



## 2011 SENATE BILL 307

1     **AN ACT** *to renumber and amend* 846.102; *to amend* 815.31 (2); and *to create*  
2           846.102 (2) of the statutes; **relating to:** foreclosure on abandoned properties.

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*Analysis by the Legislative Reference Bureau*

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

3           **SECTION 1g.** 815.31 (2) of the statutes is amended to read:

4           815.31 (2) A copy of the notice of sale shall be printed each week for ~~6~~ 3  
5           successive weeks in a newspaper of the county prior to the date of sale.

6           **SECTION 1r.** 846.102 of the statutes is renumbered 846.102 (1) and amended  
7           to read:

8           846.102 (1) In an action for enforcement of a mortgage lien if the court makes  
9           an affirmative finding upon proper evidence being submitted that the mortgaged  
10          premises have been abandoned by the mortgagor and assigns, judgment shall be

**SENATE BILL 307****SECTION 1r**

1 entered as provided in s. 846.10 except that the sale of such mortgaged premises shall  
2 be made upon the expiration of ~~2 months~~ 5 weeks from the date when such judgment  
3 is entered. Notice of the time and place of sale shall be given under ss. 815.31 and  
4 846.16 and ~~may be given within such 2-month period~~ placement of the notice may  
5 commence when judgment is entered. In this section “abandoned” means the  
6 relinquishment of possession or control of the premises whether or not the mortgagor  
7 or the mortgagor’s assigns have relinquished equity and title.

8 **SECTION 2.** 846.102 (2) of the statutes is created to read:

9 846.102 (2) In addition to the parties to the action to enforce a mortgage lien,  
10 a representative of the city, town, village, or county where the mortgaged premises  
11 are located may provide testimony or evidence to the court under sub. (1) relating to  
12 whether the premises have been abandoned by the mortgagor. In determining  
13 whether the mortgaged premises have been abandoned, the court shall consider the  
14 totality of the circumstances, including the following:

- 15 (a) Boarded, closed, or damaged windows or doors to the premises.
- 16 (b) Missing, unhinged, or continuously unlocked doors to the premises.
- 17 (c) Terminated utility accounts for the premises.
- 18 (d) Accumulation of trash or debris on the premises.
- 19 (e) At least 2 reports to law enforcement officials of trespassing, vandalism, or  
20 other illegal acts being committed on the premises.
- 21 (f) Conditions that make the premises unsafe or unsanitary or that make the  
22 premises in imminent danger of becoming unsafe or unsanitary.

23 (END)