

SECTION 9. This act shall take effect upon passage and publication.

Approved July 25, 1933.

No. 761, A.]

[Published July 27, 1933.

CHAPTER 462.

AN ACT to create section 236.115 of the statutes, relating to the sale of platted lands in certain counties and providing a penalty. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. A new section is added to the statutes to be numbered and to read: 236.115 *Sale of platted lands in Milwaukee county.* (1) Whenever in any county of a population of five hundred thousand or more any subdivision or plat of land shall hereafter be laid out for the purpose of sale, and before any contract for the sale, or sale, or offer to sell said subdivision, or any part thereof is made, the subdivider or his agent shall cause to be recorded in the office of the register of deeds of the county in which any portion of said subdivision is located, a map or plat thereof in all respects in full compliance with the provisions of this chapter.

(2) It shall be unlawful for any subdivider to contract for the sale, sell, or offer to sell any subdivision or part thereof, until a plat thereof in full compliance with the provisions of this chapter has been duly recorded in the office of the register of deeds of the county in which any portion of said subdivision is located. It shall be unlawful for any person to sell or offer for sale any subdivision or any part thereof, by reference to any map or plat, unless such map or plat has been made, certified, endorsed, acknowledged, and recorded in all respects as provided in this chapter.

(3) Any sale contrary to the provisions of subsections (1) and (2) of this section shall be a misdemeanor, and any person, firm, or corporation, upon conviction thereof, shall be punished by a fine of not less than twenty-five and not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which any aggrieved municipality or other political subdivision or person, firm, or corporation may other-

wise be entitled. Any sale, or contract to sell contrary to the provisions of this section shall be voidable at the sole option of the buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy, within one year after the date of execution of such document, but such document shall be binding upon any assignee or transferee of such person other than those above enumerated, and upon the vender, or person contracting to sell, or his assignee, heir, or devisee.

(4) For the purpose of this section, the following terms are defined as:

(a) A "subdivision" is the same as a "plat".

(b) A "subdivision" or "plat" is a tract of land composed of five or more lots of one and one-half acres or less in area, provided that when any person within one calendar year divides any tract into five or more parts of one and one-half acres or less in size, such tract shall be deemed to be a subdivision within the meaning of this chapter; provided, that nothing contained herein shall prohibit the recording of a plat of lots less than five lots or a plat composed of more than one and one-half acres in area. Nothing in this section shall be construed to require the preparation of a plat in accordance with these provisions of any subdivision of land which has been staked out and in which sales or contracts of sale have actually been made prior to the effective date of this section, or of any subdivision a plat of which has been duly recorded prior to such date; and provided, further, that nothing herein contained shall require the recording of a plat showing property sold or contracted for sale by metes and bounds or by reference to an unrecorded plat prior to the effective date of this section as a condition precedent to the sale or contract of sale of the whole or part thereof.

(c) A "subdivider" is a person, corporation, partnership, or association laying out for the purpose of first sale, offering for first sale or first selling, for himself or others, a subdivision or any part thereof.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 25, 1933.