

Another description of the land trust is found in *Spachman v. Overton*, 16 Ill.App.3d 385, 306 N.E.2d 743 (1974), and a legislative definition is found in *Ill.Rev.Stat.*, c. 29, §8.31.

Accordingly, the distinctive features of the land trust may be summarized as follows:

Basic Nature of Land Trust

1.3

1. Both the legal and equitable title are vested in the trustee, and the beneficiary has no interest in either. *In re Estate of McGaughey*, 60 Ill.App.3d 150, 376 N.E.2d 259, 17 Ill.Dec. 260 (1978). For federal bankruptcy filing purposes, a beneficiary has an adequate title interest. See §6.43. *In re Gladstone Glen*, 628 F.2d 1015 (7th Cir. 1980).

2. The trustee has no duties or powers other than to convey, mortgage or deal with the real estate as directed by the beneficiaries or to sell or liquidate the property at the termination of the trust. *People v. Chicago Title and Trust Co.*, 75 Ill.2d 479, 389 N.E.2d 540, 27 Ill.Dec. 476 (1979).

3. The rights of possession, management, control and operation of the property, as well as the right to rents, issues, profits and proceeds of sale or mortgage financing are vested in the beneficiary. *Evergreen Savings and Loan Association v. Barnard*, 65 Ill.App.3d 492, 382 N.E.2d 467, 22 Ill.Dec. 147 (1978).

4. The rights, privileges and obligations of the beneficiaries are not interests in real estate but are expressly characterized as personal property. *Hutter v. Lake View Trust and Savings Bank*, 54 Ill.App.3d 653, 370 N.E.2d 47, 12 Ill.Dec. 424 (1977); *First Federal Savings and Loan Association v. Pogue*, 72 Ill.App.3d 54, 389 N.E.2d 652, 27 Ill.Dec. 588 (1979).