

# State of Wisconsin



2011 Senate Bill 307

Date of enactment: **March 21, 2012**

Date of publication\*: **April 4, 2012**

## 2011 WISCONSIN ACT 136

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

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

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

815.31 (2) A copy of the notice of sale shall be printed each week for 63 successive weeks in a newspaper of the county prior to the date of sale.

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

846.102 (1) In an action for enforcement of a mortgage lien if the court makes an affirmative finding upon proper evidence being submitted that the mortgaged premises have been abandoned by the mortgagor and assigns, judgment shall be entered as provided in s. 846.10 except that the sale of such mortgaged premises shall be made upon the expiration of 2 months 5 weeks from the date when such judgment is entered. Notice of the time and place of sale shall be given under ss. 815.31 and 846.16 and may be given within such 2-month period placement of the notice may commence when judgment is entered. In this section "abandoned" means the relinquishment of possession or control of the premises whether or not the mortgagor or the mortgagor's assigns have relinquished equity and title.

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

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

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

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\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].