

2019 DRAFTING REQUEST

Bill

For: **Joan Ballweg (608) 266-8077** Drafter: **fknepp**
 By: **Bethany** Secondary Drafters:
 Date: **3/11/2019** May Contact:
 Same as LRB: **-3397**

Submit via email: **YES**
 Requester's email: **Rep.Ballweg@legis.wisconsin.gov**
 Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov
melinda.johns@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Administrative joint tenancy or life time estate termination and summary confirmation of interest in property

Instructions:

Redraft 2017 AB 664

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 3/11/2019	ccarmich 3/11/2019			
/P1	fknepp 5/28/2019		dwalker 3/11/2019		
/1			lparisi 5/28/2019	dwalker 5/28/2019	

FE Sent For:

2
not
needed

<END>

Knepp, Fern

From: Anderson, Bethany
Sent: Thursday, March 07, 2019 9:36 AM
To: Knepp, Fern
Cc: Truax, Dustin
Subject: Re-draft of 2017 Assembly Bill 664

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Fern,

Rep. Ballweg would like to request a re-draft of 2017 LRB 4611 which became 2017 Assembly Bill 664.

I've included Dustin from Senator Olsen's office. They will be serving as the lead author in the senate.

Please let me know if you have any questions.

Thank you!
Bethany

Bethany Anderson
Office of Representative Joan Ballweg
608.266.8077



State of Wisconsin
2017-2018 LEGISLATURE

2019-2020

-2400 / PL
LRB-4611/1
FFK am RMR
cdc

In 3-11
amb 3-12

2017 ASSEMBLY BILL 664

November 22, 2017 - Introduced by Representatives BALLWEG, BILLINGS, BORN, E. BROOKS, BROSTOFF, DOYLE, FELZKOWSKI, GENRICH, HORLACHER, KITCHENS, KRUG, KULP, LOUDENBECK, MURSAU, NOVAK, RIPP, SPIROS, STEFFEN and WEATHERSTON, cosponsored by Senators OLSEN, FEYEN, HARS DORF, JOHNSON and MARKLEIN. Referred to Committee on Local Government.

SIA
x-ref
S/C

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

Analysis by the Legislative Reference Bureau

Under current law, a person may obtain evidence that certain property interests of a decedent have been terminated by providing information to the register of deeds of the county in which the property is located. To obtain such evidence under current law, a person must submit to the register of deeds a certified copy of the decedent's death certificate. This bill eliminates the requirement to submit a certified copy of the decedent's death certificate to the register of deeds. Instead, this bill requires the person seeking to obtain the evidence of the termination of the decedent's property interest to verify, under oath, the correctness of the information provided to the register of deeds, which includes the date of the decedent's death.

record

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

- 4 **SECTION 1.** 867.045 (1) (intro.) of the statutes is amended to read:
- 5 867.045 (1) (intro.) Upon the death of any person having an interest as a joint
- 6 tenant or life tenant in any real property or in the vendor's interest in a land contract

ASSEMBLY BILL 664

SECTION 1

1 or a mortgagee's interest in a mortgage, any person interested in the property may
2 obtain evidence of the termination of that interest of the decedent by providing to the
3 register of deeds of the county in which such property is located ~~a certified copy of~~
4 ~~the death certificate~~ ^{record} for the decedent and by providing, on applications an
5 application supplied by the register of deeds for that purpose, the name and address
6 of the decedent and of the surviving joint tenant or remainder beneficiary, the date
7 of the decedent's death, and the applicant's interest in the property. A person
8 providing an application to the register of deeds under this subsection shall sign the
9 application and verify, under oath, the correctness of the information provided in the
10 application. The applicant shall also provide to the register of deeds the following
11 information:

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

14 **867.046 (2) UPON DEATH; INTEREST IN PROPERTY.** (intro.) As an alternative to sub.
15 (1m), upon the death of any person having an interest in any real property, a vendor's
16 interest in a land contract, an interest in a savings or checking account, an interest
17 in a security, a mortgagee's interest in a mortgage, or an interest in property passing
18 under s. 705.10 (1), including an interest in survivorship marital property, the
19 decedent's spouse, a beneficiary of a marital property agreement, a TOD beneficiary,
20 or a beneficiary of a transfer under s. 705.10 (1) may obtain evidence of the
21 termination of that interest of the decedent and confirmation of the petitioner's
22 applicant's interest in the property by providing to the register of deeds of the county
23 in which the property is located the certified death ~~certificate~~ ^{record} for the decedent and,
24 on applications an application supplied by the register of deeds for that purpose, all
25 of the following information: (a) ~~The~~ the name, residence, and post-office addresses

ASSEMBLY BILL 664

1 address of the decedent and, the name, residence, and post-office address of the
2 applicant. (b) The, and the date of decedent's death. A person providing an
3 application to the register of deeds under this subsection or, if the person is not an
4 individual, a representative of the person shall sign the application and verify, under
5 oath, the correctness of the information provided in the application. The applicant
6 shall also provide to the register of deeds the following information:

7 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2400/P1 /1
FFK:cdc

No changes

RMC

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to consolidate, renumber and amend** 867.046 (2) (intro.), (a) and (b);
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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 867.045 (1) (intro.) of the statutes is amended to read:
5 867.045 (1) (intro.) Upon the death of any person having an interest as a joint
6 tenant or life tenant in any real property or in the vendor's interest in a land contract

1 applicant. ~~(b) The, and the~~ date of decedent's death. A person providing an
2 application to the register of deeds under this subsection or, if the person is not an
3 individual, a representative of the person shall sign the application and verify, under
4 oath, the correctness of the information provided in the application. The applicant
5 shall also provide to the register of deeds the following information:

6

(END)

Walker, Dan

From: Anderson, Bethany
Sent: Tuesday, May 28, 2019 12:34 PM
To: LRB.Legal
Subject: Draft Review: LRB -2400/1

Please Jacket LRB -2400/1 for the ASSEMBLY.