

West's Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 755. Estates

Act 5. Probate Act of 1975 (Refs & Annos)

Article XX. Administration of Real Estate (Refs & Annos)

755 ILCS 5/20-6

Formerly cited as IL ST CH 110 1/2 ¶ 20-6

5/20-6. Power of court

Currentness

§ 20-6. Power of court. In any proceeding to sell or mortgage real estate the court may:

(a) investigate and determine all questions of conflicting and controverted titles arising between any of the parties, remove clouds from any title or interest involved therein, and invest the mortgagee or purchaser with a good and indefeasible title to the property sold or mortgaged;

(b) direct the sale or mortgage of the property free of all mortgage, judgment or other liens that are due, provide for the satisfaction of all those liens out of the proceeds of the sale or mortgage and settle and adjust all equities and all questions of priority among all interested persons;

(c) with the assent of the owner of a mortgage lien that is not due, direct that the property be sold or mortgaged free of the lien and provide for the satisfaction of the lien out of the proceeds of the sale or mortgage;

(d) set off the homestead and order the sale of the balance of the premises, or if the value of the premises exceeds the exemption and the premises cannot be divided, the court may order the sale of the whole free of homestead with or without the consent of the person entitled thereto and shall ascertain the value of the homestead and shall order that a sum of money equal to the gross value of the homestead be paid from the proceeds of the sale to the person entitled thereto;

(e) upon the filing in court of the written consent of the person entitled to an estate for life or for years, order the sale or mortgage free of the estate, but the court shall ascertain the value of the estate and order that a sum of money equal to the gross value of the estate be paid from the proceeds of the sale or mortgage to the person entitled thereto or that a proper proportion of the proceeds of the sale or mortgage as ascertained by the court be invested and the income paid to the person entitled thereto during the continuance of the estate;

(f) direct the sale of the property free of any lien or claim for lien of this State (except the lien for general taxes), provide for the satisfaction of the lien or claim for lien out of the proceeds of sale according to its relative priority in respect to other liens to the extent the proceeds are available, and adjudicate the priority of the State's lien or claim for lien with respect to all other liens against the property. The petition must describe the lien of the State. Not less than 20 days before the hearing on the petition, the petitioner must notify the Attorney General of the filing of the petition by delivering or mailing 2 copies of the petition to the Attorney General's office in Springfield, Illinois. The petitioner must file proof of the delivery or mailing in the proceeding

in which the estate is being administered. The Attorney General may intervene and take such action as he deems expedient to protect the interest of the State.

Credits

P.A. 79-328, § 20-6, eff. Jan. 1, 1976.

Formerly Ill.Rev.Stat.1991, ch. 110 ½, ¶ 20-6.

[Notes of Decisions \(97\)](#)

755 I.L.C.S. 5/20-6, IL ST CH 755 § 5/20-6

Current through P.A. 103-871 of the 2024 Reg. Sess. Some statute sections may be more current, see credits for details

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