

State of Misconsin 2011 - 2012 LEGISLATURE



SENATE SUBSTITUTE AMENDMENT 1, TO 2011 SENATE BILL 539

March 9, 2012 – Offered by Committee on Financial Institutions and Rural Issues.

1	AN ACT <i>to amend</i> 703.33 (1) (a), 703.33 (2) (a) 3., 703.33 (3c), 703.33 (4) (a), 703.33
2	(4) (b) 1., 703.33 (4) (b) 2., 703.33 (6), 709.02 (2) (intro.) and 709.02 (2) (d); and
3	<i>to create</i> 703.33 (4) (d) of the statutes; relating to: condominium information
4	on real estate condition reports and rescission of contracts of sale for
5	condominiums.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
6	SECTION 1. 703.33 (1) (a) of the statutes is amended to read:
7	703.33 (1) (a) <u>A copy Copies</u> of the proposed or existing declaration, <u>the</u> bylaws <u>.</u>
8	and any rules or regulations, together with an index of the contents.
9	SECTION 2. 703.33 (2) (a) 3. of the statutes is amended to read:
10	703.33 (2) (a) 3. YOU MAY AT ANY TIME WITHIN 5 BUSINESS DAYS
11	FOLLOWING RECEIPT OF THESE DOCUMENTS, OR FOLLOWING NOTICE

OF ANY MATERIAL CHANGES IN THESE DOCUMENTS, CANCEL IN 1 2 WRITING THE CONTRACT OF SALE AND RECEIVE A FULL REFUND OF ANY 3 DEPOSITS MADE. IF THE SELLER DELIVERS LESS THAN ALL OF THE 4 DOCUMENTS REQUIRED, YOU MAY, WITHIN HAVE 5 BUSINESS DAYS FOLLOWING RECEIPT OF THE DOCUMENTS, TO CANCEL IN WRITING THE 5 CONTRACT OF SALE OR, IF THE SELLER DELIVERS A COVER SHEET AND 6 7 INDEX, TO DELIVER A WRITTEN REQUEST FOR ANY MISSING 8 DOCUMENTS. SEE THE INDEX, IF ANY, FOLLOWING THIS INFORMATION 9 TO DETERMINE IF DOCUMENTS ARE MISSING. IF YOU TIMELY DELIVER 10 A WRITTEN REQUEST FOR MISSING DOCUMENTS, YOU MAY, AT ANY TIME 11 WITHIN 5 BUSINESS DAYS FOLLOWING THE EARLIER OF EITHER THE RECEIPT OF THE REQUESTED DOCUMENTS OR THE SELLER'S DEADLINE 12 13 TO DELIVER THE REQUESTED DOCUMENTS, CANCEL IN WRITING THE 14 CONTRACT OF SALE AND RECEIVE A FULL REFUND OF ANY DEPOSITS 15 MADE. YOU HAVE NO FURTHER RIGHT TO CANCEL THE CONTRACT OF SALE BASED ON THE DOCUMENTS UNLESS THE DOCUMENTS ARE 16 17 MATERIALLY CHANGED.

SECTION 3. 703.33 (3c) of the statutes is amended to read:

19 703.33 (3c) DELIVERY OF INCOMPLETE SET OF DISCLOSURE MATERIALS. If the seller 20 delivers disclosure materials that include the cover sheet <u>and index</u> required in sub. 21 (2) (a) <u>and (b)</u>, but that do not include all of the documents required under sub. (1), 22 the purchaser may, within <u>shall have</u> 5 business days from receipt of the disclosure 23 materials, to request in writing any documents that were required to be delivered 24 under sub. (1), but that were not timely delivered. If no executive summary required 25 under subs. (1) (h) and (1m) has been prepared, the seller may so inform the 2011 – 2012 Legislature

purchaser when the seller delivers the disclosure materials to the seller. The seller 1 2 has 5 business days following receipt of the purchaser's request to deliver the 3 requested documents to the purchaser. 4 **SECTION 4.** 703.33 (4) (a) of the statutes is amended to read: 5 703.33 (4) (a) Any purchaser may at any time within 5 business days following 6 receipt of all of the documents required under sub. (1) and within 5 business days 7 following receipt of all of the amendments any amendment required under sub. (3m), 8 rescind in writing a contract of sale without stating any reason and without any 9 liability on his or her part. 10 **SECTION 5.** 703.33 (4) (b) 1. of the statutes is amended to read: 11 703.33 (4) (b) 1. If the purchaser does not give notice requesting request in 12 writing missing documents as provided under sub. (3c), or may not request missing 13 documents because the seller did not provide both a cover sheet and index, the 14 purchaser may rescind within 5 business days following receipt of the incomplete 15 disclosure materials. 16 **SECTION 6.** 703.33 (4) (b) 2. of the statutes is amended to read: 17 703.33 (4) (b) 2. If the purchaser gives notice requesting requests in writing 18 missing documents <u>as provided</u> under sub. (3c), the purchaser may rescind within 19 5 business days following the earlier of receipt of the requested documents or the 20 deadline, under sub. (3c), for the seller's delivery of the requested missing 21 documents. 22 **SECTION 7.** 703.33 (4) (d) of the statutes is created to read: 23 703.33 (4) (d) If a purchaser does not timely rescind under par. (a) or (b), his 24 or her right to rescind under this section is terminated. 25 **SECTION 8.** 703.33 (6) of the statutes is amended to read:

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1	703.33 (6) WAIVER OF PURCHASER'S RIGHT. Rights of purchasers under this
2	section may not be waived in the contract of sale and any attempt to waiver waive
3	those rights is void. However, notwithstanding sub. (4) (d), if the purchaser proceeds
4	to closing, the purchaser's right under this section to rescind is terminated.
5	SECTION 9. 709.02 (2) (intro.) of the statutes is amended to read:
6	709.02 (2) (intro.) In regard to a transfer of a condominium unit, as defined in
7	s. 703.02 (15), if the owner is required under s. 709.01 to provide the information
8	under sub. (1), the owner shall furnish, in addition to and at the same time as the
9	information required under sub. (1), all the following information as an addendum
10	to the real estate condition report under s. 709.03:
11	SECTION 10. 709.02 (2) (d) of the statutes is amended to read:
12	709.02 (2) (d) –A– <u>Unless excused by s. 703.365 (8), a</u> copy of the executive
13	summary required under s. 703.33 (1) (h).
14	SECTION 11. Initial applicability.
15	(1) RESCISSION OF CONDOMINIUM CONTRACT OF SALE. The treatment of section
16	703.33 (1) (a), (2) (a) 3., (3c), (4) (a), (b) 1. and 2., and (d), and (6) of the statutes first
17	applies to contracts of sale for the sale of a condominium unit that are entered into
18	on the effective date of this subsection.
19	(END)