

State of Wisconsin



2019 Assembly Bill 327

Date of enactment: **March 3, 2020**
Date of publication*: **March 4, 2020**

2019 WISCONSIN ACT 127

AN ACT *to consolidate, renumber and amend* 867.046 (2) (intro.), (a) and (b); *to amend* 867.045 (1) (intro.); and *to create* 867.045 (5) of the statutes; **relating to:** obtaining evidence of the termination of certain property interests of a decedent.

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

SECTION 1. 867.045 (1) (intro.) of the statutes is amended to read:

867.045 (1) (intro.) Upon the death of any person having an interest as a joint tenant or life tenant in any real property or in the vendor's interest in a land contract or a mortgagee's interest in a mortgage, any person interested in the property may obtain evidence of the termination of that interest of the decedent by providing to the register of deeds of the county in which such property is located ~~a certified copy of the death record for the decedent and by providing~~, on applications an application supplied by the register of deeds for that purpose, the name and address of the decedent and of the surviving joint tenant or remainder beneficiary, the date of the decedent's death, and the applicant's interest in the property. A person providing an application to the register of deeds under this subsection shall sign the application and verify, under oath, the correctness of the information provided in the application. The applicant shall also provide to the register of deeds the following information:

SECTION 1m. 867.045 (5) of the statutes is created to read:

867.045 (5) If a decedent's interest in a joint tenancy or life estate is terminated under this section and then

acquired from the surviving joint tenant or remainder beneficiary by a purchaser or lender in good faith, for value and without actual notice that the termination was improper, the purchaser or lender takes title free of any claims of the decedent's estate and incurs no personal liability to the estate, whether or not the termination was proper. Purchasers and lenders have no duty to inquire whether a termination was proper.

SECTION 2. 867.046 (2) (intro.), (a) and (b) of the statutes are consolidated, renumbered 867.046 (2) (intro.) and amended to read:

867.046 (2) UPON DEATH; INTEREST IN PROPERTY. (intro.) As an alternative to sub. (1m), upon the death of any person having an interest in any real property, a vendor's interest in a land contract, an interest in a savings or checking account, an interest in a security, a mortgagee's interest in a mortgage, or an interest in property passing under s. 705.10 (1), including an interest in survivorship marital property, the decedent's spouse, a beneficiary of a marital property agreement, a TOD beneficiary, or a beneficiary of a transfer under s. 705.10 (1) may obtain evidence of the termination of that interest of the decedent and confirmation of the ~~petitioner's~~ applicant's interest in the property by providing to the register of deeds of the county in which the property is located ~~the certified death record for the decedent and, on applica-~~

* Section 991.11, WISCONSIN STATUTES: 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."

tions an application supplied by the register of deeds for that purpose, all of the following information: (a) The name, residence, and post-office addresses address of the decedent and, the name, residence, and post-office address of the applicant. (b) The, and the date of decedent's death. A person providing an application to the register of deeds under this subsection or, if the person is not an individual, a representative of the person shall sign the application and verify, under oath, the correctness of

the information provided in the application. The applicant shall also provide to the register of deeds the following information:

SECTION 2m. Initial applicability.

(1) PROTECTIONS FOR PURCHASERS AND LENDERS. The treatment of s. 867.045 (5) first applies to a decedent's interest in real property that is the subject of an application to terminate the decedent's interest under s. 867.045 that is recorded on the effective date of this subsection.