

No. 285, A.]

[Published July 30, 1957.

CHAPTER 425

AN ACT to amend 49.26 (5) and to create 49.26 (5) (c) and (d) of the statutes, relating to payment of funeral expenses from property covered by old-age assistance lien.

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

SECTION 1. 49.26 (5) of the statutes is amended to read:

49.26 (5) (a) Upon such filing the lien herein imposed attaches to all real property of the beneficiary including a house trailer used as an abode presently owned or subsequently acquired (including joint tenancy and homestead interests) in any county in which such certificate is filed for any amount paid or thereafter paid under ss. 49.20 to 49.38 and 49.40, and remain such lien until satisfied. Such lien shall not sever a joint tenancy nor affect the right of survivorship except that the lien shall be enforceable to the extent that the beneficiary had an interest prior to his decease. The county court may order sale of such realty free and clear of the lien and the lien shall attach to the net proceeds of such sale after taxes, prior encumbrances and the costs of the sale have been deducted.

(b) Such lien shall take priority over any lien or conveyance subsequently acquired, made or recorded except tax liens and except that the amounts allowed by court in the estate of any deceased beneficiary and remaining unpaid after all funds and personal property in the estate have been applied according to law, for administration and * * * for hospitalization, nursing and professional medical care furnished such decedent during his last sickness, not to exceed \$300 in the aggregate, shall be charges against all real property of such deceased upon which an old-age assistance lien has attached, and which in such order shall be paid and satisfied prior to such lien out of the proceeds derived from such real property upon liquidation of such old-age assistance lien. The certificate need not be recorded at length by the register of deeds, but upon the filing thereof all persons are hereby charged with notice of the lien and of the rights of the county.

SECTION 2. 49.26 (5) (c) and (d) of the statutes are created to read:

49.26 (5) (c) The amount allowed by the court in any such estate for funeral expenses not to exceed \$300 shall be a charge against all real property of such deceased upon which an old-age assistance lien has attached and shall be paid and satisfied before such lien out of the proceeds derived from such real property upon liquidation of such lien.

(d) When the proceeds from such property are insufficient to pay the amounts allowed under par. (b) and the amount of the funeral expenses allowed under par. (c), such amounts shall be reduced proportionately. For the purposes of such reductions the amounts allowed under par. (b) shall be considered in the aggregate.

Approved July 20, 1957.