

No. 66, S.]

[Published May 13, 1943.]

**CHAPTER 109.**

AN ACT to amend 330.15 (1), (2), (4) and (5) and to create 330.15 (6) of the statutes, relating to actions concerning real estate.

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

SECTION 1. 330.15 (1), (2), (4) and (5) of the statutes are amended to read:

330.15 (1) Except as provided in subsection (5) hereof, no action affecting the possession or title of any real estate shall be commenced by any person, \* \* \* *the state*, or any \* \* \* subdivision thereof after January 1, 1943, which is founded upon any unrecorded instrument executed more than 30 years prior to the commencement of such action, or upon any instrument recorded more than 30 years prior to the date of commencement of the action, or upon any transaction more than 30 years old, unless within 30 years after the execution of such unrecorded instrument or within 30 years after the date of recording of such recorded instrument, or within 30 years after the date of such transaction there is \* \* \* *recorded* in the office of the register of deeds of the county in which the real estate is located, a notice setting forth the name of the claimant, a description of the real estate affected and of the instrument or transaction on which such claim is founded, with its date and the volume and page of its recording, if it be recorded, and a statement of the claims made. This notice \* \* \* may be discharged the same as a notice of pendency of action. Such notice \* \* \* *recorded* after the expiration of 30 years shall be likewise effective, except as to the rights of a purchaser for value of the real estate or any interest therein which may have arisen prior to such \* \* \* *recording*.

(2) The \* \* \* *recording* of such notice shall extend for 30 years from the date of \* \* \* *recording*, the time in which any action founded upon the written instrument or transaction referred to in the notice may be commenced; and like notices may thereafter be \* \* \* *recorded* with like effect before the expiration of each successive 30-year period.

(4) This section shall be construed to effect the legislative purpose of allowing bona fide purchasers of real estate, or of any

interest therein, dealing with the person, if any, in possession, to rely on the record title covering a period of not more than 30 years prior to the date of purchase and to bar all claims to an interest in real property, whether dower (which for the purpose of this section shall be considered as based on the title of the husband without regard to the date of marriage) inchoate or consummate, curtesy, remainders, reversions, mortgage liens, old tax deeds, rights as heirs or under wills, or any claim of any nature whatsoever, however denominated, and whether such claims are asserted by a person sui juris or under disability, whether such person is within or without the state, and whether such person is natural or corporate, or private or governmental, unless within such 30-year period there has been recorded some record evidence of the existence of such claim or unless a notice of renewal pursuant hereto has been \* \* \* recorded. This section does not apply to any action commenced by any person who is in possession of the real estate involved as owner at the time the action is commenced, *nor does this section apply to any real estate or interest therein while the record title thereto remains in a railroad corporation or a public service corporation as defined in section 184.01, or any trustee or receiver thereof, or to claims or actions founded upon mortgages or trust deeds executed by such corporations, or trustees or receivers thereof; nor does this section apply to any real estate or interest therein while the record title thereto remains in the state or any political subdivision or municipal corporation thereof.*

(5) Actions to enforce easements, or covenants restricting the use of real estate set forth in any instrument of public record shall not be barred by this section for a period of 60 years after the date of record of such instrument, and the timely \* \* \* recording of notices of renewal shall extend such time for 60-year periods from such \* \* \* recording.

SECTION 2. 330.15 (6) of the statutes is created to read:

330.15 (6) The word "purchaser" as used in this section shall be construed to embrace every person to whom any estate or interest in real estate shall be conveyed for a valuable consideration and also every assignee of a mortgage or lease or other conditional estate.

Approved May 10, 1943.