

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1108/P2dn
PJK:jlg:hmh

Tuesday, February 16, 1999

1. Would new s. 865.202 be used only if the estate is closed under s. 865.16 rather than under ch. 863? It wouldn't make sense to record a statement under s. 865.202, as well as a final judgment under s. 863.27, with respect to the same property. (On the other hand, perhaps final judgments and deeds are both recorded currently.) Is preparing a statement under s. 865.202, filing it with the probate registrar and then recording it in the office of the register of deeds a less cumbersome process than preparing and recording a deed?

2. Do you think that the language in s. 865.202 (2) about the statement not releasing a death tax lien is necessary? Without that language, would one assume that recording the statement releases a death tax lien? If not, I would prefer to remove the language. Including it raises questions about other sections that do not contain the language.

3. Notice the language I added in s. 867.03 (2m) (b). It seemed necessary because the language in s. 867.03 (1g) does not fit transfers of real property. Notice also that I changed "debt that is secured by real property" in s. 867.03 (2m) (a) to "lien on real property".

4. Notice the initial applicability provision that I added. Is it okay or do you want to specify a different "event" for initial applicability? Not all provisions in the bill need to have the same initial applicability.

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