

2011 DRAFTING REQUEST

Bill

Received: 10/21/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: Lance

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Abandoned premises

Instructions:

like 11-0171/p3 but without costs for local governments

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 10/21/2011	jdye 10/24/2011		_____			S&L
/1			jfrantze 10/24/2011	_____	sbasford 10/24/2011	mbarman 11/23/2011	

FE Sent For:

*AT INFO
11/28/2011*

<END>

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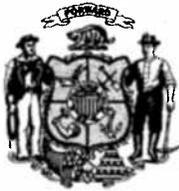
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/?	phurley	10/24 jkd		To 10/24			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0171/P3
PJH:ld:jf

Stays?

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

3306/1
/mnr

11-21-11

X

Regen

1 AN ACT to renumber and amend 846.102; and to create 846.10 (5) and 846.102
2 (2) of the statutes; relating to: foreclosure on abandoned properties.

Analysis by the Legislative Reference Bureau

Under current law, in most mortgage foreclosure actions involving a home or other real property, if a homeowner (borrower) fails to pay the money he or she owes to the issuer of his or her mortgage (lender), a court may enter a judgment of foreclosure against the borrower and order that the property be sold at public auction in order to satisfy the debt the borrower owes to the lender. After the court has issued a judgment of foreclosure, the borrower may stop the sale of the home by paying off, within a certain period (redemption period), the amount he or she owes to the lender.

Under current law, abandoned properties have a two-month redemption period, while most other properties have a redemption period of either six or twelve months, depending on whether the sale of the home will satisfy the debt owed to the lender.

This bill shortens the redemption period for abandoned properties from two months to five weeks. The bill also lists some factors for determining whether a property has been abandoned and allows the court to receive evidence from a representative of the city, town, village, or county where the property is located as to whether the property has been abandoned. Under the bill, a court may award the city, town, village, or county costs it incurred related to the abandoned property.

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

#FC-S PL

1 ~~SECTION 1. 846.10 (5) of the statutes is created to read:~~

2 ~~846.10 (5) If the court determines under s. 846.102 (1) that the mortgaged~~
3 ~~premises have been abandoned, the court may, at any time after the entry of the~~
4 ~~order, add to the judgment by order costs incurred by a city, town, village, or county~~
5 ~~for all of the following:~~

6 ~~(a) Monitoring or inspecting the abandoned premises.~~

7 ~~(b) Remediating conditions of the premises that were caused by its~~
8 ~~abandonment.~~

9 ~~(c) Any other expenses that the city, town, village, or county incurred as a result~~
10 ~~of the abandonment of the premises.~~

11 SECTION 2. 846.102 of the statutes is renumbered 846.102 (1) and amended to
12 read:

13 846.102 (1) In an action for enforcement of a mortgage lien if the court makes
14 an affirmative finding upon proper evidence being submitted that the mortgaged
15 premises have been abandoned by the mortgagor and assigns, judgment shall be
16 entered as provided in s. 846.10 except that the sale of such mortgaged premises shall
17 be made upon the expiration of ~~2 months~~ 5 weeks ✓ from the date when such judgment
18 is entered. Notice of the time and place of sale shall be given under ss. 815.31 and
19 846.16 and may be given within such ~~2-month~~ the 5-week ✓ period. In this section
20 "abandoned" means the relinquishment of possession or control of the premises
21 whether or not the mortgagor or the mortgagor's assigns have relinquished equity
22 and title.

23 SECTION 3. 846.102 (2) of the statutes is created to read:

24 846.102 (2) A representative of the city, town, village, or county where the
25 mortgaged premises are located may provide testimony or evidence to the court

1 under sub. (1) relating to whether the premises have been abandoned by the
2 mortgagor. Evidence of abandonment may include any of the following:

3 (a) Boarded, closed, or damaged windows or doors to the premises.

4 (b) Missing, unhinged, or continuously unlocked doors to the premises.

5 (c) Terminated utility accounts for the premises.

6 (d) Accumulation of trash or debris on the premises.

7 (e) At least 2 reports to law enforcement officials of trespassing, vandalism, or
8 other illegal acts being committed on the premises.

9 (f) Conditions that make the premises unsafe or unsanitary or that make the
10 premises in imminent danger of becoming unsafe or unsanitary. ✓

11 (END)

Barman, Mike

From: Burri, Lance
Sent: Wednesday, November 23, 2011 8:32 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-3306/1 Topic: Abandoned premises

Please Jacket LRB 11-3306/1 for the SENATE.