, § 3:75	Intent to defeat marital rights, § 10:243
New construction, § 3:69	Joint tenancy properties, § 10:247
Practical aspects of disclosure	Judges' deeds
document, § 3:87	Generally, § 10:272
Reliance on disclosure state-	Form of deed, § 10:273 Form of supporting affidavit,
ment, purchaser's, § 3:80	§ 10:274
Scope of disclosure, § 3:74 Seller obligations, §§ 3:58; 3:59	Liens, preexistent, effect on, § 10:248
Statute of limitations, § 3:85	Mortgage, effect on, § 10:248
	Partition action, § 14:268
Statutory and common law duties, § 3:62	Real property
Termination rights of buyer,	Generally, § 10:244
§ 3:82	Court directed transfers, § 10:246
Timeliness of information,	Effect of marriage and divorce,
§§ 3:88 to 3:94	§§ 10:240 to 10:248
Updating disclosures, § 3:79	Intent to defeat marital rights,
Silence vs active concealment,	§ 10:243
§ 3:39	Joint tenancy properties, § 10:247
Standard of proof, § 3:35	Judges' deeds
Statute of limitations, § 3:85	Generally, § 10:272
Termination rights of buyer, § 3:82	Form of deed, § 10:273 Form of supporting affidavit,
Townhouse resale disclosure form,	§ 10:274
§ 9:124	Liens, preexistent, effect on,
Undating disclosures 8 3.79	8 10.248

DIVORCE AND SEPARATION **EASEMENTS** —Cont'd Generally, §§ 12:11 to 12:89 Real property—Cont'd Abandonment, termination by Mortgage, effect on, § 10:248 Generally, § 12:37 Partition action, § 14:268 Street, § 12:149 Wills, effect on, § 10:245 Access, easement for, § 12:56 Wills, § 10:245 **Adverse Possession** (this index) Adverse use, easements by, § 12:71 **DOWNPAYMENTS** Appurtenant Semi-custom homes, construction of, Generally, § 12:22 § 6:95 Continuance, § 12:24 Chain of title DRAINS AND DRAINAGE Constructive notice, § 12:18 Easements Inquiry notice, § 12:19 Generally, § 12:40 Closing preparations, § 12:14 Covered drains, § 12:42 Common usage Owners' rights, § 12:41 Owners of servient and dominant **DRIVEWAYS, COMMON** estates, § 12:33 Generally, § 12:114 Consent of owner, easements by, § 12:71 **EARNEST MONEY** Continuance of easement appurtenant, Generally, §§ 5:89 to 5:103 § 12:24 Broker, use of, § 2:5 Continuous use and easement by neces-Broker obtaining, § 2:17 sity, § 12:64 Check, payment by, § 5:349 Convey, use of term, § 12:53 Closing preparations, § 9:97 Creation, § 12:15 Disclaimer language for earnest money Cross easement agreement for check, sample, § 5:338 driveway, § 12:320 Escrow agreement for, § 5:339 Damages, intentional interference with Exclusivity of remedy, § 14:18 easement, § 12:87 Forfeiture on breach Descriptions, drafting considerations, Generally, § 14:15 § 12:58 Broker involvement, § 14:21 Dominant estate, § 12:23 Exclusivity of remedy, § 14:18 Dominant owner, use by, §§ 12:26 to Income tax considerations, § 15:77 12:28 Liquidated damages Drafting considerations Generally, § 14:19 Generally, § 12:46 Return of earnest money as, Access, easement for, § 12:56 § 14:20 Ambiguity, § 12:50 Option, seller's, §§ 14:16; 14:17 Between parties, § 12:47 Income tax considerations, § 15:77 Convey, use of term, § 12:53 Liquidated damages Description, § 12:58 Return of earnest money as, "Four corners" rule, § 12:49 § 14:149 Grant of right, § 12:52 Treatment as, § 5:399 Intent of parties, §§ 12:48; 12:49 Overview of residential transactions, Language, § 12:51 § 1:15 Limitations, § 12:54 Sales by owner vs brokered sales, § 2:5

Maintenance, § 12:59

Pipeline, easement for, § 12:57

§ 6:95

Semi-custom homes, construction of,

EASEMENTS—Cont'd	EASEMENTS—Cont'd
Drafting considerations—Cont'd	Licenses and easements distinguished
Purpose limitations, § 12:54	Generally, §§ 12:12; 12:99; 12:100
Warrant, use of term, § 12:53	Injunctive relief, § 12:106
Drainage	Oral easements, § 12:104
Generally, § 12:40	Roof enroachment, § 12:107
Covered drains, § 12:42	Trespass, §§ 12:105 to 12:107
Good husbandry exception, § 12:44	Limitations, drafting considerations,
Owners' rights, § 12:41	§ 12:54
Servient owner, right of, §§ 12:43 to 12:45	Location and modification of easement, § 12:34
Driveway cross easement agreement,	Maintenance, § 12:59
§ 12:320	Mechanic's liens, § 12:55
Estoppel, easement by, § 12:83	Merger, termination by, § 12:38
Extension to accommodate additional	Necessity, easement by
land, § 12:27	Generally, § 12:62
Floating easement, § 12:35	Requirements, § 12:63
Forms	Use, § 12:64
Driveway cross easement agree-	Non-use, § 12:36
ment, § 12:320	Notice to purchasers, §§ 12:17 to 12:19
Gas pipe lines, § 12:319	Obstruction
General form, § 12:317	Generally, § 12:31
Reservation to seller for ingress and	Servient owner, obstruction by,
egress, § 12:316	§ 12:32
Right of way, § 12:318	Ownership interests not created by ease-
Seller ingress and egress, reserva-	ments, § 12:16
tion of, § 12:316	Pipeline, easement for, § 12:57
Gas pipe lines, § 12:319	Practical aspects, § 12:13
General plan of development, restric-	Preexisting use and easement by
tions arising from	implication, § 12:61
Generally, § 12:84	Prescription, easements by, § 12:71
Deed or plat, omission from, § 12:86	Prescriptive easements
Requirements, § 12:85	Generally, § 12:68
Grant and reservation of easement,	Acquiescence by servient owner,
§ 12:65	§ 12:70
Grant of right, § 12:52	Adverse use, § 12:69
Implication, easement by	Alterations by dominant owner,
Generally, § 12:60	§ 12:82
Area covered, § 12:67	Claim of right, use under, § 12:77
Grant and reservation of easement,	Continuous use, § 12:74
§ 12:65	Exclusive use, § 12:73
Preexisting use, § 12:61	Licenses and easements
Reservation of easement, § 12:65	distinguished, § 12:100
Time of determination, § 12:66	Maintenance by dominant owner, § 12:82
Improvement rights, §§ 12:28; 12:30	9 12:82 Owner's use, § 12:81
In gross, § 12:21	Permissive use, § 12:78
Intentional interference with easement	Requirement to show necessity,
Balancing equities, § 12:88	8 12:72

EASEMENTS—Cont'd	EASEMENTS—Cont'd
Prescriptive easements—Cont'd	Use—Cont'd
Seasonal use, § 12:75	Easement by necessity, § 12:64
Servient owner, acquiescence by,	Warrant, use of term, § 12:53
§ 12:70	E-MAIL
Streets, §§ 12:145; 12:146	Notice provisions in contracts of sale,
Tacking, § 12:80	§ 5:211
Term of use, § 12:79	
Uninterrupted use, § 12:76	EMBLEMENTS
Use by owner, § 12:81	Doctrine of, § 11:35
Problems, §§ 12:13; 12:14	ENCROACHMENT
Purpose limitations, drafting considerations, § 12:54	Generally, § 12:108
Repair rights, § 12:28	Common areas, § 12:114
Requirement to show necessity,	Driveways, common, § 12:114
prescriptive easements, § 12:72	Intentional, § 12:110
Reservation of easement, § 12:65	Parking areas, common, § 12:114
Reservation to seller for ingress and	Public streets, § 12:112
egress, § 12:316	Title insurance
Responsibilities of owner, § 12:29	Generally, § 12:113
Revesting title in owner on termination,	Encroachment endorsements,
§ 12:39	§ 12:291
Right of way, § 12:318	Trees, § 12:111
Run with the land, § 12:25	Unintentional, § 12:109
Seller ingress and egress, reservation of,	ENCUMBRANCES
§ 12:316	Liens and Encumbrances (this index)
Servient estate	ENFORCEMENT
Generally, § 12:23	RESPA, closing review, § 13:76
Acquiescence by owner in prescrip-	RESTA, closing leview, § 13.70
tive easement, § 12:70	ENGAGEMENT
Improvement of, § 12:30	Generally, §§ 1:22 to 1:24
Servient owner, obstruction by, § 12:32	ENVIRONMENTAL LAW
Streets Programinting aggregates 88 12:145.	Merchantable title and environmental
Prescriptive easements, §§ 12:145 ; 12:146	problems, environmental laws,
Termination of easement by	§ 12:261
abandonment, § 12:149	
Tax deed, existing easements, § 10:63	EQUIPMENT
Termination	Disclosure requirements, heating costs,
By abandonment	§ 5:288 Mechanics' liens, § 12:239
Generally, § 12:37	Wiedlanies liens, § 12.239
Street, § 12:149	EQUITABLE CONVERSION
By merger, § 12:38	Seller financing
Title insurance, easement endorsements,	Generally, §§ 7:208; 7:211 to 7:268
§ 12:305	Limitations of doctrine, § 7:212
20-year period, §§ 12:79; 12:80	EQUITABLE MORTGAGES
Unrecorded utility easements, § 11:77	Generally, §§ 7:138; 10:225 to 10:230
Use	Clear and convincing evidence,
Generally, §§ 12:26 to 12:28	§ 10:228

EQUITABLE MORTGAGES ESCROW—Cont'd Illinois Mortgage Escrow Account Act, —Cont'd §§ 7:100 to 7:103 Debt, existence of, § 10:227 Evidentiary considerations Income taxation Closing agents, reporting require-Clear and convincing evidence, ments, § 15:102 § 10:228 Escrow accounts, tax treatment, Parol evidence, § 10:229 § 15:103 Factors taken into account, § 10:226 Foreclosure, § 10:230 Indemnification of seller in possession, escrow, § 5:162 Parol evidence, § 10:229 Instructions Redemption, § 10:230 Closing escrows, § 13:47 **ERRORS** Seller in possession, escrow agent, Mistake (this index) § 5:163 **Mortgages** (this index) **ESCROW** New construction payments, § 6:90 Account establishment; use of broker, New York style closings, § 13:53 § 2:6 Payment disbursement, §§ 13:49; Agency closings 13:103 Cook County, § 13:54 Personal property included in sale, Costs, § 13:55 repair escrows, §§ 10:205; 10:206 Use of, § 13:56 Possession prior to closing Broker, use of Agreements, §§ 9:132 to 9:134 Account establishment, § 2:6 Request, § 9:131 Funds disputes, § 2:6 Real estate taxation, § 15:27 Brokers' lien disputes, § 2:141 Reprorations, § 5:367 **Closings** (this index) RESPA, § 13:74 Contracts of sale Sales by owner vs brokered sales Effect of closing on, § 13:48 Account establishment, § 2:6 Seller in possession, escrow, Funds disputes, § 2:6 §§ 5:159; 5:160; 5:165 Seller in possession Cook County agency closings. Generally, § 5:159 §§ 13:52; 13:54 Agent, § 5:161 Deed escrows, § 13:49 Form, § 5:364 Delivery of deed through, § 10:155 Indemnification, § 5:162 Disbursement agreement, § 13:103 Instructions, § 5:163 Earnest money and down payment, Mechanics of escrow, § 5:160 §§ 5:94 to 5:101 Time calculations, § 5:165 Earnest money deposits, § 5:339 Tax considerations, § 15:27 Financing, closing escrows, § 13:50 **ESTATES Decedents' Estates** (this index) Escrow to guarantee delivery of possession, § 13:95 **ESTOPPEL** General form, § 13:96 Public highway, abandonment, Possession, escrow to guarantee § 12:150 delivery, § 13:95 Waiver and Estoppel (this index) Funds disputes Broker, use of, § 2:6 EVANSTON, CITY OF Sales by owner vs brokered sales, Declaration form and instruction sheet, § 9:150 § 2:6

EVANSTON, CITY OF—Cont'd Water billing affidavit, § 9:151

FACSIMILE MACHINES

Closings, payoff letters, \S 9:34

Contracts for sale

Email or faxed documents, §§ 5:280 to 5:282

Notice, § 5:211

Finances and funds, payoff letters, § 9:34

Land trusts, facsimile assignment of beneficial interests

Generally, §§ 10:179; 10:181 Preparation, § 10:180

Recordation, §§ 10:181; 10:290

Mortgages, payoff letters, § 9:34 Notice provisions in contracts of sale, § 5:211

Payoff letters, § 9:34

FAIR DEBT COLLECTION PRACTICES ACT

Condominiums, townhouses, and cooperatives, assessments, §§ 16:117; 16:118

FAIR HOUSING LAWS

Sales by owner vs brokered sales, § 2:3

FEDERAL INCOME TAX

Short sale, tax consequences, § 15:110

FEDERAL PRACTICE AND PROCEDURE

Discrimination in lending, § 7:21 Fair Credit Reporting Act, § 7:17 Fannie Mae/Freddie Mac

Generally, § 7:3

Mortgage form, § 7:283

Note form, § 7:288

Foreclosure, non-judicial, § 8:4

Ginnie Mae financing, § 7:3

Lead disclosures

Generally, §§ 3:47 to 3:51; 3:54

Cause of action, § 3:54 Lending discrimination, § 7:21

Private mortgage insurance (PMI), cancellation rights, § 7:85

Tax liens

Generally, § 12:241

Paying off, § 12:242

FEDERAL PRACTICE AND PROCEDURE—Cont'd

Tax liens-Cont'd

Perfection, § 12:244

Priorities, § 12:243

FEDERAL TRADE COMMISSION ACT

Generally, § 14:185

FEES

Attorneys' Fees (this index)

Mortgages (this index)

Real Estate Agents and Brokers (this index)

FENCES AND FENCING

Boundary establishment

Fence beyond property line, § 11:30 Fence on boundary line, § 11:31

FIDUCIARIES AND PERSONAL REPRESENTATIVES

Acknowledgment by personal representative, § 10:129

Duties

Brokers

Consumer Fraud Act claims, § 14:206

3 14.200

Right to commission, § 2:111

Consumer Fraud Act claims,

§ 14:206

Powers of attorney, §§ 3:101 to 3:103

Gifts, § 3:102

Successor agent, § 3:103

FINANCES AND FUNDS

Exculpatory provision, use of land trust and escrow, § 7:229

Foreclosure (this index)

Mortgages (this index)

Refinancing (this index)

Seller Financing (this index)

FINES AND PENALTIES

Safe Homes Act, § 17:66

FIRST REFUSAL OPTIONS

Generally, §§ 5:321 to 5:325

Condominiums

Conversions, § 16:204

FIRST REFUSAL OPTIONS —Cont'd

Condominiums—Cont'd
Sales, §§ 9:12; 9:13; 9:123
Cooperatives, § 16:263
Forms, §§ 5:389; 5:405
Sale contingencies and alternative sale offers, § 5:389

FIXTURES

Contracts of sale provisions for Generally, § 5:182 Disputed fixtures, § 5:187 Trade fixtures, § 5:183 Disputed fixtures, contracts of sale provisions for, § 5:187

Trade fixtures, contracts of sale provisions for, § 5:183

FLOODS AND FLOODING

Generally, § 14:273
Damages, § 14:275
Limitations, § 14:274

FORECLOSURE

Generally, §§ 8:1 to 8:36
Acceleration, § 7:223
Acceleration assessment, installments, § 16:133
Alteration defense, § 8:14

Assignment of note and mortgage by mortgagee, § 8:7
Assignment of rents, § 8:23
Attorney's fees, §§ 8:35; 8:36

Bona fide purchaser, §§ 8:33; 8:34 Collateral assignment of land trust, §§ 4:83; 7:185

Complaint

Generally, §§ 8:6 to 8:15

Additional lender requirements in beginning action, § 8:8

Alteration defense, § 8:14

Assignment of note and mortgage by mortgagee, § 8:7

Deceased mortgagor; necessary parties, § 8:10

Effect of failure, file claim against the estate, § 8:11

Junior mortgagee and necessary parties, § 8:9

FORECLOSURE—Cont'd

Complaint—Cont'd

Mortgagee or agent as proper party plaintiff, § 8:6

Necessary parties, §§ 8:9; 8:10

Residential mortgage license, mortgagee failure to obtain, § 8:13

Statute of limitations for action, § 8:12

Condominium assessment liens, **§§ 16:129; 16:136; 16:140**

Confirmation of sale, §§ 8:26 to 8:32 Unconscionable sale, § 8:28

Deceased mortgagor; necessary parties, § 8:10

Effect of failure, file claim against the estate, § 8:11

Deed in lieu of, §§ 8:3; 16:130; 16:131 Deficiency judgment, §§ 8:19; 8:20

Equitable mortgages, § 10:230

Federal non-judicial foreclosure, § 8:4

Federal response to crisis, § 8:1

Illinois supreme court rules 113 and 114 on foreclosure cases, § 8:37

Judicial sale, §§ 8:24; 8:25

Junior mortgagee and necessary parties, § 8:9

Land trusts, collateral assignment, §§ 4:83; 7:185

Liability of mortgagee taking title through, §§ 16:130; 16:131

Mechanic lien, compared, § 8:5

Mortgagee or agent as proper party plaintiff, § 8:6

Mortgagee possession rights, §§ 8:21 to 8:23

Necessary parties, §§ 8:9; 8:10

Non-judicial, § 8:4

Partial payment of post foreclosure sale assessments, § 16:131

Predatory lending database, §§ 7:18; 7:19

Profit on resale by mortgagee, § 8:17

Public highways, § 12:151

Redemption right of junior mortgagee, § 8:18

Rents, assignment of, § 8:23

Residential mortgage license,

mortgagee failure to obtain, § 8:13

FORMS—Cont'd FORECLOSURE—Cont'd Chicago land transfers Residential Real Property Disclosure Act exceptions, § 3:67 Water certifications, § 9:64 Seller financing Zoning certification application, Acceleration, § 7:223 § 9:71 Defenses, §§ 7:221; 7:222 Zoning certifications, § 9:155 Statutes applicable, § 7:219 Closings Statutes inapplicable, § 7:220 Generally, § 9:95 Short sale in foreclosure, §§ 8:16; 8:17 Adjustments, § 13:84 Statute of limitations for action, § 8:12 Advance review by buyer's attorney, § 9:96 Tax foreclosures, indemnity fund, § 10:62 Assignment of beneficial interest Tenant's possessory rights after, § 17:7 endorsement, § 13:106 Association questionnaire, § 9:126 Third party purchaser taking title through judicial foreclosure, § 16:132 Buyer's settlement, § 9:161 Acceleration assessment, install-Condominium resale disclosure ments, § 16:133 form, § 9:124 Vacating default judgment for lack of Deed and money escrows, § 13:97 standing, form, § 8:15 Delay in closing, buyer's request for, §§ 9:130; 9:135 FOREIGN STATE OR COUNTRY Direction to convey, § 9:138 Contracts of sale, out-of-state property, Disclosure, closing, § 9:163 § 5:73 Document requirements provision, Real estate contracts of sale, § 5:73 § 11:86 Escrow **FORFEITURES** Deed and money, § 13:97 Broker considerations, § 14:21 Disbursement agreement, **Earnest Money** (this index) § 13:103 Purchaser defaults, §§ 14:126; 14:147 General form, § 13:96 Specific performance defense, § 14:146 Payment, § 13:97 To guarantee delivery of posses-**FORMS** sion, § 13:95 Affidavit Extension of time request, §§ 9:130; Corrective recordings, § 10:287 9:135 Surviving tenant, §§ 4:98; 12:356 Future sale of other property by Anti-Predatory Lending Program, purchaser, § 9:128 requirements for recording under, Insurance binder for condominium § 7:299 property, § 9:127 Bills of sale, §§ 10:10; 10:292 Insurance schedule, closing state-Boundaries, Plat Act exemptions, ment, § 9:162 § 11:63 Joint tenant, affidavit of death of. **Brokers** § 5:340 Affidavit, Lien Act, § 2:153 Mechanics' liens indemnity, Lien Act affidavit, § 2:153 § 13:109 Notice of lien, § 2:155 Mortgage statement request, § 9:136 Release of claim for lien, § 2:156 Notice of failure to obtain mortgage,

§ 9:129

letter, § 9:123

Payment escrow, § 13:97

Paid assessment right of first refusal

Standard form contracts, working

with, § 2:151

Certificate of trust, § 5:330

Waiver of lien, § 2:154

FORMS—Cont'd	FORMS—Cont'd
Closings—Cont'd	Condominiums—Cont'd
Payment for delayed delivery,	Board waivers, § 16:278
§ 13:94	Condominium resale disclosure
Payoff letters, § 9:137	form, § 9:124
Payoff statement	Conversions, tenants' rights,
Letter, § 9:137	§ 16:275
Request, § 9:136	Deed provisions, § 16:274
Personal undertaking in lieu of	Deeds
probate, § 5:341	Conversion, § 10:283
Personal undertakings, §§ 13:104 ; 13:106	Description of property, § 10:284
Possession	Transfer, § 10:282
Delivery, § 13:92	Delivery of condominium
Escrow to guarantee delivery, § 13:95	documentation on resale, §§ 16:272; 16:273
Possession prior to closing Agreements, §§ 9:132 to 9:134	Description of property in deed, § 10:284
Request, § 9:131 Preparation, § 9:95	Developer's option to purchase, § 16:279
Prorations, §§ 13:84; 13:86	Documentation, delivery on resale,
Rent schedule, closing statement,	§§ 16:272; 16:273
§ 9:162	First refusal letter, § 9:123
Representations, seller's, §§ 13:91;	Insurance, § 16:280
14:320	Insurance binder for condominium
Reproration of real estate taxes	property, § 9:127
Escrow, § 13:90	Option to purchase, developer's,
General form, § 13:87	§ 16:279
Increase/decrease limits, § 13:88	Prorations, § 16:276
Vacant property assessments,	Representations of sellers regarding
§ 13:89	assessments, § 16:277
Request to condominium associa-	Request to condominium associa-
tion for closing documentation, § 9:125	tion for closing documentation,
Seller's settlement, § 9:160	§ 9:125
Service contract assignment,	Resale. delivery of condominium
§ 13:85	documentation on, § 16:273
Settlement sheet, § 13:102	Tenants' rights on conversion,
Statement, closing, §§ 9:159; 9:162	§ 16:275
Title indemnity deposit agreement,	Townhouse resale disclosure form,
§ 13:107	§ 9:124
Townhouse resale disclosure form,	Waivers, § 16:278
§ 9:124	Contracts for sale
Warranties, seller's, §§ 13:91;	Acknowledgments
14:320	Signatures, § 10:125
Condominiums	Waivers of board of managers,
Adjustments, §§ 16:276; 16:278	§ 5:359
Assessment representations of sell-	Adjustments, § 5:366
ers, § 16:277	Administrator, exculpation of,
Associations questionnaire, § 9:126	§ 5:344

FORMS—Cont'd

Contracts for sale—Cont'd
Assessments, sellers representations, § 5:358

Association bylaws, right of review, § 5:357

Attorney in fact, acknowledgment by, § 10:128

Beneficiaries of land trustee seller, undertakings of, § 5:332

Bill of sale for personal property included in sale, § 5:369

Bond in lieu of probate, § 5:341

Broker format for signatures to sale contract, § 5:397

Building code representations, § 5:392

Cancellation rights if another offer received, § 5:390

Cancellation rights if mortgagee increases interest, § 5:352

Certificate of trust, § 5:330

Closing of pending sale of purchaser's other property, § 5:391

Condominium insurance, § 5:360 Condominium titles, § 5:361

Conveyances Act form acknowledgment, § 10:130

Corporate seller, provision for deed from, § 10:280

Corporation, acknowledgment by, § 10:126

Covenants, conditions, and restrictions, title subject to, § 5:355

Damage to property prior to closing, § 5:401

Deceased title holder, bond in lieu of probate, § 5:341

Declaration of condominium, right of review, § 5:357

Default events

Damages, § 5:398

Earnest money as liquidated damages, § 5:399

Purchaser defaults, §§ 5:398; 5:399

Seller defaults, § 5:400

Delivery of possession, § 5:362

FORMS—Cont'd

Contracts for sale—Cont'd

Disclaimer of intent to form contract, § 5:402

Disclaimer of interest in property of decedent, § 5:343

Document requirements provision, § 11:86

Earnest money

Liquidated damages, as, § 5:399 Payment by check, §§ 5:338; 5:339; 5:349

Escrow, possession, where seller in possession, § 5:364

Exculpation of executor or administrator, § 5:344

Exculpatory clause, sale by guardian, §§ 5:335; 5:336

Executor, exculpation of, § 5:344

Executor's deed, § 5:345

First refusal rights, § 5:405

First refusal rights prior to fulfillment, § 5:389

Future refinancing of other property of purchaser, § 5:388

Future sale of other property by purchaser, §§ 5:387; 9:128

Guardian, sale by, exculpatory clause, §§ 5:335; 5:336

Incompetent seller, § 5:334

Interest increase cancellation rights Generally, § 5:352

Joint tenant, affidavit of death of, § 5:340

Letter of intent, § 5:402

Liquidated damages, earnest money as, § 5:399

Military service person,

acknowledgment by, § 10:131

Minors, sales by, § 5:333

Mold disclosure, § 5:383

Mortgage assumption indemnity provision, § 5:353

Mortgage contingencies

Generally, § 5:374

Notice of failure to obtain necessary financing, § 5:377

Payment schedule, § 5:375

Request for extension of time, § 5:378

FORMS—Cont'd FORMS—Cont'd Contracts for sale—Cont'd Contracts for sale—Cont'd Mortgage contingencies—Cont'd Seller in possession—Cont'd Variable interest rate, §§ 5:375; Per diem payment by, § 5:363 5:376 Septic system test, § 5:385 Mortgage interest increase cancella-Signatures, § 5:329 tion rights, § 5:352 Soil test, § 5:386 Notice, § 5:373 Spouse signature, § 5:331 Notice of probate, § 5:342 Survey requirements, §§ 5:371; Option contract, § 5:403 11:78 Other property of purchaser, pend-Survival of representations and waring sale of, § 5:391 ranties, § **5:393** Ownership representations, § 5:328 Termite inspection, § 5:382 Partnership, acknowledgment by, § 10:127 Matters affecting, § 5:354 Payment for delayed possession, Time for objection to title evi-§ 5:365 dence, § 12:315 Pending sale of purchaser's other Title subject to existing financing property, § 5:391 Generally, § 5:350 Per diem payment by seller in pos-Consent of mortgagee, session, § 5:363 §§ 5:351; 7:273 Personal property included in sale Trustee, acknowledgment by, Bill of sale, § 5:369 § 10:129 Condition representations, Waivers of board of managers, §§ 5:368; 10:296 § 5:359 Warranty of title, § 5:369 Warranties Warranty transfer, § 5:370 Generally, §§ 5:394; 13:91 Personal representative, Form, § 14:320 acknowledgment by, § 10:129 Survival of, § **5:393** Possession, § 5:362 Time of making, § 5:396 Possession escrow, § 5:364 Title to personal property Prorations, § 5:366 included in sale, § 5:369 Public officer, acknowledgment by, Water test, § 5:385 § 10:129 Cook county clerk instructions, correct Purchaser defaults, § 5:398 a previously recorded document, Purchaser's nominee, name of, § 10:286 §§ 5:347; 10:281 Corporations, deed, corporate grantor, Release of estate's interest in real § 10:266 estate, § 5:346 Correct a previously recorded Representations document, Cook county clerk instruc-Purchaser, § 5:395 tions, § 10:286 Seller, §§ 5:394; 13:91; 14:320 Corrective recording Affidavit, § 10:287 Survival of, § **5:393** Cotenancy and joint ownership, war-Time of making, § 5:396 Risk of loss, §§ 5:278; 5:401 ranty deed, § 10:264 Second offer cancellation rights, Decedents' estates Administrator, exculpation of, § 5:390 Seller defaults, § 5:400 § 5:344 Seller in possession Administrator's deed, § 10:269 Bond in lieu of probate, § 5:341 Escrow, possession, § 5:364

FORMS—Cont'd	FORMS—Cont'd
Decedents' estates—Cont'd	Deeds—Cont'd
Disclaimer of interest in property of decedent, § 5:343	Warranty deeds, §§ 10:263 to 10:265
Exculpation of executor or	Easements
administrator, § 5:344	Driveway cross easement agree-
Executor, exculpation of, § 5:344	ment, § 12:320
Executor's deed, §§ 5:345; 10:270	Gas pipe lines, § 12:319
Joint tenant, affidavit of death of,	General form, § 12:317
§ 5:340	Reservation to seller for ingress and
Release of estate's interest in real	egress, § 12:316
estate, § 5:346	Right of way, § 12:318
Deeds	Seller ingress and egress, reserva-
Administrator's deed, § 10:269	tion of, § 12:316
Condominium deeds	Escrow
Conversion, § 10:283	Escrow to guarantee delivery of
Description of property,	possession, § 13:95
§ 10:284	General form, § 13:96
Special provisions for deeds,	Possession, escrow to guarantee
§ 16:274	delivery, § 13:95
Transfer, § 10:282	Finances and funds. Mortgages, below
Corporate grantor, §§ 10:266;	First refusal options, §§ 5:389; 5:405
10:280	Homeowner property tax exemptions
Customary forms, § 10:10	information, § 3:131
Executor's deed, § 10:270	Insurance
Format requisites for recordation Generally, § 10:175	Closing statement, insurance schedule, § 9:162
Noncompliant deeds, § 10:175	Condominiums, § 16:280
Older documents, § 10:176	Landlord and tenant
Grantor and grantee sample state-	Allocation of rents, § 12:330
ment, § 10:291	Bed bugs
Guardian's deed, § 10:271	Fact sheet, § 17:85
Individual to individual, warranty	Pest management plan, § 17:84
deed, § 10:263	Prevention, informational bro-
Joint tenancy warranty deed,	chure, § 17:83
§ 10:264	Buyer's consent to lease executions
Judge's deed, dissolution of mar-	§ 12:328
riage	Commissioner's adjustment applica
Generally, § 10:272	tion for shared housing units and
Deed, § 10:273	vacation rentals, § 17:86
Supporting affidavit, § 10:274	Estoppel letter, § 12:326
Judicial sale deed, § 10:278	Foreclosed rental property
Naming of purchaser's nominee,	ordinance, protecting tenants in;
§ 10:281	notice to occupants form, § 17:79
Quitclaim deed, § 10:267	Inclusion in prohibited buildings
Sheriff's deed, § 10:275	list, affidavit for, § 17:81
Special warranty deed, § 10:266	Listing of leases, § 12:323
Tenancy by the entireties warranty deed, § 10:265	Removal from prohibited buildings
	list, affidavit for, § 17:82
Trustee's deed, § 10:268	Rent loss protection, § 12:329

FORMS—Cont'd	FORMS—Cont'd
Landlord and tenant—Cont'd	Mortgages—Cont'd
Representations of rental income, § 12:327	Assignment of interest in land trust, § 7:290
Right to review leases, § 12:323	Assignment without consent
Right to sue defaulting tenant,	prohibited, § 7:277
§ 12:331	Assumption by purchaser of exist-
Schedule of tenancies, § 12:324	ing financing, § 7:282
Security deposits indemnity, § 12:332	Beneficial assignments of interest, § 7:290
Land trusts	Cancellation rights if mortgagee
Agreement, § 4:101	increases interest, § 5:352
Assignment of beneficial interest,	Certificate of release, § 7:296
§§ 4:103; 4:104	Commitment, § 7:272
Frequently used provisions in	Contingencies
describing beneficial interest	Generally, § 5:374
holders, § 4:102	General form, § 7:300
Letter of direction, §§ 4:99; 4:100	Notice of failure to obtain necessary financing, § 5:377
Setting up land trust, § 4:66	Payment schedule, § 5:375
Warranty deed in trust, § 4:100	Prepayment, § 7:301
Lead disclosure laws	Request for extension of time,
"Get the Lead Out," Illinois	§ 5:378
Department of Public Health bro-	Variable interest rate, §§ 5:375;
chure, § 3:135	5:376
Lessor's disclosure of information,	Deed of release, § 7:291
sample form, § 3:134	DuPage County Bar Association;
Seller's disclosure, sample form,	articles of agreement, § 7:306
§ 3:133	Escrow, documents retained;
Legislation on standardization of forms, § 10:282	articles of agreement, §§ 7:307 to
Letters of intent	7:309
Generally, § 5:402	Fannie Mae/Freddie Mac
Disclaimer of intent to form	Mortgage form, § 7:283
contract, § 5:402	Note form, § 7:288
Lis pendens, § 12:337	Future refinancing of other property
Marital property, spouse signature,	of purchaser, § 5:388 Indemnity, taking subject to existing
§ 5:331	mortgage, § 7:275
Mortgages	Interest increase cancellation rights,
Anti-Predatory Lending Program,	§ 5:352
requirements for recording under,	Judgment lien, release of, § 7:295
§ 7:299	Junior mortgage prepayment,
Articles of agreement	§ 7:151
DuPage County Bar Associa-	Loan commitment, § 7:272
tion; articles of agreement,	Mortgage assumption indemnity
§ 7:306	provision, § 5:353
Escrow; documents retained,	Mortgage interest increase cancella-
§§ 7:307 to 7:309	tion rights
Assignment of beneficial interest	Generally, § 5:352
endorsement, § 13:106	Partial release, §§ 7:292; 7:294

FORMS—Cont'd	FORMS—Cont'd
Mortgages—Cont'd	Predatory lending database memoran-
Payment record in lieu of release,	dum, § 7:298
§ 7:297	Property insurance
Payoff letters, § 9:137	Closing statement, insurance sched-
Predatory lending database memo-	ule, § 9:162
randum, § 7:298	Condominiums, § 16:280
Prepayment, § 7:284	Property taxes; closing proration,
Junior mortgages, § 7:151	§ 13:86
Purchase money mortgage	Prorations
Identifying mortgage as, § 7:302	Generally, § 13:84
Liability of seller on existing	Condominiums, § 16:276
mortgage or seller gives,	Real estate taxes, § 13:86
restrictions on purchaser's	Reprorations of real estate taxes
right to transfer if, §§ 7:275;	Escrow, § 13:90
7:276; 7:278	General form, § 13:87
Release of seller on title taken	Increase/decrease limits, § 13:88
subject to financing, § 7:274	Vacant property assessments,
Rent assignments, §§ 7:304; 7:305	§ 13:89
Residential loan application and	Purchaser's default; seller reserves right
accompanying documents given	to hold purchaser liable for damages,
to borrower, example of, § 7:269	§ 14:322
Satisfaction of mortgage, § 7:293	Real estate agents and brokers
Single principal payment at matu-	Affidavit, Lien Act, § 2:153
rity, § 7:289	Lien Act affidavit, § 2:153
Subrogation agreement, § 7:287	Notice of lien, § 2:155
Taking subject to mortgage	Release of claim for lien, § 2:156
Indemnity, § 7:275	Standard form contracts, working
Release of seller, § 7:274	with, § 2:151
Tax escrow information and Escrow	Waiver of lien, § 2:154
Account Act notice given to bor-	Records and recording
rower, § 7:271	Grantor and grantee sample state-
Title, accepting subject to existing	ment, § 10:291
financing, §§ 7:279 to 7:281	Plat Act exemptions, § 11:63
Variable interest rate mortgage	Residential property disclosure report,
contingency, §§ 5:375; 5:376	§ 3:136 Pick of loss injury or demage
Notice to agent, § 3:139	Risk of loss, injury or damage, §§ 5:278; 5:401
Option contracts, §§ 5:403; 5:405	Sale and transfer of property, contracts
Possession	Acknowledgments
Delivery of possession, § 5:362	Signatures, § 10:125
Delivery on closing, § 13:92	Waivers of board of managers,
Escrow to guarantee delivery of	§ 5:359
possession, § 13:95	Adjustments, § 5:366
Payment for delayed delivery,	Administrator, exculpation of,
§ 13:94	§ 5:344
Possession, escrow to guarantee	Assessments, sellers representa-
delivery, § 13:95	tions, § 5:358
Powers of attorney; acknowledgment, § 10:128	Association bylaws, right of review, § 5:357

FORMS—Cont'd Sale and transfer of property, contracts —Cont'd Attorney in fact, acknowledgment by, § 10:128 Beneficiaries of land trustee seller. undertakings of, § 5:332 Bill of sale for personal property included in sale, § 5:369 Bond in lieu of probate, § 5:341 Broker format for signatures to sale contract, § 5:397 Building code representations, § 5:392 Cancellation rights if another offer received, § 5:390 Cancellation rights if mortgagee increases interest Generally, § 5:352 Certificate of trust, § 5:330 Closing of pending sale of purchaser's other property, § 5:391 Condominium insurance, § 5:360 Condominium titles, § 5:361 Conveyances Act form acknowledgment, § 10:130 Corporate seller, provision for deed from, § 10:280 Corporation, acknowledgment by, § 10:126 Covenants, conditions, and restrictions, title subject to, § 5:355 Damage to property prior to closing, § 5:401 Deceased title holder, bond in lieu of probate, § 5:341 Declaration of condominium, right of review, § 5:357 Default events Damages, § 5:398 Earnest money as liquidated damages, § 5:399

Purchaser defaults, §§ 5:398;

Seller defaults, § 5:400

Disclaimer of intent to form

contract, § 5:402

Delivery of possession, § 5:362

5:399

FORMS—Cont'd Sale and transfer of property, contracts —Cont'd Disclaimer of interest in property of decedent, § 5:343 Document requirements provision, § 11:86 Earnest money, payment by check, § 5:349 Earnest money as liquidated damages, § 5:399 Escrow, possession, where seller in possession, § 5:364 Exculpation of executor or administrator, § 5:344 Exculpatory clause, sale by guardian, §§ 5:335; 5:336 Executor, exculpation of, § 5:344 Executor's deed, § 5:345 First refusal rights, § 5:405 First refusal rights prior to fulfillment, § 5:389 Future refinancing of other property of purchaser, § 5:388 Future sale of other property by purchaser, §§ 5:387; 9:128 Guardian, sale by, exculpatory clause, §§ 5:335; 5:336 Incompetent seller, § 5:334 Interest increase cancellation rights Generally, § **5:352** Joint tenant, affidavit of death of, § 5:340 Letter of intent, § 5:402 Liquidated damages, earnest money as, § 5:399 Military service person, acknowledgment by, § 10:131 Minors, sales by, § 5:333 Mold disclosure, § 5:383 Mortgage assumption indemnity provision, § 5:353 Mortgage contingencies Generally, § 5:374 Notice of failure to obtain necessary financing, § 5:377

Payment schedule, § 5:375

§ 5:378

Request for extension of time,

FORMS—Cont'd	FORMS—Cont'd
Sale and transfer of property, contracts	Sale and transfer of property, contracts
—Cont'd	—Cont'd
Mortgage contingencies—Cont'd	Seller in possession
Variable interest rate, §§ 5:375;	Escrow, possession, § 5:364
5:376	Per diem payment by, § 5:363
Mortgage interest increase cancella-	Septic system test, § 5:385
tion rights	Signatures, § 5:329
Generally, § 5:352 Notice, § 5:373	Soil test, § 5:386
Notice of probate, § 5:342	Spouse signature, § 5:331
Option contract, § 5:403	Survey requirements, §§ 5:371; 11:78
Other property of purchaser, pending sale of, § 5:391	Survival of representations and war ranties, § 5:393
Ownership representations, § 5:328	Termite inspection, § 5:382
Partnership, acknowledgment by, § 10:127	Title
Payment for delayed possession,	Matters affecting, § 5:354
§ 5:365	Time for objection to title evidence \$ 12:315
Pending sale of purchaser's other	dence, § 12:315 Title subject to existing financing
property, § 5:391	Generally, § 5:350
Per diem payment by seller in pos-	Consent of mortgagee,
session, § 5:363	\$\\$ 5:351; 7:273
Personal property included in sale	Trustee, acknowledgment by,
Bill of sale, § 5:369	§ 10:129
Condition representations, §§ 5:368; 10:296	Waivers of board of managers,
Warranty of title, § 5:369	§ 5:359
Warranty transfer, § 5:370	Warranties
Personal representative,	Generally, §§ 5:394; 13:91
acknowledgment by, § 10:129	Form, § 14:320
Possession, § 5:362	Survival of, § 5:393
Possession escrow, § 5:364	Time of making, § 5:396
Prorations, § 5:366	Title to personal property
Public officer, acknowledgment by,	included in sale, § 5:369
§ 10:129	Water test, § 5:385
Purchaser defaults, § 5:398	Seller financing
Purchaser's nominee, name of, §§ 5:347; 10:281	Purchase money mortgage identification
Release of estate's interest in real	Mortgage form, § 7:285
estate, § 5:346	Note form, § 7:286
Representations	Signatures, § 5:329
Purchaser, § 5:395	Standard form contracts, working with
Seller, §§ 5:394; 13:91; 14:320	§ 2:151
Survival of, § 5:393	Statutory deed forms, § 10:19
Time of making, § 5:396	Statutory short form for power of
Risk of loss, §§ 5:278; 5:401	attorney, §§ 3:138; 3:140
Second offer cancellation rights,	Surveys and surveyors
§ 5:390	Generally, § 11:78

FORMS-Cont'd FORMS—Cont'd Surveys and surveyors—Cont'd Transfer taxes—Cont'd Contract provision for closing Personal property included in sale, documentation, § 11:86 allocation form, § 9:147 Plat Act affidavits PTAX-203, § 9:139 Boone County, § 11:84 PTAX-203-A, § 9:140 Iroquois County, § 11:85 PTAX-203-B, § 9:141 Shelby County, § 11:83 PTAX-203-NR, § 9:142 Plat Act exemptions, § 11:63 State transfer tax exemptions, Surviving tenant affidavit, §§ 4:98; § 9:143 12:356 Trusts and trustees, deed, § 10:268 Tenancies by the entireties of warranty Truth in lending act (TILA), § 7:270 deed, § 10:265 Warranties, time of making, § 14:321 Title and ownership Wrongful death actions Affidavits of title, § 10:298 Administrator, exculpation of, Evidence of title, delay in deliver-§ 5:344 ing, § 12:341 Bond in lieu of probate, § 5:341 General form, §§ 5:76; 5:328 Disclaimer of interest in property of Lender's considerations, § 5:77 decedent, § 5:343 Matters affecting title, § 5:354 Exculpation of executor or Matters to which title is subject, administrator, § 5:344 § 12:322 Executor, exculpation of, § 5:344 Executor's deed, § 5:345 Objection to title evidence, § 12:315 Tenancies by the entireties Joint tenant, affidavit of death of, Judgment lien affidavit, § 5:340 § 12:352 Release of estate's interest in real Survivorship affidavit, marital estate, § 5:346 property, § 12:353 Zoning and planning Chicago transfers, zoning certifica-Title indemnity deposit agreement, § 13:107 tions, § 9:155 Title insurance Chicago zoning certification Deceased joint tenancy affidavit, application, § 9:71 § 12:351 FRAUD AND DECEIT Deposit agreement, § 13:107 Active concealment, § 14:189 Extended coverage affidavit, Brokers' disclosure duties, §§ 2:41; § 12:350 2:42 Extended coverage requirements, Brokers' false information liabilities, §§ 12:344 to 12:350 § 2:71 GAP agreement, § 13:108 Building code compliance, § 5:392 General exceptions, § 12:345 Concealment Indemnity, title deposit agreement, § 13:107 Active, § 14:189 Misrepresentation, § 14:167 Personal undertaking, § 13:108 **Consumer Fraud Act** (this index) Utility letters, extended coverage, Contract of sale provisions, § 5:394 § 12:349 Damages for default Utility letters for extended coverage, Generally, § 14:71 § 12:344 Contractual creation, § 16:72 Transfer taxes Good faith, § 14:74 Exemptions, state transfer tax, Good working order, § 14:76 § 9:143

FRAUD AND DECEIT—Cont'd

Damages for default—Cont'd
Types of representations, § 14:75
Damages for misrepresentation, § 14:23
Deceptive trade practices, broker's
disclosure duties, § 2:45
Fraudulent misrepresentations
Generally, § 14:160
Statutes of limitation, § 14:316
Good working order, § 14:76

Good working order, § 14:76 Half truths, § 14:188

Incomplete disclosures, § 14:188

Justifiable reliance as misrepresentation, § 14:168

Law, misrepresentations of, § 14:193 Law statements, § 14:166 Majority, assertion of, §§ 5:60; 5:337 Merger, §§ 14:116; 14:117 Misrepresentations

Generally, §§ 14:152; 14:157 to 14:168

Concealment as, § 14:167
Justifiable reliance, § 14:168
Law statements, § 14:166
Opinion statements, § 14:166
Reliance, § 14:162
Standard of proof, § 14:163

Negligent misrepresentation, § 14:164 Opinion statements, § 14:166

Ownership by signatories, § 5:61

Puffing, § 14:190

Purchaser's agreements and representations, § 5:395

Reformation of deeds, § 10:252 Rental income, § 12:327

Residential Real Property Disclosure Act, § 3:63

Size of property, § 5:84

Statute of Frauds (this index)

Statutes of limitation, § 14:316

Survival of, § 5:393

Transfers of property, inspection of residential property, fraudulent transfer does not sever joint tenancy, §§ 4:22; 10:222

Uniform fraudulent transfer act Generally, § 10:212 Applicability to obligations, § 10:219

FRAUD AND DECEIT—Cont'd

Uniform fraudulent transfer act

—Cont'd

Creditor's claim before transfer, § 10:216

Insolvency, § 10:215

Intent, § 10:214

Tenancy by the entireties, transfers to, § 10:221

Types of transfers, § 10:213 Valuation of assets, § 10:217

Uniform Fraudulent Transfer Act (this index)

Unjust enrichment, §§ 14:170 to 14:172 Zoning ordinances, misrepresentations re, § 14:194

FRAUD IN THE INDUCEMENT

Disclosure, § 3:41

FRAUDULENT CONCEALMENT

Disclosure, § 3:40

FRAUDULENT CONVEYANCES

Generally, §§ 10:211 to 10:224

County property fraud alert systems, § 10:220

Uniform Fraudulent Transfer Act
Contingent assets or liabilities,
§ 10:218

Valuation of assets, § 10:217

GAP COVERAGE

Closing, escrow instructions, § 13:98

GARN-ST GERMAIN

Due-on-sale clauses, § 4:88

GIFTS AND GRATUITIES

Basis for tax purposes, § 15:9

Between family members, § 10:255

Between spouses, § 10:256

Deed, lost, § 10:159

Fiduciaries and personal representatives, § 3:102

Powers of attorney, contracts to sell realty, § 3:116

Principal to agent, undue influence challenges, § 10:236

GRANTOR AND GRANTEE NAMES

Names of Grantor and Grantee (this index)

GRANTS

Deeds, naming parties, grantor and grantee, §§ 10:64 to 10:85

GRATUITIES

Gifts and Gratuities (this index)

GUARANTY

Construction cases, § 14:317 FHA guaranteed reverse mortgage, § 7:193

Loan guarantee programs, § 7:7

GUARDIAN AND WARD

Contracts of sale by Generally, § 5:59 Exculpatory clause, §§ 5:335; 5:336 Deed by, § 10:271 Limitation of liability of, §§ 5:59; 5:335

HABITABILITY

Generally, §§ 6:111; 14:82 As is sales, **§ 14:106** Basis, § 14:86 Builders, claims against, § 14:96 Condominiums, § 14:95 Contractor, § 14:102 Defect, nature of, §§ 14:90; 14:91 Disclaimers Generally, § 14:105

As is sales, § 14:106 Effective disclaimers, § 14:107 Elements of cause of action, §§ 14:89 to 14:104

Improved land, elements of cause of action covering, § 14:94 Latent defect, § 14:91 Material defect, § 14:90

Merger doctrine, §§ 14:88; 14:119 New construction

Generally, § 6:111 Waiver form. § 6:147 New property, § 14:93 Original builders, § 14:104

Original owner, standing to sue, § 14:99

HABITABILITY—Cont'd

Parties liable, §§ 14:87; 14:96; 14:104 Privity, § 14:97

Punitive damages, § 14:114

Reasonable time, § 14:92

Rehabilitated property, § 14:93

Remedies, § 14:112

Rescission, § 14:113

Standing to sue, §§ 14:98 to 14:100

Statutes of limitation, § 14:101

Subcontractors, § 14:103

Subsequent owner, standing to sue,

§ 14:100

Substantial defect, § 14:90 Waiver form, § **6:147**

Warranty

Generally, §§ 6:111; 14:82 Implied warranty of habitability, §§ 14:82 to 14:114

HEALTH

Contracts of sale, compliance contingencies, health code Generally, § **5:265** FHA and VA loan requirements, **§ 5:266**

HEAT AND HEATING **EOUIPMENT**

Disclosure requirements, heating costs, § 5:288

HIGHWAYS, STREETS, AND **BRIDGES**

Generally, §§ 11:72; 12:126 Acceptance by municipality, § 12:132 Condemnation, § 12:148 Dedication

Generally, § 12:128 Abandonment, § 12:149 Acceptance, §§ 12:142; 12:143 Common law, § 12:139

Death of owner before acceptance, § 12:143

Donative intent, § 12:140 Easements for owners within subdivision, § 12:144 Intent to donate, § 12:140 Maintenance by public authorities,

§ 12:147

Plat reference, creation by, § 12:141

HIGHWAYS, STREETS, AND BRIDGES—Cont'd

Dedication—Cont'd Prescription and, §§ 12:145; 12:146 Public maintenance, § 12:147 Subdivision owners, easements for, § 12:144

Definition, § 12:127 Easements for owners within subdivision, § 12:144

Encroachments on, § 12:112 Plat Act, §§ 11:59; 12:129 Platted roads in subdivisions

Ownership of vacated road, § 12:155

Owner's rights, § 12:152 Vacating by municipality, §§ 12:154; 12:155

Vacating by owners, § 12:153 Platted streets and alleys, § 11:73 Prescription and common law dedication, §§ 12:145; 12:146

Public Highways (this index) Statutory dedication, § 12:128 Unrecorded utility easements, § 11:77

Vacated roads and streets Generally, §§ 11:74 to 11:77 Common law plats, § 11:76

Statutory plats, § 11:75 Unrecorded utility easements, § 11:77

HOME OFFICE DEDUCTIONS

Generally, §§ 15:41 to 15:59 Administrative activities, § 15:47 Business use, § 15:45 Calculating the deduction, §§ 15:55; 15:57

Clients, meetings with, § 15:49 Customers, meetings with, § 15:49 Day care facilities, § 15:52 Employee's business uses, § 15:53 Exclusive use test, § 15:43 Gross income limitations, § 15:59 Inventory storage, § 15:51 Limitations, § 15:58 Management activities, § 15:47 Multiple businesses, § 15:48 Patients, meetings with, § 15:49 Percentage calculations, § 15:57

HOME OFFICE DEDUCTIONS -Cont'd

Principal place of business use, § 15:46 Product samples, § 15:51 Oualifying expenses, § 15:56 Separate structures, § 15:50 Trade or business use, § 15:45 Where to deduct expenses, § 15:54

HOMEOWNERS' ASSOCIATIONS

Generally, § 3:11 Assessments, § 3:16 Closing considerations, fees and assessments status, § 9:14 Condominiums distinguished, § 16:4 Parking policies, § 3:14 Records of association, §§ 16:164 to 16:174 Rental policies, § 3:13 Repairs budgeting, § 3:15 Rules and regulations, § 3:12 Special assessments, § 3:16 Statutory regulation, §§ 16:4; 16:5 Title insurance, homeowner's association endorsements, § 12:309

HOME REPAIR AND REMODELING ACT

Generally, §§ 6:126 to 6:144 Attorney fees, § 6:137 Consumer rights brochure, § 6:133 Form. § 6:133 Contractor defined, § 6:127 Definition of contractor, § 6:127 Enforcement, §§ 6:135; 6:136 Exclusion of subcontractor from Act, § 6:128

Insurance requirements, § 6:134 Notice requirement for home repair after damaging weather, § 6:130 Oral contract, contractor's right to recovery on, § **6:136** Subcontractor excluded from Act, § 6:128 Weather, home repair after damage

caused by, §§ 6:129; 6:130 Written contract, § 6:131

HOMESTEAD

Generally, §§ 10:91; 10:96

HOMESTEAD—Cont'd Condominium assessment liens, §§ 16:141 to 16:145 Cooperatives, proprietary lease, § 16:261 Deeds (this index)

Entitlement to, § 10:92

Exceptions from homestead exemption, § 10:95

Exemption, exceptions from, § 10:95 Inter vivos trust, types of ownership, § 10:94

Land trusts, § 4:90

Loss of homestead rights of spouse, § 10:106

Mortgage conveyances, § 10:102 Mortgagor's release of rights, § 7:143 One spouse not owner, §§ 10:104; 10:105

Partitions, § 10:97

Reverse mortgages, homestead requirements, § 7:194

Sales contracts provisions, § 5:44
Tenancies by the entireties, §§ 4:37;
4:38

Trust conveyances, § 10:102 Types of ownership, § 10:93 Vetoing spouse, § 10:105 Waivers

> Generally, § 10:98 Acknowledgment, § 10:99 Both spouses granting, § 10:100 Effect of non-waiver, § 10:103 One spouse granting, § 10:101 Trust conveyances, § 10:102

HOUSE OR HOME

Home inspections

Consumer Fraud Act claims against, § 14:209

Overview of residential transactions, § 1:17

ICE REMOVAL

Snow and Ice Removal (this index)

IDENTIFICATION

Description and Identification (this index)

ILLINOIS REVERSE MORTGAGE ACT

Generally, § 7:200

IMMUNITY FROM LIABILITY

Snow and ice removal, § 14:48

IMPLIED WARRANTY OF HABITABILITY

Generally, §§ 14:82 to 14:112 Caveat emptor, § 14:83 Disclaimer, purchaser's knowledge, § 14:108

Insolvency of builder-vendor, elements of cause of action, § 14:104

Merger, § 14:87

Privity, subsequent purchaser, § 14:85 Purchaser's knowledge, effective disclaimer, § 14:108

Subsequent purchaser, §§ 14:84; 14:85; 14:111

Waiver of warranty by purchaser Generally, §§ 14:109 to 14:111 As-is purchase, § 14:110 Subsequent purchaser, § 14:111

INDEMNIFICATION

Building and construction contracts and work, § 6:114

Escrow agent, indemnification of, § 5:162

Mechanics' liens indemnity, § 13:109 Mortgage assumptions, §§ 5:353; 7:275 Security deposits, indemnity, § 12:332 Tax foreclosure indemnity fund, § 10:62

Title insurance indemnity agreements Generally, § 12:312 Deposit agreement, § 13:107 Dry closings, § 13:65

INFANTS

Children and Minors (this index)

INSPECTION

Real Estate (this index)
Sale and Transfer of Property (this index)

INSTALLMENT SALES

Condominium units, § 16:221

INSTALLMENT SALES—Cont'd

Defaults

Generally, § 7:217 Reinstatement rights, §§ 7:218 to 7:222

Dwelling Unit Installment Contract Act, § 5:260

Land trusts, installment sale of beneficial interest in. § 7:213 Statutes of limitation, § 14:297 Tax considerations, generally, §§ 15:104 to 15:109

INSULATION

Disclosure requirements, § 5:287

INSURANCE

Property Insurance (this index)

INTENT

Deeds, delivery, § 10:152 Easements, intentional interference Balancing equities, § 12:88 Easements, intentional interference, damages, § 12:87

INTEREST

Mortgages (this index)

INTERFERENCE

Easements, intentional interference Balancing equities, § 12:88 Easements, intentional interference, damages, § 12:87

INTERNET

Contracts, notice provisions, § 5:211 Contracts of sale; email or faxed documents, §§ 5:280 to 5:282 MyDec Online Real Property Transfer Tax Declaration, §§ 9:145; 9:146

INTER VIVOS TRUST

Estate planning purposes, § 4:42 Homestead, types of ownership, § 10:94 Revocable, tenancy by the entireties, § 4:34

IROQUOIS COUNTY

Plat Act affidavits, § 11:85

JOINT OWNERSHIP

Cotenancy and Joint Ownership (this index)

JOINT VENTURES

Statute of frauds, § 5:292

JUDGMENTS, ORDERS AND **DECREES**

Ancient Documents rule on real estate claims, § 12:219

Liens

Generally, § 12:226 Constructive trust, § 12:234 Death of debtor, § 12:231 Land trusts, § 12:230 Partnership, § 12:232 Representative capacity, § 12:233 Tenancy by the entirety judgment lien affidavit, § 12:352 Tenancy by the entirety survivorship marital property affidavit, § 12:353

Memorandum of judgment, title insurance, § 12:325

Mortgage foreclosure, §§ 8:19 to 8:23

Generally, §§ 10:42 to 10:45

Equitable powers, § 10:43

JUDICIAL SALES

Generally, §§ 10:42 to 10:45 Certificate of sale, § 10:277 Deeds

Form, §§ 10:43; 10:278 Judgment lien, § 10:44 Sheriff's deed, § 10:45 Statutory form, § 10:45 Equitable powers, § 10:43 Foreclosure sale, §§ 8:24; 8:25 Judgment lien, § 10:44 Lien, judgment, § 10:44 Sheriff's deed, § 10:45

KNOWLEDGE

Notice or Knowledge (this index)

LAKE COUNTY

Consolidations and divisions of property, § 11:87

LANDLORD AND TENANT

Allocation of rents, § 12:330 Bed bugs

> Fact sheet, § 17:85 Pest management plan, § 17:84

LANDLORD AND TENANT

—Cont'd —Cont'd Bed bugs—Cont'd Option to buy in lease Prevention, informational brochure, Generally, §§ 5:311 to 5:314 § 17:83 Strict compliance with option terms, Chicago Landlord and Tenant § 5:313 **Ordinance** (this index) Termination of lease, § 5:314 Condominium conversions, §§ 16:205: Prorations of rents, § 13:17 16:206 Prorations of security deposits, § 13:20 Condominiums, leasehold, § 16:22 Recordation, § 17:1 Consumer Fraud Act, landlord Rental concessions liabilities, § 14:208 Generally, § 17:5 Cooperative apartments, § 16:256 Notice requirements, § 17:6 Estoppel letter, § 12:326 Rents Evanston residential landlord and tenant Accrued before closing, § 13:19 ordinance, § App 17B Chicago Landlord and Tenant Foreclosure, tenant's possessory rights Ordinance, § 17:21 after, § 17:7 Due after closing, § 13:18 Forms Leases and tenants' rights Allocation of rents, § 12:330 Landlord's demand for rent and Attorney general's office, summary action in possession, § 17:10 from; landlord and tenant rights Personal property, right of and laws, § 17:80 landlord to for rent, § 17:11 Buyer's consent to lease executions, Representations of rental income. § 12:328 § 12:327 Commissioner's adjustment applica-Right to sue defaulting tenant, § 12:331 tion for shared housing units and Security deposits vacation rentals, § 17:86 Security Deposit Return Act Estoppel letter, § 12:326 Generally, § 13:21 Foreclosed rental property ordinance, protecting tenants in; Attorneys' fees, §§ 13:24; 13:25 notice to occupants form, § 17:79 Security deposits Inclusion in prohibited buildings Form, § 12:332 list, affidavit for, § 17:81 Indemnity, § 12:332 Listing of leases, § 12:323 Interest, § 17:9 Removal from prohibited buildings Prorations, § 13:20 list, affidavit for, § 17:82 Seller in possession at closing, Rent loss protection, § 12:329 status recitals, § 5:168 Representations of rental income, Title insurance, leasehold endorse-§ 12:327 ments, § 12:300 Right to review leases, § 12:323 Right to sue defaulting tenant, LANDMARKS § 12:331 Title insurance, landmark designation, Schedule of tenancies, § 12:324 § 12:284 Security deposits indemnity, § 12:332 LAND TRUSTS Interest on security deposits, § 17:9 Assignments Municipal landlord-tenant ordinances Beneficial interest, §§ 4:84 to 4:89 Generally, §§ 17:15 to 17:65 Beneficiary's right to assign benefi-Chicago, §§ 17:16 to 17:59 cial interest, § 4:60

LANDLORD AND TENANT

Lessor's disclosure of information,

sample form, § 3:134

LAND TRUSTS—Cont'd LAND TRUSTS—Cont'd Assignments—Cont'd Homestead, § 4:90 Collateral assignment of beneficial Letter of direction, §§ 4:99; 4:100 interest, §§ 4:41; 4:82; 4:83 **Mortgages** (this index) Due-on-sale clauses, Garn-St Multiple owners of beneficial interest, Germain, § 4:88 form of ownership by, § 4:70 Forms, §§ 4:103; 4:104 Obligations of ownership, beneficiary's Statute of frauds. § 4:86 responsibility for, § 4:62 Terminating trust; conveyance of Partition, no right in beneficiary to, property subject to collateral § 4:61 assignment, § 4:96 Power of direction, §§ 4:71; 4:72 Beneficial interest, statutory definition Practical aspects, § 4:97 of, § 4:58 Proper parties in dispute as to owner-Beneficiary's right to act instead of land ship of beneficial interest, § 4:81 trustee, §§ 4:79; 4:80 Sale and Transfer of Property (this Beneficiary's right to execute contracts index) Authority, § 4:80 Secrecy of ownership, § 4:56 Beneficiary, as, § 4:76 Setting up, §§ 4:65 to 4:72 Sale contract, real estate, § 4:77 Statute of frauds, §§ 4:86; 5:293 Benefits, §§ 4:55; 4:56 Statutory definition, § 4:57 Collateral assignment of beneficial Taxes, generally, § 4:91 interest, §§ 4:82; 4:83; 4:85 Tenants by the entireties, beneficial Common law trust distinguished, § 4:53 interest, § **4:43** Creditor as land trustee, § 4:64 Terminating, §§ 4:94 to 4:96 Deed in trust, §§ 4:67; 4:68 Third party's reliance on documents Deeds (this index) executed by trustee, rights of, § 4:75 Trust agreement, § 4:69 Definition, §§ 4:53; 4:57 Distinctive characteristics, § 4:59 Trustee, eligibility to serve as, §§ 4:63; Due-on-sale clauses, Garn-St Germain, 4:64 § 4:88 LEAD DISCLOSURE LAWS Duties of trustee, §§ 4:73; 4:74 Acknowledgments, § 3:50 Equitable conversion inapplicable to Contingency language covering. installment contract executed by bensample, § 5:384 eficiary, § 4:78 Excluded properties, § 3:49 Exculpation clause in contracts exe-Failures to disclose, effect of, § 3:51 cuted by trustee, § 4:74 Federal requirements Fees of trustee, § 4:89 Generally, §§ 3:47 to 3:51; 3:54 Foreclosure under collateral assignment of beneficial interest, § 4:83 Acknowledgments, § 3:50 Cause of action. § 3:54 **Forms** Agreement, § 4:101 Effective date of regulations, § 3:48 Excluded properties, § 3:49 Frequently used provisions in describing beneficial interest Failures to disclose, effect of, § 3:51 holders, § 4:102 Inspection period, § 3:50 Letter of direction, §§ 4:99; 4:100 **Forms** Setting up land trust, § 4:66 "Get the Lead Out," Illinois Warranty deed in trust, § 4:100 Department of Public Health brochure, § 3:135 Frequently used provisions in describ-

§ 4:102

ing beneficial interest holders,

LEAD DISCLOSURE LAWS —Cont'd

Forms—Cont'd

Seller's disclosure, sample form, § 3:133

"Get the Lead Out," Illinois Department of Public Health brochure, § 3:135

Guidance on the Lead-Based Paint Disclosure rule, § 3:132

Inspection period, § 3:50

Paint standards

Generally, § 3:52

State requirements, § 3:53

State requirements, § 3:53

Statutory requirements accompanying contract, § 5:286

LEASES AND TENANTS' RIGHTS

Damages, proof of attorney's fees, lease termination, § 14:62

Demand for rent and action in possession, § 17:10

Duty of landlord to mitigate, § 17:13

Landlord and Tenant (this index)

Personal property

Landlord's right to for rent, § 17:11 Lien by landlord, § 17:11

Rent

Landlord's demand for rent and action in possession, § 17:10
Personal property, right of landlord to for rent, § 17:11

LEGAL DESCRIPTIONS

Real estate, §§ 11:2 to 11:35

LENDER'S TAX

Insurance escrow, §§ 7:98 to 7:104

LETTERS OF INTENT

Generally, §§ 3:119 to 3:125 Creation of contract by, § 3:121

Disclaimers, § 3:124

Execution of contract, §§ 3:123; 3:125; 5:326

Forms

Generally, § 5:402

Disclaimer of intent to form contract, § 5:402

Omission of items, § 3:122

LETTERS OF INTENT—Cont'd

Sample, § 3:137

Subject to execution of contract, § 3:123

LICENSES AND PERMITS

Generally, §§ 12:98 to 12:104

Brokers, salespersons and leasing agents, licensing of

Generally, §§ 2:21 to 2:29

Affiliated licenses, brokerage relations law, § 2:54

Agency

Definitions, § 2:26

Designated agents, § 2:29

Broker

Definitions, §§ 2:24; 2:28

Exceptions to licensing requirements, § 2:28

Brokerage agreement, definitions, § 2:27

Brokerage relations law

Generally, § 2:49

Duties, § 2:68

Client, definitions, § 2:26

Commission rights conditioned on, § 2:122

Compensation, definitions, § 2:25

Confidential information, § 2:29

Corporations, § 2:23

Designated agents, § 2:29

Exceptions to licensing requirements, § 2:28

Licensee, definitions, § 2:26

Limited liability companies, § 2:23

Partnerships, § 2:23

Professional regulation, § 2:22

Real estate recovery fund, termination of licenses in case of payment of, § 2:155

Regulatory system, § 2:22

Right to commission, conditions of,

2000 Act, § 2:21

§ 2:122

Easements distinguished, §§ 12:12; 12:99

Injunctive relief, § 12:106

Methods of revocation, § 12:102

Oral easement may by license, § 12:104

LICENSES AND PERMITS—Cont'd	LIENS AND ENCUMBRANCES
Prescriptive easements distinguished,	—Cont'd
§ 12:100	Legitimate basis for lien, § 12:251
Real estate, generally, §§ 12:98 to	Mechanics' Liens (this index)
12:104	Municipal demolition lien, § 12:246
Real Estate Agents and Brokers (this	Perfection of federal tax liens, § 12:244
index)	Personal information affidavit, § 12:248
Revocation	Personalty included in real property sale
Generally, § 12:101	Generally, § 5:194
Methods of, § 12:102	Buyer considerations, § 5:196
Roof enroachment, § 12:107	Real property sales contract provi-
Surveys for permits, § 11:48	
Termination of license, § 12:103	sions for, UCC search, § 5:197
	Seller considerations, § 5:195
Trespass, §§ 12:105 to 12:107	Property managers
LIENS AND ENCUMBRANCES	Affidavit of no property manager,
	§ 12:355
Generally, § 12:214	Owner's statement of, § 12:354
Affidavit of no property manager,	Waivers of liens, § 12:354
§ 12:355	Property Taxes (this index)
Affidavits	Real estate
Corrective recording, § 12:354	Condominium assessment liens,
Scrivener's, § 12:357	§ 16:123
Closing problems, § 12:249	Federal tax liens, § 12:243
Condominiums, Townhouses, and	Mechanics' liens, §§ 7:163; 7:166;
Cooperatives (this index)	8:5
Constructive notice	Priorities
Lis pendens, §§ 12:221 to 12:225	Condominium assessment liens,
Recordation and, § 12:216	§ 16:123
Corrective recording affidavit, § 12:354	Federal tax liens, § 12:243
Federal tax liens	Tax liens
Generally, § 12:241	Generally, § 12:206
Paying off, § 12:242	Federal, § 12:243
Perfection, § 12:244	Tax liens
Priorities, § 12:243	Generally, § 12:206
Judgments	
Generally, § 12:226	Federal, § 12:243
Constructive trust, § 12:234	Real Estate Agents and Brokers (this
Death of debtor, § 12:231	index)
	Recordation
Land trusts, § 12:230	Generally, § 12:215
Partnership, § 12:232	Constructive notice, § 12:216
Representative capacity, § 12:233	Revival of judgment, judgment liens,
Tenancy by the entirety	§ 12:229
Judgment lien affidavit,	Scrivener's affidavit, § 12:357
§ 12:352	Tax sales, effect of prior liens, § 10:61
Survivorship marital property	Vendees' liens, § 12:236
affidavit, § 12:353	Vendor's lien, § 10:257
Landlord's lien on personal property, § 17:12	Waivers, § 12:354
Lawsuits and judgments, generally,	LIFE CARE FACILITIES ACT
\$ 12:218	Closings, contract provisions, § 13:22
0	. Closings, contract provisions, 5 10.22

LIFE ESTATES, REMAINDERS, AND REVERSIONS

Partition, § 14:259 Waste by, § 14:271

LIMITATION OF ACTIONS
Statute of Limitations (this index)

LIMITED LIABILITY COMPANIES

Brokerage licenses, § 2:23

Deed designations as grantor or grantee

Signature requirements, § 10:9

Signatures, § 10:117

LIQUIDATED DAMAGES AND PENALTIES

Broker's listing agreement, termination of, § 2:89

Buyer's default, **§§ 14:19; 14:20**

Damages, § 14:22

Earnest money as, § 5:399

Liquidated damages and the right to specific performance, § 14:148

Professional inspector, § 14:18

Seller default, earnest money as liquidated damages, § 14:149

LIS PENDENS

Generally, §§ 12:220 to 12:225 Binding effect, § 12:224 Chain of title, § 12:222 Constructive notice, §§ 12:221 to 12:225

Form of notice, § 12:337 Notice or knowledge, § 12:337 Subsequent parties, effect on, § 12:225 When filed, § 12:223

LISTING AGREEMENT

Attorneys (this index)

Real Estate Agents and Brokers (this index)

LISTS OR LISTING

Agreements, generally, § 2:81

LOANS

Mortgages (this index)

LOST PROPERTY

Abandoned, Lost, and Unclaimed property (this index)

MAILBOX RULE see Contracts for Sale (this index)

MAPS AND PLATS

Generally, § 11:56 Affidavits

Boone County, § 11:84 Iroquois County, § 11:85 Shelby County, § 11:83

Annexations by cities, § 11:58

Applicability of exemption, § 11:62

Common law plats, § 11:76

Condominiums establishment, § 16:25

Contract requirements, § 11:65

Dedication of public highways,

§ 12:129

Exemptions

Generally, §§ 11:60 to 11:64 Applicability, § 11:62 Recordation, § 11:61 Violations, § 11:64

Plat Act

Affidavits

Generally, §§ 11:81 to 11:85 Boone County, § 11:84 Cook County, § 11:82 Iroquois County, § 11:85 Shelby County, § 11:83

Public highways, intention, § 12:130

Statutory dedication of public streets and other public uses, § 11:59

Public highways, § 12:129
Public streets, § 11:59
Recording exemptions, § 11:61

Requirements, § 11:57

Restrictions arising from general plan of development, omission from plat, § 12:86

Streets and alleys, platted Generally, § 11:73

Common law plats, § 11:76

Statutory plats, § 11:75

Unrecorded utility easements, § 11:77

Vacation

Generally, §§ 11:74 to 11:77 Common law plats, § 11:76 Statutory plats, § 11:75

MAPS AND PLATS—Cont'd

Streets and alleys, platted—Cont'd Vacation—Cont'd Unrecorded utility easements, § 11:77

Title insurance endorsements, § 12:298 Unrecorded utility easements, § 11:77 Violations, § 11:64

MARITAL PROPERTY

Additional grantors, spouses signatures, § 10:8

Concept of marital property, § 10:242 Court-ordered distributions, § 10:246 Deed drafting, marital status of grantor, § 10:69

Deeds

Generally, §§ 10:240 to 10:248 Concept of marital property, § 10:242

Explanation on deed, § 10:241 Intent to defeat marital rights, § 10:243

Divorce and Separation (this index) Explanation on deed, § 10:241 Form, spouse signature, § 5:331 Gifts between spouses, § 10:256 Homesteads

Loss of homestead rights of spouse, § 10:106

One spouse not owner, § 10:105 Vetoing spouse, § 10:105 Waivers

> Generally, § 10:98 Acknowledgment, § 10:99 Both spouses granting, § 10:100 Effect of non-waiver, § 10:103 Non-waiver, effect of, § 10:103 One spouse granting, § 10:101

Representation as to marital status of seller, § 5:46

Sales of residences, tax considerations, **§§ 15:90 to 15:94**

Signatures by husband and wife, § 5:42 Spousal rights, § 5:43

Tenants by the Entireties (this index) Wife and husband, signatures by, § **5:42**

MATERIAL DEFECTS

Residential Real Property Disclosure Act, disclosure of all material defects not necessary, § 3:60

MECHANICS' LIENS

Description of real estate, § 11:5
Easements, § 12:55
Equipment added to property, § 12:239
Indemnity agreement, § 13:109
Judgment liens, § 12:235
Mortgage foreclosure law, § 8:5
New construction risks, § 6:14
Priorities vs purchase money liens, § 7:166

Requirements, §§ 12:237 to 12:240
Risks, new construction, § 6:14
Seller financing, § 7:251
Subcontactor claims, owner obligations, § 12:240
Summary of notices to owner, § 12:238

MEMORANDUM OF JUDGMENT

Generally, **§§ 12:227; 12:228** Scrivener's error, **§ 12:228**

MERGER DOCTRINE Consolidation and Merger (this index)

METES AND BOUNDS

Descriptions, real estate, §§ 11:2 to 11:35

MILITARY AND MILITARY SERVICES

Acknowledgment form by service member, § 10:131

MINES AND MINERALS

Deed, mineral rights, § 10:88

MINORS

Children and Minors (this index)

MISTAKE

Generally, §§ 14:152 to 14:171 Boundary, mistaken, § 12:174 Deeds, reformation of, §§ 14:250; 14:252

Fact, mistake of, §§ 14:155 to 14:158 Law, mistake of, § 14:244 Materiality, § 14:156

MISTAKE—Cont'd MORTGAGES—Cont'd Applications Mutual mistake Merger doctrine, § 14:116 Generally, § 7:10 Reformation, §§ 14:241; 14:242 Accuracy of application and documents, § 7:76 Real estate, generally, §§ 14:152 to 14:171 Approval process and, § 7:67 Reformation Attorney practice considerations, Deeds, §§ 14:250; 14:252 § 7:10 Consumer credit scores, § 7:20 Fact, of Discrimination in lending Damages for unjust enrichment, § 14:247 Federal laws, § 7:21 Difference between reformation State laws, § 7:22 and rescission, § 14:246 Electronic, § 7:75 Law, mistake of, § 14:244 Fair Credit Reporting Act, § 7:17 Mutual mistake, §§ 14:241; 14:242 Fees Unilateral mistake, § 14:243 Generally, § 7:69 Hidden, § 7:13 Rescission and reformation, difference between, § 14:158 Refunds, § 7:70 Unilateral mistake Investment, mortgage as, § 7:23 Generally, § 14:157 Overage, § 7:14 Reformation, § 14:243 Resale provisions, § 7:23 Servicing of loans, § 7:24 **MODIFICATION** Tax returns, supplying, § 7:77 **Alteration or Modification** (this index) Time to obtain, § 7:11 Traps for borrowers, § 7:12 MOLD AND MILDEW Underwriting standards, § 7:16 Disclosure, § 5:383 Appraisal fees, § 7:87 Inspection riders in contracts for the Approval process sale of real property, § 5:245 Generally, § 7:60 Accuracy of application and docu-MONEY AND CASH ments, § 7:76 Currency reporting requirements, gener-Conditional commitments, § 7:107 ally, § 5:107 Consumer complaints, § 7:114 MORTGAGE RESCUE FRAUD Discretion, lender's, § 7:60 ACT Discrimination laws Generally, §§ 14:224 to 14:226 Federal, § 7:21 Exemptions, § 14:226 State, § 7:22 Right to cancel contract clauses, Electronic applications, § 7:75 § 14:225 Fees, application Generally, § 7:69 **MORTGAGES** Refunds, § 7:70 Generally, §§ 7:1 to 7:309 Instant approvals, § 7:74 Adjustable rate mortgages (ARM) Loan applications and, § 7:67 Generally, §§ 7:33 to 7:36 Material changes prior to closing, Fixed payment, § 7:59 § 7:110 Ancient Documents rule on real estate No doc loans, § 7:73 claims and mortgages, § 12:219 Notifications of actions, § 7:68 Anti-Predatory Lending Program, Pre-approval of buyers, § 2:14 requirements for recording under, Refunds of application fees, § 7:70 § 7:299

MORTGAGES—Cont'd	MORTGAGES—Cont'd
Approval process—Cont'd	Bi-weekly mortgage, § 7:44
Regular loan documentation, § 7:72	Bridge loans, § 7:52
Requirements of lenders, § 7:61	Brokers, mortgage
Tax returns, § 7:77	Generally, § 7:62
Time requirements, § 7:66	Fees, § 7:63
Typical lender requirements, § 7:61	Relationships to borrowers, § 7:65
Assignment of beneficial interest in land	Services, § 7:64
trust	Builder financing, § 6:125
Generally, §§ 7:181 to 7:185	Buydowns, § 7:54
Endorsement, § 13:106	Buyer to apply for loan, § 5:237
Facsimiles	Carryback combination loans, § 7:47
Generally, § 10:179	Certificate of release, § 7:296
Preparation, § 10:180	Charges
Recordation, §§ 10:181; 10:290	Late charges, § 7:241
Forms, § 7:290	Lender, § 7:78
Transfer taxes, §§ 9:51; 9:82	Closings
Assignments of rents, seller financing,	Generally, §§ 7:111 to 7:113
§ 7:207	Attorney contacts with lender,
Assumption of mortgage	§§ 9:113; 9:114
Generally, §§ 5:108; 7:115 to 7:125	Contact from parties, § 7:113
Buyer considerations, § 7:118	Escrows, § 13:50
Contracts of sale	Policies of lender, §§ 9:115; 9:116
Generally, § 5:108	Scheduling closing with the lender
Indemnification of seller,	Generally, § 9:112
§ 5:353	Closing policies of lender,
Existing mortgage default, buyer's	§§ 9:115; 9:116
right to cure, § 7:236	Timeliness of borrower, § 7:112
Indemnification of seller, § 5:353	Underwriting, relationship to,
Land trusts	§ 9:117
Assignments of beneficial	Combination with seller's carryback,
interests, § 7:122	§ 7:47
Assignments to, § 7:123	Commitments
Release of seller on title taken	Generally, §§ 2:15; 7:105
subject to financing, § 7:274	Additional requirements, § 7:108
Seller considerations, § 7:117	Attorney review, § 7:106
Silent assumption, § 7:216	Conditional, § 7:107
Taking subject to existing mortgage,	Damages for default, § 14:12
§ 7:116	Duration, § 7:109
Title, accepting subject to existing	Form, § 7:272
financing, §§ 7:279 to 7:281	Material changes prior to closing,
Attorney contacts with lender	§ 7:110
Generally, §§ 9:113; 9:114	Conditional commitments, § 7:107
Applications for financing, § 7:10	Consideration for mortgage
Balloon payment loans, §§ 7:42; 7:57	Generally, §§ 7:134 to 7:137
Beneficial interests in land trusts	Contemporaneous consideration,
Joint tenancies, § 4:28	§ 7:137
Bill of sale drafting, coordination with	Nature of underlying application,
lender, § 10:6	§ 7:132

MORTGAGES—Cont'd
Contingencies—Cont'd
Seller financing
Generally, §§ 5:236; 7:203
Option, § 5:235
Waivers, § 5:233
Contract of sale provisions
Assumption of mortgage
Generally, § 5:108
Indemnification of seller,
§ 5:353
Contract for deed, § 5:109
FHA loan requirement contingency
provisions, § 5:266
Mortgage assumption
Generally, § 5:108
Indemnification of seller,
§ 5:353
Title, form in which buyer takes, § 5:77
Title company selection, § 5:130
VA loan requirement contingency
provisions, § 5:266
Conventional mortgages, § 7:30
Convertible fixed-rate mortgage, § 7:39
Conveyance
Generally, §§ 7:139 to 7:144
Acknowledgments, § 7:144
Applicability of doctrines, § 7:141
Homestead rights, release of,
§ 7:143
Requirements, § 7:140
Statutory language, § 7:142
Cook County mortgage recordations,
§ 10:185
Cooperatives, § 16:264
Creation of a mortgage, § 7:130
Custom builds, generally, § 6:116
Deed drafting, coordination with lender,
§ 10:6
Deed in lieu of foreclosure, § 8:3
Deed of release, § 7:291
Defaults, existing mortgage default,
buyer's right to cure, § 7:236
Disclosures
Consumer Fraud Act, § 7:92
Hidden fees, § 7:13
Private mortgage insurance, § 7:27
Resales of mortgages, § 7:23

MORTGAGES—Cont'd	MORTGAGES—Cont'd
Disclosures—Cont'd	Escrow accounts—Cont'd
RESPA requirements, §§ 7:91; 7:92	Closing preparation, status determi-
TILA requirements, §§ 7:93; 7:94	nation, § 9:33
to 7:97	Fees under state law, § 7:102
Discretion, lender's, § 7:60	Illinois Mortgage Escrow Account
Discrimination in lending	Act, §§ 7:100 to 7:103
Federal laws, § 7:21	Interest bearing accounts, § 7:104
State laws, § 7:22	Operation, § 7:99
	Purpose of state law, § 7:101
Dissolution of marriage, effect on mort- gages, § 10:248	Seller financing
	Generally, §§ 7:247 to 7:250
Document requirements	Land trusts, §§ 7:228 to 7:230
Generally, § 7:71	No underlying escrow, § 7:249
Accuracy, § 7:76	Tax proration, § 7:250
Fees, processing, § 7:88	Underlying escrow, § 7:248
Land trusts, § 7:182	Tax escrow information and Escrow
No doc loans, § 7:73	Account Act notice given to bor-
Regular documentation, § 7:72	rower, § 7:271
Tax returns, supplying, § 7:77	Waivers, fee restrictions, § 7:103
Validity, § 7:76	Estoppel letter, § 7:168
Due-on-sale clauses	Execution of mortgage, § 7:145
Seller financing, subsequent	Fair Credit Reporting Act, § 7:17
Generally, § 7:214	Fannie Mae/Freddie Mac
Language, § 7:215	Generally, § 7:3
Effective date of recordation of mort-	Mortgage form, § 7:283
gages, § 7:155	Note form, § 7:288
Equitable conversion, § 7:208	Federally insured mortgages, insurance
Equitable conversion and seller financ-	requirements for borrowers, §§ 7:8;
ing	7:9
Generally, §§ 7:211 to 7:268	Fees
Limitations of doctrine, § 7:212	Generally, §§ 7:78; 7:88
Equitable mortgages	Appraisal, § 7:87
Generally, §§ 7:139; 10:225 to	Charges, lender, § 7:78
10:230	Credit report fees, § 7:88
Clear and convincing evidence,	Document processing fees, § 7:88
§ 10:228	Hidden fees, § 7:13
Debt, existence of, § 10:227	Interest at closing to first full month
Evidentiary considerations	after closing, § 7:79
Clear and convincing evidence,	Origination fees, § 7:81
§ 10:228	
Parol evidence, § 10:229	Other mortgage costs, § 7:88
	Prepayment penalties, § 7:149
Factors taken into account, § 10:226	FHA loans
Foreclosure, § 10:230	Generally, § 7:31
Parol evidence, § 10:229	Contingency financing provision,
Redemption, § 10:230	§ 5:266
Equity sharing, § 7:46	Reverse mortgages, § 7:193
Escrow accounts	Fixed payment ARMs, § 7:59
Generally, §§ 7:98 to 7:104	Foreclosure (this index)

MORTGAGES—Cont'd MORTGAGES—Cont'd Forms Forms—Cont'd Anti-Predatory Lending Program, Interest increase cancellation rights, § 5:352 requirements for recording under, § 7:299 Judgment lien, release of, § 7:295 Articles of agreement Junior mortgage prepayment, DuPage County Bar Associa-§ 7:151 tion; articles of agreement, Loan commitment, § 7:272 § 7:306 Mortgage assumption indemnity Escrow; documents retained, provision, § 5:353 §§ 7:307 to 7:309 Mortgage interest increase cancella-Assignment of beneficial interest tion rights, § 5:352 endorsement, § 13:106 Partial release, §§ 7:292; 7:294 Assignment of interest in land trust, Payment record in lieu of release, § 7:290 § 7:297 Assignment without consent Payoff letters, § 9:137 prohibited, § 7:277 Predatory lending database memo-Assumption by purchaser of existrandum, § 7:298 ing financing, § 7:282 Prepayment Beneficial assignments of interest, Generally, § 7:284 § 7:290 Junior mortgages, § 7:151 Cancellation rights if mortgagee Purchase money mortgage increases interest, § 5:352 Identifying mortgage as, § 7:302 Certificate of release, § 7:296 Liability of seller on existing Commitment, § 7:272 mortgage or seller gives, Contingencies restrictions on purchaser's Generally, § 5:374 right to transfer if, §§ 7:275; General form, § 7:300 7:276; 7:278 Notice of failure to obtain neces-Release of seller on title taken sary financing, § 5:377 subject to financing, § 7:274 Payment schedule, § 5:375 Rent assignments, §§ 7:304; 7:305 Prepayment, § 7:301 Residential loan application and accompanying documents given Request for extension of time, to borrower, example of, § 7:269 § 5:378 Variable interest rate, §§ 5:375; Satisfaction of mortgage, § 7:293 5:376 Single principal payment at matu-Deed of release, § 7:291 rity, § 7:289 DuPage County Bar Association; Subrogation agreement, § 7:287 articles of agreement, § 7:306 Taking subject to mortgage Escrow, documents retained; Indemnity, § 7:275 articles of agreement, §§ 7:307 to Release of seller, § 7:274 7:309 Tax escrow information and Escrow Fannie Mae/Freddie Mac Account Act notice given to bor-Mortgage form, § 7:283 rower, § 7:271 Note form, § 7:288 Title, accepting subject to existing Future refinancing of other property financing, §§ 7:279 to 7:281 Variable interest rate mortgage of purchaser, § 5:388 contingency, §§ 5:375; 5:376 Indemnity, taking subject to existing mortgage, § 7:275 Ginnie Mae, § 7:3

MORTGAGES—Cont'd	MORTGAGES—Cont'd
Graduated payment mortgage (GPM),	Land trusts—Cont'd
§ 7:41	Collateral assignment of the benefi-
Growing equity mortgage (GEM),	cial interest, §§ 7:181 to 7:185
§ 7:40	Condominium master associations,
Guarantee programs, § 7:7	voting rights, § 16:230
Hidden fees, § 7:13	Contracts of sale provisions, § 5:48
Homesteads	Conveyance between land trusts,
Mortgage conveyances, § 10:102	§ 10:84
Rights, release of, § 7:143	Conveyance to another trustee,
Trust conveyances, § 10:102	§ 10:85
Inability to obtain financing, notice,	Deceased title holder, § 5:74
§ 5:238	Deed, trustee's signature, § 10:37
Instant approvals, § 7:74	Deed designations
Insurance	Generally, § 10:81
Generally, § 7:7	Conveyance between land trusts
Private mortgage insurance, § 7:26	§ 10:84
Interest	Conveyance to another trustee,
APR computations, § 7:96	§ 10:85
First month, § 7:79	Language to be used, § 10:83
Hidden fees, § 7:13	Power of trustee, § 10:82
Mark up, § 7:4	Direction, power of, § 7:184
Overage, § 7:14	Documentation, § 7:182
Payment, interest only loans, § 7:56	Due-on-sale clause in mortgage,
Seller financing	§ 4:72
Generally, § 7:239	Facsimile assignment of beneficial
Tax considerations, § 7:240	interests
TILA APR computations, § 7:96	Generally, § 10:179
Wholesale interest rates, § 7:4	Preparation, § 10:180
	Recordation, §§ 10:181; 10:290
Yield spread premium, § 7:5	Foreclosure of collateral assign-
Junior mortgages	ment, § 7:185
Foreclosure	Homestead trust conveyances,
Necessary parties, § 8:9	§ 10:102
Redemption right of junior	Installment sale of beneficial inter-
mortgagee, § 8:18	est in land trust, § 7:213
Form; junior mortgage prepayment,	Joint tenancies, § 4:28
§ 7:151	Judgment liens, § 12:230
Subordination, refinancing,	Naming seller and purchaser, § 5:74
§§ 7:258; 7:259	Obtaining deed from, § 9:35
Kinds of mortgages, § 7:29	Parties to, § 5:48
Land trusts	Partition, § 14:270
Generally, §§ 7:181 to 7:185	Power of trustee, deed designations,
Assignments of interest, §§ 7:181 to	§ 10:82
7:185	Powers of direction, § 7:184
Beneficiaries of land trustee seller,	Recordation
undertakings of, § 5:332	Generally, § 10:289
Beneficiary undertaking in sales	Facsimile assignment of benefi-
contracts, § 5:332	cial interests, §§ 10:181;
Closing preparations, § 9:35	10:290

MORTGAGES—Cont'd	MORTGAGES—Cont'd
Land trusts—Cont'd	Origination fees, § 7:81
Rent assignments, § 7:305	Overage, § 7:14
Seller financing	Overview of mortgage market, § 7:1
Generally, §§ 7:213; 7:228 to 7:230	Overview of residential transactions, § 1:18
Statutory requirements,	Partial release form, §§ 7:292; 7:294
§§ 7:231 to 7:235	Payment
Signatures, deed, § 10:37	Methods. Payment methods, below
Tenancies by the entireties, deed	Private mortgage insurance
issues, § 4:33	premiums, § 7:83
Transfer taxes, declarations, § 9:45	Release, payment record in lieu of,
Voting rights, condominium master	§ 7:297
association requirements,	Single principal payment at matu-
§ 16:230	rity, § 7:289
Late charges, seller financing, § 7:241	Payment methods
Lender's tax, §§ 7:98 to 7:104	Generally, § 7:55
Loan modifications, § 7:28	ARMs, fixed payment, § 7:59
Maintenance requirements, seller	Balloon payment, § 7:57
financing	Fixed payment ARMs, § 7:59
Generally, § 7:260	Interest only loans, § 7:56
Notice, § 7:261	Principal plus interest, § 7:58
Offsets, § 7:262	Payoff letters
Mark up interest, § 7:4	Generally, § 9:27
Mechanics' liens, §§ 7:163; 7:166	Accuracy of, § 9:31
Modifications to loans, § 7:28	Contents, § 9:28
Mortgage Certificate of Release Act,	Faxing payoff letters, § 9:34
§ 7:174	Form, § 9:137
Mortgage types, § 7:29	Insurance escrow balance, § 9:33
Multi-unit development, § 6:122	Mortgage payments, § 9:32
Negative amortization mortgage, § 7:37	Ordering, § 9:30
New home construction, generally,	Request for statement, § 9:136
§ 6:116	Sufficiency of, § 9:29
No doc loans, § 7:73	Tax balances, § 9:33
Nonconforming loans, § 7:6	Points
Non-judicial foreclosure, § 8:4	Generally, § 7:80
Notes	Origination fees, § 7:81
Generally, § 7:169 Fannie Mae/Freddie Mac note form,	Prepaid, § 7:81
§ 7:288	Pre-approval of buyers, § 2:14
Single principal payment at matu-	Predatory lending database memoran-
rity, § 7:289	dum, § 7:298
Notice, §§ 7:146; 7:147	Prepayment
Notices of failure to obtain mortgage	Generally, § 7:148
Generally, §§ 5:238; 9:24	Form, § 7:284
Form, § 9:129	Form for junior mortgage, § 7:151
Notices of financing contingency provi-	Penalties
sions, § 5:234	Generally, § 7:149
Option, seller to secure financing,	Refinancing, § 7:178
§ 5:235	Purchase money mortgages, § 7:150

MORTGAGES—Cont'd	MORTGAGES—Cont'd
Prepayment—Cont'd	Recordation of mortgages—Cont'd
Seller financing, § 7:242	Assignment of note and mortgage
Subordination, § 7:152	by mortgagee, §§ 7:132; 7:133
Pre-qualification of buyer, § 5:239	Cook County, § 10:185
Principal plus interest payments, § 7:58	Effective date, § 7:155
Priorities and preferences	Personal information, removal of,
Generally, §§ 7:164 to 7:167	§ 7:154
Crop liens, § 7:165	Priorities
Mechanic liens, § 7:166	Generally, § 7:157
Purchase money mortgages,	Priority
§§ 7:164; 7:165	Conventional subrogation,
Recordation and, § 7:157	§§ 7:159 to 7:161
Sale of property, § 7:167	Refinancing by third party,
Subordination	§ 7:161
Generally, § 7:152	Requirements, § 7:160
Prior mortgage, release of, § 9:25	Electronic recording, § 7:158
Private mortgage insurance (PMI)	Equitable subrogation, § 7:162
Borrowers, § 7:84	Subrogation
Cancellation rights	Conventional, §§ 7:159 to
Federal law, § 7:85	7:161
State law, § 7:86	Equitable, § 7:162
Disclosures, § 7:27	Right to record seller financed
Lender charges, § 7:82	mortgage, § 7:227
Payment, § 7:83	Seller financed
Proof of delivery, § 7:147	Generally, § 7:225
Public highways	Effect, § 7:226
Effect on mortgage, § 12:136	Right to record, § 7:227
Implied consent of mortgagee,	Subsequent purchasers, § 7:156
§ 12:138	Redemption, equitable mortgages,
Timeliness, § 12:133	§ 10:230
Purchase money financing by seller,	Refinancing
§ 5:236	Generally, §§ 7:175 to 7:180
Purchase money mortgages	Attorney involvement, § 7:180
Identifying mortgage as; form,	Definitions, § 7:175
§ 7:302	Existing lender, use of, § 7:177
Liability of seller on existing	Maximum amount, seller financing
mortgage or seller gives, restric-	§ 7:255
tions on purchaser's right to	Prepayment, § 7:178
transfer if, §§ 7:275; 7:276	Seller financing
Mechanic liens vs, § 7:166	Generally, § 7:254
Prepayment, § 7:150	Maximum amount, § 7:255
Seller financing, § 7:206	Payments under new mortgage,
Recordation of mortgages	§ 7:256
Generally, §§ 7:153 to 7:163	Term of mortgage, § 7:257
Anti-Predatory Lending Program,	Subordination, seller financing,
requirements for recording under,	§§ 7:258; 7:259
§ 7:299	Title insurance, § 7:179

Refinancing—Cont'd When to refinance, §§ 7:176 to 7:178 Refunds of application fees, § 7:70 Regular loan documentation, § 7:72 Release Generally, § 7:173 Certificate of release, § 7:296 Certificate of Release Act, §§ 7:174; 9:26 Judgment lien, release of, § 7:295 Partial release, §§ 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, §§ 9:25; 9:26 Rent assignments, §§ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution, § 7:145 Secondary mortgage market Generally, § 7:23 Servicing of transferred loans, § 7:24 Transferred loans, § 7:22 Disclosures, § 7:23 Servicing of transferred loans, § 7:22 Disclosures, § 7:23 Servicing of transferred loans, § 7:22 Centificate of release, § 7:295 Foreclosure defenses, § 7:202 to 7:268 Foreclosure defenses, § 7:221; 7:222 Option, § 5:235 Servicing of transferred loans, § 7:22 Transferred loans, § 7:22 Seller financing Generally, § 7:20 Transfers and, § 7:22 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 7:151 Subordination Generally, § 7:25 Seller financing Generally, § 7:202 to 7:268 Foreclosure defenses, § 7:221; Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:15 Seller financing Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 7:152 Refinancing Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 7:46 Tax considerations Generally, § 7:46 Tax consideration agreements Generally, § 7:47 Tax foreclosure defenses, § 7:221; Touton in the folian agreements Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 7:46 Tax conside
7:178 Refunds of application fees, § 7:70 Regular loan documentation, § 7:72 Release Generally, § 7:173 Certificate of release, § 7:296 Certificate of Release Act, § 7:174; 9:26 Judgment lien, release of, § 7:295 Partial release, § 8 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, § 8 9:25; 9:26 Rent assignments, § 8 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, § 8 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Evaportion § 7:145 Creation of a
Refunds of application fees, § 7:70 Regular loan documentation, § 7:72 Release Generally, § 7:173 Certificate of release, § 7:296 Certificate of Release Act, § § 7:174; 9:26 Judgment lien, release of, § 7:295 Partial release, § 8 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, § 8 9:25; 9:26 Rent assignments, § 8 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, § 8 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Refunds of application, § 7:25 Servicing of transferred loans, § 7:25 Seller carryback combination loans, § 7:222 Option, § 5:236; 7:202 to 7:268 Foreclosure defenses, § 8 7:221; 7:222 Option, § 5:235 Servicing of loans Generally, § 7:24 Transfers and, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing Generally, § 7:222 Option, § 5:235 Servicing of loans Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax consideration Generally, § 7:111 to 15:113 Sample form, § 15:121 Subordination Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Regular loan documentation, § 7:72 Release Generally, § 7:173 Certificate of release, § 7:296 Certificate of Release Act, § 8 7:174; 9:26 Judgment lien, release of, § 7:295 Partial release, § 8 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, § 8 9:25; 9:26 Rent assignments, § 8 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, § 8 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Refunancing Generally, § \$ 5:236; 7:202 to 7:268 Foreclosure defenses, § 8 7:221; 7:222 Option, § 5:235 Servicing of loans Generally, § 7:24 Transfers and, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, § 7:25 Shared equity finance agreements Generally, § 7:25 Shared equity finance agreements Generally, § 7:25 Shared equity finance agreements Generally, § 7:145 Tax consideration Generally, § 7:152 Refinancing Cenerally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:145 Tax consideration Generally, § 7:152 Refinancing Cenerally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:145 Tax consideration Generally, § 7:152 Refinancing Cenerally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:145 Tax consideration Generally, § 7:152 Refinancing Conventions
Regular loan documentation, § 7:72 Release Generally, § 7:173 Certificate of release, § 7:296 Certificate of Release Act, § 8 7:174; 9:26 Judgment lien, release of, § 7:295 Partial release, § 8 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, § 8 9:25; 9:26 Rent assignments, § 8 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, § 8 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Regular loan documentation, § 7:25 Seller carryback combination loans, § 7:268 Foreclosure defenses, § 8 7:201; 7:222 Option, § 5:235 Servicing of loans Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, § 7:258 Seller carryback combination loans, § 7:222 Option, § 5:235 Servicing of loans Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 7:111 to 15:113 Sample form, § 15:121 Subordination Agreement, § 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
\$ 7:47 Certificate of release, \$ 7:296 Certificate of Release Act,
Senerally, § 7:173 Certificate of release, § 7:296 Certificate of Release Act,
Certificate of release, § 7:296 Certificate of Release Act,
Certificate of Release Act, §§ 7:174; 9:26 Judgment lien, release of, § 7:295 Partial release, §§ 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, §§ 9:25; 9:26 Rent assignments, §§ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution 8 7:145 Generally, §§ 5:236; 7:202 to 7:268 Foreclosure defenses, §§ 7:221; 7:222 Option, § 5:235 Servicing of loans Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, §§ 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Foreclosure defenses, §\$ 7:221; Judgment lien, release of, § 7:295 Partial release, §\$ 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, §\$ 9:25; 9:26 Rent assignments, §\$ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §\$ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution 8 7:145 Foreclosure defenses, §\$ 7:221; 7:222 Option, § 5:235 Servicing of loans Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §\$ 7:259; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Judgment lien, release of, § 7:295 Partial release, § 8 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, § 9:25; 9:26 Rent assignments, § 8 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, § 8 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Transfers and, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, § 8 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Partial release, §§ 7:292; 7:294 Payment record in lieu of release, § 7:297 Prior mortgage, release of, §§ 9:25; 9:26 Rent assignments, §§ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Payment record in lieu of release, Servicing of loans Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, §§ 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Payment record in lieu of release, § 7:297 Prior mortgage, release of, §§ 9:25; 9:26 Rent assignments, §§ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Evenution § 7:145 Servicing of loans Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
From mortgage, release of, §§ 9:25; 9:26 Rent assignments, §§ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Generally, § 7:24 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Prior mortgage, release of, §§ 9:25; 9:26 Rent assignments, §§ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Transfers and, § 7:25 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 8 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, §§ 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
9:26 Rent assignments, §§ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Shared equity finance agreements Generally, § 7:46 Tax considerations Generally, § 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, §§ 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Rent assignments, §§ 7:207; 7:304; 7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Requirements Generally, § 7:46 Tax considerations Generally, § 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
7:305 Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Tax considerations Generally, §§ 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, §§ 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Requirements Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Generally, §§ 15:111 to 15:113 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, §§ 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Acknowledgments, § 7:144 Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution, § 7:145 Sample form, § 15:121 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, §§ 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Consideration Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Subordination Generally, § 7:152 Refinancing, §§ 7:258; 7:259 Subrogation Agreement, § 7:287 Priority Conventional subrogation, §§ 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Generally, §§ 7:134 to 7:137 Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145
Contemporaneous consideration, § 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Contemporaneous consideration, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
§ 7:137 Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Subrogation Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
Nature of underlying application, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Sublogation Agreement, § 7:287 Priority Conventional subrogation, § 7:159 to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
tion, § 7:132 Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution § 7:145 Taking subject to existing mortgage
Necessity for note, § 7:136 Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution & 7:145 Taking subject to existing mortgage
Contemporaneous consideration, § 7:137 Creation of a mortgage, § 7:130 Execution & 7:145 Conventional subjection and solve and subject to 7:161 Recordation and, § 7:162 Taking subject to existing mortgage
§ 7:137 Creation of a mortgage, § 7:130 Execution & 7:145 Creation of a mortgage & 7:130 Execution & 7:145 Taking subject to existing mortgage
Creation of a mortgage, § 7:130 Execution 8 7:145 Taking subject to existing mortgage
Execution \$ 7.145
Execution, § 7:145 Indomnity § 7:275
Indemnity, § 7:275
Homestead rights, release of, Prorations, § 13:29
§ 7:143 Release form, § 7:274
Investment, mortgage as, § 7:131 Tax returns, supplying, § 7:77
Note, § 7:169 Nation § 8 7:146, 7:147 Time to obtain, § 7:11
Notice, §§ 7:140; 7:147
Permanent Index Number (PIN), 8.7.145 Acceptance of subject to existing
§ 7.143 financing
Proof of delivery, § 7:147 Generally § 5:350
Rescission rights, TILA, § 7:97 Consent of mortgagee.
Reverse Mortgage (this index) §§ 5:351; 7:273
Reverse mortgages, § 7:38 Accepting subject to existing
Satisfaction of mortgage form, § 7:293 financing, §§ 7:279 to 7:281
Scheduling closing with the lender Affidavit drafting, coordination with
Generally, § 9:112 lender, § 10:6
Closing policies of lender, Insurance timing, lender involve-
§§ 9:115; 9:116 ment, § 12:275

MORTGAGES—Cont'd Title insurance Mortgage policies, § 12:311 Transfers and servicing of loans, § 7:25 Transfer tax declarations 9:83 Generally, § 9:44 Land trusts, § 9:45 Traps for borrowers, § 7:12 Trust deeds Generally, § 7:170 Advantages, § 7:172 Closing preparations, § 9:36 Conveyance between land trusts, § 10:84 Conveyance to another trustee, § 10:85 Deed designations Generally, § 10:81 Conveyance between land trusts, § 10:84 Conveyance to another trustee, § 10:85 Language to be used, § 10:83 Power of trustee, § 10:82 Homestead trust conveyances, § 10:102 Powers of trustee, deed designation, § 10:82 Procedures, § 7:171 Types of mortgages, § 7:29 Underwriting standards, § 7:16 VA loans Generally, § 7:32 Contingency financing provision, § 5:266 Variable interest rate mortgage contingency, §§ 5:375; 5:376

MULTIPLE LISTINGS

Vendor's lien. § 10:257

mark up, § 7:4

Generally, § 2:12

MUNICIPAL DEMOLITION LIEN

Wholesale interest rates and lender's

Wraparound mortgage, § 7:53

Yield spread premium, § 7:5

Liens and encumbrances, § 12:246

MUNICIPALITIES AND POLITICAL SUBDIVISIONS

Annexations by cities under Plat Act, § 11:58

Closing, code considerations, §§ 9:81;

Investigation, pre-contract, § 6:26 Laws and ordinances

Annexations by cities under Plat Act, § 11:58

Closing, code considerations, §§ 9:81; 9:83

Investigation, pre-contract, § 6:26 Planned unit developments, § 11:69 Ordinances

Annexations by cities under Plat Act, § 11:58

Closing, code considerations, §§ 9:81; 9:83

Investigation, pre-contract, § 6:26 Planned unit developments, § 11:69 Planned unit developments, § 11:69 Registration of rental residential build-

ings, § 9:85

Transfer taxes

Chicago

Affirmative defenses, vacant building ordinance, § 9:77

Hazardous vacant buildings, ordinance, § 9:78

Mortgagee requirements, vacant building ordinance, § 9:76

Vacant building ordinance, §§ 9:74 to 9:79

Cook County Vacant Building Ordinance, § 9:78

Vacant building ordinances, §§ 9:74 to 9:79

MUNICIPAL TRANSFER TAXES

Generally, §§ 9:39; 9:52; 9:55; 9:80 Burden of proof, Chicago, § 9:60

Generally, §§ 9:54; 9:55; 9:57 Affirmative defenses, vacant building ordinance, § 9:77 Burden of proof, § 9:60 Exemptions, §§ 9:59; 9:60 Hazardous vacant buildings, ordinance, § 9:78

MUNICIPAL TRANSFER TAXES —Cont'd Chicago—Cont'd Included transfers, § 9:57 Mortgagee requirements, vacant building ordinance, § 9:76 Vacant building ordinance, § 9:74 to 9:79 Chicago revenue, reasonable cause for late payment ruling, § 9:149 Constitutionality, § 9:53

Constitutionality, § 9:53

Cook County Vacant Building
Ordinance, § 9:78

Declaration form and instruction sheet,
City of Evanston, § 9:150

Exemptions, Chicago, § 9:59; 9:60

Included transfers, Chicago, § 9:57

Inspection, § 9:84

MyDec

Generally, § 9:38
Online Real Property Transfer Tax
Declaration, §§ 9:145; 9:146
Penalty for late purchase of transfer stamps, § 9:58

Recordation requirements, § 10:190 Summary of transfer taxes, § App 9B Vacant building ordinances, §§ 9:74 to 9:79

MYDEC

Municipal Transfer Taxes (this index)

NAMES OF GRANTOR AND GRANTEE

Business entity as grantor or grantee, § 10:71

Consideration recitals in deeds, § 10:86 Conveyance to self, § 10:67

Corporation as grantor or grantee Generally, § 10:71

Directors' approval of sale, § 10:76 Good standing, certificate of,

§ 10:74

Grantor corporation, § 10:73

Language of corporate conveyance, § 10:77

Shareholder approval of sale, § 10:75

Signatories to corporate deed, § 10:78

NAMES OF GRANTOR AND GRANTEE—Cont'd

Corporation as grantor or grantee —Cont'd

Signatures, § 10:115

Deed drafting generally, §§ 10:64 to 10:85

Entity as grantor or grantee, § 10:71 Erroneous grantees, § 10:66 Fictitious grantees, § 10:66 Land trusts

> Generally, § 10:81 Conveyance between land trusts, § 10:84

Conveyance to another trustee, § 10:85

Language to be used, § 10:83 Power of trustee, § 10:82

LLC as grantor or grantee, signatures, § 10:117

Marital status of grantor, § 10:69 Partnership as grantor or grantee Grantor partnership, § 10:79 Signatories to partnership deed,

§ 10:80

Signatures, § 10:116
Purchaser's nominee, name of
Contract provision, § 5:347
Deed, § 10:281

Self conveyance, § 10:67 Sellers' names, § 10:68

Trust deed

Generally, § 10:81

Conveyance between land trusts, § 10:84

Conveyance to another trustee, § 10:85

Language to be used, § 10:83 Power of trustee, § 10:82

Unincorporated associations as grantor or grantee, § 10:72

Variations in names, deed problems, § 10:65

NEGOTIATIONS AND NEGOTIATORS

Attorney's role in, § 1:6
Broker, use of, § 2:4
Disclaimer of intent to form contract, § 5:402

NEGOTIATIONS AND NEGOTIATORS—Cont'd

Merger doctrine, § 14:122 Sales by owner, § 2:4 Title insurance costs, § 12:273

NEIGHBORS OR NEIGHBORHOOD

Buyer inspections of neighborhood conditions
Generally, § 3:9
New construction, § 6:26

NOTARIES PUBLIC

Absent sellers, pre-signing by, § 9:93
Acknowledgments, § 10:124
Certificate of acknowledgment,
§ 10:133

Generally, § 10:124
Certificate of acknowledgment,
§ 10:133

Contracts of sale, execution

Foreign country executions, § 10:132

Conveyances Act form acknowledgment, § 10:130

Electronic, §§ 10:141 to 10:143
Electronic notarial certificate, § 10:136
Foreign country executions, § 10:132
Remote and electronic, §§ 10:137 to
10:140

Remote notarization, §§ 10:138; 10:262

NOTICE OR KNOWLEDGE

Agent, notice to, § 3:139 Chain of title

Constructive notice, § 12:18 Inquiry notice, § 12:19

Easements, to purchasers, §§ 12:17 to 12:19

Mechanics' liens, summary of notices to owner, § 12:238

Mortgage requirements, §§ 7:146; 7:147

Power of attorney, Illinois statutory short form, § 3:140

Property taxes, **§§ 10:48 to 10:50** Right of first refusal, **§§ 5:324; 5:325**

NOTICE PROVISIONS

see Contracts for Sale (this index)

NUISANCES

Private nuisances
Generally, § 14:276
Balancing, § 14:277
Successor owners, § 14:278

OPTION CONTRACTS

Generally, §§ 5:305 to 5:320 Consideration for option, § 5:307 Exercise of option, §§ 5:308; 5:310 First refusal rights Generally, §§ 5:321 to 5:325

Form, § 5:405

Forms, **§§ 5:403; 5:405** Lease with option to buy

Generally, §§ 5:311 to 5:314

Consideration, § 5:312

Strict compliance with option terms, § 5:313

Termination of lease, § 5:314
Notice to exercise option, § 5:309
Recordation, § 5:403
Requirements for option, § 5:306
Residential Real Property Disclosure
Act, § 3:57

Title insurance endorsements, § 12:302

ORAL CONTRACTS

Generally, § 5:299 Estoppel, § 5:303 Statutes of limitation, § 14:299

ORDERS

Judgments, Orders and Decrees (this index)

OWELTY

Generally, § 14:269

PARKING PLACES AND LOTS

Generally, § 12:114

Homeowners' associations policies, § 3:14

PAROL EVIDENCE

Generally, §§ 5:8; 10:249 Contracts of sale Generally, § 5:8 Exceptions to rule, § 5:10

Four corners rule, § 5:9

Scope of rule, § 5:11

Equitable mortgages, § 10:229

PAROL EVIDENCE—Cont'd Four corners rule, § 10:250

PARTITION

Generally, § 14:255 Attorney's fees, § 14:269

Condominium common elements, partition attempts, § 16:41

Dissolution partition, § 14:268

Division in kind vs sales, § 14:264

Interests subject to, §§ 14:257 to 14:268

Land trusts

Generally, § 14:270

Lease holds, § 14:259

Life estates, § 14:259

Limitations on action, § 14:267

Mineral rights, § 14:260

Necessary parties to partition action, § 14:261

Owelty, § 14:269

Sale vs division in kind, § 14:264

Statutory requirements for partition Necessary parties to partition action,

§ 14:261 Tenancy by the entireties, § 14:258

PARTNERS AND PARTNERSHIPS

Acknowledgment form, § 10:127

Brokerage licenses, § 2:23

Deed designations

Venue, § 14:256

Grantor partnership, § 10:79 Signatures, §§ 10:9; 10:80; 10:116

Grantor partnership, § 10:79

Judgment lien against, § 12:232

Sales of residences; exclusion of gain,

§ 15:95

Signatories to partnership deed, § 10:80 Statute of frauds, § 5:292

PARTY WALLS

Generally, §§ 12:114; 12:115 Buyer's considerations, § 12:118 Practical aspects, § 12:116 Seller's considerations, § 12:117

PAYMENT

Generally, § 13:49

Affidavit, owner's affidavit covering broker and payment, § 2:157

PAYMENT—Cont'd

Balloon payment, §§ 7:42; 7:57

Brokers commissions, §§ 5:271; 9:97

Certified funds, § 5:106

Chicago utilities

Full payment certificate application form, § 9:153

Closing and settlement, § 13:61

Currency reporting requirements,

§ 5:107

Delayed delivery payments, § 13:94

Escrow disbursement agreement,

§ 13:103

Escrow payment, § 13:49

Mortgages (this index)

Occupancy payments

Generally, § 13:41

Form, § 13:93

Proceeds payment letter, absent sellers, § 9:90

Real estate sales

Generally, § 13:49

Balloon payment, §§ 7:42; 7:57

Brokers commissions, §§ 5:271; 9:97

Certified funds, § 5:106

Closing and settlement, § 13:61

Currency reporting requirements, § 5:107

Delayed delivery payments, § 13:94

Escrow disbursement agreement, § 13:103

Escrow payment, § 13:49

Mortgage payment status, § 9:32

Mortgage payoff letters, § 9:32

Occupancy payments

Generally, § 13:41

Form, § 13:93

Proceeds payment letter, absent sellers, § 9:90

Specific performance, essential contract terms, § 14:138

Tax payment status, § 9:37

Specific performance, essential contract terms, § 14:138

Tax payment status, § 9:37

PAYOFF LETTERS

Mortgages (this index)

PERSONAL PROPERTY—Cont'd

Municipal transfer taxes, late purchase Real estate conveyances including of transfer stamps, § 9:58 personal property-Cont'd Forms—Cont'd PERMISSIVE ACTS OR MATTERS Condition representations, Possession, adverse and permissive, §§ 5:368; 10:296 § 12:167 Warranties of third parties. assignment, § 10:297 **PERMITS** Inclusion in sale generally, **Licenses and Permits** (this index) §§ 5:184; 5:185 Inspections PERSONAL PROPERTY Generally, § 10:204 Leases and tenants' rights Repair of inspected items, Landlord's lien on personal prop-§ 10:205 erty, § 17:12 Repair of uninspected items, Landlord's right to for rent. § 17:11 § 10:206 Real estate conveyances including Liens personal property Generally, § 5:194 Generally, §§ 5:181; 5:192 Buyer considerations, § 5:196 Bulk transfer laws Seller considerations, § 5:195 Generally, § 10:194 UCC search, § 5:197 Chicago ordinance, § 10:295 Listing of personalty in sales Definitions, § 10:195 contracts, § 5:188 Tax notice to Department of Pricing separately, § 5:191 Revenue, §§ 10:196; 10:294 Removability considerations, Buyer's considerations, § 5:190 § 5:186 Buyers' inspections of property, Repair of inspected items, § 10:205 § 3:8 Repair of uninspected items, Condition of property § 10:206 Generally, §§ 5:198; 10:203 Schedules, § 5:188 As is recital, § **5:201** Seller's considerations, § 5:189 Form, §§ 5:368; 10:296 Third-party warranties Good working condition, Generally, § 10:207 § 5:199 Assignment form, § 10:297 Inspections Title warranties, § 10:192 Generally, § 10:204 Transfer tax implications Repair of inspected items, Generally, § 9:47 § 10:205 Allocation form, § 9:147 Repair of uninspected items, UCC lien search, § 5:197 § 10:206 Silence as to condition, § 5:200 Warranties Used condition, § 5:201 Generally, § 14:80 Purchased, § 5:203 Warranties, purchased, § 5:203 Third parties', § 10:207 Working order, § 5:202 Title, §§ 5:369; 10:192 Debris removal, § 5:204 Transfers, § 5:370 Disputed fixtures, § 5:187 Escrows to repair, §§ 10:205; Repairs 10:206 Condition of property, inspections Forms Inspected items, § 10:205 Uninspected items, § 10:206 Bills of sale, § 10:292

PENALTIES

Uninspected items, § 10:206 Uninspected items, § 10:206 Sale and Transfer of Property (this index) PERSONAL REPRESENTATIVES Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Definition, § 5:157 Date certain, possession on, § 5:158 Deed, acceptance and possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	PERSONAL PROPERTY—Cont'd	POSSESSION—Cont'd
Inspected items, § 10:205 Inspected items, § 10:205 Uninspected items, § 10:206 Uninspected items, § 10:206 Uninspected items, § 10:206 Sale and Transfer of Property (this index) PERSONAL REPRESENTATIVES Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Generally, § 5:156 Closing, possession on, § \$ 5:158 Definition, § 5:157 Date certain, possession on, § 5:158 Deed, acceptance and possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:156 Closing, possession on, § \$ 5:158 Definition, § 5:157 Delivery of possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession form, § 5:362 Early possession on, § 5:362 Early possession on, § 5:158 Deed, acceptance and possession of property, § 5:157 Delivery of possession form, § 5:362 Early possession form, § 5:362 Early possession on, § 5:362 Definition, § 5:157 Delivery of possession of property, § 5:171 Escrow instructions Generally, § 5:158 Deed, acceptance and possession of property, § 5:158 Deed, acceptance and possession of property, § 5:158 Dediction, § 5:158 Dediction, § 5:158 Dediction, § 5:158 Delivery of possession on, § 5:158 Delivery of possession on, § 5:158 Delivery of possession on, § 5:158 Delivery of possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession form, § 5:362 Early possession on, § 5:158 Delivery of possession of property, § 11:69 Indemnification, § 5:165 Forms Delivery of possession, § 5:165 Forms Delivery of possession on, § 5:158 Delivery of possession on, § 5:158 Delivery of possession on, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Porms Delivery of possession on, § 5:162 Mechanics of e	Repairs—Cont'd	Closings (this index)
Inspected items, § 10:205 Inspected items, § 10:205 Uninspected items, § 10:206 Uninspected items, § 10:206 Uninspected items, § 10:206 Sale and Transfer of Property (this index) PERSONAL REPRESENTATIVES Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Closing, possession on, § 5:158; Date certain, possession on, § 5:158 Deed, acceptance and possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	Escrows to repair, §§ 10:205;	Contract provisions
Inspected items, § 10:205 Uninspected items, § 10:206 Uninspected items, § 10:206 Sale and Transfer of Property (this index) PERSONAL REPRESENTATIVES Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 13:37 Date certain, possession on, § 5:158 Deed, acceptance and possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:169 Indemnification, § 5:162 Mechanics of escrow, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	10:206	Generally, § 5:156
Uninspected items, § 10:206 Uninspected items, § 10:206 Sale and Transfer of Property (this index) PERSONAL REPRESENTATIVES Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Definition, § 5:157 Date certain, possession on, § 5:158 Deed, acceptance and possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94		
Uninspected items, § 10:206 Sale and Transfer of Property (this index) PERSONAL REPRESENTATIVES Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Date certain, possession on, § 5:158 Deed, acceptance and possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	Inspected items, § 10:205	Date certain, possession on, § 5:158 Definition, § 5:157
Sale and Transfer of Property (this index) PERSONAL REPRESENTATIVES Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Deed, acceptance and possession of property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94		
property, § 10:163 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession form, § 5:362 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 5:362 Delivery of possession, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94		
PERSONAL REPRESENTATIVES Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Definition, § 5:157 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94		
Fiduciaries and Personal Representatives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Delivery of possession form, § 5:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession form, § 3:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:162 Mechanics of escrow, § 5:165 Forms Delivery of possession form, § 3:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:162 Mechanics of escrow, § 5:165 Forms Delivery of possession form, § 3:362 Early possession form, § 3:362 Early possession by buyer, § 5:171 Escrow instructions Generally, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession form, § 3:362 Early possession by buyer, § 5:171 Escrow instructions	DEDCONAL DEDDECEMEA/DIMEC	
tives (this index) PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Escrow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94		Delivery of possession form, § 5:362
PIPES AND PIPELINES Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Easerow instructions Generally, § 5:159 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94		Early possession by buyer, § 5:171
Easement for, § 12:57 PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Indemnification, § 5:162 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	uves (this index)	
Mechanics of escrow, § 5:160 Time calculations, § 5:165 Torms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Mechanics of escrow, § 5:160 Time calculations, § 5:165 Forms Delivery of possession, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	PIPES AND PIPELINES	
PLANNED UNIT DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Time calculations, § 5:165 Forms Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	Easement for, § 12:57	
DEVELOPMENTS (PUD) Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	DI ANINIPIN LINIUP	
Division and consolidation of property, § 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Delivery of possession, § 5:362 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94		
\$ 11:69 Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Delivery on closing, § 13:92 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94	, , ,	
Investigation, pre-contract, § 6:31 Restrictions arising from general plan of development Generally, § 12:84 Escrow to guarantee delivery of possession, § 13:95 Payment for delayed delivery, § 13:94		
Restrictions arising from general plan of development Generally, § 12:84 Restrictions arising from general plan of possession, § 13:95 Payment for delayed delivery, § 13:94	· ·	
development Payment for delayed delivery, § 12:84 § 13:94		
Generally, § 12:84 § 13:94		
Umission from deed or plat. § 12:80 Possession escrow to guarantee	Omission from deed or plat, § 12:86	Possession, escrow to guarantee
Requirements, § 12:85 delivery, § 13:95		
Holding over after closing 8 13-43	•	
Occupancy payments closing		
Maps and Plats (this index) Generally, § 13:41	Maps and Plats (this index)	
PLEADINGS Form, § 13:93	PLEADINGS	
Foreclosure (this index) Prorations, closing vs possession, §§ 13:14; 13:15	Foreclosure (this index)	
PLEDGES Risk of loss after transfer of, § 5:277	PLEDGES	
Generally, § 7:106 Seller in possession	Generally, § 7:106	
Damages during 8 5:170	DOINTE	
FORM 8 5.364		
Generally, § 7:80 Post closing inspections, § 5:169	Generally, § 7:80	Post closing inspections, § 5:169
POLITICAL SUBDIVISIONS Status recitals, § 5:168	POLITICAL SUBDIVISIONS	Status recitals, § 5:168
Municipalities and Political Subdivi- Use payments, closing	Municipalities and Political Subdivi-	
sions (this index) Generally, § 13:41	sions (this index)	
Form, § 13:93	DOCCECCION	
POSSESSION Visible possession by third party		
Acceptance of deed and possession of Generally, § 17:2		
property, § 10:163 Agreed payments on closing, § 13:42 Buyer's inspection, § 17:3		Buyer's inspection, § 17:3
Buyer in possession before closing, POWERS OF ATTORNEY		POWERS OF ATTORNEY
§ 13:44 Acknowledgment form, § 10:128		
Buyer's inspections, § 17:3 Agent, powers of, §§ 3:114 to 3:117	· ·	

POWERS OF ATTORNEY—Cont'd

Capacity to convey

Generally, § 10:234

Fairness of transaction, § 10:235

Gift from principal to agent,

§ 10:236

Contracts to sell realty

Generally, §§ 3:99 to 3:118

Agent, powers of, §§ 3:114 to 3:117

Fiduciary relationship, §§ 3:101 to 3:103

Gifts, §§ 3:102; 3:116

Insurance beneficiary, changing, § 3:115

Limitations on powers, §§ 3:104; 3:115; 3:116

Notice to individual signing statutory short form, § 3:140

Practical limitations on use, § 3:118

Statutory short form, §§ 3:108 to 3:112; 3:114 to 3:117; 3:138;

3:140

Strict construction rule, § 3:117

Successor agent, § 3:103

Term of power, § 3:109

Term of power of attorney,

§§ 3:105; 3:106

Durable Power of Attorney Act provisions, § 3:144

Fiduciary relationship, §§ 3:101 to 3:103

Form of acknowledgment, § 10:128 Gifts

Generally, §§ 3:102; 3:116

Principal to agent, § 10:236

Insurance beneficiary, changing, § 3:115

Limitations on powers, §§ 3:104; 3:115; 3:116

Non-statutory power of attorney, § 3:113

Notice to individual signing Illinois statutory short form power of attorney, § 3:140

Practical limitations on use, § 3:118

Right of agent to act after court appointment of guardian, § 3:106

Statutory short form, §§ 3:108 to 3:112; 3:114 to 3:117

Strict construction rule, § 3:117

POWERS OF ATTORNEY—Cont'd

Term of, §§ 3:105; 3:106; 3:109

Undue influence, § 10:234

Witness and notary requirement, § 3:100

PREDATORY LENDING

Mortgages (this index)

PRICE

Comparative market analysis, § 2:10

Market analysis, § 2:10

Negotiating, § 1:14

PRIORITIES AND PREFERENCES

Condominium assessment liens, § 16:123

Federal tax liens, § 12:243

Mortgages (this index)

State tax liens, § 12:206

Tax liens

Generally, § 12:206

Federal, § 12:243

PRIVATE MORTGAGE INSURANCE (PMI)

Mortgages (this index)

PRIVILEGES

Confidential relationships

Generally, § 10:232

Brokers, § 2:29

Evidentiary considerations,

§ 10:233

PRIVITY

Covenants running with the land, § 12:92

PROBATE COURTS AND PROCEEDINGS

Sales

Generally, § 5:64

Ownership during probate, § 5:65

PROPERTY

Certified legal description order form, § 5:372

Personal Property (this index)

Real Estate (this index)

Real Property Transfer on Death Instrument Act

Wrongful death, § 5:320

PROPERTY INDEX NUMBER (PIN)	PROPERTY INSURANCE—Cont'd New construction—Cont'd
Identification of real property, § 5:79	Performance bonds
rachameation of real property, § 2.77	Generally, § 6:73
PROPERTY INSURANCE	Attorney approval of, § 6:89
Binder for condominium property, § 9:127	Project Management Protective Liability Insurance (PMPLI),
Closing preparations	§ 6:71
Generally, §§ 9:16; 9:19	Project Management Protective
Condominium or townhouse, § 9:18	Liability Insurance (PMPLI), § 6:71
Free-standing home, § 9:17	Seller financing
Closing statement, insurance schedule,	Generally, § 7:245
§ 9:162	Proceeds, right to, § 7:246
Condominiums	Title Insurance (this index)
Generally, §§ 5:360; 16:157	DDODEDTY TAYES
Binder, § 9:127	PROPERTY TAXES
Forms, § 16:280 Managers, § 16:70	Adverse possession claims and tax pay-
Contractors	ments Generally, § 12:180
Generally, § 6:70	Actual possession, § 12:181
Attorney approval of, § 6:88	Color of title, §§ 12:178; 12:180
Forms	Color of title, \$\frac{3}{3} \frac{12.176}{12.130}.
Closing statement, insurance sched-	§ 12:184
ule, § 9:162	Good faith, § 12:183
Condominiums, § 16:280	Payment, § 12:182
Lender's tax, §§ 7:98 to 7:104	Appeal
Loan insurance, generally, § 7:7	Associations, § 16:156
Mortgage escrow accounts	Appeals of tax levies, § 16:155
Generally, §§ 7:98 to 7:104	Billing information, §§ 10:184; 10:293
Closing preparation, status determi-	Cook County recordations, § 10:184
nation, § 9:33	Bulk transfer laws, coordination of tax
Fees under state law, § 7:102	regulations with, §§ 10:196; 10:294
Illinois Mortgage Escrow Account	Closing preparations, § 9:37
Act, §§ 7:100 to 7:103	Condominium associations, § 16:252
Interest bearing accounts, § 7:104	Condominiums
Operation, § 7:99 Purpose of state law, § 7:101	Generally, § 16:153
Seller financing	Appeals of taxes levies, § 16:155
Generally, §§ 7:247 to 7:250	Association properties, § 16:154
Land trusts, §§ 7:228 to 7:230	Managers, § 16:78
No underlying escrow, § 7:249	Property tax relief, § 16:85
Tax proration, § 7:250	Cook County recordations
Underlying escrow, § 7:248	Billing information, § 10:184
Waivers, fee restrictions, § 7:103	Billing information not changed,
New construction	§ 10:186
Generally, § 6:69	Mapping information, §§ 10:184;
Contractors	10:293
Generally, § 6:70	Tax billing information, § 10:184
Attorney approval of, § 6:88	Cooperatives, § 16:265
Owner insurance, § 6:72	Current assessment as basis, § 5:176

PROPERTY TAXES—Cont'd	PROPERTY TAXES—Cont'd
Deeds, tax	Income tax deductions—Cont'd
Generally, §§ 10:46 to 10:63	Sale year property taxes, § 15:78
Chain of title, § 10:49	Special assessments, § 15:28
Constructive notice, § 10:49	Investigation by buyer, §§ 3:5 to 3:7
Indemnity fund in tax foreclosures,	Lender's tax, §§ 7:98 to 7:104
§ 10:62	Liens
Inquiry notice, § 10:50	Generally, §§ 12:204 to 12:213
Notice requirements, §§ 10:48 to	Billed taxes, practical
10:50	considerations, § 12:212
Persons entitled to redeem, § 10:53	Current taxes
Post-sale redemption, § 10:57	Practical considerations,
Pre-issuance redemption, § 10:54 Prior liens, effect of, § 10:61	§ 12:210
Procedures for obtaining tax deed,	Proration, § 12:211
§ 10:52	Extinguishment, § 12:207
Redemption	Joint tenants, § 12:205
Generally, § 10:53	Practical considerations
Extension of period of redemp-	Generally, § 12:209
tion, §§ 10:55; 10:56	Billed taxes, § 12:212
Post-sale redemption, § 10:57	Current taxes, § 12:210
Pre-issuance redemption,	Proration, § 12:211
§ 10:54	Priorities, § 12:206
Strict compliance with notice	Proration, current taxes, § 12:211
requirements, § 10:51	Special assessments
Time limit to take, § 10:60	Generally, § 12:208
Equalization factors, § 5:176	Practical considerations,
Escrows, tax considerations, § 15:27	§ 12:213
Financing applications, tax return	Mapping information, §§ 10:184;
requirements, § 7:77	10:293
Foreclosure, indemnity fund in tax	Mortgage escrow accounts
foreclosures, § 10:62	Generally, §§ 7:98 to 7:104
Foreign Investments in Real Property	Closing preparation, status determ
Tax Act (FIRPTA), § 13:83	nation, § 9:33
Form, closing proration, § 13:86	Fees under state law, § 7:102
Homeowner exemption, §§ 3:6; 3:131	Illinois Mortgage Escrow Account
Homeowner's allowances, prorations, § 5:177	Act, §§ 7:100 to 7:103
Home ownership benefits, § 15:22	Interest bearing accounts, § 7:104
Income tax deductions	Operation, § 7:99
	Purpose of state law, § 7:101
Generally, § 15:11 Basis adjustments, § 15:14	Seller financing
Deductions, §§ 15:12; 15:25	Generally, §§ 7:247 to 7:250 Land trusts, §§ 7:228 to 7:230
	·
Escrows, § 15:27	No underlying escrow, § 7:249
Gain calculations, § 15:68	Tax proration, § 7:250
Home ownership benefits, § 15:22	Underlying escrow, § 7:248
Prorations, § 15:13	Waivers, fee restrictions, § 7:103
Reproration, § 15:15	Notice to Department of Revenue,
Sales of residences, § 15:26	§§ 10:196; 10:294

PROPERTY TAXES—Cont'd	PROPERTY TAXES—Cont'd
Prorations Generally, §§ 5:173; 13:30 to 13:35	Sales, tax—Cont'd Notice requirements—Cont'd
Ascertainable bills, § 13:34	Strict compliance, § 10:51
Assessments, § 13:36	Persons entitled to redeem, § 10:53
Basis, § 13:31	Post-sale redemption, § 10:57
Current assessment as basis, § 5:176	Pre-issuance redemption, § 10:54
Effect of proration, § 13:35	Prior liens, effect of, § 10:61
Equalization factor, § 5:176	Procedures for obtaining tax deed,
Homeowner's allowances, § 5:177	§ 10:52
How to prorate taxes, § 13:33	Redemption
Income tax deductions, § 15:13	Generally, § 10:53
Merger doctrine, § 14:121	Extension of period of redemp-
Method of proration, selection,	tion, §§ 10:55; 10:56
§ 5:178	Post-sale redemption, § 10:57
Mistake, § 13:35	Pre-issuance redemption,
Reproration	§ 10:54
Generally, §§ 5:175; 13:32	Strict compliance with notice
Escrow, § 13:90	requirements, § 10:51
Forms, § 13:87	Time limit to take deed, § 10:60
Increase/decrease limits, § 13:88	Seller financing Generally, § 7:240
Vacant property assessments,	Reporting requirements, § 7:235
§ 13:89 Senior citizen's allowances, § 5:177	Senior citizen's allowance prorations,
Special assessments, § 13:36	§ 5:177
Usual method, § 5:174	Senior freeze exemption, § 3:7
Qualified business income deduction;	, , , , , , , , , , , , , , , , , , ,
rental real estate, §§ 15:60 to 15:63	PROPRIETARY LEASES
Recordation	Cooperatives, homestead and ownership
Billing information, § 10:184	as tenants by the entireties, § 16:261
Billing information not changed,	PRORATIONS
§ 10:186	
Reproration	Generally, §§ 5:172 to 5:180; 13:13 to 13:36
Generally, §§ 5:175; 13:32	Adjustments form, § 13:84
Escrow, § 13:90	Closing vs possession proration,
Forms, § 13:87	§§ 13:14; 13:15
Increase/decrease limits, § 13:88	Contract provisions
Vacant property assessments,	Generally, §§ 5:172 to 5:180;
§ 13:89	5:179; 13:13
Residence sales	Current assessment as basis, § 5:176
Home ownership benefits, § 15:22	Equalization factor, § 5:176
Income tax considerations, § 15:26	Errors in prorations, § 5:180
Sales, tax	Real estate taxes
Generally, § 10:46	Generally, § 5:173
Indemnity fund in tax foreclosures, § 10:62	Current assessment as basis, § 5:176
In rem jurisdiction, § 10:47	Equalization factor, § 5:176
Notice requirements	Homeowner's allowances,
Generally, §§ 10:48 to 10:50	§ 5:177

PRORATIONS—Cont'd	PRORATIONS—Cont'd
Contract provisions—Cont'd	Real estate taxes—Cont'd
Real estate taxes—Cont'd	Method of proration, selection,
Method of proration, selection,	§ 5:178
§ 5:178	New construction, § 6:100
Reproration, § 5:175	Reproration
Senior citizen's allowances,	Generally, §§ 5:175; 13:32
§ 5:177	Escrow, § 13:90
Usual method, § 5:174	Forms, § 13:87
Reproration	Increase/decrease limits, § 13:88
Generally, § 5:175	Vacant property assessments,
Escrow, § 5:367	§ 13:89
Form, § 5:366	Seller financing, § 7:250
Current assessment as basis	Senior citizen's allowances, § 5:177
Generally, § 5:176	Special assessments, § 13:36
Representations by seller, § 5:358	Usual method, § 5:174
Current taxes, § 12:211	Rents, § 13:17
Equalization factor, real estate taxes,	Reproration
§ 5:176	Generally, § 5:175
Errors in prorations, contract provi-	Escrow, § 5:367
sions, § 5:180	Form, § 5:366
Escrow, reproration, § 5:367	Seller financing, § 13:16
Forms	Senior citizen's allowances, § 5:177
Generally, § 13:84	Service contracts, § 13:27
Condominiums, § 16:276	Taking subject to existing mortgage,
Real estate taxes, § 13:86	§ 13:29
Reprorations of real estate taxes	Taxes. Real estate taxes, above
Escrow, § 13:90	Utility bills, § 13:28
General form, § 13:87	Water bills, § 13:28
Increase/decrease limits, § 13:88	DUDI IC IIICIIWA VC
Vacant property assessments,	PUBLIC HIGHWAYS
§ 13:89	Generally, § 12:126
Homeowner's allowances, real estate	Abandonment, estoppel, § 12:150
taxes, § 5:177	Acceptance by municipality
Mortgage payments, buyer taking	Generally, § 12:132
subject to existing mortgage, § 13:29	Express acceptance, § 12:134
New construction, § 6:100	Implied acceptance, § 12:135
Real estate taxes	Timeliness, § 12:133
Generally, §§ 5:173; 13:30 to 13:35	Dedication
Ascertainable bills, § 13:34	Generally, § 12:128
Assessments, § 13:36	Abandonment, § 12:149
Basis, § 13:31	Acceptance, §§ 12:142; 12:143
Current assessment as basis, § 5:176	Common law, § 12:139
Effect of proration, § 13:35	Death of owner before acceptance,
Equalization factor, § 5:176	§ 12:143
Homeowner's allowances, § 5:177	Donative intent, § 12:140
How to prorate taxes, § 13:33	Easements for owners within
Income tax deductions, § 15:13	subdivision, § 12:144
Merger doctrine, § 14:121	Intent to donate, § 12:140

PUBLIC HIGHWAYS—Cont'd QUIETING TITLE—Cont'd Dedication—Cont'd Venue, §§ 14:286; 14:287 Maintenance by public authorities, QUITCLAIM DEEDS § 12:147 **Deeds** (this index) Plat reference, creation by, § 12:141 Prescription and, §§ 12:145; 12:146 **RADON** Public maintenance, § 12:147 Generally, § 5:243 Subdivision owners, easements for, Testing, contract rider, § 5:244 § 12:144 Definition, § 12:127 REAL ESTATE Encroachments on, § 12:112 Generally, § 1:1 et seq. Foreclosure, § 12:151 Abandonment, public highway, estop-Mortgages pel, § 12:150 Effect, § 12:136 Accretion, generally, § 12:202 Implied consent of mortgagee, Acknowledgments § 12:138 Generally, § 10:123 Timeliness, § 12:133 Attorney in fact, acknowledgment Plat Act, §§ 11:59; 12:129; 12:130 by, § 10:128 Prescription and common law dedica-Capacity and acknowledgment, tion, §§ 12:145; 12:146 § 10:147 Statutory dedication, § 12:128 Conveyances Act form acknowledg-PUBLIC OFFICERS AND ment, § 10:130 **EMPLOYEES** Corporation, acknowledgment by, Acknowledgment by, § 10:129 § 10:126 Delivery of deed, presumption of, **PUNITIVE DAMAGES** § 10:146 Consumer Fraud Act. § 14:216 Effect of no acknowledgment of Habitability warranty, § 14:114 deed, § 10:149 Real estate recovery fund claims, Execution of deed, proof of, § 2:149 § 10:145 QUANTUM MERUIT Individual, acknowledgment by, Brokers, quantum meruit claims § 10:125 Generally, § 2:116 Mechanics of acknowledgment, § 10:148 Void listing agreement, § 2:119 Military service person, QUASI CONTRACT CLAIMS acknowledgment by, § 10:131 Brokers, §§ 2:113 to 2:121 Mortgage conveyance, § 7:144 **OUIETING TITLE** Partnership, acknowledgment by, § 10:127 Actions, §§ 14:283 to 14:292 Personal representative, Attorney's fees, § **14:290** acknowledgment by, § 10:129 Easement owner, action by, § 14:288 Forged deed, § 14:289 Presumptive validity, § 10:144 Possession, requirement, § 14:285 Public officer, acknowledgment by, Probate actions, venue, § 14:287 § 10:129 Trustee, acknowledgment by, Probate citation to recover real estate, § 10:129 § 14:291 Title requirements, § 14:284 Validity, presumptive of

Unrecorded interest, constructive notice

of, § 14:292

acknowledged instrument,

§ 10:144

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Actions	Alternative Dispute Resolution (this
Generally, §§ 14:1 to 14:322	index)
Brokerage relations law, § 2:51	Annexations, plat Act, § 11:58
Condominiums	Appraisal and appraisers
Assessment liens, § 16:124	Consumer Fraud Act claims against,
Statutes of limitations, § 16:197	§ 14:212
Flooding, § 14:273	Fees, § 7:87
Representations, breach of, § 14:77	Assessments, condominiums,
Slander of Title, § 14:279	townhouses, and cooperatives, dispute with association, offset of
Statute of Limitations (this index)	assessment, § 16:107
Venue, Consumer Fraud Act, § 14:219	Assumptions of mortgages, generally, §§ 5:108; 7:115 to 7:125
Warranties, breach of, § 14:77	Attorneys' Fees (this index)
Waste, § 14:270	Attorneys (this index)
Adjacent Landowner Excavation	Auctions of property
Protection Act, §§ 6:138 to 6:140	Advance preparation, § 5:326
Adverse Possession (this index)	Agency status of auctioneers,
Advertising, broker's role, § 2:11	§ 5:327
Affidavits (this index)	Bankruptcy
After-acquired title, warranty deed	Construction risks, § 6:10
transfers, § 10:24	Residence sales, tax considerations,
Agents. Real Estate Agents and	§ 15:99
Brokers (this index)	Bed bugs, fact sheet, § 17:85
Agents and agency, power of attorney,	Bills of Sale (this index)
Durable Power of Attorney Act pro-	Boone county, Plat Act affidavits,
visions, § 3:144	§ 11:84 Roundaries (this index)
Agents and Agency (this index)	Boundaries (this index) Breach of contract
Alleys. Highways, Streets, and Bridges (this index)	Anticipatory breach, § 14:2
Alternative dispute resolution	Good faith obligations, § 14:74
Additional costs claims, § 6:45	Representations, § 14:77
Architects' decisions in construction	Warranty breach, §§ 10:22; 10:23
disputes, § 6:56	Bridges. Highways, Streets, and
Claims	Bridges (this index)
Generally, § 6:40	Brokers. Real Estate Agents and
Additional costs, § 6:45	Brokers (this index)
Extras, claims for, § 6:45	Builders, investigation pre-contract,
Time limits, § 6:42	§ 6:24
Concealed conditions, § 6:44	Building and Construction Contracts
Continued performance during pro-	and Work (this index)
cess, § 6:43	Building Codes (this index)
Extras, claims for, § 6:45	Building permits, surveys for, § 11:48 Building registration certificates,
New construction, generally, § 6:39	\$\ 9:61; 9:62
Performance to continue during pro-	Buildings, party walls, § 12:114
cess, § 6:43	Bulk transfer laws
Time limits for claims, § 6:42	Generally, § 10:194
Unknown conditions, § 6:44	Chicago ordinance, § 10:295

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Bulk transfer laws—Cont'd	Confidential relationships
Definitions, § 10:195	Generally, § 10:232
Tax regulations, coordination with,	Brokers, § 2:29
notice to Department of Revenue,	Evidentiary considerations,
§§ 10:196; 10:294	§ 10:233
Capacity to convey	Consolidations of parcels. Divisions and
Acknowledgment and, § 10:147	consolidations of parcels, below
Contracts of sale	
Generally, §§ 5:53 to 5:60; 5:54	Construction. Building and Construc-
Form, § 5:334	tion Contracts and Work (this
, ,	index)
Determinations of capacity,	Constructive trusts
§ 10:238	Judgment liens, § 12:234
Fairness of transaction, § 10:235	Oral contracts affecting real prop-
Gift from principal to agent,	erty, § 5:304
§ 10:236	Consumer fraud act
Powers of attorney, § 10:234	Damage to plaintiff as element of
Reformation of deeds, § 10:252	cause of action, § 14:196
Undue influence	Elements of cause of action, damage
Generally, § 10:231	to plaintiff, § 14:196
Confidential relationships,	Consumer Fraud Act (this index)
§§ 10:232; 10:233	Contingencies, monitoring status of
Powers of attorney, § 10:234	
Casualty losses, generally, § 15:64	Generally, § 9:20
	Kick-out clauses, § 5:254
Checklists (this index)	Mortgage contingencies, § 9:22
Chicago, zoning and planning	Notice of failure to obtain mortgage
Multiple dwelling registration,	Generally, § 9:24
§§ 9:156; App 9A	Form, § 9:129
Zoning compliance certificate,	Request of extension of mortgage
§ 9:155	contingency, § 9:23
Chicago Protecting Tenants in	Sale of existing home
Foreclosed Rental Property	Generally, § 9:21
Ordinance	Broker listing, requiring,
Generally, §§ 17:55 to 17:58	§ 5:252
Exclusions, § 17:56	Kick-out clauses, § 5:254
Notice to tenants, § 17:57	Seller protections, § 5:251
Registration of foreclosed rental	•
property, § 17:58	Time for sale by buyer, § 5:253
Claim of title, adverse possession,	Contracts and Agreements (this
§ 12:172	index)
Closings (this index)	Contracts for deed, generally, § 5:109
Commissions, brokers. Real Estate	Contracts for Sale (this index)
Agents and Brokers (this index)	Conveyances. Sale and Transfer of
Commitments, generally, § 7:106	Property (this index)
Compliance or noncompliance, chicago,	Conveyances act, form of acknowledg-
zoning compliance certificate,	ment, § 10:130
§ 9:155	Cook County
Condominiums, Townhouses, and	Overview of residential transac-
Cooperatives (this index)	tions, § 1:4

REAL ESTATE—Cont'd REAL ESTATE—Cont'd Cook County—Cont'd Corporations—Cont'd Zoning and planning Grantor corporation, deed designation, § 10:73 Multi-dwelling unit registration requirements, § 9:158 Language of corporate conveyance, § 10:77 Zoning certificate application, § 9:157 Shareholder approval of sale, Cooperatives. Condominiums. § 10:75 Townhouses, and Cooperatives Signature requirements, §§ 10:9; (this index) 10:115 **Corporations** (this index) Coordinator, attorney as, § 1:8 Corporations Cotenancy and Joint Ownership (this Acknowledgment form, § 10:126 index) Counselor, attorney acting as Adverse possession, corporate Broker's agreement, § 1:11 officers, § 12:175 Contract approvals, § 1:16 Brokerage licenses, § 2:23 Overview of residential transac-Condominiums tions, § 1:5 Generally, § 16:158 Court-ordered transfers Boards of directors, § 16:159 Contract of sale approvals Not-for-profit corporations, Generally, § 5:57 § 16:229 Certified copy of order, § 5:58 Contract provision for deed from Court-ordered deed, § 10:41 corporation, § 10:280 Deed, court-ordered, § 10:41 Conveyance by, language of, Dissolution of marriage, § 10:246 § 10:77 Cooperative apartments, § 16:256 Judge's deed Generally, § 10:272 Deed designations Generally, §§ 10:71; 10:266 Form of deed, § 10:273 Directors' approval of sale, Form of supporting affidavit, §§ 10:76; 10:279 § 10:274 Good standing, certificate of, Marital property distributions, § 10:74 § 10:246 Grantor corporation, § 10:73 Court ordered transfers, residential Real Property Disclosure Act exceptions, Language of corporate conveyance, § 10:77 § 3:66 Covenants, tax deed, existing cove-Quitclaim deeds, § 10:31 nants, § 10:63 Shareholder approval of sale, Covenants running with the land § 10:75 Generally, §§ 12:87 to 12:102 Signatories to corporate deed, § 10:78 Change in character of the area, § 12:95 Signature requirements, § 10:9 Enforcement, § 12:93 Signatures, § 10:115 Form, title subject to, § 5:355 Directors' approval of sale Intent of parties, § 12:90 Generally, § 10:76 Neighborhood change defense, Authorizing resolution, § 10:279 § 12:95 Form of deed, corporate grantor, Original intent of parties, § 12:90 § 10:266 Privity of estate, § 12:92 Good standing, certificate of, Recordation, § 12:96 § 10:74

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Covenants running with the land	Definitions—Cont'd
—Cont'd	Carryback combination loan, § 7:47
Subdivisions, violations of restric-	Commercial property, § 2:139
tions in, § 12:94	Common elements, § 16:7
Title impairment	Compensation, § 2:25
Generally, § 12:262	Condominiums, statutory defini-
Insurance endorsements,	tions, § 16:6
§ 12:306	Consolidation of parcel, § 11:55
Touch and concern requirement,	Construction loan, § 7:43
§ 12:91	Customer, § 2:74
Violations of restrictions in subdivi-	Delivery of deed, § 10:151
sions, § 12:94	Designated agents, § 2:29
Crime, investigation of neighborhood, pre-contract, § 6:29	Division of parcel, § 11:55
Currency reporting requirements, gener-	Dominant estate, § 12:23
ally, § 5:107	Dry closing, § 13:63
Damages (this index)	Easement appurtenant, § 12:22
Decedents' Estates (this index)	Easements in gross, § 12:21 Emblements, § 11:35
Deceptive trade practices, brokers,	Equity sharing, § 7:46
disclosure duties, § 2:45	Exception to title, § 12:2
Dedication (this index)	GEM, § 7:40
Deeds (this index)	Good working condition, § 5:199
Defaults and events of default	GPM, § 7:41
Brokers' commissions	Highways, § 12:127
Buyer default, §§ 2:109; 2:126	Improvement to real property,
Seller default, § 2:108	§ 14:315
Contract provisions	Insolvency, § 10:215
Generally, § 5:273	Jumbo loan, § 7:45
Buyer defaults, § 5:398	Junior mortgage, § 7:51
Installment contracts	Lender's tax, § 7:98
Generally, § 7:217	Mark up interest, § 7:4
Reinstatement rights, §§ 7:218	No doc loans, § 7:73
to 7:222	Nonconforming loan, § 7:6
New construction, § 6:97	Origination fees, § 7:81
Title defects, § 14:4	Overage, § 7:14
Definitions	Owelty, § 14:269
Accretion, § 12:202	Owner, § 5:39
Adjacency, § 11:9	PMI, § 7:82
Adverse possession, § 12:156	Points, § 7:80
Agency, § 2:26	Possession, § 5:157
APR, § 7:96	Public highways, § 12:127
ARM, § 7:33	PUD, § 11:69
Balloon payment, §§ 7:42; 7:57	Purchase money mortgage, § 7:206
Bi-weekly mortgage, § 7:44	Record owner, § 5:39
Bridge loan, § 7:52	Servient estate, § 12:23
Brokers, § 2:24	Subordination, § 7:152
Bulk transfer, § 10:195	Title exception, § 12:2
Buydown, § 7:54	Trust deeds, § 7:170

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Definitions—Cont'd	Encroachments—Cont'd
Wild deed, § 14:295	Intentional, § 12:110
Wraparound mortgage, § 7:53	Parking areas, common, § 12:114
Yield spread premium, § 7:5	Public streets, § 12:112
Description and Identification (this	Title insurance
index)	Generally, § 12:113
Designated agents, generally, § 2:29	Encroachment endorsements,
Disclosures (this index)	§ 12:291
Divisions and consolidations of parcels	Trees, § 12:111
Annexations by cities under Plat	Unintentional, § 12:109
Act, § 11:58	Engagement letters, §§ 1:22 to 1:24
Consolidations of parcels, § 11:70	Engagement timetable, § 2:20
Forms, Plat Act exemptions,	Environmental laws, merchantable title
§ 11:63	and environmental problems,
Lake county form, § 11:87	§ 12:261
Local ordinances	Equitable conversion, seller financing
Generally, § 11:68	Generally, §§ 7:208; 7:211 to 7:268
Planned unit developments,	Limitations of doctrine, § 7:212
§ 11:69	Estoppel
Permanent Index Number, new,	Easement by, § 12:83
§ 11:71	Oral contracts affecting real prop-
Planned unit developments, § 11:69	erty, § 5:303
Public streets, § 11:59	Public highway, abandonment,
Survey requirements	§ 12:150
Generally, § 11:66	Statute of frauds defenses, § 5:303
Statutory requirements, § 11:67	Statutes of limitation, § 14:294
Terminology, § 11:55	Tenant's estoppel letter, § 12:326
Divorce and Separation (this index)	Facsimile transmissions
Downstate transfers, overview of resi-	
dential transactions, § 1:4	Land trusts, facsimile assignment of beneficial interests
Drainage easements	Generally, §§ 10:179; 10:181
Generally, § 12:40	Preparation, § 10:180
Covered drains, § 12:42	
Owners' rights, § 12:41	Recordation, §§ 10:181; 10:290
Driveways, common, generally,	Notice provisions in contracts of sale, § 5:211
§ 12:114	
Dual representation concerns, § 9:4	Payoff letters, § 9:34
Due-on-sale provisions, generally,	Fair housing laws, sales by owner vs brokered sales, § 2:3
§§ 7:119 to 7:125	Federal laws
Earnest Money (this index)	
Easements (this index)	Discrimination in lending, § 7:21
E-mail transmission, notice provisions	Fair Credit Reporting Act, § 7:17
in contracts of sale, § 5:211	Fannie Mae/Freddie Mac
Emblements, doctrine of, § 11:35	Generally, § 7:3
Encroachments	Mortgage form, § 7:283
Generally, § 12:108	Note form, § 7:288
Common areas, § 12:114	Foreclosure, non-judicial, § 8:4
Driveways, common, § 12:114	Ginnie Mae financing, § 7:3

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Federal laws—Cont'd	Fixtures—Cont'd
Lead disclosures	Trade fixtures, contracts of sale pro
Generally, §§ 3:47 to 3:51; 3:54	visions for, § 5:183
Cause of action, § 3:54	Flooding
Lending discrimination, § 7:21	Generally, § 14:273
Private mortgage insurance (PMI),	Damages, § 14:275
cancellation rights, § 7:85	Limitations, § 14:274
Tax liens	Foreclosure (this index)
Generally, § 12:238	Foreign Investments in Real Property
Paying off, § 12:242	Tax Act (FIRPTA)
Perfection, § 12:244	Generally, § 13:83
Priorities, § 12:243	Foreign real estate, contracts of sale,
Federal trade commission act, gener-	§ 5:73 Forfeitures
ally, § 14:185	
Fences, boundary establishment Fence beyond property line, § 11:30	Broker considerations, § 14:21 Purchaser defaults, §§ 14:126;
Fence on boundary line, § 11:31	14:147
Fiduciaries and personal representatives	Specific performance defense,
Acknowledgment by, § 10:129	§ 14:146
Brokers	Forms (this index)
Consumer Fraud Act claims,	Fraud and Deceit (this index)
§ 14:206	Fraud and misrepresentation
Right to commission, § 2:111	Time of making, § 5:396
Consumer Fraud Act claims,	Types of representations, § 14:75
§ 14:206	Used home, § 14:81
Powers of attorney, §§ 3:101 to	Zoning compliance, §§ 12:122;
3:103	12:321
Residential Real Property	Gifts
Disclosure Act exceptions, fidu-	Basis for tax purposes, § 15:9
ciary transfers, § 3:68	Between family members, § 10:255
Finances and Funds (this index)	Between spouses, § 10:256
First refusal rights	Grantor and grantee, deeds, naming
Generally, §§ 5:321 to 5:325	parties to
Condominium sales, §§ 9:12; 9:13;	Generally, §§ 10:64 to 10:85
9:123	Deeds, §§ 10:64 to 10:85
Condominiums conversions,	Grantor and grantee names. Names of
§ 16:204	Grantor and Grantee (this index)
Cooperatives, § 16:263	Guaranties
Forms, §§ 5:389; 5:405	Construction cases, § 14:317
Sale contingencies and alternative	FHA guaranteed reverse mortgage,
sale offers, § 5:389	§ 7:193
Fixtures	Loan guarantee programs, § 7:7
Contracts of sale provisions for	Guardians
Generally, § 5:182	Contracts of sale by
Disputed fixtures, § 5:187	Generally, § 5:59
Trade fixtures, § 5:183	Exculpatory clause, §§ 5:335;
Disputed fixtures, contracts of sale	5:336
provisions for, § 5:187	Deed by, § 10:271

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Guardians—Cont'd	Inspection—Cont'd
Limitation of liability of, §§ 5:59;	Closing walk-throughs, residential
5:335; 5:336	property—Cont'd
Habitability (this index)	Safe Homes Act, §§ 17:62 to
Health code, contracts of sale, compli-	17:67
ance contingencies	Timing of inspection, § 3:21
Generally, § 5:265	Unsatisfactory inspection,
FHA and VA loan requirements,	§§ 3:22 to 3:24
§ 5:266	Condemnation, public highways,
Heating costs, disclosure requirements,	§ 12:148
§ 5:288	Conveyance by one of several joint tenants, severance of joint
Highways, Streets, and Bridges (this	tenancy, § 4:21
index)	Disclosure of need for inspection,
Home office deductions, generally, § 15:41	§ 3:33
Home Repair and Remodeling Act	Easements, ancient document rule,
Generally, §§ 6:126 to 6:137	§ 12:20
Attorney fees, § 6:137	Licenses distinguished from ease-
Homestead (this index)	ments, §§ 12:12; 12:99
Identification of property, generally,	Memorandum of judgment,
§ 5:80	§§ 12:227; 12:228
Implied warranty of habitability	Municipal transfer taxes, § 9:84
Disclaimer, purchaser's knowledge,	Plat Act, existence of grantee, pub-
§ 14:108	lic highways, § 12:131
Insolvency of builder-vendor, ele-	Public highways
ments of cause of action,	Condemnation, § 12:148
§ 14:104	Plat Act, existence of grantee,
Privity, subsequent purchaser,	§ 12:131 Scrivener's error, § 12:228
§ 14:85	Inspections by buyer
Purchaser's knowledge, effective	Generally, §§ 1:10; 3:1 to 3:24
disclaimer, § 14:108	Appraisers, Consumer Fraud Act
Subsequent purchaser, §§ 14:84;	claims against, § 14:212
14:85; 14:111	Architects of new construction,
Waiver of warranty by purchaser	§ 6:24
Generally, §§ 14:109 to 14:111	Buyer beware, § 3:1
As-is purchase, § 14:110	Closing inspection walk-throughs
Subsequent purchaser, § 14:111	Generally, § 13:1
Inspection	New constructions, § 13:5
Ancient document rule, easements,	Condominiums, § 3:10
§ 12:20	Consumer Fraud Act claims
Buyer. Inspections by buyer, below	Appraisers, § 14:212
Closing walk-throughs, residential	Home inspectors, § 14:209
property	Consumer Fraud Act claims against,
Liability of inspector, § 3:20	§ 14:209
Municipal taxes and other	Contract provisions
requirements—Inspection,	Generally, § 5:380
§ 9:84	Inclusion in contract, for,
Professional inspector, § 3:19	§ 5:381

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Inspections by buyer—Cont'd	Inspections by buyer—Cont'd
Contract provisions—Cont'd	Neighborhood conditions
Septic system test, § 5:385	Generally, § 3:9
Soils test, § 5:386	New construction, § 6:26
Termite inspection, § 5:382	New construction
Water test, § 5:385	Generally, § 3:17
Contract riders	Architects, § 6:24
Generally, §§ 5:240; 5:242	Builders, § 6:24
Closing	Condominium projects, § 6:30
Generally, § 5:248	Cooperatives, § 6:30
Access to premises, § 5:279	Crime, § 6:29
Preclosing	Custom built homed, § 6:63
Generally, § 5:248	Municipal matters, § 6:26
Access to premises, § 5:279	Oral representations by sales
Radon testing, § 5:244	persons, § 6:25
Standards for inspection,	Planned developments, § 6:31
§ 5:241	Schools, § 6:28
Unsatisfactory reports, provision	Security, § 6:29
for, § 5:247	Townhouse developments,
Cooperatives, § 3:10	§ 6:30
Custom built new construction,	Zoning laws, § 6:27
§ 6:63	New constructions, walk-throughs,
Disclosure duties and, generally,	§ 13:5
§ 3:33	Overview
Earnest money, § 3:18	Buyer inspections, § 1:10
Existing houses, §§ 3:3 to 3:9	Professional inspections, § 1:17
Gray area inspection reports, § 3:24	Overview of residential transac-
Home inspectors, Consumer Fraud	tions, § 1:17
Act claims against, § 14:209	Personal property, § 3:8
Homeowner exemption, § 3:6	Planned developments, § 6:31
Homeowners' association require-	Possession, visible, by third party,
ments	§ 17:3
Generally, § 3:11	Professional inspections and inspec-
Assessments, § 3:16	tors
Parking policies, § 3:14	Generally, § 3:19
Rental policies, § 3:13	Appraisers, Consumer Fraud
Repairs budgeting, § 3:15	Act claims against, § 14:212
Rules and regulations, § 3:12	Gray area reports, § 3:24
Inspectors, property, § 1:17	Home inspectors, Consumer
Liabilities of professional inspec-	Fraud Act claims against,
tors, § 3:20	§ 14:209
Mechanical elements, § 3:4	Lead inspection period require-
Merger doctrine and inspection	ments, § 3:50
rights	Liabilities of, § 3:20
Generally, § 14:118	Overview, § 1:17
Habitability warranty, §§ 14:88;	Septic system test, § 5:385
14:119	Soil test, § 5:386
Municipal matters, § 6:26	Termite inspection, § 5:382

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Inspections by buyer—Cont'd	Lake county, consolidations and divi-
Professional inspections and inspec-	sions of property, § 11:87
tors—Cont'd	Landlord and Tenant (this index)
Timing, § 3:21	Land Trusts (this index)
Unsatisfactory inspections,	Lead Disclosure Laws (this index)
§§ 3:22 to 3:24	Leases and tenants' rights
Water test, § 5:385	Damages, proof of attorney's fees,
Schools, § 6:28	lease termination, § 14:62
Senior freeze exemption, § 3:7	Demand for rent and action in pos-
Septic system test, § 5:385	session, § 17:10
Soil test, § 5:386	Duty of landlord to mitigate,
Structural elements, § 3:4	§ 17:13
Taxes, §§ 3:5 to 3:7	Landlord and Tenant (this index)
Termite inspection, § 5:382	Personal property
Timing of professional inspectors,	Landlord's right to for rent,
§ 3:21	§ 17:11
Townhouses, § 3:10	Lien by landlord, § 17:12
Unsatisfactory inspections	Rent
Generally, §§ 3:22 to 3:24	Landlord's demand for rent and
Contract rider, § 5:247	action in possession, § 17:10
Gray area inspection reports,	Personal property, right of
§ 3:24	landlord to for rent, § 17:11
Water test, § 5:385	Legal descriptions, §§ 11:2 to 11:35
Zoning laws, new construction,	Letters of intent
\$ 6:27	Generally, §§ 3:119 to 3:125
Installment sales	Creation of contract by, § 3:121
	Disclaimers, § 3:124
Condominium units, § 16:221	Execution of contract, §§ 3:123;
Defaults	3:125
Generally, § 7:217	Forms
Reinstatement rights, §§ 7:218	Generally, § 5:402
to 7:222	Disclaimer of intent to form
Dwelling Unit Installment Contract	contract, § 5:402
Act, § 5:260	Omission of items, § 3:122
Land trusts, installment sale of ben-	Sample, § 3:137
eficial interest in, § 7:213	Subject to execution of contract,
Statutes of limitation, § 14:297	§ 3:123
Tax considerations, generally, §§ 15:104 to 15:109	Liens and Encumbrances (this index) Life estates
Insulation, disclosure requirements,	Partition, § 14:259
§ 5:287	Waste by, § 14:271
Internet, myDec Online Real Property	Limitation of actions. Statute of Limi -
Transfer Tax Declaration, §§ 9:145;	tations (this index)
9:146	Limited liability companies
Iroquois county, plat Act affidavits,	Brokerage licenses, § 2:23
§ 11:85	Deed designations as grantor or
Joint ownership. Cotenancy and Joint	grantee
Ownership (this index)	Signature requirements, § 10:9
Joint ventures, statute of frauds, § 5:292	Signatures, § 10:117

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Lis Pendens (this index)	Out-of-state property, contracts of sale,
Loan commitment, review, § 7:106	§ 5:73
Lost deeds, generally, § 10:158	Owelty, generally, § 14:269
Maps and Plats (this index)	Ownership, types of, §§ 4:1 to 4:104
Marital Property (this index)	Parking
Merger doctrine. Consolidation and	Generally, § 12:114
Merger (this index)	Homeowners' associations policies,
Metes and Bounds descriptions, §§ 11:2	§ 3:14
to 11:35	Partition (this index)
Military service, acknowledgment form by service member, § 10:131	Partners and partnership, statute of frauds, § 5:291
Mineral rights, deed, § 10:181	Permits, surveys for, § 11:48
Mistake (this index)	Personal property, leases and tenants'
Mortgages (this index)	rights
Multiple listings, generally, § 2:12	Landlord's lien on personal prop-
Municipal transfer taxes	erty, § 17:12
MyDec Online Real Property	Landlord's right to for rent, § 17:11
Transfer Tax Declaration,	Personal representatives. Fiduciaries
§§ 9:145; 9:146	and personal representatives, above
Summary of transfer taxes, § App	Pipelines, easement for, § 12:57
9B	Plat Act, public highways, intention,
Names of Grantor and Grantee (this	§ 12:130
index)	Plats. Maps and Plats (this index)
Negotiations	Points, generally, § 7:80
Attorney's role in, § 1:6	Possession (this index)
Broker, use of, § 2:4	Powers of Attorney (this index)
Counteroffers, § 5:32	Prescriptive easements. Easements
Disclaimer of intent to form	(this index)
contract, § 5:402	Price
Merger doctrine, § 14:122	Comparative market analysis,
Offers and counteroffers, generally,	§ 2:10
§ 5:32 Sales by owner, §§ 2:4; 3:25 to	Market analysis, § 2:10
3:31	Negotiating, § 1:14
Title insurance costs, § 12:273	Priority
Neighborhoods, buyer inspections of	Subrogation
neighborhood conditions	Equitable subrogation, § 7:162
Generally, § 3:9	Private nuisances
New construction, § 6:26	Generally, § 14:276
New construction. Building and	Balancing, § 14:277
Construction Contracts and Work	Successor owners, § 14:278
(this index)	Privity of estate, covenants running
Offer and acceptance	with the land, § 12:92
Generally, § 1:12	Probate sales
Brokers commissions, generally,	Generally, § 5:64
§ 2:16	Ownership during probate, § 5:65
Contracts for Sale (this index)	Property Taxes (this index)
Option Contracts (this index)	Prorations (this index)
Oral Contracts (this index)	Public Highways (this index)

REAL ESTATE—Cont'd REAL ESTATE—Cont'd Public officers, acknowledgment by, Resulting trusts—Cont'd § 10:129 Gifts between spouses, § 10:256 Purchaser's attorney, engagement letter, Riparian rights § 1:22 Generally, §§ 12:197 to 12:203 Quantum meruit claims, brokers Accretion, § 12:202 Generally, § 2:116 Artificial bodies of water, § 12:203 Void listing agreement, § 2:119 Flooding, § 14:273 Quasi contract claims, brokers, Non-navigable lakes, § 12:201 §§ 2:113 to 2:121 Private lakes, **§ 12:201 Quieting Title** (this index) Risk of loss Radon Generally, § 5:275 Disclosure requirements, §§ 3:42 to After transfer of title or possession, § 5:277 Testing, contract rider, § 5:244 Before closing, § 5:276 Real estate recovery fund, generally, Forms, §§ 5:278; 5:401 § 2:143 Possession, risk of loss after transfer **Real Estate Settlement Procedures** of, § 5:277 Act (this index) Seller financing, § 7:243 Real Estate Settlement Procedures Title, risk of loss after transfer of, **Act (RESPA)** (this index) § 5:277 Real Property Transfer on Death Instru-Roads. Highways, Streets, and ment Act **Bridges** (this index) Contesting transfer, time limitation, Rural properties conveyances, § 1:4 § 12:192 Sale and Transfer of Property (this Creditors, § 12:194 index) Probate of estate, § 12:193 Scheduling the closing, § 9:110 Time limitation on contesting Schools, investigation, pre-contract, transfer, § 12:192 § 6:28 Real property transfers, state statutory Seals, deed preparation, § 10:121 provisions, § App 9C Security deposit return act, generally, **Records and Recording** (this index) § 13:21 Refinancing. Finances and Funds (this Security matters, investigation, preindex) contract, § 6:29 Remedies Seller, defined, Residential Real Prop-Brokerage relations law, § 2:51 erty Disclosure Act, § 3:72 Consumer Fraud Act, § 14:214 **Seller Financing** (this index) Ouasi contract recovery, § 14:33 Seller's attorney Reformation of deeds. § 10:252 Closing preparations, § 9:86 Waste, § 14:272 Closing responsibilities, § 1:19 **Rescission** (this index) **Residential Real Property Disclosure** Engagement letter, § 1:23 Septic system testing, contract provi-**Act** (this index) sion, § 5:385 RESPA. Real Estate Settlement **Procedures Act** (this index) Service contracts Assignment form, § 13:85 Resulting trusts Generally, §§ 10:253 to 10:256 Prorations, § 13:27 Burden of proof, § 10:254 Shared equity finance agreements; tax Gifts between family members, considerations, §§ 15:111 to 15:113;

15:121

§ 10:255

REAL ESTATE—Cont'd	REAL ESTATE—Cont'd
Shelby county, plat Act affidavits,	Tax deed—Cont'd
§ 11:83	Existing easements and covenants,
Short sales	§ 10:63
Foreclosure, §§ 8:16; 8:17	Tenancies (this index)
Profit on resale by mortgagee,	Tenants by the Entireties (this index)
§ 8:17	Termite inspections, contract provision,
Slander of title	§ 5:382
Generally, § 14:279	Time dockets for closings
Malice, § 14:280	Buyer's, checklists, § 9:121
Soil testing, contract provision, § 5:386	Seller's, checklists, § 9:119
Special assessments	Time limitations. Statute of Limita-
Affidavit, § 12:339	tions (this index)
Homeowners' associations, § 3:16	Time of the essence
Income tax considerations, § 15:28	Generally, § 5:151
Tax liens	Computation of time, § 5:152
Generally, § 12:208	Contracts of sale, effect of clause in
Practical considerations,	§ 5:153
§ 12:213	Effect of clause, § 5:153
Specific Performance (this index)	Enforcement of provision, § 5:154
Standard form contracts, working with,	Waiver of provision, § 5:155
§ 2:151	Title and Ownership (this index)
Statute of limitations, construction cases	Title Companies (this index)
Four-year statute of limitations, start	Title Insurance (this index)
of timing, § 14:305	Title requirements in listing agreements
Statute of limitations, start of tim-	§ 2:133
ing, § 14:305	Townhouses. Condominiums,
Statute of Limitations (this index)	Townhouses, and Cooperatives
Statute of limitations to enforce lien,	(this index)
commercial property, § 2:142	Townships, descriptions of property, §§ 11:19; 11:21
Streets, roads, and alleys. Highways,	Transfer of property. Sale and
Streets, and Bridges (this index)	Transfer of Property (this index)
Subdivisions (this index)	Transfer Taxes (this index)
Subrogation Conventional subrogation \$ 10:172	Trees
Conventional subrogation, § 10:172	Boundary line problems, § 11:32
Equitable subrogation, § 10:172	Encroachments, § 12:111
Priority Conventional subragation	Trust deeds. Deeds (this index)
Conventional subrogation, §§ 7:159 to 7:161	Truth in lending act (TILA)
Recording of deeds	Generally, § 7:93
Generally, § 10:171	APR computations, § 7:96
Conventional subrogation,	Consumer Fraud Act, § 14:203
§ 10:172	Disclosures, §§ 7:93; 7:94 to 7:97
Equitable subrogation, § 10:172	Finance charges, § 7:95
	Form, § 7:270
Surveys and Surveyors (this index) Toyotion (this index)	
Taxation (this index)	Types of ownership, §§ 4:1 to 4:104
Tax deed	Undue influence
Challenge, § 10:59	Generally, § 10:231

REAL ESTATE—Cont'd	REAL ESTATE AGENTS AND
Undue influence—Cont'd	BROKERS—Cont'd
Confidential relationships	Agency status—Cont'd
Generally, § 10:232	Finders, § 2:48
Evidentiary considerations,	Agent, listing, § 2:9
§ 10:233	Agents, sales
Fairness of transaction, § 10:235	Affiliated licenses, brokerage rela-
Powers of attorney, § 10:234	tions law, § 2:54
Uniform deceptive trade practices act,	Common law of agency, § 2:50
generally, §§ 14:184 to 14:194	Compensation and agency relation-
Uniform Fraudulent Transfer Act	ships, § 2:56
(this index)	Attorney considerations, rate of com-
Unincorporated associations, party	mission, § 2:127
designations, § 10:72	Attorney engagement, § 2:20
Utilities	Attorneys
Easements	Broker, use of in sale
Gas pipelines, §§ 12:57; 12:319	Generally, § 2:7
Unrecorded utility easements,	Listing agreement, reviewing,
§ 11:77	§ 1:11
Prorations of utility bills, § 13:28	Broker-attorney relationships
Title insurance utility letters	Committees, lawyer-broker,
Form, §§ 12:344; 12:349	§ 2:152
Vendees' liens, generally, § 12:236	Form contracts, completing,
Vendors' lien, generally, § 10:257	§ 2:151
Viewing property, overview of residen-	Auctioneers, § 5:327
tial transactions, § 1:10	Authority, § 2:39
Warranties (this index)	Brokerage agreements
Waste	Brokerage relations law, § 2:57
Action for, § 14:270	Definition, § 2:27
Life tenant, § 14:271	Termination, § 2:79
Remedies, § 14:272	Brokerage relations law
Water, testing, contract provision,	Generally, §§ 2:49; 2:61
§ 5:385	Affiliated licensees, § 2:54
Waterfront property, boundaries,	Agency relationships, § 2:55
§ 11:33	Agent, care duties in designating,
Witnesses, deeds, § 10:122	§ 2:72
Zoning and Planning (this index)	Agreements, § 2:57
REAL ESTATE AGENTS AND	Attorney unable to also act as bro-
BROKERS	ker, § 2:59
	Care duties in designating agent,
Generally, §§ 2:1 to 2:157	§ 2:72
Advertising, § 2:11	Civil actions, § 2:51
Affiliated licenses, brokerage relations	Common law of agency, § 2:50
law, § 2:54	Compensation and agency relation-
Agency status	ships, § 2:56
Generally, § 2:46	Compensation based on selling
Care duties in designating, § 2:72	price, § 2:70
Client relationships, § 2:32	Consumers' vicarious liability,
Definitions, § 2:26	§ 2:80
Establishment of agency, § 2:47	Customer, duties to, §§ 2:73; 2:75

REAL ESTATE AGENTS AND REAL ESTATE AGENTS AND BROKERS—Cont'd BROKERS—Cont'd Brokerage relations law-Cont'd Broker and client, generally, §§ 2:32; Definitions, § 2:74 Buyers, duties of seller's broker to, Disclosure duties, legislative intent, § 2:34 § 2:58 Cancellation, mutual and right to com-Disclosures, §§ 2:65; 2:76 mission, § 2:110 Dual agency Generally, §§ 2:61; 2:65 Care duties in designating agent, § 2:72 Civil actions, brokerage relations law, Imputed knowledge, § 2:66 § 2:51 Presumptive informed consent, Client relationships § 2:62 Generally, § 2:30 Timing of disclosure form pre-Authority, § 2:39 sentation, § 2:63 Document procurement duties, Withdrawal of agent, § 2:67 Written disclosures, § 2:64 § 2:37 Dual agencies, § 2:38 Duties of agent, § 2:69 False information given to custom-Establishment, § 2:31 ers, liability for, § 2:78 Good faith towards buyer, § 2:34 Informational duties, § 2:33 False information liabilities, § 2:71 Imputed knowledge, § 2:66 Limits on authority, § 2:39 Nature of, § 2:30 Legislative intent Seller's broker, § 2:34 Generally, §§ 2:49; 2:57 Seller's referral duties, § 2:35 Agency relationships, § 2:55 Brokerage agreements, § 2:57 Closing, agent for Compensation and agency Generally, § 5:146 relationships, § 2:56 All cash deal, § 5:149 Disclosure duties, § 2:58 Services of, § 5:147 Timing of disclosures, § 2:60 Who may serve, § 5:148 Liabilities to customers, §§ 2:77; Closings, document procurement duties, § 2:37 Other buyers, showing property to, Commercial property § 2:69 Brokers' liens, §§ 2:138; 2:139 Presumptive informed consent, Definition, § 2:139 § 2:62 Commissions Private right of action, § 2:51 Generally, § 2:95 Real Estate License Act of 2000 Buyer's broker, commission to, duties, § 2:68 § 2:130 Remedies, § 2:51 Cancellation, mutual and right to Scope of law, § 2:53 commission, § 2:110 Termination of brokerage agree-Closing preparations, § 9:97 ments, § 2:79 Contingencies in offer and right to Timing of disclosure form presentacommission, § 2:105 tion, § 2:63 Default by buyer and right to commission, §§ 2:109; 2:126 Timing of disclosures, § 2:60 Vicarious liability of consumer, Default by seller and right to com-§ 2:80 mission, § 2:108 Withdrawal of agent, § 2:67 Fiduciary duty breaches and right Written disclosures, § 2:64 to, § 2:111

REAL ESTATE AGENTS AND BROKERS—Cont'd Commissions—Cont'd

Financing contingencies in offer and right to commission, § 2:106

Grace periods, right to commission after expiration of, § 2:120

Income taxation considerations, § 15:76

Mutual cancellation or rescission and right to commission, § 2:110

No-close commission provision, § 5:270

Nonconforming sale and right to commission, § 2:117

Partial sale and right to commission, § 2:118

Payment, closing preparations, § 9:97

Payment provision in contract of sale, § 5:271

Procuring cause requirement, § 2:102

Quantum meruit claims Generally, § 2:116

Void listing agreement, § 2:119

Quasi contract claims, §§ 2:113 to 2:121

Rate of commission, attorney considerations, § 2:127

Ready, willing and able buyer, § 2:103

Rescission, mutual and right to commission, § 2:110

Right to commission, below Sale not on seller's terms and right to commission, § 2:117

Seller financing, § 7:268

Transfers between owners and right to, § 2:112

Void listing agreement and right to commission, § 2:119

Common law of agency and brokerage relations law, § 2:50

Comparative market analysis, § 2:10 Compensation

Agency relationships and, § 2:56 Brokerage relations law, § 2:56 Definition, § 2:25

REAL ESTATE AGENTS AND BROKERS—Cont'd

Compensation—Cont'd

Selling price, compensation based on, § 2:70

Confidential information, § 2:29

Consumer fraud, disclosure duties, § 2:45

Consumer Fraud Act claims against brokers

Generally, §§ 14:192; 14:204

Disclosure duties, § 2:45

Innocent misrepresentations, § 14:205

Self dealing, § 14:206

Consumers' vicarious liability, brokerage relations law, § 2:80

Contract of sale, signature by agent, § 5:41

Contracts of sale

Attorney engagement, § 2:20

Broker provisions in

Generally, § 5:269

No-close commission provision, § 5:270

Other brokers warranty, § 5:272 Payment of commission,

§ 5:271

Earnest money, obtaining, § 2:17

Preparation, § 2:16

Presentation to seller, § 2:18

Signatures to sale contract, format, § 5:397

Signing, § 2:19

Contractual rights to commission, § 2:96

Cooperating broker/agent, right of to commission, § 2:107

Cooperating brokers, § 2:13

Corporations, licensure, § 2:23

Customers

Definitions, § 2:74

Disclosures to, § 2:76

Duties to, §§ 2:73; 2:75

False information given to, liability for, § 2:78

Liabilities to, §§ 2:77; 2:78

Damages

Real estate recovery fund punitive damages, § 2:149

REAL ESTATE AGENTS AND	REAL ESTATE AGENTS AND
BROKERS—Cont'd	BROKERS—Cont'd
Damages—Cont'd	Escrow account establishment, § 2:6
Termination of listing agreement	Escrowed funds disputes, § 2:6
Generally, § 2:89	Escrow matters
Liquidated damages, § 2:90	Agency closings
Revocation after buyer secured,	Cook County, § 13:54
§ 2:92	Costs, § 13:55
Deceptive trade practices, disclosure	Use of, § 13:56
duties, § 2:45	Agent for possession
Definitions	Generally, § 5:161
Generally, § 2:24	Indemnification, § 5:162
Agency, § 2:26	Instructions, § 5:163
Brokerage agreement, § 2:27	Establishment of client relationships,
Compensation, § 2:25	§ 2:31
Customer, § 2:74	Exclusive right to sell, § 2:94
Designated agents, § 2:29	Exclusive right to sell, explaining to
Disclosure duties	client, § 2:124
Generally, § 2:40	Exculpatory clauses, disclosure duties,
Brokerage relations law	§ 2:44
Generally, §§ 2:58; 2:60	Fair housing laws, sales by owner vs
Client relationships, § 2:33	brokered sales, § 2:3
Consumer fraud, § 2:45	False information liabilities, § 2:71
Customers, disclosures to, § 2:76	Fees. Commissions, above
Deceptive trade practices, § 2:45	Fiduciary breaches
Dual agencies, § 2:65	Consumer Fraud Act claims,
Exculpatory clauses, § 2:44	§ 14:206
Intentional misrepresentations,	Right to commission, § 2:111
§ 2:41	Financing, commitments, § 2:15
Latent defects, § 2:43	Finders, § 2:48
Negligent misrepresentations,	Forms
§ 2:42	Affidavit, Lien Act, § 2:153
Timing of disclosures, § 2:60	Lien Act affidavit, § 2:153
Dual agencies	Notice of lien, § 2:155
Generally, §§ 2:38; 2:61	Release of claim for lien, § 2:156
Disclosures, §§ 2:64; 2:65	Standard form contracts, working
	with, § 2:151
Imputed knowledge, § 2:66	Waiver of lien, § 2:154
Presumptive informed consent, § 2:62	Good faith duties, § 2:36
Timing of disclosure form presentation, § 2:63	Implied contract, and right to commission, § 2:100
Withdrawal of agent, § 2:67	Income taxation, closing agents' report
Written disclosures, § 2:64	ing requirements, § 15:102
Earnest money	Indemnification of agent, § 5:162
Forfeiture, broker involvement, § 14:21	Informational duties, client relationships, § 2:33
Obtaining, § 2:17	Innocent misrepresentations, § 14:205
Sales by owner vs brokered sales,	Instructions to escrow agent, § 5:163
§ 2:5	Intentional misrepresentations, § 2:41

REAL ESTATE AGENTS AND REAL ESTATE AGENTS AND BROKERS—Cont'd BROKERS—Cont'd Liens, brokers'—Cont'd Latent defects Consumer Fraud Act, § 14:192 Residential property, § 2:137 Disclosure duties, § 2:43 Waiver of lien, § 2:154 Limited liability companies, licensure, Licensing Generally, §§ 2:21 to 2:29 § 2:23 Affiliated licenses, brokerage rela-Listing agent, § 2:9 tions law, § 2:54 Listing agreements Generally, §§ 1:11; 2:81; 2:82 Agency Definitions, § 2:26 Amending the agreement, attorney Designated agents, § 2:29 considerations, § 2:132 Broker Automatic extensions, § 2:86 Definitions, §§ 2:24; 2:28 Brokerage agreement, § 2:27 Brokerage relations law, § 2:57 Exceptions to licensing requirements, § 2:28 Buyer defaults, effect of, § 2:126 Brokerage agreement, definitions, Buyer's broker, commission to, § 2:130 § 2:27 Brokerage relations law Checklist; seller representation with Generally, § 2:49 broker where listing contract not yet executed, § 3:127 Duties, § 2:68 Closing requirements, § 2:125 Client, definitions, § 2:26 Commission rights conditioned on, Damages on termination, § 2:89 § 2:122 Early termination, § 2:135 Compensation, definitions, § 2:25 Exclusive right to sell, § 2:94 Confidential information, § 2:29 Exclusive right to sell, explaining to Corporations, § 2:23 client, § 2:124 Designated agents, § 2:29 Expiration Exceptions to licensing require-Generally, § 2:85 ments, § 2:28 Attorney considerations, § 2:131 Licensee, definitions, § 2:26 Expiration of agreement, § 2:131 Limited liability companies, § 2:23 Extensions, § 2:86 Partnerships, § 2:23 Grace periods Professional regulation, § 2:22 Generally, § 2:87 Real estate recovery fund, termina-Right to commission after tion of licenses in case of payexpiration of, § 2:120 ment of claim, § 2:155 Implied contracts, § 2:100 Regulatory system, § 2:22 Liquidated damages on termination, Right to commission, conditions of, § 2:90 § 2:122 Nonconforming sale and right to 2000 Act, § 2:21 commission, § 2:117 Liens, brokers' Offer, conforming, and right to Commercial property, §§ 2:138; commission, § 2:104 2:139 Overview, §§ 1:9; 1:11; 2:81 Escrow of, § 2:141 Partial sale and right to commission, Establishment, § 2:140 § 2:118 Notice of lien, § 2:155 Pre-signing concerns, § 2:81 Release of, § 2:141 Rate of commission, § 2:127

Ratification, § 2:99

Release of claim, § 2:156

REAL ESTATE AGENTS AND REAL ESTATE AGENTS AND BROKERS—Cont'd BROKERS—Cont'd Listing agreements—Cont'd Nature of relationship—Cont'd Revocation, § 2:88 Purchases by broker, § 2:36 Revocation after buyer secured, Negligent misrepresentations, § 2:42 §§ 2:91; 2:92 Negotiations, sales by owner vs Right to commission, § 2:128 brokered sales, § 2:4 Sale not on seller's terms and right New construction to commission, § 2:117 Oral representations by sales Statute of frauds, §§ 2:83; 2:84 persons, § **6:25** Survey requirements, attorney No-close commission provision, considerations, § 2:133 § 5:270 Termination Offers Generally, § 2:79 Generally, § 2:16 Damages on termination, § 2:89 Attorney engagement, § 2:20 Conforming and right to commis-Date, § 2:134 Expiration, §§ 2:85; 2:131 sion, § 2:104 Liquidated damages on termina-Contingencies in offer and right to tion, § 2:90 commission, § 2:105 Default by buyer and right to com-Revocation after buyer secured, mission, §§ 2:109; 2:126 §§ 2:91; 2:92 Default by seller and right to com-Term of agreement mission, § 2:108 Generally, § 2:85 Earnest money, obtaining, § 2:17 Attorney considerations, § 2:131 Financing contingencies in offer and Timing considerations, § 2:129 right to commission, § 2:106 Title requirements, attorney considerations, § 2:133 Presentation to seller, § 2:18 Signing of contract, § 2:19 Types of agreements, § 2:93 Oral representations by sales persons, Void agreement and right to com-§ 6:25 mission, § 2:119 Other brokers' warranty, § 5:272 Listing broker, § 2:8 Other buyers, showing property to, Market analysis, § 2:10 § 2:69 Mortgage brokers Overview of residential transactions, Generally, §§ 7:62; 7:65 § 2:7 Fees, § 7:63 Partial sale and right to commission, Relationships to borrowers, § 7:65 § 2:118 Services, § 7:64 Partnerships, licensure, § 2:23 Mortgage commitments, § 2:15 Payment of commission, provision for, Multiple listing, § 2:12 § 5:271 Mutual cancellation or rescission and Pre-approval of buyers, § 2:14 right to commission, § 2:110 Preparation of offers, § 2:16 Nature of relationship Private rights of action, brokerage rela-Generally, § 2:30 tions law, § 2:51 Authority, § 2:39 Procuring cause and right to commis-Document procurement duties, sion, § 2:102 § 2:37 Publicizing the property, § 2:11 Dual agencies, § 2:38 Punitive damages, real estate recovery Good faith duties, § 2:36 fund, § 2:149 Limits on authority, § 2:39 Purchases by broker, § 2:36

REAL ESTATE AGENTS AND REAL ESTATE AGENTS AND BROKERS—Cont'd BROKERS—Cont'd Quantum meruit claims Right to commission—Cont'd Generally, § 2:116 Mutual cancellation or rescission, § 2:110 Void listing agreement, § 2:119 Quasi contract claims, §§ 2:113 to Nonconforming sale, § 2:117 Offer conforming to listing agree-2:121 ment. § 2:104 Ready, willing and able buyer and right to commission, § 2:103 Partial sale, § 2:118 Real estate recovery fund Pre-qualification letter from lender. incorrect, § 2:123 Generally, § 2:143 Procuring cause requirement, Attorneys' fees, § 2:146 § 2:102 Costs, § 2:146 **Quantum** meruit claims Interest, § 2:147 Generally, § 2:116 Loss amount, § 2:144 Void listing agreement, § 2:119 Procedure, § 2:148 Quasi contract claims, §§ 2:113 to Punitive damages, § 2:149 Recovery amount, § 2:145 Ratification of brokerage agreement, Termination of licenses in case of § 2:99 payment of claim, § 2:155 Ready, willing and able buyer, Referrals, seller's referral duties, § 2:35 § 2:103 Remedies, brokerage relations law, Rescission, mutual, § 2:110 § 2:51 Sale not on seller's terms, § 2:117 Rescission, mutual and right to commis-Timing considerations, § 2:129 sion, § 2:110 Transfers between owners, § 2:112 Revocation of listing agreements, Void listing agreement, § 2:119 § 2:88 Right to commission Sales by owner Generally, § 2:2 Generally, § 2:95 Consumer Fraud Act liabilities, Amount of recovery, § 2:121 §§ 14:198; 14:210 Attorney considerations Earnest money deposits, § 2:5 Generally, § 2:128 Escrow account establishment, § 2:6 Timing, § 2:129 Escrowed funds disputes, § 2:6 Buyer's broker, § 2:130 Fair housing laws, § 2:3 Cancellation, mutual, § 2:110 Negotiations, § 2:4 Contingencies in offer, § 2:105 Self dealing, Consumer Fraud Act Contractual rights, § 2:96 claims, § 14:206 Cooperating broker/agent, § 2:107 Seller's broker, good faith towards Default by buyer, §§ 2:109; 2:126 buyer, § 2:34 Default by seller, § 2:108 Seller's referral duties, § 2:35 Expired listing agreement, § 2:131 Signature by agent, § 5:41 Express contract, § 2:98 Signatures to sale contract, format, Fiduciary duty breaches, § 2:111 § 5:397 Financing contingencies, § 2:106 Standard form contracts, working with, Grace periods, right after expiration § 2:151 of, § 2:120 Statute of frauds, listing agreements, Implied contracts, § 2:100 §§ 2:83; 2:84 Licensure requirements, § 2:122 Statute of limitations to enforce lien, Listing agreement required, § 2:97 commercial property, § 2:142

REAL ESTATE AGENTS AND BROKERS—Cont'd

Survey requirements in listing agreements, § 2:133

Title requirements in listing agreements, § 2:133

Types of listing agreements, §§ 2:93; 2:94

Vicarious liability, **§ 2:80**Void listing agreement and right to commission, **§ 2:119**

REAL ESTATE RECOVERY FUND

Generally, § 2:143
Attorneys' fees, § 2:146
Costs, § 2:146
Interest, § 2:147
Loss amount, § 2:144
Procedure, § 2:148
Punitive damages, § 2:149
Recovery amount, § 2:145
Termination of licenses in case of payment of claim, § 2:155

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

Generally, **§§ 7:89; 7:90** Closing review

Generally, §§ 13:75; 15:100 Attorney title agent safe harbor, § 13:73

Enforcement, § 13:76

Escrow limit, § 13:74 Exceptions, § 13:75

Federally related mortgages,

application to, § 13:69 Good faith estimates, §§ 13:70;

13:71
Kickback and unearned fee prohibition, § 13:73

Lender disclosures, §§ 13:72 to 13:73

Disclosures of costs, §§ 7:91; 7:92 Qualified written request, § 7:93

REAL PROPERTY

Real Estate (this index)

REAL PROPERTY TRANSFER ON DEATH INSTRUMENT ACT

Generally, §§ 12:186 to 12:196

REAL PROPERTY TRANSFER ON DEATH INSTRUMENT ACT

-Cont'd

Application, §§ 12:187 to 12:196

Beneficiary predeceases owner, § 12:195

Contesting transfer, time limitation, § 12:192

Creditors, § 12:194

Death while property transfer is under contract, § 5:323

Effectuating the transfer, § 12:191

Execution of transfer instrument,

requirements, § 12:189 Form of ownership, § 12:187

Multiple beneficiaries, § 12:188

Probate of estate, §§ 12:193; 12:195

Recording, § 12:190

Revocation of transfer instrument, § 12:196

Severance of joint tenancy, § 4:18

Tenants by the entireties, § 4:49

Time limitation on contesting transfer, § 12:192

REAL PROPERTY TRANSFERS

Death Instrument Act

Wrongful death, § 5:320

State statutory provisions, § App 9C

RECORDS AND RECORDINGS

Generally, § 10:165

Agent's duty to keep, § 3:107 Checklists

Chicago, § 10:262

Cook County transfers, § 10:261

Non-Cook County transfers,

§§ 10:260 to 10:262

Chicago land transfers, recordation of transfers

Generally, §§ 10:166; 10:182

Checklists, § 10:262

Exempt transactions, § 10:183

Grantor-grantee statements, § 10:183

Mortgages, § 10:185

Other recordable documents,

§ 10:185

Tax billing information, § 10:184

RECORDS AND RECORDINGS —Cont'd	RECORDS AND RECORDINGS —Cont'd
Condominium association, inspection of	Grantor and grantee statement
records, §§ 16:167; 16:168	Cook County land transfers,
Condominium declarations	§ 10:183
Generally, § 16:35	Form, § 10:291
Changes, § 16:33	Land trusts
Changes to unit, § 16:39	Generally, § 10:289
Deed requirements, § 16:37	Facsimile assignment, §§ 10:181;
Partition of common elements,	10:290
§ 16:41	Liens
Percentage ownership	Generally, § 12:215
Generally, § 16:38	Constructive notice, § 12:216
Changes, § 16:40	Mortgages (this index)
Timing, § 16:36	Necessity of deed recording, §§ 10:167
Condominium lien assessments,	to 10:170
§ 16:120	Option contracts, § 5:403
Constructive notice of unrecorded inter-	Owner of record, § 5:39
est, §§ 5:133; 10:5; 12:217 Cook County land transfers	Percentage ownership
Generally, §§ 10:166; 10:182	Changes, § 16:40 Scrivener's errors, § 16:47
Checklists, § 10:261	Plat Act exemptions, § 11:61
Exempt transactions, § 10:183	Prohibitions, § 10:173
Grantor-grantee statements,	Property tax billing info, Cook County
§ 10:183	transfers, §§ 10:184; 10:186; 10:293
Mortgages, § 10:185	Real estate, generally, § 10:165
Other recordable documents,	Residential Real Estate Transfer on
§ 10:185	Death Instrument Act, § 12:190
Tax billing information, §§ 10:184 ; 10:186	Restrictive covenants, § 12:96
Covenants running with the land,	Seller financing, § 7:266
§ 12:96	Standardization of forms legislation, § 10:282
Deeds	Subrogation issues
Condominium declarations, § 16:37	Generally, § 10:171
Delivery, relationship to recording,	Conventional subrogation, § 10:172
§ 10:157	Equitable subrogation, § 10:172
Format requisites	Tax billing information, Cook County
Generally, § 10:174	transfers, §§ 10:184; 10:186
Noncompliant deeds, § 10:175	Timing of recording, §§ 10:169; 10:170
Older documents, § 10:176	Title, recordable, as condition of sale,
Recordability, drafting considerations, § 10:4	§ 5:132
Exceptions, § 10:170	Torrens system, § 10:187
Exempt transactions, § 10:183	Torrens System
Facsimile assignment of beneficial	Generally, § 5:120
interests, §§ 10:181; 10:290	Deregistration, § 5:121
Forms	Transfer tax payments
Grantor and grantee sample state-	Generally, § 10:188
ment, § 10:291	Exempt transfers, § 10:189
Plat Act exemptions, § 11:63	Land trusts, § 4:84

RECORDS AND RECORDINGS —Cont'd

Transfer tax payments—Cont'd

Municipal taxes and requirements,
§ 10:190

Unorganized counties, § 10:178
Unrecorded interest, constructive notice of, §§ 5:133; 10:5; 12:217
Use restrictions, § 6:146
Use restrictions of record, § 5:355
Utility easements, unrecorded, § 11:77
Where to record, § 10:177
Wild deeds, § 14:295

REDEMPTION

Equitable mortgages, § 10:230

Generally, §§ 7:175 to 7:180

REFINANCING

Attorney involvement, § 7:180
Definitions, § 7:175
Existing lender, use of, § 7:177
Maximum amount, seller financing, § 7:255

Prepayment

Generally, § 7:178

Recordation of mortgages

Priority

Conventional subrogation, third party, § 7:161

Seller financing

Generally, § 7:254

Maximum amount, § 7:255

Payments under new mortgage, § 7:256

Term of mortgage, § 7:257 Subordination, seller financing,

§§ 7:258; 7:259

Title insurance, § 7:179

When to refinance, §§ 7:176 to 7:178

REFORMATION OF INSTRUMENTS

Generally, §§ 14:240 to 14:254

Deeds, reformation of

Generally, §§ 10:252; 14:249 to 14:254

Bona fide purchasers, § 14:253 Difference between reformation and rescission, § 14:251

Mistake, §§ 14:250; 14:252

REFORMATION OF INSTRUMENTS—Cont'd

Deeds, reformation of—Cont'd Proof standard, § 14:254 Time of mistake, § 14:252 Evidentiary requirements, § 14:248 Law, mistake of, § 14:244 Mistake

Deeds, reformation of, §§ 14:250; 14:252

Fact, of

Damages for unjust enrichment, § 14:247

Difference between reformation and rescission, § 14:246

Law, of, § 14:244

Mutual, §§ 14:241; 14:242

Unilateral, § 14:243

Presumption, § 14:245

Unilateral mistake, § 14:243

RELEASE

Mortgages (this index)

REMAINDERS

Life Estates, Remainders, and Reversions (this index)

REMEDIES

Actions and Remedies (this index)

RENT

Chicago Landlord and Tenant Ordinance, § 17:21

Landlord and Tenant (this index)

Leases and tenants' rights

Landlord's demand for rent and action in possession, § 17:10
Personal property, right of landlord to for rent, § 17:11

REPAIRS

Attorneys, closing preparations, repair problems, §§ 13:3; 13:4
Bills of sale

Condition of personalty included in sale

Inspected items, § 10:205 Uninspected items, § 10:206 Escrows to repair, §§ 10:205;

10:206

REPAIRS—Cont'd	REPAIRS—Cont'd
Building and construction work and	Personal property, real estate convey-
contracts, new construction, statutes	ances including—Cont'd
of limitation, repairs and tolling,	Condition of property, inspections
§ 14:308	—Cont'd
Closings	Uninspected items, § 10:206
Preparations, repair problems,	Escrows to repair, §§ 10:205;
§ 13:3	10:206
Problems, § 13:3	Inspected items, § 10:205
Condominiums	Inspections
Duties of managers, §§ 16:63 to	Inspected items, § 10:205
16:66	Uninspected items, § 10:206
Expenses, repairs, § 16:64	Uninspected items, § 10:206
Managers	Sale and transfer of property
Duties, §§ 16:63 to 16:66	Contracts, personal property
Expenditures for repairs,	included in sale
§ 16:64	Escrows to repair, §§ 10:205;
Condominiums, townhouses, and	10:206
cooperatives	Inspected items, § 10:205
Duties of managers, §§ 16:63 to	Inspections
16:66	Inspected items, § 10:205
Expenses, repairs, § 16:64	Uninspected items, § 10:206
Managers	Uninspected items, § 10:206
Duties, §§ 16:63 to 16:66	Inspection and inspectors, home-
Expenditures for repairs,	owners' association requirements
§ 16:64	repairs budgeting, § 3:15
Contracts for sale, personal property included in sale	Personal property included in
	conveyance
Escrows to repair, §§ 10:205; 10:206	Condition of property, inspec-
Inspections	tions
Inspected items, § 10:205	Inspected items, § 10:205
Uninspected items, § 10:206	Uninspected items, § 10:206
Easements, repair rights, § 12:28	Escrows to repair, §§ 10:205;
Escrow, personal property included in	10:206
sale, repair escrows, §§ 10:205;	Inspections
10:206	Inspected items, § 10:205
Homeowners' associations, repairs	Uninspected items, § 10:206
budgeting, § 3:15	Statutes of limitations
Inspections by buyer, homeowners'	Construction cases, repairs and toll-
association requirements, repairs	ing, § 14:308
budgeting, § 3:15	Repairs and tolling, § 14:308
Limitation of actions	Taxation
Construction cases, repairs and toll-	Basis, repair increases, § 15:73
ing, § 14:308	Real estate
Repairs and tolling, § 14:308	Basis, repair increases, § 15:73
Personal property, real estate convey-	Sales of residences, repair
ances including	increases to basis, § 15:73
Condition of property, inspections	Sales of residences, repair increases
Inspected items, § 10:205	to basis, § 15:73

REPAIRS—Cont'd

Warranties, construction or repair, § 14:78

REPRESENTATIONS

Actions for breach, § 14:77
Breach, § 14:77
Building code compliance, § 5:392
Contract of sale provisions, § 5:394
Damages for default

Generally, §§ 14:71 to 14:81 Contractual creation, § 16:72 Good faith, § 14:74

Good working order, § 14:76 Types of representations, § 14:75

Good working order, § 14:76 Majority, assertion of, §§ 5:60; 5:337

Merger doctrine, § 14:117 Ownership by signatories, § 5:61 Purchaser's agreements and representa-

Purchaser's agreements and reptions, § 5:395
Rental income, § 12:327

Survival of, § **5:393**Time of making, § **5:396**

Types of representations, § 14:75 Zoning compliance, §§ 12:122; 12:321

RESCISSION

Generally, §§ 14:152 to 14:171
Brokers' commissions, § 2:110
Closings, borrower's three day right of rescission, § 13:82
Fact, mistake of, §§ 14:155 to 14:158
Habitability warranty, § 14:113
Impossibility of performance, § 14:154
Materiality mistake, § 14:156
Restoration of status quo, § 14:173
Status quo, restoration of, § 14:173
Timeliness of exercise, § 14:153
Truth in Lending Act claims, § 7:97
Unilateral mistake, § 14:157

RESIDENTIAL REAL PROPERTY DISCLOSURE ACT

Generally, §§ 3:55 to 3:98
As-is contract, practical tips, § 3:92
Causation, disclosure, § 3:77
Condominium common elements, § 16:101

Definition of seller, § 3:72 Disclosure of option contracts, § 3:57

RESIDENTIAL REAL PROPERTY DISCLOSURE ACT—Cont'd

Disclosure report, delivery, § 3:56
Failure of seller to deliver completed form, § 3:61

Incomplete disclosure form, § 3:61 Material defects, disclosures of all, § 3:60

Obligation of seller to completion of disclosure form, §§ 3:61; 3:97; 3:98 Partial disclosure by seller, § 3:76 Seller, defined, § 3:72

Sellers, disclosures by

Generally, §§ 3:55 to 3:98 Amending disclosures, § 3:79 Applicability, § 3:64 Buyer's knowledge of error, § 3:81 Contract provision, § 5:285 Court ordered transfers, § 3:46 Damages liability, §§ 3:83; 3:84 Definitions, § 3:64 Duties of seller, §§ 3:73 to 3:79 Errors, knowledge of, § 3:75

Excepted properties, §§ 3:65 to 3:70
Fiduciary transfers, § 3:68
Foreclosure transfers, § 3:67

Foreclosure transfers, § 3:67 Form, § 3:71 Fraud disclosures, § 3:63

Investigative duties of seller, § 3:78 Knowledge of errors, §§ 3:75; 3:81 New construction, § 3:69

Practical aspects of disclosure document, § 3:87

Reliance on disclosure statement, purchaser's, § 3:80
Scope of disclosure, § 3:74
Seller obligations, §§ 3:58; 3:59
Statute of limitations, § 3:85
Statutory and common law duties, § 3:62

Termination rights of buyer, § 3:82 Timeliness of information, §§ 3:88 to 3:94

Updating disclosures, § 3:79
Statutes of limitation, § 14:300
Waiver of seller's obligation to compete disclosure form, §§ 3:97; 3:98

RESPA

Real Estate Settlement Procedures Act (this index)

RESULTING TRUSTS

Generally, §§ 10:253 to 10:256 Burden of proof, § 10:254 Gifts between family members, § 10:255

Gifts between spouses, § 10:256

REVERSE MORTGAGES

Generally, §§ 7:38; 7:186 to 7:201 Amount of loan, § 7:196 Attorney counseling, § 7:201 Balance due if repaid, § 7:188 Borrower obligations, § 7:188 Causes of action, § 7:199 Costs, § 7:198

FHA guaranteed reverse mortgage, § 7:193

Heirs, effect on, § 7:190 Homestead requirements, § 7:194 Illinois Reverse Mortgage Act, § 7:200 Qualification, § 7:187

Single purpose reverse mortgage, § 7:197

Terms, § 7:195
Types of, § 7:191

Uninsured reverse mortgage, § 7:192

RIPARIAN OWNER OR RIGHTS

Generally, §§ 12:197 to 12:203 Abutting land owners, § 12:198 Accretion, § 12:202 Artificial bodies of water, § 12:203 Flooding, § 14:273 Non-navigable lakes, § 12:201 Private lakes, § 12:201 Real Estate, this index (this index)

RISK OF LOSS, INJURY OR DAMAGE

Generally, § 5:275

After transfer of title or possession, § 5:277

Before closing, § 5:276

Forms, §§ 5:278; 5:401

Possession, risk of loss after transfer of, § 5:277

Seller financing, § 7:243

RISK OF LOSS, INJURY OR DAMAGE—Cont'd

Title, risk of loss after transfer of, § 5:277

ROADS

Highways, Streets, and Bridges (this index)

SAFE HOMES ACT

Attorney's fees, § 17:66
Confidentiality, § 17:65
Inspection of residential property
Generally, §§ 17:62 to 17:67
New locks

Notice and support requirements to tenant, new locks upon imminent threat, § 17:64

Obligation of landlord to provide new locks upon imminent threat, § 17:67

Notice and support requirements to tenant, new locks upon imminent threat, § 17:64

Obligation of landlord to provide new locks upon imminent threat, § 17:67

Penalty, § 17:66

Vacation of lease upon imminent threat, tenants rights, § 17:63

SALE AND TRANSFER OF PROPERTY

Acknowledgments of signatures. Contracts, below

Bills of Sale (this index)

Capacity to convey

Generally, § 10:237

Acknowledgment and, § 10:147

Contracts of sale

Generally, §§ 5:53 to 5:60; 5:54 Form, § 5:334

Determinations of capacity, § 10:238

Fairness of transaction, § 10:235 Powers of attorney, § 10:234

Reformation of deeds, § 10:252

Undue influence

Generally, § 10:231 Confidential relationships, §§ 10:232; 10:233

Powers of attorney, § 10:234

SALE AND TRANSFER OF	SALE AND TRANSFER OF
PROPERTY—Cont'd	PROPERTY—Cont'd
Checklists	Disclosures by sellers—Cont'd
Listing contract not yet executed,	Chicago land transfers, heating costs
seller representation with broker	disclosures, § 9:69
where, § 3:127	Concealment, active, §§ 3:39;
Preparatory steps, §§ 3:126 to 3:130	14:189
Submission of sale contract,	Condominium common area
§§ 3:128 to 3:130	disclosures, § 3:93
Closing, deed and money escrow, sale without gap coverage, § 13:98	Condominium initial sales,
Contracts for Sale (this index)	§§ 16:181 to 16:187 Condominium resales
Conveyances Act, title requirements,	
§ 5:112	Generally, §§ 16:175 to 16:178
Court-ordered transfers	Form, § 9:124 Court ordered transfers, Residential
Contract of sale approvals	Real Property Disclosure Act
Generally, § 5:57	exceptions, § 3:83
Certified copy of order, § 5:58	Damages liability, § 3:84
Court-ordered deed, § 10:41	Definitions Residential Real Prop-
Deed, court-ordered, § 10:41	erty Disclosure Act, § 3:64
Dissolution of marriage, § 10:246	Easements, § 12:17
Judge's deed	Errors, knowledge of, § 3:3
Generally, § 10:272	Extent of disclosure, § 3:37
Form of deed, § 10:273	Failure to disclose lead levels, effect
Form of supporting affidavit,	of, § 3:51
§ 10:274	Fiduciary transfers, § 3:68
Marital property distributions,	Forms
§ 10:246	Assessments, sellers representa-
Court ordered transfers, residential Real	tions, § 5:358
Property Disclosure Act exceptions,	Condominium resale disclosure
§ 3:66	form, § 9:124
Deceased title holder. Parties, below	Residential Real Property
Disclosures by sellers	Disclosure Act, § 3:71
Generally, §§ 3:32 to 3:98	Townhouse resale disclosure
Active concealment, § 14:189	form, § 9:124
Active concealment vs silence, § 3:39	Zoning and land planning
Affirmative falsehoods, § 3:38	restrictions, § 12:321
Ammauve faisehoods, § 3.36 Amending disclosures, Residential	Fraud disclosures, Residential Real
Real Property Disclosure Act,	Property Disclosure Act, § 3:63
§ 3:79	Half truths, § 14:188
Assessments, sellers representa-	Heating costs
tions, § 5:358	Generally, § 5:288
Building code contingency	Chicago land transfers, § 9:69
representations, § 5:392	Insulation, § 5:287
Buyer reliance, § 3:80	Incomplete disclosures, § 14:188
Buyer's knowledge of error	Inspections of property and, gener-
Residential Real Property	ally, § 3:33
Disclosure Act, § 3:81	Insulation, § 5:287

§ 3:82

SALE AND TRANSFER OF SALE AND TRANSFER OF PROPERTY—Cont'd PROPERTY—Cont'd Disclosures by sellers—Cont'd Disclosures by sellers-Cont'd Investigative duties of seller, Resi-Residential Real Property dential Real Property Disclosure Disclosure Act—Cont'd Act. § 3:78 Actual knowledge.disclosure Knowledge of errors, Residential covering only, § 3:91 Real Property Disclosure Act, Amending disclosures, § 3:79 §§ 3:75; 3:81 Applicability, § 3:64 Lead Buyer's knowledge of error, Failures to disclose, effect of, § 3:81 § 3:51 Condominium common area Federal requirements disclosure, § 3:93 Generally, §§ 3:47 to 3:51; Contract provision, § 5:285 3:54 Court ordered transfers, § 3:66 Acknowledgments, § 3:50 Damages liability, §§ 3:83; 3:84 Cause of action, § 3:54 Definitions, § 3:64 Effective date of regulations, Disclosure report, delivery, § 3:48 § 3:56 Excluded properties, § 3:49 Duties of seller, §§ 3:73 to 3:79 Failures to disclose, effect Duty to disclosure, advising of, § 3:51 seller of, § 3:90 Inspection period, § 3:50 Errors, knowledge of, § 3:75 Forms, §§ 3:131 to 3:135 Excepted properties, §§ 3:65 to Guidance on the Lead-Based 3:70 Paint Disclosure rule, § 3:132 Fiduciary transfers, § 3:68 Paint standards Fill out form, advising seller of Generally, § 3:52 duty to, § 3:89 State requirements, § 3:53 Foreclosure transfers, § 3:67 State requirements, § 3:53 Form. § 3:71 Material defects Fraud disclosures, § 3:63 Common law, § 3:36 Investigative duties of seller, Disclosure of all not required, § 3:78 Knowledge of error, § 3:81 § 3:60 Misrepresentation, concealment as, Knowledge of errors, § 3:75 § 14:167 Limited usefulness, § 3:94 Need for inspection, § 3:33 New construction, § 3:69 New construction, § 3:69 Practical aspects of disclosure Personal property included in sale, document, § 3:87 condition representations, § 5:368 Reliance on disclosure state-Practical aspects of disclosure document, purchaser's, § 3:80 ments, § 3:87 Rescission rights, § 3:84 Radon, §§ 3:42 to 3:46 Scope of disclosure, § 3:74 Reliance Seller obligations, §§ 3:58; 3:59 Generally, § 3:80 Statute of limitations, § 3:85 Consumer Fraud Act, § 14:195 Statutory and common law Residential Real Property duties, § 3:62 Disclosure Act Termination rights of buyer,

Generally, §§ 3:55 to 3:98

SALE AND TRANSFER OF	SALE AND TRANSFER OF
PROPERTY—Cont'd	PROPERTY—Cont'd
Disclosures by sellers—Cont'd	Inspection and inspectors—Cont'd
Residential Real Property	Contract riders
Disclosure Act—Cont'd	Generally, §§ 5:240; 5:242
Timeliness of information, §§ 3:88 to 3:94	Closing
Updating disclosures, § 3:79	Generally, § 5:248
Silence vs active concealment,	Access to premises, § 5:279
§ 3:39	Preclosing
Standard of proof, § 3:35	Generally, § 5:248
Statute of limitations, § 3:85	Access to premises, § 5:279
Termination rights of buyer, § 3:82	Radon testing, § 5:244
Townhouse resale disclosure form,	Standards for inspection, § 5:241
§ 9:124	9
Updating disclosures, § 3:79	Unsatisfactory reports, provision for, § 5:247
Zoning and land planning restric-	Cooperatives, § 3:10
tions	Custom built new construction,
Generally, §§ 12:122; 14:194	§ 6:63
Form, § 12:321	Disclosure duties and, generally,
Non-conforming uses, § 12:123 Earnest money, § 3:18	§ 3:33
Form of acknowledgment, § 10:130	Earnest money, § 3:18
Identification of real property	Existing houses, §§ 3:3 to 3:9
Generally, § 5:78	Gray area inspection reports, § 3:24
Property index number (PIN),	Home inspectors, Consumer Fraud
§ 5:79	Act claims against, § 14:209
Inspection and inspectors	Homeowner exemption, § 3:6
Generally, §§ 1:10; 3:1 to 3:24	Homeowners' association require-
Appraisers, Consumer Fraud Act	ments
claims against, § 14:212	Generally, § 3:11
Architects of new construction,	Assessments, § 3:16
§ 6:24	Parking policies, § 3:14
Buyer beware, § 3:1	Rental policies, § 3:13
Closing inspection walk-throughs	Repairs budgeting, § 3:15
Generally, § 13:1	Rules and regulations, § 3:12
New constructions, § 13:5	Inspectors, property, § 1:17
Condominiums, § 3:10	Liabilities of professional inspec-
Consumer Fraud Act claims	tors, § 3:20 Mechanical elements, § 3:4
Appraisers, § 14:212	Merger doctrine and inspection
Home inspectors, § 14:209	rights
Contract provisions	Generally, § 14:118
Generally, § 5:380	Habitability warranty, §§ 14:88;
Inclusion in contract, for, § 5:381	14:119
Septic system test, § 5:385	Municipal matters, § 6:26
Soils test, § 5:386	Neighborhood conditions
Termite inspection, § 5:382	Generally, § 3:9
Water test & 5:385	New construction 8 6.26

SALE AND TRANSFER OF

PROPERTY—Cont'd PROPERTY—Cont'd Inspection and inspectors—Cont'd Inspection and inspectors—Cont'd New construction Septic system test, § 5:385 Generally, § 3:17 Soil test, § 5:386 Architects, § 6:24 Structural elements, § 3:4 Builders, § 6:24 Taxes, §§ 3:5 to 3:7 Condominium projects, § 6:30 Termite inspection, § 5:382 Cooperatives, § 6:30 Timing of professional inspectors, Crime, § 6:29 § 3:21 Custom built homed, § 6:63 Townhouses, § 3:10 Municipal matters, § 6:26 Unsatisfactory inspections Oral representations by sales Generally, §§ 3:22 to 3:24 persons, § 6:25 Contract rider, § 5:247 Planned developments, § 6:31 Gray area inspection reports, Schools, **§ 6:28** § 3:24 Security, § 6:29 Water test, § 5:385 Townhouse developments, Zoning laws, new construction, § 6:30 § 6:27 Zoning laws, § 6:27 Land trusts. Parties, below New constructions, walk-throughs, Negotiating sales contract § 13:5 Generally, §§ 3:25 to 3:31 Overview Both parties should be represented Buyer inspections, § 1:10 by attorneys, § 3:28 Professional inspections, § 1:17 Broker, sales through, § 3:30 Personal property, § 3:8 Owner, sale by, §§ 3:27 to 3:29 Planned developments, § 6:31 Pre-contract negotiations, attorney's Professional inspections and inspecrole in, § 3:31 Terms, § 3:29 Generally, § 3:19 Usual procedure, §§ 3:26 to 3:30 Appraisers, Consumer Fraud Written contract required, § 3:25 Act claims against, § 14:212 Nominee and trust agreement, § 5:348 Gray area reports, § 3:24 **Parties** Home inspectors, Consumer Ascertaining proper sellers and Fraud Act claims against, purchasers, § 5:38 § 14:209 Business entity as grantor or Lead inspection period requiregrantee, § 10:71 ments, § 3:50 Consideration recitals in deeds. Liabilities of, § 3:20 § 10:86 Overview, § 1:17 Contract provision for deed from Septic system test, § 5:385 corporation, § 10:280 Soil test, § 5:386 Conveyance to self, § 10:67 Termite inspection, § 5:382 Corporate grantor or grantee Timing, § 3:21 Generally, § 10:71 Unsatisfactory inspections, §§ 3:22 to 3:24 Directors' approval of sale Water test, § 5:385 Generally, § 10:76 Schools, § 6:28 Authorizing resolution, Senior freeze exemption, § 3:7 § 10:279

SALE AND TRANSFER OF

SALE AND TRANSFER OF	SALE AND TRANSFER OF
PROPERTY—Cont'd	PROPERTY—Cont'd
Parties—Cont'd	Parties—Cont'd
Corporate grantor or grantee	Guardian—Cont'd
—Cont'd	Limitation of liability of, § 5:59
Good standing, certificate of,	Homestead rights, § 5:44
§ 10:74	Husband and wife, signatures by,
Grantor corporation, § 10:73	§ 5:42
Language of corporate convey-	Incompetent persons
ance, § 10:77	Generally, §§ 5:53 to 5:60; 5:54
Shareholder approval of sale,	Form, § 5:334
§ 10:75	Inquiries as to ownership, § 5:40
Signatories to corporate deed,	Joint owners, § 5:47
§ 10:78	Joint tenants
Signatures, § 10:115	Generally, § 5:63
Deceased title holder	Affidavit of death of joint ten-
Generally, §§ 5:62 to 5:74	ant, § 5:340
Bond in lieu of probate	Judgment liens and representative
Generally, § 5:64	capacity, § 12:233
Form, § 5:341	Land trusts
Heirs	Generally, §§ 5:48; 5:74; 10:81
Disclaim, right to, § 5:70	Conveyance between land trusts,
Sale to, § 5:69	§ 10:84
Independent administration,	Conveyance to another trustee,
§ 5:66	§ 10:85
Intestacy, § 5:67	Language to be used, § 10:83
Legatees	Power of trustee, § 10:82
Disclaim, right to, § 5:70	LLC as grantor or grantee
Sale to, § 5:69	Signatures, § 10:117
No power to sell, § 5:68	Marital status of grantor, § 10:69
Probate sales	Minors
Generally, § 5:64	Generally, §§ 5:53 to 5:60
Ownership during probate,	Form, § 5:333
§ 5:65	Representations as to majority
Supervised administration,	Generally, § 5:60
§ 5:68	Form, § 5:337
Title company requirements,	Nominee of buyer, § 5:75
§ 5:71	Nonownership of purported seller,
Deed drafting, generally, §§ 10:64	§ 5:51
to 10:85	Owner, § 5:39
Entity as grantor or grantee, § 10:71	Partnership as grantor or grantee
Erroneous grantees, § 10:66	Grantor partnership, § 10:79
Fictitious grantees, § 10:66	Signatories to partnership deed,
Grantor and grantee sample state-	§ 10:80
ment form, § 10:291	Signatures, § 10:116
Guardian	Probate sales, § 5:64
Deed by, § 10:271	Purchaser's nominee, name of
Exculpatory clause, §§ 5:335;	Contract provision, § 5:347
5:336	Deed. § 10:281

SALE AND TRANSFER OF PROPERTY—Cont'd	SALE AND TRANSFER OF PROPERTY—Cont'd
Parties—Cont'd	Personal property included in convey-
Purported seller, nonownership of,	ance—Cont'd
§ 5:51	Condition of property—Cont'd
Record owner, § 5:39	Inspections
Representation as to marital status	Generally, § 10:204
of seller, § 5:46	Repair of inspected items,
Representation as to selling	§ 10:205
signatories, § 5:61	Repair of uninspected items,
Self conveyance, § 10:67	§ 10:206
Sellers' names, § 10:68 Spousal rights, § 5:43	Silence as to condition, § 5:200
Title, form in which buyer takes	Used condition, § 5:201
Generally, § 5:76	Warranties, purchased, § 5:203
Lender's considerations, § 5:77	Working order, § 5:202
Title insurance, parties insured,	Debris removal, § 5:204
§ 12:266	Disputed fixtures, § 5:187
Trust deeds	Escrows to repair, §§ 10:205; 10:206
Generally, § 10:81	Forms
Conveyance between land trusts,	Bills of sale, § 10:292
§ 10:84	Condition representations,
Conveyance to another trustee, § 10:85	§§ 5:368; 10:296
Language to be used, § 10:83	Warranties of third parties,
Power of trustee, § 10:82	assignment, § 10:297
Unincorporated associations as	Inclusion in sale generally,
grantor or grantee, § 10:72	§§ 5:184; 5:185
Variations in names, deed problems,	Inspections
§ 10:65	Generally, § 10:204
Wife and husband, signatures by, § 5:42	Repair of inspected items, § 10:205
Personal property included in convey-	Repair of uninspected items,
ance	§ 10:206
Generally, §§ 5:181; 5:192	Liens
Bulk transfer laws	Generally, § 5:194
Generally, § 10:194	Buyer considerations, § 5:196
Chicago ordinance, § 10:295	Seller considerations, § 5:195
Definitions, § 10:195	UCC search, § 5:197
Tax notice to Department of Revenue, §§ 10:196; 10:294	Listing of personalty in sales
Buyer's considerations, § 5:190	contracts, § 5:188
Buyers' inspections of property,	Pricing separately, § 5:191
§ 3:8	Removability considerations,
Condition of property	§ 5:186
Generally, §§ 5:198; 10:203	Repair of inspected items, § 10:205
As is recital, § 5:201	Repair of uninspected items, § 10:206
Form, §§ 5:368; 10:296	Schedules, § 5:188
Good working condition, § 5:199	Seller's considerations, § 5:189
3 0.177	Series a considerations, 3 2.10)

SALE AND TRANSFER OF SELLER FINANCING—Cont'd PROPERTY—Cont'd Assumptions of mortgages Personal property included in convey-Existing mortgage default, buyer's right to cure, § 7:236 ance—Cont'd Silent assumption, § 7:216 Third-party warranties Generally, § 10:207 Attorney's fees, § 7:265 Balance, contract, § 7:264 Assignment form, § 10:297 Broker's commissions, § 7:268 Title warranties, § 10:192 Building codes violations Transfer tax implications Damages, § 5:264 Generally, § 9:47 Laches, § 5:263 Allocation form, § 9:147 UCC lien search, § 5:197 Statutory requirements, § 7:233 Warranties Closing preparations, § 9:87 Condominiums, § 7:224 Generally, § 14:80 Contingency clauses, § 7:203 Purchased, § 5:203 Contract for deed, § 7:209 Third parties', § 10:207 Contract for deed, date of contract, Title, §§ 5:369; 10:192 § 7:210 Transfers, § 5:370 Contract provisions, § 7:204 **Powers of Attorney** (this index) Damages, building codes violations, Prohibited transfer fees, deeds, § 10:258 § 5:264 Taxes, §§ 9:38; App A Defaults **Uniform Fraudulent Transfer Act** Existing mortgage default, buyer's (this index) right to cure, § 7:236 SCHOOLS AND EDUCATION Installment contracts, § 7:217 Redemption after, §§ 7:218 to Investigation, pre-contract, § 6:28 7:222 SEALS AND SEALED Reinstatement after, §§ 7:218 to **INSTRUMENTS** 7:222 Deed preparation, § 10:121 Due-on-sale clause in existing financing Generally, § 7:214 **SECURITY** Language, § 7:215 Investigation, pre-contract, § 6:29 Equitable conversion, § 7:208 **Landlord and Tenant** (this index) Generally, §§ 7:211 to 7:268 Limitations of doctrine, § 7:212 SECURITY DEPOSIT RETURN Escrows Generally, §§ 7:228 to 7:230; 7:247 Closings, contract provisions, §§ 13:22; to 7:250 13:23 Exculpatory provision, § 7:229 Land trusts **SELLER** Generally, §§ 7:228 to 7:230 Defined, Residential Real Property Seller status, change in, § 7:230 Disclosure Act, § 3:72 No underlying escrow, § 7:249 SELLER FINANCING Tax proration, § 7:250 Generally, §§ 5:236; 7:202 to 7:268 Underlying escrow, § 7:248 Acceleration, § 7:223 Exculpatory provision, use of land trust Articles of agreement, § 7:209 and escrow, § 7:229 Assignability of contract, § 7:263 Existing mortgage default, buyer's right

Assignments of rents, § 7:207

to cure, § 7:236

SELLER FINANCING—Cont'd	SELLER FINANCING—Cont'd
Foreclosure	Purchase money mortgages
Acceleration, § 7:223	Generally, § 7:206
Defenses, §§ 7:221; 7:222	Identification
Statutes applicable, § 7:219	Mortgage form, § 7:285
Statutes inapplicable, § 7:220	Note form, § 7:286
Forms	Reasons for, § 7:202
Purchase money mortgage	Recordation of mortgages
identification	Generally, §§ 7:225; 7:266
Mortgage form, § 7:285	Effect, § 7:226
Note form, § 7:286	Right to record, § 7:227
Increase of mortgage, § 7:254	Redemption after default, §§ 7:218 to
Installment contract defaults, § 7:217	7:222
Installment sale of beneficial interest in	Refinancing
land trust, § 7:213	Generally, § 7:254
Insurance requirements	Maximum amount, § 7:255
Generally, §§ 7:244; 7:245	Payments under new mortgage, § 7:256
Proceeds, right to, § 7:246	Subordination of contract to new
Interest rate	mortgage, §§ 7:258; 7:259
Generally, § 7:239	Term of mortgage, § 7:257
Tax considerations, § 7:240	Reinstatement after default, §§ 7:218 to
Laches, building codes violations,	7:222
§ 5:263	Rent assignments, § 7:207
Land trusts	Risk of loss, § 7:243
Generally, §§ 7:228 to 7:230	Security deposits, § 7:234
Exculpatory provision, § 7:229	Silent assumption, § 7:216
Installment sale of beneficial inter-	Statutory requirements, §§ 7:231 to
est in, § 7:213	7:235
Statutory requirements, §§ 7:231 to	Subordination refinancing, §§ 7:258;
7:235	7:259
Late charges, § 7:241	Tax prorations, § 7:250
Maintenance requirements	Tax reporting, § 7:235
Generally, § 7:260	Term of mortgage, § 7:257
Notice, § 7:261	Title evidence, § 7:252
Offsets, § 7:262	Title insurance, § 7:253
Mechanics' liens, § 7:251	Types of financing devices, § 7:205
Memorandum of agreement, § 7:267	SEPARABILITY OR DIVISIBILITY
Merchantable title evidence, § 7:252	
Neutral party, payment to, § 7:238	Parcels, divisions and consolidations of Annexations by cities under Plat
Offsets, maintenance requirements,	Act, § 11:58
§ 7:262	Consolidations of parcels, § 11:70
Option, § 5:235	Forms, Plat Act exemptions,
Payments	§ 11:63
Generally, § 7:256	Lake county form, § 11:87
Neutral party, payment to, § 7:238	Local ordinances
Place of, § 7:237	Generally, § 11:68
Prepayment, § 7:242	Planned unit developments,
Prorations, § 13:16	§ 11:69
, v	•

SEPARABILITY OR DIVISIBILITY

-Cont'd

Parcels, divisions and consolidations of —Cont'd

Planned unit developments, § 11:69

Public streets, § 11:59 Survey requirements

Cananalla & 11.6

Generally, § 11:66

Statutory requirements, § 11:67

Terminology, § 11:55

SEPARATION

Divorce and Separation (this index)

SEPTIC SYSTEM TESTING

Contract provision, § 5:385

SERVICE CONTRACTS

Assignment form, § 13:85 Prorations, § 13:27

SHARED EQUITY FINANCE AGREEMENTS

Tax considerations, §§ 15:111 to 15:113; 15:121

SHELBY COUNTY

Plat Act affidavits, § 11:83

SHERIFF'S SALE INFORMATION SHEET

Kendall County, § 10:275

SHORT SALES

Federal income tax consequences, § 15:110

Foreclosure, §§ 8:16; 8:17

Profit on resale by mortgagee, § 8:17

SHORT-TERM HOUSING RENTALS

Chicago home sharing ordinance, §§ 17:68 to 17:78

SIGNATURES

Acknowledgments

Generally, § 10:124

Attorney in fact, acknowledgment by, § 10:128

Conveyances Act form acknowledgment, § 10:130

Corporation, acknowledgment by, § 10:126

SIGNATURES—Cont'd

Acknowledgments—Cont'd

Individual, acknowledgment by,

§ 10:125

Military service person,

acknowledgment by, § 10:131

Partnership, acknowledgment by,

§ 10:127

Personal representative,

acknowledgment by, § 10:129

Public officer, acknowledgment by, § 10:129

Trustee, acknowledgment by, § 10:129

Additional grantors, drafting

considerations

Generally, §§ 10:7; 10:10

Corporations, § 10:9

Estate grantors, § 10:9

LLCs, § 10:9

Partnerships, § 10:9

Spouses signatures, § 10:8

Trusts, § 10:9

Agent, signature by, § 5:41

Ascertaining proper sellers and purchasers, § 5:38

Broker format for signatures to sale contract, § 5:397

Certificate of acknowledgment,

§ 10:133

Closing, pre-signing by absent sellers

Generally, § 9:91

Counterparts, § 9:94

Notarization requirements, § 9:93

Principals' signatures, need for, § 9:92

Corporate deed, § 10:78

Counterparts, § 9:94

Deceased title holder

Generally, § 5:74

Title company requirements, § 5:71

Deed issues

Generally, § 10:114

Corporate grantor, § 10:115

Grantor, § 10:114

LLC grantor, § 10:117

Mark, signature by, § 10:118

Partnership grantor, § 10:116

Printed name of grantor, § 10:119

SLANDER OF TITLE—Cont'd SIGNATURES—Cont'd Deed issues—Cont'd Malice, § 14:280 Tenancies by the entireties, § 4:39 Punitive damages, § 14:281 Typed name of grantor, § 10:119 SNOW AND ICE REMOVAL Defined, § 5:15 Accumulations due to design defects, Forms, § 5:329 § 14:50 Homestead rights, § 5:44 Actual or constructive knowledge, Husband and wife, § 5:42 § 14:46 Incompetent persons, form, § 5:334 Common law, §§ 14:45 to 14:47 Joint tenant Damages, §§ 14:45 to 14:51 Generally, § 5:63 Design defects, accumulations due to, Affidavit of death of joint tenant, § 14:50 § 5:340 Driveways and walkways, § 14:49 Land trustee's deed, § 10:37 Immunity from liability, § 14:48 Land trusts, § 5:74 Sidewalks, §§ 14:48 to 14:51 Mark, signature by, § 10:118 Snow and Ice Removal Act Minors, form, § 5:333 Accumulations due to design Nominee of buyer, § 5:75 defects, § 14:50 Nonownership of purported seller, Driveways and walkways, § 14:49 § 5:51 Sidewalks, §§ 14:48 to 14:51 No signature by owner, § 5:50 Willful or wanton misconduct. Notarization § 14:51 Generally, § 10:124 Voluntary undertaking to remove, Certificate of acknowledgment, § 14:47 § 10:133 Walkways, § 14:49 Closing, pre-signing by absent sell-Willful or wanton misconduct, § 14:51 ers, § 9:93 **SOIL TESTING** Foreign country executions, § 10:132 Contract provision, § 5:386 Remote notarization, § 10:138 **SOLAR ENERGY** Partnership deed, § 10:80 Condominiums, townhouses, and Purported seller, nonownership of, cooperatives, § 16:53 § 5:51 Remote notarization, § 10:138 SPECIAL ASSESSMENTS Representation as to selling signatories, Affidavit, § 12:339 § 5:61 Homeowners' associations, § 3:16 Residential Real Property Disclosure Income tax considerations, § 15:28 Act, signing of purchase agreement, Prorations, § 13:36 buyer's rights after delivery of Tax liens disclosure form, § 3:59 Generally, § 12:208 Statute of frauds requirements, § 10:124 Practical considerations, § 12:213 Tenancies by the entireties, deed issues, SPECIFIC PERFORMANCE §§ 4:39; 5:63 Generally, §§ 14:123 to 14:151 Wife and husband, § 5:42 Adverse effects on third parties, Writing after sales contract signatures, § 14:144 § 5:14 Buyer default options, § 14:150 **SLANDER OF TITLE** Change in circumstances, § 14:145 Generally, § 14:279 Damages and Attorney's fees, § 14:282 Generally, §§ 14:123; 14:127

SPECIFIC PERFORMANCE SPOUSE—Cont'd —Cont'd **Marital Property** (this index) Damages and—Cont'd STANDARD OF PROOF Actual damages, § 14:151 Fraudulent misrepresentation, § 14:163 Rents, § 14:128 Description of property STATE RADON DISCLOSURE Generally, § 14:133 REQUIREMENTS Ambiguities, § 14:134 Generally, §§ 3:43 to 3:46 Implied terms, § 14:137 Exclusions, § 3:45 Discretion of court, § 14:143 Residential property defined, § 3:44 Equitable nature of remedy Tenants, § 3:46 Generally, § 14:124 Related doctrine, § 14:125 STATUTE OF FRAUDS Equitable result, § 14:142 Generally, §§ 5:289 to 5:298; 10:251 Essential contract terms Acknowledgment of signatures, Generally, §§ 14:132 to 14:138 § 10:124 Ambiguities, § 14:134 Beneficiary of land trust, § 5:293 Description of property, § 14:133 Constructive trust to enforce oral Implied terms, § 14:137 contract, § 5:304 Ownership references, § 14:135 Contracts of sale Payment provisions, § 14:138 Generally, § 5:294 Plaintiff compliance 21, § 14:140 Descriptions of property, § 5:295 Validity of contract, § 14:130 Escrow agreement, compliance, Forfeitures not favored, § 14:146 § 5:297 Impossibility of effectuating, § 14:141 Modifications, § 5:296 Liquidated damages and right to, Multiple documents, § 5:298 § 14:148 Signature requirements, § 10:124 Nature of remedy, § 14:124 Descriptions of property in contracts of Nonsignatory parties, § 14:131 sale, § 5:295 Oral contracts, § 14:139 Escrow agreement, compliance, § 5:297 Ownership reference as essential Estoppel, § 5:303 contract terms, § 14:135 Full performance by one party of oral Payment provisions in contract, contract, § 5:300 § 14:138 Interests covered, §§ 5:291; 5:292 Plaintiff compliance with contract, Issues involving statute, § 5:290 § 14:140 Joint venture interests, § 5:292 Possibility of effectuating, § 14:141 Land trusts, § 4:86 Requirements Liability under contract, § 5:289 Generally, § 14:129 Licenses and oral easements, § 12:104 Nonsignatory parties, § 14:131 Listing agreements, §§ 2:83; 2:84 Seller default, § 14:149 Modifications of contracts of sale, Seller's action, §§ 14:126; 14:147 § 5:296 Third parties, adverse effects on, Multiple documents, § 5:298 § 14:144 Notarization of signatures, § 10:124 Tortious interference with a contract, Oral contracts § 14:151.50 Generally, § 5:299 Validity of contract, § 14:130 Constructive trust remedy, § 5:304 **SPOUSE** Easements and licenses, § 12:104 **Divorce and Separation** (this index) Estoppel, § 5:303

STATUTE OF LIMITATIONS STATUTE OF FRAUDS—Cont'd Oral contracts—Cont'd —Cont'd Full performance by one party, Consumer Fraud Act § 5:300 Generally, § 14:220 Partial performance, §§ 5:301; Discovery rule, § 14:221 5:302 Counterclaims, § 14:309 Partial performance of oral contract, Discovery rule, Consumer Fraud Act, §§ 5:301; 5:302 § 14:221 Partnership interests. § 5:292 Estoppel, § 14:294 Signature requirements, § 10:124 Foreclosure, § 8:12 Fraudulent misrepresentations, § 14:316 STATUTE OF LIMITATIONS Guarantees, construction cases, Generally, § 14:293 § 14:317 Attorney General investigations, Habitability warranty breaches, § 14:222 § 14:101 Checklists of statutes applicable to real Improvements to real property, property, § 14:319 §§ 14:304; 14:315 Condominiums Installment contracts, § 14:297 Generally, § 16:197 Investigation and tolling, § 14:308 Master association actions, § 16:242 Investigations by Attorney General, Construction cases § 14:222 Generally, § 14:301 Laches, § 14:318 Acts or omissions, § 14:302 Lien enforcement, commercial property, Applicability, § 14:313 § 2:142 Counterclaims, § 14:309 Oral contracts, § 14:299 Discovery rule, § 14:307 Repairs and tolling, § 14:308 Four-year statute of limitations, start Residential Real Property Disclosure of timing, § 14:305 Act, §§ 3:85; 14:300 Fraudulent misrepresentations, Third party claims, § 14:309 § 14:316 Tolling, § 14:308 Guarantees, § 14:317 Warranties, construction cases, Improvements to real property. § 14:317 §§ 14:304; 14:315 Wild deeds, § 14:295 Indemnity, outside limit, § 14:310 Written contract requirement, § 14:296 Investigation and tolling, § 14:308 Laches, § 14:318 **STREETS** Legislative intent, § 14:311 Highways, Streets, and Bridges (this Outside limit, § 14:306 Parties covered. § 14:303 **SUBDIVISIONS** Precedence over other statutes, Platted ways § 14:312 Repairs and tolling, § 14:308 Ownership of vacated road, § 12:155 Scope of statute, § 14:314 Start of timing for four-year statute Owner's rights, § 12:152 Vacating by municipality, of limitations, § 14:305 Statute of limitations, start of tim-§§ 12:154; 12:155 Vacating by owners, § 12:153 ing, § 14:305 Third party claims, § 14:309 Restrictions arising from general plan of Tolling, § 14:308 development

Generally, § 12:84

Warranties, § 14:317

SUBDIVISIONS—Cont'd SURVEYS AND SURVEYORS Restrictions arising from general plan of —Cont'd development—Cont'd Contract provisions for—Cont'd Omission from deed or plat, § 12:86 Size of property, § 5:83 Requirements, § 12:85 Standards, § 11:42 Resubdivision, § 11:25 Crops, boundary determinations, Streets, easements for owners within § 11:34 Definiteness of property descriptions, subdivision, § 12:144 Survey requirements § 11:3 Division and consolidation of property Generally, **§ 11:66** Statutory requirements, § 11:67 Generally, § 11:66 Statutory requirements, § 11:67 **SUBROGATION** Emblements, doctrine of, § 11:35 Conventional subrogation, § 10:172 Fences Equitable subrogation, § 10:172 Boundary line fences, § 11:31 Priority Property line, fence beyond, § 11:30 Conventional subrogation, §§ 7:159 **Forms** to 7:161 Generally, § 11:78 Equitable subrogation, § 7:162 Contract provision for closing Mortgages, recordation documentation, § 11:86 Conventional subrogation, Plat Act affidavits §§ 7:159 to 7:161 Boone County, § 11:84 Equitable subrogation, § 7:162 Iroquois County, § 11:85 Recording of deeds Shelby County, § 11:83 Generally, § 10:171 Plat Act exemptions, § 11:63 Conventional subrogation, § 10:172 Importance of survey, § 11:40 Equitable subrogation, § 10:172 Inconsistent property descriptions, § 14:12 SURVEYS AND SURVEYORS Information for surveyor, § 9:11 Generally, §§ 11:36 to 11:53 Land measurements map, § App 11A Adjacency, § 11:9 Legal descriptions of property, § 11:6 Affidavit appended to existing survey, Liability of surveyor for negligence. § 11:80 § 11:51 Affidavit of no change in older survey Listing agreement requirements, Generally, §§ 9:9; 9:10 attorney considerations, § 2:133 ALTA/NSPS land title surveys, § 11:49 Metes and bounds description Annexations by cities under Plat Act, Generally, §§ 11:12; 11:13 § 11:58 Reviewing, § 11:16 Certification of surveyor, §§ 11:50 to Minimum standards of practice, § App 11:52 11B Closing preparation Monuments, § 11:14 Generally, § 9:6 Negligent survey, § 11:51 Information for surveyor, § 9:11 No improvement affidavit, § 11:52 Practical aspects, § 9:7 Older survey, no change in Time to order, § 9:8 Generally, § 9:9 Contents, § 11:37 Affidavit Contract provisions for Generally, §§ 5:205; 5:206; 11:39 Generally, § 9:10 Closing documentation, § 11:86 Perimeter surveys, § 11:45 Form, §§ 5:371; 11:78 Permits, surveys for, § 11:48

SURVEYS AND SURVEYORS	TAXATION—Cont'd
—Cont'd	Adverse Possession (this index)
Plat surveys, § 11:44	Alternative minimum tax, § 15:39
Preparation	Amount realized on sale of residences,
Generally, § 9:6	§ 15:67
Information for surveyor, § 9:11	Basis
Older survey, no change in	Adjusted basis, § 15:71
Generally, § 9:9	Cash paid, § 15:3
Affidavit, § 9:10	Decreases, § 15:74
Practical aspects, § 9:7	Expenses of purchase, §§ 15:6; 15:7
Requirements in listing agreements,	Gifted home, § 15:9
§ 2:133	Increases, § 15:72
Time to order, § 9:8	Inherited home, § 15:10
Public streets, § 11:59	Liabilities, subject to, § 15:5
Purpose of property descriptions, § 11:2	Liabilities assumed, § 15:4
Qualifications of surveyor	New construction, § 15:8
Generally, § 11:36	Original, § 15:2
Certification, §§ 11:50 to 11:52	Real estate tax payment adjust-
Liability for negligence, § 11:51	ments, § 15:14
Ranges, rectangular system, § 11:20	Repair increases, § 15:73
Rectangular system	Brokers' commissions, reporting,
Generally, §§ 11:17 to 11:22	§ 15:76
Basis of system, § 11:18	Bulk transfer laws, coordination of tax
Ranges, § 11:20	regulations with, §§ 10:196; 10:294
Sections, § 11:22	Business and commerce, home use
Townships, § 11:19	Generally, § 15:53
Township squares, § 11:21	Section 121 excluded gain, § 15:85
Requirements, § 11:38	Calculating gain, § 15:66
Reviewing the survey, § 11:53	Casualty losses, § 15:64
Sections in rectangular system, § 11:22	Closing agents, reporting requirements,
Spotted surveys, § 11:46	§ 15:102
Staked surveys, § 11:47	Commissions on sales, reporting,
Standards	§ 15:76
Generally, § 11:41	Condominium associations, § 16:252
Contract provisions, § 11:42	Condominium managers, § 16:78
Standards of practice, § App 11B	Co-op apartments, gain exclusions,
Title insurance survey endorsements,	§ 15:100
§ 12:294	Cooperatives. Condominiums,
Townships	Townhouses, and Cooperatives
Rectangular system, § 11:19	(this index)
Squares, § 11:21	Credits for low-income taxpayers,
Tree on boundary line, § 11:32	§ 15:40
Types of surveys, § 11:43	Day care facilities, § 15:52
Waterfront property, § 11:33	Deductions
TAXATION	Acquisition indebtedness
Generally, §§ 15:1 to 15:121	Generally, § 15:30
Acquisition indebtedness deductions	Tracing, § 15:31
Generally, § 15:30	Alternative minimum tax, § 15:39
Tracing, § 15:31	Casualty losses, § 15:64
C/ U	, , , , , , , , , , , , , , , , , , , ,

TAVATION C411	TAVATION C411
TAXATION—Cont'd	TAXATION—Cont'd
Deductions—Cont'd	Home office deductions—Cont'd
Credits for low-income taxpayers,	Day care facilities, § 15:52
§ 15:40	Employee's business uses, § 15:53
Home equity indebtedness, § 15:32	Exclusive use test, § 15:43
Prorations, § 15:13	Gross income limitations, § 15:59
Qualified Residence Interest (QRI), § 15:37	Inventory storage, § 15:51
Qualified residences, § 15:33	Limitations, § 15:58
Real estate tax payments, §§ 15:12;	Management activities, § 15:47
15:25	Multiple businesses, § 15:48
Sales of residences, § 15:26	Patients, meetings with, § 15:49
Secured debt, §§ 15:34 to 15:37	Percentage calculations, § 15:57
Special assessments, § 15:28	Principal place of business use,
Who may deduct interest, § 15:38	§ 15:46
Depreciation gain, § 15:86	Product samples, § 15:51 Qualifying expenses, § 15:56
Earnest money forfeits, reporting,	Separate structures, § 15:50
§ 15:77	Trade or business use, § 15:45
Escrow accounts, tax treatment,	Where to deduct expenses, § 15:54
§ 15:103	Inherited home, basis, § 15:10
Exchanges, tax deferred	Installment sales
Generally, §§ 15:114 to 15:119;	Generally, §§ 15:104 to 15:109
16:140	Effect of installment method,
Intermediaries, qualified, § 15:119	§§ 15:105; 15:106
Qualified Exchange Accommoda-	Elections, reporting, § 15:108
tion Arrangements, § 15:118	Gain exclusion, § 15:109
Third parties, § 15:117	Reporting requirement, § 15:107
Time limits, § 15:116	Instructions
Excluded gain on sales of residences,	IRS Pub. 523, § 15:120
§§ 15:79 to 15:103	IRS Pub. 783, § 12:340
Expenses of purchase as basis, §§ 15:6;	Interest deductions
15:7	Generally, § 15:29
Financing applications, tax return	Acquisition indebtedness
requirements, § 7:77 First-time Homeowner tax credit,	Generally, § 15:30
§ 15:23	Tracing, § 15:31
Foreign Investments in Real Property	Alternative minimum tax, § 15:39
Tax Act (FIRPTA), § 13:83	Credits for low-income taxpayers,
Gifted home, basis, § 15:9	§ 15:40
High principal loan points, § 15:21	Home equity indebtedness, § 15:32
Home equity indebtedness deductions,	Qualified Residence Interest (QRI),
§ 15:32	§ 15:37
Home office deductions	Qualified residences, § 15:33
Generally, §§ 15:41 to 15:59	Secured debt, §§ 15:34 to 15:37
Administrative activities, § 15:47	Who may deduct, § 15:38
Business use, § 15:45	Involuntary conversions, gain exclu-
Calculating the deduction, §§ 15:55;	sions, § 15:101
15:57	Land trusts, § 4:91
Clients, meetings with, § 15:49	Low-income taxpayer credits, § 15:40
Customers, meetings with, § 15:49	New construction, §§ 6:99; 6:100; 15:8

TAXATION—Cont'd	TAXATION—Cont'd
Notice to Department of Revenue,	Residences—Cont'd
§§ 10:196; 10:294	Qualified residences—Cont'd
Options to buy, gain calculations,	Section 121 excluded gain,
§ 15:69	§ 15:84
Points	Who may deduct interest, § 15:38
Generally, §§ 15:16 ; 15:17	Residential energy property tax credit,
Buyer deductions, § 15:18	§ 15:24
	Sales of residences
High principal loans, § 15:21	Generally, §§ 15:1; 15:26; 15:61
Second residence points, § 15:19	Adjusted basis, § 15:71
Seller-paid points, § 15:20	Amount realized, § 15:67
Property Taxes (this index)	
Prorations (this index)	Bankruptcy and gain exclusions,
Qualified business income deduction;	§ 15:99
rental real estate, §§ 15:60 to 15:63	Business use and gain exclusions,
Qualified Residence Interest (QRI),	§ 15:85
§ 15:37	Calculating gain, § 15:66
Qualified residences	Closing agents, reporting require-
Income deductions, § 15:33	ments, § 15:102
Section 121 excluded gain, § 15:84	Commissions, reporting, § 15:76
Real estate forms, Selling Your Home,	Co-op apartments, gain exclusions,
§ 15:120	§ 15:100
-	Decreases to basis, § 15:74
Real estate tax payments	Depreciation and gain exclusions,
Generally, § 15:11	§ 15:86
Basis adjustments, § 15:14	Earnest money forfeits, reporting,
Deductions, §§ 15:12; 15:25	§ 15:77
Escrows, § 15:27	Elections, gain exclusions, § 15:82
Gain calculations, § 15:68	Escrow accounts, tax treatment,
Home ownership benefits, § 15:22	§ 15:103
Prorations, § 15:13	Excluded gain, §§ 15:79 to 15:103
Reproration, § 15:15	Expatriates' gain exclusions,
Sales of residences, § 15:26	§ 15:98
Sale year property taxes, § 15:78	Grantor trusts, § 15:96
Special assessments, § 15:28	Increases to basis, § 15:72
Reprorations of real estate tax pay-	Investment use and gain exclusions,
ments, § 15:15	§ 15:85
Residences	Involuntary conversions, gain exclu-
Business uses of residence and Sec-	sions, § 15:101
tion 121 excluded gain, § 15:85	IRS Pub. 523, § 15:120
Credits for low-income taxpayers,	
§ 15:40	Limitations on gain exclusions, § 15:87
Employee's business uses, § 15:53	
Home equity indebtedness, § 15:32	Options to buy, § 15:69
IRS Pub. 523, § 15:120	Ownership requirements for on gain
, •	exclusions, §§ 15:88 to 15:101
Qualified Residence Interest (QRI),	Partnerships, § 15:95
§ 15:37	Prior law, gain exclusions, § 15:80
Qualified residences	Qualifying residences and gain
Income deductions, § 15:33	exclusions, § 15:84

TAXATION—Cont'd TENANCIES—Cont'd **Tenants by the Entireties** (this index) Sales of residences—Cont'd Real estate taxes in year of sale, Tenants in common reporting, § 15:78 Generally, § 4:4 Reduced gain exclusions, § 15:83 Mineral rights, § 4:5 Remainder interest, § 15:97 Types of, §§ 4:1 to 4:104 Repair increases to basis, § 15:73 TENANCIES BY THE ENTIRETIES Reporting sales, § 15:75 Generally, § 4:30 Second residence points, § 15:19 Additional grantees to, § 4:35 Section 121 excluded gain, §§ 15:79 Consensual lien, § 4:44 to 15:103 Contracts of sale by Selling expenses, § 15:70 Generally, § 5:63 Spouses' gain exclusions, §§ 15:90 Joint owners, § 5:47 to 15:94 Co-ops, § 4:33 Use requirements for on gain exclusions, §§ 15:88 to 15:101 Creation language, § 4:32 Second residence points, § 15:19 Creditors, protection from, § 4:41 Section 121 excluded gain, §§ 15:79 to Duration, § 4:40 15:103 Family expenses, § 4:47 Secured debt interest deductions, Form of warranty deed, § 10:265 §§ 15:34 to 15:37 Homestead properties, §§ 4:37; 4:38 Seller financing Inter vivos trust, § 4:42 Generally, § 7:240 IRS seizures, protection from, § 4:45 Reporting requirements, § 7:235 Judgment lien affidavit, § 12:352 Seller-paid points, § 15:20 Land trust beneficial interest, § 4:43 Selling expenses and gain calculations, Land trusts, § 4:33 § 15:70 Mistaken attempt to create, § 4:36 Shared equity finance agreements Multiple-unit building, § 4:51 Generally, §§ 15:111 to 15:113 Ownership issues, § 5:63 Sample form, § 15:121 Premarital ownership, § 4:52 Tracing, acquisition indebtedness Protection from creditors, § 4:41 deductions, § 15:31 Protection from IRS seizures, § 4:45 **Transfer Taxes** (this index) Responsibilities of co-tenancy, § 4:50 Severance, deed issues, § 4:48 TAX DEEDS Signature requirements, § 4:39 **Deeds** (this index) Survivorship marital property affidavit, § 12:353 **TENANCIES** Uniform Fraudulent Transfer Act, Cotenancy and Joint Ownership (this § 10:220 index) Warranty deed form, § 10:265 Deed drafting issues, § 4:2 Drafting issues, § 4:2 TENANT IN POSSESSION Failure to specify type of tenancy, § 4:3 Adverse possession Failure to specify types, § 4:3 Claim by tenant, § 12:168 Joint ownership. Cotenancy and Joint Radon disclosure requirements, § 3:46 Ownership (this index) TENANTS BY THE ENTIRETIES **Landlord and Tenant** (this index) Responsibilities of co-tenants Generally, § 4:30 Joint tenancies, § 4:29 Additional grantees to, § 4:35 Tenancies by the entireties, § 4:50 Civil unions, type of tenancy, § 4:31

TIME OF THE ESSENCE TENANTS BY THE ENTIRETIES -Cont'd Generally, § 5:151 Consensual lien, § 4:44 Computation of time, § 5:152 Contracts of sale by Contracts of sale, effect of clause in, Generally, § 5:63 § 5:153 Joint owners, § 5:47 Effect of clause, § 5:153 Co-ops, § 4:33 Enforcement of provision, § 5:154 Creation language, § 4:32 Waiver of provision, § 5:155 Creditors, protection from, § 4:41 TITLE AND OWNERSHIP Duration, § **4:40** Generally, §§ 12:1 to 12:354 Family expenses, § 4:47 Abstracts of title Form of warranty deed, § 10:265 Generally, § 12:254 Homestead properties, §§ 4:37; 4:38 Combination of abstract and title Inter vivos trust, § 4:42 insurance, § 12:258 IRS seizures, protection from, § 4:45 Contract of sale requirements, Judgment lien affidavit, § 12:352 § 5:131 Land trust beneficial interest, § 4:43 Examination standards, §§ 12:256; Land trusts, § 4:33 App 12A Mistaken attempt to create, § 4:36 Merchantable title, § 12:255 Multiple-unit building, § 4:51 Standards for abstracts, § 12:256 Non-IRS judgments against one tenant, Standards for Examination of § 4:46 Abstracts, § App 12A Ownership issues, § 5:63 Use of abstracts, § 12:257 Premarital ownership, § 4:52 Acceptance of title subject to existing Protection from creditors, § 4:41 financing Protection from IRS seizures. § 4:45 Generally, § 5:350 Residential Real Property Transfer on Consent of mortgagee, §§ 5:351; Death Instrument Act, § 4:49 7:273 Responsibilities of cotenancy, § 4:50 Affidavits of title Severance, § 4:50 Generally, § 10:208 Deed issues, § 4:48 Additional grantors Signature requirements, § 4:39 Survivorship marital property affidavit, Generally, §§ 10:7; 10:10 § 12:353 Corporations, § 10:9 Uniform Fraudulent Transfer Act, Estate grantors, § 10:9 § 10:221 LLCs, § 10:9 Warranty deed form, § 10:265 Partnerships, § 10:9 Spouses signatures, § 10:8 TENANTS IN COMMON Trusts, § 10:9 Generally, § 4:4 ALTA statements, §§ 10:210; **TERMITES** 10:299 Contract provision, termite inspections, Contracts of sale requirements, § 5:382 § 5:118 Document requirements, § 10:1 TILA Drafting requirements, § 10:1 Truth In Lending Act (TILA) (this Form, § 10:298 index) Forms TIME LIMITATIONS Generally, § 10:298 **Statute of Limitations** (this index) Customary forms, § 10:10

TITLE AND OWNERSHIP—Cont'd	TITLE AND OWNERSHIP—Cont'd
Affidavits of title—Cont'd	Contract provisions—Cont'd
Forms—Cont'd	Title company selection
Surviving tenant, §§ 4:98;	Generally, § 5:129
12:356	Lender specification of, § 5:130
General requirements, § 10:2	Cooperative apartments, §§ 16:257;
Legal requirements, § 10:3	16:259
Lender, coordination with, § 10:6	Cooperatives, homestead and ownership
Purposes, § 10:209	as tenants by the entireties, § 16:261
Tenancies by the entireties	Deceased title holder
Judgment lien affidavit,	Generally, §§ 5:62 to 5:74; 5:74
§ 12:352	Bond in lieu of probate
Survivorship marital property	Generally, § 5:64
affidavit, § 12:353	Form, § 5:341
Title company, coordination with, § 10:6	Heirs
Ascertaining proper sellers and purchas-	Disclaim, right to, § 5:70
ers, § 5:38	Sale to, § 5:69
Buyer's attorney, contract of sale	Independent administration, § 5:66
considerations, § 5:128	Intestacy, § 5:67
Claim of title by adverse possessor,	Legatees
§ 12:172	Disclaim, right to, § 5:70 Sale to, § 5:69
Common areas, § 12:114	No power to sell, § 5:68
Common exceptions, § 12:3	Probate sales
Condominiums	Generally, § 5:64
Deed exceptions, § 10:111	Ownership during probate,
Solar energy, § 10:112	§ 5:65
Title exceptions, § 5:361	Signature requirements, § 5:71
Conservator's deed, minor title holder,	Supervised administration, § 5:68
§ 10:39	Title company requirements, § 5:71
Contract provisions	Deed exceptions
Generally, §§ 5:111; 12:252	Generally, § 10:109
Abstracts of title, § 5:131	Condominiums, § 10:111
Affidavits of title, § 5:118	Language used, § 10:110
Buyer's attorney, considerations for, § 5:128	Restrictions, § 10:113
Evidence of title, § 5:119	Solar energy, § 10:112
Exceptions	Deeds, contract of sale requirements
Generally, § 5:123	Generally, § 5:113
Normal exceptions, § 5:124	Special warranty deeds, § 5:115
Review of exceptions, § 5:125	Warranty deeds, § 5:114
Insurance, § 5:122	T
· -	Deed warranties, § 10:21 Defects and default, § 14:4
Recordable title, § 5:132	
Restrictive covenants, § 5:126	Driveways, common, § 12:114
Seller's attorney, considerations for, § 5:127	Dry closings, title indemnity agreement, § 13:65
Time for objection to title evidence, § 12:315	Environmental problems and merchantable title. § 12:261

TITLE AND OWNERSHIP—Cont'd	TITLE AND OWNERSHIP—Cont'd
Evidence of title	Forms—Cont'd
Contracts of sale requirements,	Transfer on Death Act—Cont'd
§ 5:119	Transfer on death instrument
Delay in delivering, § 12:341	(TODI), § 12:334
Examinations of abstracts, §§ 12:256;	Handling title exceptions
App 12A	Generally, §§ 12:7 to 12:10; 14:9
Exceptions \$ 5.122	Prior insurance over, § 12:9
Generally, § 5:123	Timing, § 12:10
Checklists of common exceptions, § 12:314	Homestead rights, § 5:44
Common, § 12:3	Husband and wife, signatures by, § 5:42 Inconsistent claim of title by adverse
Definitions, § 12:2	possessor, § 12:172
Form, § 12:322	Indemnity agreements
Information sources, § 12:6	Generally, § 12:312
Normal exceptions, § 5:124	Deposit agreement, § 13:107
Prior insurance over, § 12:9	Dry closings, § 13:65
Review of exceptions, § 5:125	Inquiries as to ownership, § 5:40
Treatment in sales transactions	Insurance. Title Insurance (this index)
Title	Joint owners, § 5:47
Generally, § 12:4	Joint tenants
Finding, § 12:5	Generally, § 5:63
Finding exceptions, § 12:5	Affidavit of death of joint tenant,
Form in which buyer takes	§ 5:340
Generally, § 5:76	Land trusts, §§ 5:48; 5:74
Lender's considerations, § 5:77	Lien, legitimate basis for, § 12:251
Forms	Listing agreement requirements,
Affidavits of title, § 10:298	attorney considerations, § 2:133
Evidence of title, delay in deliver-	Matters affecting title, recital, § 5:354
ing, § 12:341	Merchantable title
General form, § 5:328	Generally, §§ 12:255; 12:259
Matters affecting title, § 5:354	Abstracts and, § 12:255
Matters to which title is subject, § 12:322	Determination of merchantability, § 12:260
Objection to title evidence, § 12:315	Environmental problems, § 12:261
Surviving tenant affidavit, §§ 4:98;	Restrictive covenants
12:356	Generally, § 12:262
Tenancies by the entireties	Endorsements, § 12:306
Judgment lien affidavit,	Title insurance, effect of, § 12:263
§ 12:352	Minor title holder, conservator's deed,
Survivorship marital property	§ 10:39
affidavit, § 12:353	Nominee of buyer, § 5:75
Title indemnity deposit agreement, § 13:107	Nonownership of purported seller, § 5:51
Transfer on Death Act	Normal exceptions, contract of sale
Acceptance of transfer on death	requirements, § 5:124
instrument (TODI), § 12:336	No signature by owner, § 5:50
Notice of death affidavit,	Owner, § 5:39
§ 12:336	Parking areas, common, § 12:114

TITLE AND OWNERSHIP—Cont'd TITLE AND OWNERSHIP—Cont'd Transfer on Death Act—Cont'd Personal undertaking, example, § 13:105 Notice of death affidavit, § 12:336 Prior insurance over exceptions, § 12:9 Transfer on death instrument Purported seller, nonownership of, (TODI), § 12:334 § 5:51 Unrecorded interest, constructive Quitclaim deeds, contract of sale notice, §§ 5:133; 10:5; 12:217 requirements, §§ 5:116; 5:117 Warranties, deed, § 10:21 Recordable title requirements, § 5:132 Wife and husband, signatures by, § 5:42 Record owner, § 5:39 Wild deeds, § 14:295 Representation as to marital status of TITLE COMPANIES seller, § 5:46 Closing schedules, § 5:141 Representation as to selling signatories, Contract of sale, selection in § 5:61 Generally, § 5:129 Representation form, § 5:328 Lender specification of, § 5:130 Restrictions, § 10:113 Restrictive covenants Lender specification of, § 5:130 Generally, § 12:262 TITLE INSURANCE Contract of sale, title requirements, Generally, §§ 12:264 to 12:313 § 5:126 ABI endorsements, § 12:310 Insurance endorsements, § 12:306 Abstracts of title Review of exceptions, § 5:125 Generally, § 12:254 Risk of loss after transfer of, § 5:277 Combination of abstract and title Seller financing, merchantable title eviinsurance, § 12:258 dence, § 7:252 Merchantable title, § 12:255 Seller's attorney, contract of sale Standards for abstracts, § 12:256 considerations, § 5:127 Use of abstracts, § 12:257 Signature requirements, deceased title Access rights holder, § 5:71 Generally, § 12:282 Specific performance, ownership refer-Endorsement, § 12:292 ence as essential contract terms, Adverse possession, § 12:185 § 14:135 Spousal rights, § 5:43 Affidavit, coordination of drafting with Standards for examination of abstracts, title company, § 10:6 §§ 12:256; App 12A Affidavits of title ALTA statements, §§ 10:210; Survey requirements, § App 11B 10:299 Surviving tenant affidavit, §§ 4:98; 12:356 Deceased joint tenancy, §§ 12:351 to 12:355 Tenants by the entireties, § 5:63 Extended coverage, § 12:350 Title, form in which buyer takes Allocation of costs, § 12:270 Generally, § 5:76 Lender's considerations, § 5:77 **ALTA Title Companies** (this index) Statements, affidavits of title, §§ 10:210; 10:299 Torrens System Generally, § 10:187 Surveys of land title, ALTA/NSPS, Generally, §§ 5:120; 12:253 § 11:49 Deregistration, § 5:121 Alternative liability theories, § 14:235 Transfer on Death Act Basic coverage, §§ 12:281; 12:284 Acceptance of transfer on death Bills of sale, coordination of drafting instrument (TODI), § 12:336 with title company, § 10:6

TITLE INSURANCE—Cont'd	TITLE INSURANCE—Cont'd
Building lines endorsements, § 12:306	Encroachments
Buyer's costs, § 12:272	Generally, § 12:113
Claims	Endorsements, § 12:291
Generally, §§ 12:269; 14:227	Endorsements
Alternative liability theories,	Generally, §§ 12:290 to 12:310
§ 14:235	ABI, § 12:310
Exclusions, § 14:234	Access, § 12:292
Insured lands, claims related to,	Building lines, § 12:306
§ 14:231	Comprehensive, § 12:299
Insured risks, claims related to,	Condominium, § 12:308
§ 14:232	Conformity, § 12:308
Owned entity transfers, § 14:230	• • •
Parties, § 14:228	Contiguity, § 12:293
Special exceptions, § 14:233	Contract purchaser, § 12:301
Standing to sue, § 14:228	Covenants, § 12:306
Transferee claims, § 14:229	Easement, § 12:305
Closing, scheduling with title company,	Encroachment, § 12:291
§ 9:111	Homeowner's association, § 12:309
Closing preparations, §§ 9:5; 13:7	Leasehold, § 12:300
Combination of abstract and title insur-	Location, § 12:297
ance, § 12:258	Option to purchase, § 12:302
Common exceptions to title, § 12:3	PIN, § 12:304
Comprehensive endorsements, § 12:299	Plat Act, § 12:298
Condominium endorsements, § 12:308	Restrictions, § 12:306
Conformity endorsements, § 12:295	Survey, § 12:294
Construction of policy, § 12:265	Transfer, § 12:307
Consumer Fraud Act, steering, § 14:202	Zoning, §§ 12:296; 12:303
Consumer Fraud Act claims against	Environmental problems and merchant-
insurers	able title, § 12:261
Generally, § 14:207	Exceptions
Lender steering, § 14:202	Checklists of common exceptions,
Contiguity endorsement, § 12:293	§ 12:314
Contract of sale provisions, §§ 12:270;	Common exceptions, § 12:3
12:276	Definition, § 12:2
Contract of sale requirements, § 5:122	Finding, § 12:5
Contract purchaser endorsements,	Information sources, § 12:6
§ 12:301	Prior insurance over, § 12:9
Costs allocations, § 12:270	Special exceptions, § 12:288
Covenants endorsements, § 12:306	Exclusions
Deeds, coordination of drafting with	
title company, § 10:6	Generally, § 12:285
Duties of insurer	Claims based on, § 14:234
Generally, § 14:237	Endorsements over exclusions,
Effective date of policy, § 14:238	§ 12:286
Tortious act of insured, § 14:239	Expenses of defending title, § 12:283
Easement endorsements, § 12:305	Extended coverage
Effective date of policy, § 14:238	Utility letters
Elements of policy, § 12:278	Form, §§ 12:344; 12:349
and the second s	/

TITLE INSURANCE—Cont'd TITLE INSURANCE—Cont'd Forms Merchantable title—Cont'd Deceased joint tenancy affidavit, Restrictive covenants §§ 12:351 to 12:355 Generally, § 12:262 Deposit agreement, § 13:107 Endorsements, § 12:306 Mortgage policies, § 12:311 Extended coverage affidavit, § 12:350 Negotiation of costs, § 12:273 Notices to insurer, § 14:236 Extended coverage requirements, Option to purchase endorsements, §§ 12:344 to 12:350 § 12:302 GAP agreement, § 13:108 Owned entity transfers claims, § 14:230 General exceptions, § 12:345 Parties insured, § 12:266 Indemnity, title deposit agreement, Parties to claims, § 14:228 § 13:107 Personal information affidavit, § 12:338 Personal undertaking, § 13:108 Personal undertaking, § 13:108 2006 loan policy, § 12:343 PIN endorsements, § 12:304 2006 owner's policy, § 12:342 Plat Act endorsements, § 12:298 Utility letters, extended coverage, Prejudgment interest, § 12:268 § 12:349 Prior insurance over exceptions, § 12:9 Utility letters for extended coverage, Refinancing, § 7:179 § 12:344 Regulation of title insurers, § 12:267 GAP agreement, § 13:108 Restrictions endorsements, § 12:306 General exceptions Restrictive covenants and merchantable Form, § 12:345 title Handling title exceptions Generally, § 12:262 Generally, §§ 12:7 to 12:10 Endorsements, § 12:306 Prior insurance over, § 12:9 Schedule A Timing, § 12:10 Generally, § 12:279 Homeowner's association endorse-Attorney's review, § 12:280 ments, § 12:309 Schedule B Indemnity agreements Generally, § 12:287 Generally, § 12:312 Attorney's review, § 12:289 Deposit agreement, § 13:107 General exceptions Dry closings, § 13:65 Form, § 12:345 Insured lands, claims related to, Seller financing, § 7:253 § 14:231 Seller's costs, § 12:271 Insured risks, claims related to, Special exceptions, claims based on, § 14:232 § 14:233 Interest, prejudgment, § 12:268 Standardization of policies, § 12:277 Judgment, memorandum of, § 12:325 Standards for abstracts, § 12:256 Landmark designation. § 12:284 Standing to sue, § 14:228 Leasehold endorsements, § 12:300 Survey endorsements, § 12:294 Liability theories, § 14:235 Surveys Location endorsements, § 12:297 ALTA/NSPS, § 11:49 Merchantable title Requirements, § App 11B Generally, §§ 12:259; 12:263 Timing Determination of merchantability, Generally, § 12:274 § 12:260 Lender involvement, § 12:275 Environmental problems, § 12:261 Tortious act of insured, § 14:239

TITLE INSURANCE—Cont'd

Transferee claims, § 14:229
Transfer endorsements, § 12:307
2006 loan policy, § 12:343
2006 owner's policy of, § 12:342
Utility letters, extended coverage
Form, §§ 12:344; 12:349
Zoning endorsements, §§ 12:296;
12:303

TODI

Transfer on Death Act (this index)

TORRENS ACT

Records and recordings, § 10:187

TOWNHOUSES

Condominiums, Townhouses, and Cooperatives (this index)

TOWNS AND TOWNSHIPS

Descriptions of property, §§ 11:19; 11:21

TRANSFER ON DEATH ACT

Acceptance of transfer on death instrument (TODI), § 12:336 Notice of death affidavit, § 12:336 Transfer on death instrument (TODI),

§ 12:334

Revocation, § 12:335
Transfer on death instrument (TODI) revocation, § 12:335

TRANSFER TAXES

Generally, § 9:55

Assignments of beneficial interests, exempt, §§ 9:51; 9:82

Burden of proof, Chicago, § 9:60

Chart, § App A

Chicago Land Transfers (this index)

Constitutionality, § 9:53

Cook County transfer tax declaration form, § 9:148

County transfer taxes

Generally, §§ 9:38; 9:48

Cook County transfer tax declaration form, § 9:148

Declaration form, § 9:49

Declarations

Contents of declaration, § 9:42 County transfer tax, § 9:49

TRANSFER TAXES—Cont'd

Declarations—Cont'd

Financing information questions, § 9:44

Land trust information, § 9:45 Sales information questions, § 9:43

State transfer tax, §§ 9:41; 9:42 Exemptions, Chicago, §§ 9:59; 9:60 Exempt transfers

Generally, §§ 9:50; 10:189

Assignments of beneficial interests, §§ 9:51; 9:82

Financing information questions, § 9:44 Forms

Exemptions, state transfer tax, § 9:143

Personal property included in sale, allocation form, § 9:147

PTAX-203, § 9:139

PTAX-203-A, § 9:140

PTAX-203-B, § 9:141

PTAX-203-NR, § 9:142

State transfer tax exemptions, § 9:143

Included transfers, Chicago, § 9:57

Inspection, § 9:84

Land trust information

Assignments of beneficial interests,

§§ 9:51; 9:82

Recording, § 4:84

State transfer tax, § 9:45

Municipal Transfer Taxes (this index)

Personal property included in sale

Allocation form, § 9:147

State transfer tax

Generally, § 9:47

Allocation form, § 9:147

Recordation requirements

Generally, § 10:188

Exempt transfers, § 10:189

Land trusts, § 4:84

Municipal taxes and requirements, § 10:190

Sales information questions, § 9:43

Stamps, § 9:46

State transfer taxes

Generally, §§ 9:38; 9:40

Declaration, §§ 9:41; 9:42

Exemptions forms, § 9:143

TRANSFER TAXES—Cont'd

State transfer taxes—Cont'd
Financing information questions,
§ 9:44

Form PTAX-203, § 9:139

Form PTAX-203-A, § 9:140
Form PTAX-203-B, § 9:141
Form PTAX-203-NR, § 9:142
Land trust information, § 9:45
Personal property included in sale
Generally, § 9:47
Allocation form, § 9:147
Sales information questions, § 9:43
Stamps, § 9:46

TREES

Boundary line problems, § 11:32 Encroachments, § 12:111

TRUSTS AND TRUSTEES

Acknowledgment by trustee, § 10:129 **Deeds** (this index)

Escrowees and trustees distinguished, § 13:46

Form of trustee's deed, § 10:268
Grantor trust and sales of residences; exclusion of grain, § 15:96
Land Trusts (this index)
Signature requirements, § 10:9

TRUTH IN LENDING ACT (TILA)

Generally, § 7:93 APR computations, § 7:96 Consumer Fraud Act, § 14:203 Disclosures, §§ 7:93; 7:95 Finance charges, § 7:95

UNCLAIMED PROPERTY

Abandoned, Lost, and Unclaimed property (this index)

UNDUE INFLUENCE

Generally, § 10:231
Confidential relationships
Generally, § 10:232
Evidentiary considerations,
§ 10:233

Fairness of transaction, § 10:235 Powers of attorney, § 10:234

UNIFORM DECEPTIVE TRADE PRACTICES ACT

Generally, §§ 14:184 to 14:194

UNIFORM FRAUDULENT TRANSFER ACT

Generally, § 10:212
Applicability to obligations, § 10:219
Creditor's claim before transfer,
§ 10:216

Insolvency, § 10:215 Intent, § 10:214

Joint tenancy, fraudulent transfer does not sever, § 10:222

Remedies available to creditors, §§ 10:223; 10:224

Tenancy by the entireties, transfers to, § 10:221

Types of transfers, § 10:213 Valuation of assets, § 10:217

UNJUST ENRICHMENT

Express contract, § 14:172 Fraudulent misrepresentation, §§ 14:170 to 14:172

Reformation of contract, damages for unjust enrichment, § 14:247
Remedy for unlawful or improper conduct, § 14:171

UTILITIES

Easements

Gas pipelines, §§ 12:57; 12:319 Unrecorded utility easements, § 11:77

Prorations of utility bills, § 13:28
Title insurance utility letters, form, §§ 12:344; 12:349

Wheeling, village of, application for real estate transfer certificate to cover payment of municipal utilities and services, § 9:154

VACATION OF JUDGMENT

Foreclosure, vacating default judgment for lack of standing, form, § 8:15

VACATION OF LEASE

Safe Homes Act, vacation of lease upon imminent threat, tenants rights, § 17:63

VENDEES' LIENS Generally, § 12:236

VENDORS Lien, § 10:257

VENDORS' LIEN Generally, § 10:257

VENUE Partition, § 14:256

VICARIOUS LIABILITY

Real estate agents and brokers, § 2:80

VIEW

Residential transactions, viewing property, § 1:10

WAIVER AND ESTOPPEL

Easement by, § 12:83

Homestead

Generally, § 10:98

Acknowledgment, § 10:99

Both spouses granting, § 10:100

Effect of non-waiver, § 10:103 One spouse granting, § 10:101

Trust conveyances, § 10:102

Mortgages and estoppel letter, § 7:168

Oral contracts affecting real property, § 5:303

Statute of frauds defenses, § 5:303 Statutes of limitation, § 14:294

Tenant's estoppel letter, § 12:326

Zoning and planning, § 12:124

WARRANTIES

Actions for breach, § 14:77

As is sales, § 14:106

Breach of, § 14:77

Breach of warranties, § 14:77

Building and Construction Contracts and Work (this index)

Closing, seller's form

osnig, sener s torni

Generally, § 13:91 Form, § 14:320

Construction or repair, § 14:78

Contracts for sale

Seller's

Generally, §§ 5:394; 13:91

Form, § 14:320

Survival of, §§ 5:267; 5:393

WARRANTIES—Cont'd

Contracts for sale—Cont'd

Time of making, § 5:396

Damages for default

Generally, §§ 14:71 to 14:81

Contractual creation, § 16:72

Good faith, § 14:74

Disclaimers

As is sales, § 14:106

Habitability warranty, **§§ 14:105 to 14:107**

Implied warranty of habitability,

§§ 14:84; 14:85; 14:104

Implied Warranty of Habitability

(this index)

Merger doctrine, § 14:117

Personal property, § 14:80

Seller's contractual warranties or representations, §§ 14:71 to 14:81

Strict liability in tort, § 14:79

Survival alones contracts of so

Survival clause, contracts of sale,

§ 5:267

Time of making; form, § 14:321

Used home, § 14:81

WASTE

Action for, § 14:270

Life tenant, § 14:271

Remedies, § 14:272

WATER CERTIFICATIONS

Chicago land transfers

Generally, § 9:63

Cost, § 9:68

Exempt transfers, § 9:67

Form, § 9:64

Full payment certificate application

form, § 9:151

Necessary information, § 9:65

Time to order, § 9:68

Where to obtain, § 9:66

WATERFRONT PROPERTY

Boundaries, § 11:33

WATERWORKS AND WATER COMPANIES

Testing, contract provision, § 5:385

WHEELING, VILLAGE OF

Application for real estate transfer certificate to cover payment of munici-

WHEELING, VILLAGE OF —Cont'd

pal utilities and services, § 9:154

WITNESSES

Deeds, § 10:122

WORDS AND PHRASES

Accretion, § 12:202 Adjacency, § 11:9

Adverse possession, § 12:156

Agency, § 2:26

APR, § 7:96

ARM, § 7:33

Balloon payment, §§ 7:42; 7:57

Bi-weekly mortgage, § 7:44

Bridge loan, § 7:52

Brokers, § 2:24

Bulk transfer, § 10:195

Buydown, § 7:54

Carryback combination loan, § 7:47

Commercial property, § 2:139

Common elements, § 16:7

Compensation, § 2:25

Condominiums, statutory definitions,

§ 16:6

Consolidation of parcel, § 11:55

Construction loan, § 7:43

Customer, § 2:74

Delivery of deed, § 10:151

Designated agents, § 2:29

Division of parcel, § 11:55

Dominant estate, § 12:23

Dry closing, § 13:63

Easement appurtenant, § 12:22

Easements in gross, § 12:21

Emblements, § 11:35

Equity sharing, § 7:46

Exception to title, § 12:2

GEM, § 7:40

Good working condition, § 5:199

GPM, § 7:41

Highways, § 12:127

Improvement to real property, § 14:315

Insolvency, § 10:215

Jumbo loan, § 7:45

Junior mortgage, § 7:51

Lender's tax, § 7:98

Mark up interest, § 7:4

No doc loans, § 7:73

WORDS AND PHRASES-Cont'd

Nonconforming loan, § 7:6

Origination fees, § 7:81

Overage, § 7:14

Owelty, § 14:269

Owner, § 5:39

Owner, § 5.5

PMI, § 7:82

Points, § 7:80 Possession, § 5:157

Public highways, § 12:127

PUD, § 11:69

Purchase money mortgage, § 7:206

Record owner, § 5:39

Servient estate, § 12:23

Subordination, § 7:152

Title exception, § 12:2

Trust deeds, § 7:170

Wild deed, § 14:295

Wraparound mortgage, § 7:53

Yield spread premium, § 7:5

WRITING AND WRITTEN INSTRUMENTS

Home Repair and Remodeling Act, written contract, § 6:131

WRONGFUL DEATH

Bond in lieu of probate

Generally, § 5:64

Form, § 5:341

Closing, contract provisions for death prior to

Affidavit, death of joint tenant, § 5:340

Contingency clause, § 5:319

Devise in will, § 5:318

Joint tenant, affidavit of death of,

§ 5:340

Purchase contract, § 5:316

Sales contract, § 5:317

Contingency clause in sales contract, § 5:319

Devise in will, sales contract provision, § 5:318

Executor's deed, § 5:345

Forms

Administrator, exculpation of,

§ 5:344

Bond in lieu of probate, § 5:341

WRONGFUL DEATH—Cont'd	WRONGFUL DEATH—Cont'd
Forms—Cont'd	Title holder deceased—Cont'd
Disclaimer of interest in property of	Probate sales—Cont'd
decedent, § 5:343	Ownership during probate,
Exculpation of executor or	§ 5:65
administrator, § 5:344	Supervised administration, § 5:68
Executor, exculpation of, § 5:344	Title company requirements, § 5:71
Executor's deed, § 5:345 Joint tenant, affidavit of death of,	ZONING AND PLANNING
\$ 5:340	Generally, § 12:119
Release of estate's interest in real	Buyer considerations, §§ 12:121;
estate, § 5:346	12:122
Heirs	Certificates
Disclaim, right to, § 5:70	Chicago compliance certificate,
Sale to, § 5:69	§ 9:155
Joint tenant, affidavit of death of,	Cook County certificate application,
§§ 5:340; 12:351 to 12:355	§ 9:157
Judgment lien, deceased debtor,	Chicago
§ 12:231	Multiple dwelling registration,
Legatees Displain might to \$ 5.70	§§ 9:156; App 9A
Disclaim, right to, § 5:70 Sale to, § 5:69	Transfers. Chicago land transfers,
Probate sales	zoning certifications, below
Generally, § 5:64	Zoning compliance certificate,
Ownership during probate, § 5:65	§ 9:155
Purchase contract, provision for death	Chicago transfers, zoning certifications
prior to, § 5:316	Generally, § 9:70 Applications, § 9:71
Real Property Transfer on Death Instru-	Contests, § 9:72
ment Act, § 5:320	Form, § 9:155
Release of estate's interest in real estate,	Waivers, § 9:73
§ 5:346	Condominiums, zoning limitations,
Sales contract, provision for death prior	§ 16:31
to, § 5:317	Contests, Chicago transfers, zoning
Title holder deceased	certifications, § 9:72
Generally, §§ 5:62 to 5:74	Contingencies in contracts of sale
Bond in lieu of probate Generally, § 5:64	Generally, § 5:255
Form, § 5:341	Building code compliance
Heirs	Generally, § 5:257
Disclaim, right to, § 5:70	Representations by seller,
Sale to, § 5:69	§ 5:392
Independent administration, § 5:66	Nonconforming use, § 5:256
Intestacy, § 5:67	Contracts of sale, inclusion of zoning
Legatees	particulars in identification of prop-
Disclaim, right to, § 5:70	erty, § 5:86
Sale to, § 5:69	Cook County Multi-dwelling unit registration
No power to sell, § 5:68	requirements, § 9:158
Probate sales	Zoning certificate application,
Generally, § 5:64	§ 9:157

ZONING AND PLANNING—Cont'd

Disclosures

Generally, § 12:122

Form, § 12:321

Non-conforming uses, § 12:123

Equitable estoppel, § 12:124

Forms

Chicago transfers, zoning certifications, § 9:155

Chicago zoning certification application, § 9:71

Investigation, pre-contract, § 6:27

Multiple dwelling registration, § 9:156

Chicago, §§ 9:156; App 9A

Cook County requirements, § 9:158

ZONING AND PLANNING—Cont'd

Nonconforming uses

Generally, § 12:123

Contingencies in contracts of sale,

§ 5:256

Equitable estoppel, § 12:124

Other governmental restrictions,

§ 12:125

Representations of seller, § 12:122

Seller's consideration, § 12:120

Title considerations, § 12:119

Title insurance zoning endorsements,

§§ 12:296; 12:303

Use approvals, new construction,

§ 6:146

Waivers, Chicago transfers, zoning certifications, § 9:73