

CHAPTER 495

AN ACT to create 247.375 of the statutes, relating to sale of realty before final decree.

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

247.375 of the statutes is created to read:

247.375 SALE OF REALTY BEFORE FINAL DECREE. (1) Between the date of a judgment of divorce and the date on which it becomes final, a party to whom real estate has been awarded pursuant to s. 247.26 may apply to the court by verified petition for an order authorizing him or her to sell, mortgage, lease or otherwise dispose of such real estate free of any claim or interest of the opposite party. The court or presiding judge shall thereupon enter an order fixing a time for hearing such petition, which shall be not more than 60 days nor less than 10 days from the filing thereof. At least 8 days prior to the date fixed for hearing, a copy of the petition and order shall be served on the opposite party and the divorce counsel, in the manner prescribed by law for the service of a summons. The opposite party or the divorce counsel may answer the petition and present evidence at the hearing in opposition thereto.

(2) Upon the hearing if it appears to the court that the petition is made in good faith and that it will be for the best interests of the petitioner and not in violation of any rights of the opposite party to grant the petition, the court may enter an order authorizing the execution of a deed, mortgage, lease or other instrument affecting the real estate described in the petition and in the order; and such instrument shall be effectual to convey, mortgage, lease or otherwise dispose of the real estate free and clear of any interest of the opposite party to the action. As a condition of granting the petition the court may require that there be secured, in such manner as the court directs, out of the proceeds of the sale, mortgage or other disposition of the real estate, or by bond in such amount and with such surety as the court approves, such sum for the benefit of the parties to the action or either of them, or the children of the parties, as the court deems just under all the circumstances.

Approved July 9, 1953.
