



1995 SENATE BILL 416

November 9, 1995 - Introduced by Senators RUDE, SCHULTZ and PANZER, cosponsored by Representatives ALBERS, HANSON, SERATTI, R. YOUNG, TURNER, OTTE, HAHN and BALDUS. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 806.19 (4) (a), 806.19 (4) (b) (form) and 806.19 (4) (d) of the
2 statutes; **relating to:** judgments discharged in bankruptcy.

Analysis by the Legislative Reference Bureau

Current law allows a person who has secured a discharge in bankruptcy that voids a judgment and a person interested in real property effected by that judgment to ask the court that entered the judgment to issue an order satisfying the judgment. This bill clarifies the language, in response to a Dane County circuit court case, by removing the language related to voiding of a judgment and stating that a person interested in real property affected by a judgment against a person discharged in bankruptcy and the person discharged may ask the court that entered the judgment to issue an order satisfying the judgment. Under the bill, a judgment satisfied after being discharged in bankruptcy ceases to be a lien on any property that the person discharged owns or later acquires.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 806.19 (4) (a) of the statutes is amended to read:
4 806.19 (4) (a) Any person who has secured a discharge in bankruptcy ~~that~~
5 ~~renders void one or more judgments~~ and any person interested in the real property
6 affected by ~~any such judgments~~ against the person discharged in bankruptcy may
7 submit an application for an order of satisfaction of the judgments and an attached

1 order of satisfaction to the clerk of the court in which the judgments rendered void
2 by discharge were entered.

3 **SECTION 2.** 806.19 (4) (b) (form) of the statutes is amended to read:

4 806.19 (4) (b) (form)

5 APPLICATION FOR ORDER OF

6 SATISFACTION OF JUDGMENTS

7 DUE TO DISCHARGE IN BANKRUPTCY

8 TO: Clerk of Circuit Court

9 County

10 1. (Name of judgment debtor) has received an order of discharge of debts
11 under the bankruptcy laws of the United States, a copy of which is attached, and
12 (Name of judgment debtor or person interested in real property) applies for
13 satisfaction of the following judgments:

14 (List of judgments by case name, case number, date and, if applicable, docket
15 volume and page number.)

16 2. a. Copies of the schedules of debts as filed with the bankruptcy court showing
17 each judgment creditor for each of the judgments described above are attached; or

18 b. Each judgment creditor for each of the judgments described above has been
19 duly notified of the bankruptcy case in the following manner: (statement of form
20 of notice).

21 3. The undersigned believes that each judgment listed above has been
22 ~~completely voided by the discharge~~ discharged in bankruptcy, and no inconsistent
23 ruling has been made by, or is being requested by any party from, the bankruptcy
24 court.

25 Dated this day of, 19....

