

**2011 DRAFTING REQUEST**

**Senate Amendment (SA-SB307)**

Received: 12/21/2011

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:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Foreclosure of abandoned properties

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**Instructions:**

See attached

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**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>
/1	phurley 12/22/2011	mduchek 12/30/2011	jmurphy 12/30/2011	_____	mbarman 12/30/2011	mbarman 12/30/2011	

FE Sent For:

<END>

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/1	phurley			==			
FE Sent For:		17					
		12/30/11					

<END>



Senate Bill 307 Amendments

Page 2, line 1 insert the following:

815.31(1) Unless otherwise provided for in this chapter, the time and place of holding any sale of real estate on execution shall be publicly advertised by posting a written notice describing the real estate to be sold with reasonable certainty in one public place in the town or municipality where such real estate is to be sold and, if the county where such real estate is to be sold maintains a Web site, by posting a notice on the Web site, at least 3 weeks prior to the date of sale; and also in one public place of the town or municipality in which the real estate is situated, if it is not in the town or municipality where the sale is to be held and, if the county where such real estate is situated maintains a Web site, also posting a notice on the Web site. If the town or municipality where such real estate is situated or is to be sold maintains a Web site, the town or municipality may also post a notice on its Web site.

(1m) Notice of sale of real property deemed abandoned pursuant to s. 846.102 shall be provided as described in 815.31(1) except posting shall occur at least 1 week prior to the date of sale.

(2) Unless otherwise provided for in this chapter, a copy of the notice of sale shall be printed each week for 6 successive weeks in a newspaper of the county prior to the date of sale.

(2m) A copy of the notice of sale of real property deemed abandoned pursuant to s. 846.102 shall be printed for 1 week in a newspaper of the county prior to the date of sale.

(3) If there be no newspaper published in the county and the premises are not occupied by any person against whom the execution is issued or by some person holding as tenant or purchaser under the person against whom the execution is issued, such notice shall be so published in a paper printed at Madison.

(4) The court, or a judge, upon application of the party issuing the execution shall direct, by order, the newspaper in which the publication of the notice is to be made.

(5) If at the time appointed for any such sale the sheriff considers it in the interest of all persons concerned, the sheriff may adjourn the sale from time to time, not exceeding in all 3 months. In case of such adjournment public notice thereof shall be given at the time and place fixed for the sale. If the adjournment shall be for more than one day further notice shall be given by posting or publishing the same, or both, as the time and circumstances may admit.

(6) Every sale shall be at auction between 9 o'clock in the forenoon and 5 o'clock in the afternoon.

Page 2, line 14 amend as follows:

Insert "In addition to the parties to the action to enforce a mortgage lien," before "a representative"

Page 2, line 17 amend as follows:

Insert ", but is not limited to," after "include"

## Hurley, Peggy

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**From:** Burri, Lance  
**Sent:** Tuesday, December 20, 2011 3:32 PM  
**To:** Hurley, Peggy  
**Subject:** Couple things

**Attachments:** Recommended Senate Bill 307 Amendments.doc; Audit Amendment Final Draft Dec 2011 (2).docx

Regarding the amendment to SB 307, we'll go ahead with the two items on the bottom of the sheet I sent (modifying the paragraph in Section 2), except let's go with Vinehout's language instead of ours for the last sentence in that paragraph.

Also, after talking it over with Glenn, we decided to leave the 6 weeks alone but to do something to make sure it's clear that the 6 weeks and 5 weeks can begin concurrently. Can we just do something in 846.102 (1), maybe in line 9 of the bill, where it says "may be given within?" Something like "may be started when judgment is entered" or something like that? I'll bow to your wisdom there.

I've attached that paper for SB 307 again, just in case.

Second thing; I need another bill drafted. I've been given language for it, which I've attached. This one's for audits of savings banks. Chapters 214 and 215. Is that still your area?

I'll be out of the office until next Tuesday, but I'll check email from time to time.



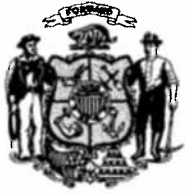
Recommended  
Senate Bill 307 Amendment Final Draft



Audit

Thanks, Merry Christmas.

Lance Burri  
Office of Sen. Glenn Grothman  
608-266-7513



## 2011 SENATE BILL 307

November 28, 2011 – Introduced by Senators GROTHMAN, TAYLOR and CARPENTER, cosponsored by Representatives FIELDS, MARKLEIN, SPANBAUER, MASON, STASKUNAS, STONE, STROEBEL and ZEPNICK. Referred to Committee on Financial Institutions and Rural Issues.

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

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### *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.

**SENATE BILL 307**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

3           846.102 (1) In an action for enforcement of a mortgage lien if the court makes  
4 an affirmative finding upon proper evidence being submitted that the mortgaged  
5 premises have been abandoned by the mortgagor and assigns, judgment shall be  
6 entered as provided in s. 846.10 except that the sale of such mortgaged premises shall  
7 be made upon the expiration of ~~2 months~~ 5 weeks from the date when such judgment  
8 is entered. Notice of the time and place of sale shall be given under ss. 815.31 and  
9 846.16 and may be given within such 2-month the 5-week period. In this section  
10 "abandoned" means the relinquishment of possession or control of the premises  
11 whether or not the mortgagor or the mortgagor's assigns have relinquished equity  
12 and title.

*Commence when  
such the  
judgment  
is entered*

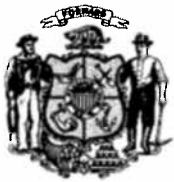
13           **SECTION 2.** 846.102 (2) of the statutes is created to read:

14           846.102 (2) A representative of the city, town, village, or county where the  
15 mortgaged premises are located may provide testimony or evidence to the court  
16 under sub. (1) relating to whether the premises have been abandoned by the  
17 mortgagor. Evidence of abandonment may include any of the following:

- 18           (a) Boarded, closed, or damaged windows or doors to the premises.
- 19           (b) Missing, unhinged, or continuously unlocked doors to the premises.
- 20           (c) Terminated utility accounts for the premises.
- 21           (d) Accumulation of trash or debris on the premises.







State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2032/1

PJH:.....

*med*

SENATE AMENDMENT,  
TO 2011 SENATE BILL 307

~~12-22-11~~  
today  
12-30-11

plain  
↓

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 9: delete "may be given within such 2-month the 5-week period"  
3 and substitute "may be given within such 2-month period placement of the notice  
4 may commence when judgment is entered".

5 **2.** Page 2, line 14: delete "A representative" and substitute "In addition to the  
6 parties to the action to enforce a mortgage lien, a representative".

7 **3.** Page 2, line 17: delete "Evidence of abandonment may include any of" and  
8 substitute "In determining whether the mortgaged premises have been abandoned,  
9 the court shall consider the totality of the circumstances, including".

10 (END)