
Wisconsin Legislative Council

ACT MEMO



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2019 Wisconsin Act 127
[2019 Assembly Bill 327]

**Proof of Death for Termination
of Interest in Joint Tenancies
and Life Estates**

BACKGROUND

State law requires that in an application to the county register of deeds for termination of a decedent's interest in a joint tenancy or life estate must include information regarding the decedent's date of death. Under prior law, a certified copy of a death certificate was required to show proof of death.

2019 WISCONSIN ACT 127

2019 Wisconsin Act 127 amends what proof of a decedent's date of death is required when a person applies to terminate the decedent's interest in a joint tenancy or life estate. Specifically, the act replaces the requirement that the applicant provide a certified copy of a death certificate with the requirement that the applicant sign the application and verify, under oath, the correctness of the information in the application.

The act also establishes that a purchaser or lender has no duty to inquire if a decedent's interest in a joint tenancy or life estate was properly terminated. Under the act, a purchaser or lender has no personal liability to the estate if the property was acquired from a surviving joint tenant or remainder beneficiary in good faith, for value, and without notice of improper termination.

The act first applies to a decedent's interest in real property that is the subject of an application to terminate the decedent's interest in a joint tenancy or life estate that is recorded on March 5, 2020.

Effective date: March 5, 2020.

MS:RB:mca;ksm