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December 29, 2015

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Mr. Michael McCreery
United Counties Council of Illinois
217 East Monroe Street, Suite 101
Springfield, IL 62701

Re: Unknown Parcels of Real Estate by Recorder of Deed Offices

Dear Mike:

Issue

What procedures are available for counties who have identified parcels of real estate without being able to ascertain ownership of such parcels through the lack of recorded deeds or transfer documents?

Analysis

Various statutory and common law procedures are available to take possession or otherwise assert ownership of abandoned, unclaimed or ownerless property. However, in order to avoid risks associated with asserting possessory or ownership claims by a unit of government, an appropriate title search is necessary.

Conclusion

Although recognizing the cost associated with an appropriate title search by a reputable title company, nevertheless, it is our opinion it is the only process for protecting a unit of government prior to assessing taxes, pursuing ownership rights or other legal rights.

Sincerely,

GIFFIN, WINNING, COHEN & BODEWES, P.C.



Herman G. Bodewes

HGB:pa

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Mr. Michael McCreery
United Counties Council of Illinois
December 29, 2015
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Disclaimer: This opinion was prepared by Giffin, Winning, Cohen & Bodewes, P.C. at the request of UCCI and is to be used solely by UCCI and its members. The State's Attorney is the attorney for the County. Legal advice, if requested, should be sought from the State's Attorney.