



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1070/1
KRP:amn

2017 ASSEMBLY BILL 175

March 20, 2017 - Introduced by Representatives BALLWEG, ALLEN, BERCEAU, BRANDTJEN, E. BROOKS, R. BROOKS, CONSIDINE, GOYKE, HORLACHER, KRUG, MASON, MEYERS, MURSAU, RIPP, SKOWRONSKI, SPIROS, TAUCHEN, THIESFELDT and TUSLER, cosponsored by Senators OLSEN, HARS DORF, MARKLEIN, NASS and WIRCH. Referred to Committee on Rural Development and Mining.

1 **AN ACT** *to repeal* 59.76 (2); *to renumber* 59.76 (1); *to renumber and amend*
2 236.34 (3); *to consolidate, renumber and amend* 59.43 (9) (a) 1. a. and g. and
3 59.43 (9) (c) (intro.), 1. and 2.; *to amend* 59.43 (1c) (k), 59.43 (9) (a) 2. c., 59.43
4 (9) (b), 59.71 (3), 61.187 (2) (d), 69.64 (2), 70.25, 70.27 (5), 75.28 (2) (a), 84.095
5 (3) (a), 84.095 (7) (a), 84.095 (8) (b), 185.82 (2) (c), 186.315, 228.05, 236.295 (2)
6 (a), 321.61 (1) (f), 703.11 (2) (am), 703.275 (5), 706.05 (2) (c), 706.05 (2m) (a),
7 706.085 (2) (a), 708.15 (1) (L) and 893.33 (2); and *to create* 236.34 (3) (c) of the
8 statutes; **relating to:** identification and location information assigned to
9 documents filed or recorded in the county register of deeds offices and
10 registration of farm names by recording in the register of deeds office.

Analysis by the Legislative Reference Bureau

This bill changes the information that a county register of deeds must assign to a document that is submitted for filing or recording. Under current law, certain provisions of the statutes require a county register of deeds to assign to each document a unique document number and a volume and page where the document is located. The bill provides that a register of deeds may, but is not required to, assign

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a volume and page number to each document. The bill also provides that the register of deeds is only required to include volume and page number references in the index of documents if the document is assigned a volume and page number.

The bill also eliminates certain penalties that apply to registrations of farm names that are recorded in a county register of deeds office.

Finally, the bill provides that a condominium plat that is submitted to a county register of deeds office for recording must contain a blank space at least three inches by three inches in size in the upper right corner on the first sheet for recording use by the register of deeds. Under current law, the recording space must be at least two and five-tenths inches on each side.

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

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

1 **SECTION 1.** 59.43 (1c) (k) of the statutes is amended to read:

2 59.43 (1c) (k) Keep an index of all organizational documents of corporations,
3 fraternal societies, religious organizations, associations, and other entities, and all
4 amendments of such ~~the~~ documents, that are allowed or required by law to be filed
5 or recorded in the register's office. The index shall ~~access the documents be~~
6 accessible and searchable by the ~~names~~ name of the ~~corporations~~ corporation,
7 fraternal societies society, religious ~~organizations~~, ~~associations~~ and organization,
8 association, or other entities, entity and shall contain a reference to the document
9 number of the organizational document or amendment and, if given on the
10 document, the volume and page number where the documents are organizational
11 document or amendment is filed or recorded in the register's office.

12 **SECTION 2.** 59.43 (9) (a) 1. a. and g. of the statutes are consolidated, renumbered
13 59.43 (9) (a) 1. am. and amended to read:

14 59.43 (9) (a) 1. am. ~~Number of~~ Document number assigned under sub. (1c) (f)
15 to the instrument that is consecutive and unique within the record series. ~~g.~~ ~~The~~

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1 ~~document number~~, and, if given on the instrument, the volume and page where the
2 instrument is recorded or filed.

3 **SECTION 3.** 59.43 (9) (a) 2. c. of the statutes is amended to read:

4 59.43 (9) (a) 2. c. Document number, ~~or assigned to the instrument under sub.~~
5 (1c) (f) and, if given on the instrument, the volume and page where the instrument
6 is recorded or filed.

7 **SECTION 4.** 59.43 (9) (b) of the statutes is amended to read:

8 59.43 (9) (b) ~~In the case of~~ With regard to assignments, satisfactions, and
9 partial releases of mortgages, and subordination subordinations of mortgages, the
10 index under par. (a) shall also contain the document number ~~or of the original~~
11 mortgage instrument and, if given on the original mortgage instrument, the volume
12 and page of where the original mortgage instrument is recorded or filed whenever
13 ~~that the~~ the original mortgage instrument is referenced on the document assignment,
14 satisfaction, partial release, or subordination.

15 **SECTION 5.** 59.43 (9) (c) (intro.), 1. and 2. of the statutes are consolidated,
16 renumbered 59.43 (9) (c) and amended to read:

17 59.43 (9) (c) With regard to affidavits of ~~corrections~~ correction of previously
18 filed or recorded documents, the register of deeds shall include at least one of the
19 following notations on the previously filed or recorded document: 1. The a notation
20 of the document number of the affidavit of correction. 2. The, the date when the
21 affidavit of correction is filed or recorded, and, if the affidavit of correction is assigned
22 a volume and page number, the volume and page number where the affidavit of
23 correction is filed, or recorded ~~and the date when the affidavit is filed.~~

24 **SECTION 6.** 59.71 (3) of the statutes is amended to read:

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1 59.71 (3) The register of deeds shall enter an abstract of all eminent domain
2 proceedings in the record maintained under sub. (2). The abstract shall
3 substantially contain the facts as to the filing of a notice of lis pendens, the date of
4 filing, the description, the court in which or the body before whom the proceeding is
5 pending, the result of the proceedings, the action taken, and the date thereof of the
6 action and shall briefly state all of the essential facts of the proceeding. The index
7 to the record shall be a practical index, with reference to the ~~number~~ document
8 numbers assigned and page of, if volume and page numbers are assigned, the volume
9 and page where such the abstracts are entered ~~respectively~~ filed or recorded.

10 **SECTION 7.** 59.76 (1) of the statutes is renumbered 59.76.

11 **SECTION 8.** 59.76 (2) of the statutes is repealed.

12 **SECTION 9.** 61.187 (2) (d) of the statutes is amended to read:

13 61.187 (2) (d) If, in accordance with par. (a), the results of the election under
14 sub. (1) provide for dissolution, the village clerk shall, within 10 days after the
15 election, record the petition and determination of the village board of canvassers in
16 the office of the register of deeds of the county or counties in which the village is
17 located and file with the secretary of administration certified copies of the petition
18 and the determination of inspectors of election. The village clerk shall also record
19 in the office of the register of deeds a certificate by the village clerk showing the date
20 on which the dissolution takes effect and file with the secretary of administration 4
21 copies of the certificate. These documents shall be recorded and indexed by the
22 register of deeds. The index shall include the document number of the original
23 documents and, if given on the original documents, the volume or reel ~~number~~ and
24 the page or image number of where the original documents are filed or recorded. The

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1 secretary of administration shall forward 2 copies of the certificate to the department
2 of transportation and one to the department of revenue.

3 **SECTION 10.** 69.64 (2) of the statutes is amended to read:

4 69.64 (2) The date, the document number, and, if given, the volume and page
5 number of the record thereof of the instrument of conveyance or sale.

6 **SECTION 11.** 70.25 of the statutes is amended to read:

7 **70.25 Lands, described on rolls.** In all assessments and tax rolls in all
8 advertisements, certificates, papers, conveyances, or proceedings for the assessment
9 and collection of taxes and in all related proceedings, except in tax bills, any
10 descriptions of land which that indicate the land intended with ordinary and
11 reasonable certainty and which that would be sufficient between grantor and
12 grantee in an ordinary conveyance are sufficient. No description of land according
13 to the United States survey is insufficient by reason of the omission of the word
14 quarter or the figures or signs representing it in connection with the words or initial
15 letters indicating any legal subdivision of lands according to government survey.
16 Where a more complete description may not be practicable, and the deed or a
17 mortgage describing any piece of real property is recorded in the office of the register
18 of deeds for the county, an abbreviated description including the document number
19 of the deed or mortgage or the volume and page where the deed or mortgage is
20 recorded, and the section, village, or city where the property is situated, is sufficient.
21 Where a more complete description may not be practicable, and the piece of property
22 is described in any certificate, order, or judgment of a court of record in the county,
23 an abbreviated description including the document number of the court record or the
24 volume and page of where the court record where is recorded, and the section, village,

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1 or city where the property is situated, is sufficient. Descriptions in property tax bills
2 shall be as provided under s. 74.09 (3) (a).

3 **SECTION 12.** 70.27 (5) of the statutes is amended to read:

4 70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a
5 professional land surveyor licensed under ch. 443 and shall survey and lay out the
6 boundaries of each parcel, street, alley, lane, roadway, or dedication to public or
7 private use, according to the records of the register of deeds, and whatever evidence
8 that may be available to show the intent of the buyer and seller, in the chronological
9 order of their conveyance or dedication, and set temporary monuments to show the
10 results of such survey which shall be made permanent upon recording of the plat as
11 provided for in this section. The map shall be at a scale of not more than 100 feet per
12 inch, unless waived in writing by the department of administration under s. 236.20
13 (2) (L). The owners of record of lands in the plat shall be notified by certified letter
14 mailed to their last-known ~~address~~ addresses, in order that they shall have
15 opportunity to examine the map, view the temporary monuments, and make known
16 any disagreement with the boundaries as shown by the temporary monuments. It
17 is the duty of the professional land surveyor making the plat to reconcile any
18 discrepancies that may be revealed, so that the plat as certified to the governing body
19 is in conformity with the records of the register of deeds as nearly as is practicable.
20 When boundary lines between adjacent parcels, as evidenced on the ground, are
21 mutually agreed to in writing by the owners of record, ~~such~~ those lines shall be the
22 true boundaries for all purposes thereafter, even though they may vary from the
23 metes and bounds descriptions previously of record. Such written agreements shall
24 be recorded in the office of the register of deeds. On every assessor's plat, as certified
25 to the governing body, shall appear the ~~volume, page, and~~ document number of the

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1 record and, if given on the record, the volume and page where the record is recorded
2 for the record that contains the metes and bounds description of each parcel, as
3 recorded in the office of the register of deeds, which shall be identified with the
4 number by which such parcel is designated on the plat, except that ~~lots which have~~
5 a lot that has been conveyed or otherwise acquired but upon which no deed is
6 recorded in the office of register of deeds may be shown on an assessor's plat and
7 when so shown shall contain a full metes and bounds description.

8 **SECTION 13.** 75.28 (2) (a) of the statutes is amended to read:

9 75.28 (2) (a) The tax deed grantee or the assigns of the tax deed grantee may,
10 at any time after the tax deed is issued and recorded, serve a notice on the owner of
11 record of the original title, stating that ~~he, she or they~~ the grantee or assigns hold a
12 tax deed on the land of the original owner and giving a description of the land so
13 deeded and a reference to the document number of the tax deed and, if a volume and
14 page number is assigned, the volume and page where the tax deed is recorded. The
15 notice shall be served in the same manner as a summons in a court of record or by
16 registered mail, addressed to the owner of record. Proof of service of the notice shall
17 be filed in the office of the clerk of the county in which the lands are situated.

18 **SECTION 14.** 84.095 (3) (a) of the statutes is amended to read:

19 84.095 (3) (a) An order, resolution, or plat filed or recorded under this section
20 may be amended or vacated only by the entity that submitted the order, resolution,
21 or plat for filing or recording. Any amendment or vacation of an order, resolution,
22 or plat filed or recorded under this section may be filed or recorded. The office of the
23 register of deeds shall make suitable notations on the plat affected by an amendment
24 or vacation that is filed or recorded. The register of deeds shall number any
25 amendments to a plat consecutively in the order filed or recorded and shall describe

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1 each amendment as follows using the following information to the extent the
2 information applies:

3 Amendment (number) of transportation project plat (project number),
4 recorded in volume (number) of transportation project plats, page (number),
5 as document (number), on (date), (county name) register of deeds, and
6 located in (quarter section, section, township and range; recorded private claim;
7 or federal reservation).

8 **SECTION 15.** 84.095 (7) (a) of the statutes is amended to read:

9 84.095 (7) (a) Whenever a plat has been filed or recorded under this section,
10 any parcel depicted in the plat that is required for a project by conveyance or eminent
11 domain proceedings shall be described as follows using the following information to
12 the extent the information applies:

13 Parcel (number) of transportation project plat (project number), recorded
14 in volume (number) of transportation project plats, page (number), as
15 document (number), recorded in (county name), Wisconsin.

16 **SECTION 16.** 84.095 (8) (b) of the statutes is amended to read:

17 84.095 (8) (b) Within 3 working days after the date on which a plat is submitted
18 for recording under this section, the register of deeds shall assign a document
19 number and, at the option of the register of deeds, a volume and page of recording
20 for where the plat is recorded, and the register of deeds shall provide written notice
21 of the recording information to the agency that submitted the plat.

22 **SECTION 17.** 185.82 (2) (c) of the statutes is amended to read:

23 185.82 (2) (c) A register of deeds receiving a check and document forwarded
24 under par. (b) shall record the document. If the document is not articles, the register
25 of deeds shall note on the margin of the record of the articles the document number

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1 and, if the document is assigned a volume and page number, the volume and page
2 where the document is recorded.

3 **SECTION 18.** 186.315 of the statutes is amended to read:

4 **186.315 Charter cancellation.** Upon completion of a voluntary liquidation
5 as provided in s. 186.18, or upon completion of the liquidation in cases under s.
6 186.235 (11), or after the assets and liabilities of a credit union are transferred to
7 another credit union for the purpose of merger as provided in s. 186.31 (3), the office
8 of credit unions shall cancel the charter of the credit union liquidated or merged
9 without any other or further notice to the credit union or to any person. A certified
10 copy of the order or certificate of the office of credit unions shall be recorded with the
11 register of deeds of the county in which the credit union is located. The register of
12 deeds shall note on the margin of the record of the articles of incorporation of the
13 credit union the document number and, if the order or certificate is assigned a
14 volume and page number, the volume and page where the order or certificate
15 canceling its the credit union's charter is recorded. In case of voluntary liquidation
16 under s. 186.18 or merger under s. 186.31, the credit union shall record the order or
17 certificate of the office of credit unions and pay the fee. In case of liquidation under
18 s. 186.235 (11), the office of credit unions or special deputy shall record the order or
19 certificate of the office of credit unions and pay the fee out of the assets of the credit
20 union as an expense of liquidation.

21 **SECTION 19.** 228.05 of the statutes is amended to read:

22 **228.05 Marginal references.** The register of deeds of any county having a
23 population of 500,000 or more who has copied a document by microphotography,
24 microfilm, optical imaging, or electronic formatting that is accepted by him or her for
25 recording or filing shall also, as a substitute for marginal references required,

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1 prepare an index for documents of ancillary nature for which marginal references are
2 required. ~~Such~~ The register of deeds shall prepare and maintain the index for
3 ancillary documents ~~shall be prepared and maintained~~ to show the document
4 number ~~or~~ and, if given, the volume and page of the original recording or filing plus
5 a record of any recordings or filings affecting or pertinent to ~~such~~ the original
6 recording or filing requiring marginal references subsequent to the date on which the
7 county begins ~~such~~ recording or recopying by microphotography, microfilm, optical
8 imaging, or electronic formatting.

9 **SECTION 20.** 236.295 (2) (a) of the statutes is amended to read:

10 236.295 (2) (a) Each affidavit in sub. (1) (a) correcting a plat or certified survey
11 map that changes areas dedicated to the public or restrictions for the public benefit
12 must be approved prior to recording by the governing body of the municipality or
13 town in which the subdivision is located. The register of deeds shall ~~note~~ include on
14 the plat or certified survey map ~~a reference to~~ a notation of the document number of
15 the affidavit or instrument and, if the affidavit or instrument is assigned a volume
16 and page number, ~~the page and volume in which~~ and page where the affidavit or
17 instrument is recorded. The record of the affidavit or instrument, or a certified copy
18 of the record, is prima facie evidence of the facts stated in the affidavit or instrument.

19 **SECTION 21.** 236.34 (3) of the statutes is renumbered 236.34 (3) (intro.) and
20 amended to read:

21 236.34 (3) USE IN CONVEYANCING. (intro.) When a certified survey map has been
22 recorded in accordance with this section, the parcels of land in the map shall be, for
23 all purposes, including assessment, taxation, devise, descent, and conveyance, as
24 defined in s. 706.01 (4), described by reference to the all of the following:

25 (a) The number of the survey, map.

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1 **(b)** The lot or outlot number, of the parcel.

2 **(d)** If the map is assigned a volume and page number, the volume and page
3 where the map is recorded, and the.

4 **(e)** The name of the county.

5 **SECTION 22.** 236.34 (3) (c) of the statutes is created to read:

6 236.34 **(3)** (c) If the map is assigned a document number, the document number
7 assigned to the map.

8 **SECTION 23.** 321.61 (1) (f) of the statutes is amended to read:

9 321.61 **(1)** (f) The person owning or having an interest in any property in
10 respect to which the order under par. (c) is made, or the person's agent or attorney,
11 may file a certified copy of the order of suspension with the county treasurer or with
12 the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes
13 as to the taxes and assessments. The person shall file with the order an affidavit in
14 triplicate, sworn to by the person or agent or attorney, setting forth the name of the
15 owner, the legal description of the property, the type of property, when acquired, the
16 document number of the deed and, if given on the deed, the volume and page number
17 where the deed was is recorded if acquired by deed, and the name of the estate if
18 acquired by descent, amount of delinquent taxes, if any, and the names of the holders
19 of any outstanding mortgage, lien, or other encumbrance. Upon receipt of the filing,
20 the county treasurer or city treasurer shall record the order in the office of the
21 register of deeds of the county and file a copy in the office of the treasurer, who shall
22 make proper notation that a person in federal active duty is the holder of the legal
23 title and has made application for special relief. The county treasurer or city
24 treasurer shall immediately forward an additional copy of the order and affidavit to
25 the office of the clerk of the town, city, or village where the property is located, or, if

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1 it is located in a city, authorized to sell lands for nonpayment of its taxes, to the
2 commissioner of assessments, who shall make an appropriate notation in the
3 records.

4 **SECTION 24.** 703.11 (2) (am) of the statutes is amended to read:

5 703.11 (2) (am) A blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size in the
6 upper right corner on the first sheet for recording use by the register of deeds.

7 **SECTION 25.** 703.275 (5) of the statutes is amended to read:

8 703.275 (5) RECORDING. Both a restatement of the declaration of the resultant
9 condominium that includes the merger agreement and an addendum to the
10 condominium plat of the resultant condominium shall be recorded as provided in s.
11 703.07. ~~The~~ On the plat of the preexisting condominium, the register of deeds shall
12 reference the document number, assigned to the plat of the resultant condominium
13 and, if the plat of the resultant condominium is assigned a volume and page number,
14 the volume and page of where the plat of the resultant condominium ~~on the plat of~~
15 ~~the preexisting condominium~~ is recorded and shall note that the preexisting
16 condominium has been merged.

17 **SECTION 26.** 706.05 (2) (c) of the statutes is amended to read:

18 706.05 (2) (c) Identify, to the extent that the nature of the instrument permits,
19 and in form and terms ~~which~~ that permit ready entry upon the various books and
20 indexes publicly maintained as land records of such county, the land to which such
21 instrument relates and the parties or other persons whose interests in such land are
22 affected. Except as provided in sub. (2m), identification may be either by the terms
23 of the instrument or by reference to an instrument of record in the same office,
24 naming the ~~place~~ document number of the record and, if the record is assigned a

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1 volume and page number, the volume and page where such the record may be found
2 is recorded.

3 **SECTION 27.** 706.05 (2m) (a) of the statutes is amended to read:

4 706.05 **(2m)** (a) Except as provided in par. (b), any document submitted for
5 recording or filing that is to be indexed in the real estate records, any document
6 submitted for recording or filing that modifies an original mortgage or land contract,
7 and any document submitted for recording or filing that is a subordination
8 agreement submitted for recording or filing shall contain the full legal description
9 of the property to which ~~it~~ the document relates if the document ~~or subordination~~
10 ~~agreement~~ is intended to relate to a particular parcel of land. The legal description
11 may be included on the document or may be attached to the document. ~~Any such~~ The
12 document shall also contain the document number of any original mortgage or land
13 contract that the document affects and, if given on the original mortgage or land
14 contract, the volume and page numbers ~~of~~ where the original mortgage or land
15 contract is recorded or filed.

16 **SECTION 28.** 706.085 (2) (a) of the statutes is amended to read:

17 706.085 **(2)** (a) A correction instrument shall be acknowledged or
18 authenticated in accordance with s. 706.06 or 706.07. It shall recite the document
19 number of the conveyance, the names of the grantor and grantee, and, if given on the
20 conveyance, the volume and page numbers where the conveyance is filed or recorded.

21 **SECTION 29.** 708.15 (1) (L) of the statutes is amended to read:

22 708.15 **(1)** (L) "Recording data" means the date, of recording, the document
23 number, and, if given on the document, the volume and page number, if any, that
24 indicate where ~~a~~ the document is recorded in the office of the register of deeds under
25 s. 59.43.

ASSEMBLY BILL 175**SECTION 30**

1 **SECTION 30.** 893.33 (2) of the statutes is amended to read:

2 893.33 (2) Except as provided in subs. (5) to (9), no action affecting the
3 possession or title of any real estate may be commenced, and no defense or
4 counterclaim may be asserted, by any person, the state, or a political subdivision or
5 municipal corporation of the state after January 1, 1943, ~~which that~~ is founded upon
6 any unrecorded instrument executed more than 30 years prior to the date of
7 commencement of the action, or upon any instrument recorded more than 30 years
8 prior to the date of commencement of the action, or upon any transaction or event
9 occurring more than 30 years prior to the date of commencement of the action, unless
10 within 30 years after the execution of the unrecorded instrument or within 30 years
11 after the date of recording of the recorded instrument, or within 30 years after the
12 date of the transaction or event, there is recorded in the office of the register of deeds
13 of the county in which the real estate is located, some instrument expressly referring
14 to the existence of the claim or defense, or a notice setting forth the name of the
15 claimant, a statement of the claims made, a description of the real estate affected and
16 of the instrument or transaction or event on which the claim or defense is founded,
17 with its and, if the claim or defense is founded on a recorded instrument, the date the
18 instrument was recorded, the document number of the instrument, and, if the
19 instrument is assigned a volume and page number, the volume and page of its
20 recording, if it is recorded, and a statement of the claims made where the instrument
21 is recorded. This notice may be discharged the same as a notice of pendency of action.
22 Such notice or instrument recorded after the expiration of 30 years shall be likewise
23 effective, except as to the rights of a purchaser of the real estate or any interest in

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1 the real estate ~~which~~ that may have arisen after the expiration of the 30 years and
2 prior to the recording.

3 (END)