

State of Wisconsin



1995 Senate Bill 344

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1995 WISCONSIN ACT 224

AN ACT relating to: amending and renumbering various provisions of the statutes for the purpose of clarifying language, correcting and clarifying references, and eliminating obsolete terminology (Revisor's Correction Bill).

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

SECTION 1. 17.14 (4) of the statutes is amended to read:

17.14 (4) **COSTS.** If the court, after a hearing on the merits, dismisses the petition and further finds the complaint was wilful and malicious and without probable cause, the court shall order judgment in favor of the officer and against the petitioner for \$10 attorney fees and for the costs and fees of witnesses and officers incurred on behalf of the officer. The judgment shall be signed by the clerk of the circuit court and entered and docketed in the clerk's office as the judgment of the circuit court in the judgment and lien docket. An execution may be issued thereon against the property of the petitioner in the same mode as upon a judgment entered in the circuit court in civil actions founded in tort. Upon the return of the execution unsatisfied in whole or in part, an execution against the person of the petitioner may be issued in the manner and with the force and effect of an execution against the person as provided in ss. 815.01 to 815.10. In all other cases the judge may order that the expenses incurred in procuring witnesses and other needed actual expenses, be paid out of the treasury of the county in which the officer resides upon certificates of the clerk of the circuit court.

SECTION 2. 19.05 of the statutes is renumbered 19.05 (1) (intro.) and amended to read:

19.05 (1) (intro.) Whenever a judgment shall be rendered against any officer and the officer's sureties on the officer's official bond in any court other than the circuit court of the county in which such the officer's official bond is filed, no execution for the collection thereof of the judgment shall issue from such the other court unless the plaintiff therein, the plaintiff's agent or the plaintiff's attorney shall make and file with such the court an affidavit showing that no each of the following:

(a) That no other judgment has been rendered in any court in an action upon such the officer's bond against the sureties therein which of the bond that remains in whole or in part unpaid and that no.

(b) That no other action upon such the officer's bond against said the sureties was pending and undetermined in any other court at the time of the entry of such the judgment; but every such.

(2) A transcript of a judgment described in sub. (1) may be docketed in other courts and entered in the judgment and lien docket in other counties, shall constitute a lien, and may be enforced, in all respects the same as if it were an ordinary judgment, for the recovery of money, except as provided otherwise in this section sub. (1).

SECTION 3. 30.75 (2) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

30.75 (2) SERVICE BY REGISTERED MAIL. If service of process is to be by registered mail, the original and necessary copies of the summons shall be left with the clerk of the circuit court in which the action is to be brought, together with a sum of 75 cents to cover the cost of mailing. The clerk of circuit court shall mail a copy to the defendant at the defendant's last address as known to the plaintiff or clerk of circuit court, with the return receipt signed by the addressee requested. Service of such the summons is ~~deemed~~ considered completed when it is mailed. The clerk of circuit court shall enter upon the ~~docket~~ court record the date when the summons is mailed and the name of the person to whom mailed.

SECTION 4. 46.10 (5) of the statutes is amended to read:

46.10 (5) If any person named in an order to compel payment issued under sub. (4) (a) fails to pay the department any amount due under the terms of the order and no contested case to review the order is pending and the time for filing for a contested case review has expired, the department may present a certified copy of the order to the circuit court for any county. The circuit court shall, without notice, render judgment in accordance with the order. A judgment rendered under this subsection shall have the same effect and shall be entered ~~and docketed in the judgment and lien docket~~ and may be enforced in the same manner as if the judgment had been rendered in an action tried and determined by the circuit court.

SECTION 5. 49.90 (12) of the statutes is amended to read:

49.90 (12) The parent of a dependent person who maintains a child of the dependent person under sub. (1) (a) 2. may, after the dependent person attains the age of 18, apply to the circuit court for the county in which the child resides for an order to compel restitution by the dependent person of the amount of maintenance provided to the dependent person's child by that parent. The circuit court shall in a summary way hear the allegations and proof of the parties and, after considering the financial resources and the future ability of the dependent person to pay, may by order specify a sum in payment of the restitution, to be paid weekly or monthly, during a period fixed by the order or until further order of the court. Upon application of any party affected by the order and following notice and an opportunity for presentation of allegations and proof by the parties, the court may modify the order. The parent of the dependent person may file a restitution order with the clerk of circuit court. Upon payment of the fee under s. 814.61 (5) (a), the clerk of circuit court shall enter the order on the judgment and lien docket under s. 806.10 in the same manner as for a judgment in a civil action. Thereafter, the parent of the dependent person may enforce the order against the dependent person in the same manner as for a judgment in a civil action.

SECTION 6. 49.90 (13) (c) of the statutes is amended to read:

49.90 (13) (c) If the parent of the dependent person specified in par. (a) provides maintenance to the dependent person's child and if par. (b) applies, the parent may apply to the circuit court for the county in which the child resides for an order to compel restitution by the parent specified in par. (b) of the amount of maintenance provided. The circuit court shall in a summary way hear the allegations and proof of the parties and, after considering the financial resources and future ability of the parent of the dependent person specified in par. (b) to pay, may by order specify a sum in payment of the restitution, to be paid weekly or monthly, during a period fixed by the order or until further order of the court. Upon application of any party affected by the order and following notice and an opportunity for presentation of allegations and proof by the parties, the court may modify the order. The parent specified in par. (a) may file a restitution order with the clerk of circuit court. Upon payment of a fee under s. 814.61 (5) (a), the clerk of circuit court shall enter the order on the judgment and lien docket under s. 806.10 in the same manner as for a judgment in a civil action. Thereafter, the parent specified in par. (a) may enforce the order against the parent specified in par. (b) in the same manner as for a judgment in a civil action.

SECTION 7. 50.05 (15) (e) of the statutes is amended to read:

50.05 (15) (e) The clerk of ~~the~~ circuit court for the county in which the facility is located shall record the filing of the petition for receivership in the judgment and lien docket kept under s. 779.07 opposite the names of the operators and controlling persons named in the petition.

SECTION 8. 50.05 (15) (f) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

50.05 (15) (f) The receiver shall, within 60 days after termination of the receivership, file a notice of any lien created under this subsection. No action on a lien created under this subsection may be brought more than 2 years after the date of filing. If the lien is on real property, the notice shall be filed with the clerk of circuit court of the county in which the facility is located and entered on the judgment and lien docket kept under s. 779.07. If the lien is on personal property, the lien shall be filed with the department of financial institutions. The department of financial institutions shall place the lien on personal property in the same file as financing statements are filed under ss. 409.401 and 409.402. The notice shall specify the name of the person against whom the lien is claimed, the name of the receiver, the dates of the petition for receivership and the termination of receivership, a description of the property involved and the amount claimed. No lien shall exist under this section against any person, on any property, or for any amount not specified in the notice filed under this paragraph. To the extent applicable, ch. 846 controls the foreclosure of liens under this subsection that attach to real property.

SECTION 9. 51.42 (3) (d) 12. e. of the statutes is amended to read:

51.42 (3) (d) 12. e. The clerk of circuit court for the county in which the facility is located shall record the filing of the petition for receivership in the judgment and lien docket kept under s. 779.07 opposite the name of the county department of community programs or related program named in the petition.

SECTION 10. 51.42 (3) (d) 12. f. of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

51.42 (3) (d) 12. f. The receiver shall, within 60 days after termination of the receivership, file a notice of any lien created under this subdivision. No action on a lien created under this subdivision may be brought more than 2 years after the date of filing. If the lien is on real property, the notice shall be filed with the clerk of circuit court for the county in which the county department of community programs or related program is located and entered on ~~a~~ the judgment and lien docket kept under s. 779.07. If the lien is on personal property, the lien shall be filed with the department of financial institutions. The department of financial institutions shall place the lien on personal property in the same file as financing statements are filed under ss. 409.401 and 409.402. The notice shall specify the name of the county department of community programs or related program against which the lien is claimed, the name of the receiver, the dates of the petition for receivership and the termination of receivership, a description of the property involved and the amount claimed. No lien may exist under this subdivision against any person, on any property or for any amount not specified in the notice filed under this subd. 12. f. To the extent applicable, ch. 846 controls the foreclosure of liens under this subdivision that attach to real property.

SECTION 11. 59.39 (7) of the statutes is amended to read:

59.39 (7) Keep a judgment ~~record~~ and lien docket ~~therein~~ of all money judgments of the court, transcripts from judgment and lien dockets of other Wisconsin courts and of federal courts, warrants for unemployment compensation and warrants for delinquent Wisconsin income or franchise taxes.

SECTION 12. 59.39 (8) of the statutes is amended to read:

59.39 (8) Keep a judgment and lien ~~record and~~ docket ~~therein~~ of all claims for liens filed by contractors, subcontractors, materialmen and laborers and all claims filed for log, mining and maintenance liens.

SECTION 13. 59.39 (10) of the statutes is amended to read:

59.39 (10) File, ~~docket~~ enter, record and keep such other papers, books and records as are required by law.

SECTION 14. 66.09 (1) of the statutes is renumbered 66.09 (1) (a) and amended to read:

66.09 (1) (a) When a final judgment for the payment of money shall be recovered against a town, village, city, county, school district, technical college district, town sanitary district, public inland lake protection and rehabilitation district or community center, or against any officer thereof, in any action by or against ~~him or her~~ the officer in ~~his or her~~ the officer's name of office, when the judgment should be paid by such municipality, the judgment creditor, or ~~his or her~~ the judgment creditor's assignee or attorney, may file with the clerk of circuit court a certified transcript of the judgment ~~or of the docket of the judgment~~, together with ~~his or her~~ the judgment creditor's affidavit of payments made, if any, and the amount due and that the judgment has not been appealed from or removed to another court, or if so appealed or removed has been affirmed.

(b) The amount due, with costs and interest to the time when the money will be available for payment, shall be added to the next tax levy, and shall, when received, be paid to satisfy the judgment. If the judgment is appealed after filing the transcript with the clerk of circuit court, and before the tax is collected, the money shall not be collected on that levy. If the clerk of circuit court fails to include the proper amount in the first tax levy, he or she shall include it or such portion as is required to complete it in the next levy.

SECTION 15. 70.39 (4) of the statutes is renumbered 70.39 (4) (a) and amended to read:

70.39 (4) (a) Within 5 days after the receipt of the warrant the sheriff shall file a copy of it with the clerk of ~~the~~ circuit court of the county, unless the person makes satisfactory arrangements for payment with the department, in which case, the sheriff shall, at the direction of the department, return the warrant to it.

(b) The clerk of circuit court shall ~~docket~~ enter the warrant as a delinquent income or franchise tax warrant ~~is docketed as required~~ under s. 806.11. The clerk of circuit court shall accept, file and ~~docket~~ enter the warrant without prepayment of any fee, but shall submit a statement of the proper fees within 30 days to the department of revenue. The fees shall be paid by the state treasurer upon audit by the department of administration on the certificate of the secretary of revenue and shall be charged to the proper appropriation for the department of revenue.

(c) The sheriff shall be entitled to the same fees for executing upon the warrant as upon an execution against property issued out of a court of record, to be collected in the same manner.

(d) Upon the sale of any real estate the sheriff shall execute a deed of the real estate, and the person may redeem the real estate as from a sale under an execution against property upon a judgment of a court of record. No public official may demand prepayment of any fee for the

performance of any official act required in carrying out this section.

SECTION 16. 71.91 (5) (b) of the statutes, as affected by 1995 Wisconsin Act 27, is renumbered 71.91 (5) (b) 1. and amended to read:

71.91 (5) (b) 1. The clerk of circuit court shall ~~docket~~ enter the warrant under par. (ar) as required by s. 806.11, and upon ~~docketing~~ entering the amount of the warrant, together with interest required by s. 71.82 (2), ~~the warrant~~ shall be considered in all respects as a final judgment. The clerk of circuit court shall accept, file and ~~docket~~ enter the warrant without prepayment of any fee, but the clerk of circuit court shall submit a statement of the proper fee semiannually to the department covering the periods from January 1 to June 30 and July 1 to December 31. The fees shall then be paid by the state as provided by par. (h), but the fees provided by s. 814.61 (5) for filing and ~~docketing~~ entering the warrants shall be added to the amount of the warrant and collected from the taxpayer when satisfaction or release is presented for entry.

2. The sheriff shall be entitled to the same fees for executing upon such warrant as upon an execution against property issued out of a court of record, to be collected in the same manner.

3. Upon the sale of any real estate the sheriff shall execute a deed of the same, and the taxpayer shall have the right to redeem the real estate as from a sale under an execution against property upon a judgment of a court of record.

SECTION 17. 71.91 (5) (d) of the statutes is amended to read:

71.91 (5) (d) Upon ~~docketing~~ entry of a warrant in the judgment and lien docket, the department of revenue shall have the same remedies to enforce the claim for taxes, penalties, interest and costs as upon a judgment against the taxpayer.

SECTION 18. 75.521 (3) (am) 2. of the statutes is amended to read:

75.521 (3) (am) 2. The name or names of the last owner or owners and mortgagee or mortgagees of the parcel as the ownership or mortgage interest appears of record in the office of the register of deeds of the county in which the parcel is situated, and the state of Wisconsin if it has a determined but unpaid death tax lien, a filed, nonoutlawed income or franchise tax warrant or a ~~docketed~~ judgment entered in the judgment and lien docket, all in the county where the parcel is situated.

SECTION 19. 100.03 (12) of the statutes is amended to read:

100.03 (12) DEMAND FOR PAYMENT; JUDGMENT LIEN. If the department issues a final order allowing producer claims under sub. (9), the department or any producer may demand payment of an allowed claim from the contractor, and from any other person who is obligated under the department's order. If the contractor does not pay the claim within 30 days after the demand is served on the

contractor, the department or producer may file the department's final order with the clerk of circuit court in any county of this state. The clerk of circuit court shall ~~docket~~ enter the order as a judgment in the judgment and lien docket. Upon being ~~docketed~~ entered, the order becomes a judgment lien against the real property, in that county, of the contractor or person obligated under the order.

SECTION 20. 102.20 of the statutes is amended to read:

102.20 Judgment on award. ~~Either~~ If either party ~~may present~~ presents a certified copy of the award to the circuit court for any county, ~~whereupon said~~ the court shall, without notice, render judgment in accordance therewith; ~~such~~. A judgment rendered under this section shall have the same effect as though rendered in an action tried and determined by ~~said~~ the court, and shall, with like effect, be entered ~~and docketed~~ in the judgment and lien docket.

SECTION 21. 102.24 (1) of the statutes is amended to read:

102.24 (1) Upon the setting aside of any order or award, the court may recommit the controversy and remand the record in the case to the commission for further hearing or proceedings, or it may enter the proper judgment upon the findings of the commission, as the nature of the case shall demand. An abstract of the judgment entered by the trial court upon the review of any order or award shall be made by the clerk of ~~the~~ circuit court upon the judgment and lien docket entry of any judgment which may have been rendered upon the order or award, ~~and transcripts~~. Transcripts of the abstract may be obtained for like entry upon the judgment and lien dockets of the courts of other counties.

SECTION 22. 102.26 (1) of the statutes is amended to read:

102.26 (1) No fees may be charged by the clerk of any circuit court for the performance of any service required by this chapter, except for the ~~docketing~~ entry of judgments and ~~for~~ certified transcripts ~~thereof~~ of judgments. In proceedings to review an order or award, costs as between the parties shall be in the discretion of the court, but no costs may be taxed against the commission.

SECTION 23. 102.83 (1), (2) and (4) of the statutes are amended to read:

102.83 (1) (a) 1. If an uninsured employer fails to pay to the department any amount owed to the department under s. 102.82 and no appeal or other proceeding for review is pending and the time for taking an appeal has expired, the department or any authorized representative may issue a warrant directed to the clerk of circuit court for any county of the state.

2. The clerk of circuit court shall enter in the judgment and lien docket the name of the uninsured employer mentioned in the warrant and the amount of the payments, interest, costs and other fees for which the warrant is issued and the date when the warrant is ~~filed~~ entered.

3. A warrant ~~so docketed~~ entered under subd. 2 shall be considered in all respects as a final judgment constituting a perfected lien on the uninsured employer's right, title and interest in all of the uninsured employer's real and personal property located in the county where the warrant is ~~docketed~~ entered.

4. After the warrant is ~~docketed~~ entered in the judgment and lien docket, the department or any authorized representative may file an execution with the clerk of circuit court for filing by the clerk of circuit court with the sheriff of any county where real or personal property of the uninsured employer is found, commanding the sheriff to levy upon and sell sufficient real and personal property of the uninsured employer to pay the amount stated in the warrant in the same manner as upon an execution against property issued upon the judgment of a court of record, and to return the warrant to the department and pay to it the money collected by virtue of the warrant within 60 days after receipt of the warrant.

(b) The clerk of circuit court shall accept, ~~file and docket~~ enter the warrant in the judgment and lien docket without prepayment of any fee, but the clerk of circuit court shall submit a statement of the proper fee semi-annually to the department covering the periods from January 1 to June 30 and July 1 to December 31 unless a different billing period is agreed to between the clerk and the department. The fees shall then be paid by the department, but the fees provided by s. 814.61 (5) for ~~filing and docketing~~ entering the warrants shall be added to the amount of the warrant and collected from the uninsured employer when satisfaction or release is presented for entry.

(2) The department may issue a warrant of like terms, force and effect to any employe or other agent of the department, who may file a copy of the warrant with the clerk of circuit court of any county in the state, and thereupon the clerk of circuit court shall ~~docket~~ enter the warrant in the judgment and lien docket and ~~it~~ the warrant shall become a lien in the same manner, and with the same force and effect, as provided in sub. (1). In the execution of the warrant, the employe or other agent shall have all the powers conferred by law upon a sheriff, but may not collect from the uninsured employer any fee or charge for the execution of the warrant in excess of the actual expenses paid in the performance of his or her duty.

(4) When the payments, interest costs and other fees specified in a warrant have been paid to the department, the department shall issue a satisfaction of the warrant and file it with the clerk of circuit court. The clerk of circuit court shall immediately ~~make a record on~~ enter the satisfaction of the judgment in the judgment and lien docket of the satisfaction of the judgment. The department shall send a copy of the satisfaction to the uninsured employer.

SECTION 24. 108.22 (2) (a) of the statutes is renumbered 108.22 (2) (a) 1. and amended to read:

108.22 (2) (a) 1. If any employing unit fails to pay to the department any amount found to be due it in proceedings pursuant to s. 108.10, provided that no appeal or review permitted ~~by said section~~ under s. 108.10 is pending and that the time for taking an appeal or review has expired, the department or any authorized representative may issue a warrant directed to the clerk of circuit court for any county of the state.

2. The clerk of circuit court shall enter in the judgment and lien docket the name of the employing unit mentioned in the warrant and the amount of the contributions, interest, costs and other fees for which the warrant is issued and the date when such copy is ~~filed~~ entered.

3. A warrant ~~so docketed~~ entered under subd. 2, shall be considered in all respects as a final judgment constituting a perfected lien upon the employing unit's right, title and interest in all real and personal property located in the county where the warrant is ~~docketed~~ entered.

4. The department or any authorized representative may thereafter file an execution with the clerk of circuit court for filing by the clerk of circuit court with the sheriff of any county where real or personal property of the employing unit is found, commanding the sheriff to levy upon and sell sufficient real and personal property of the employing unit to pay the amount stated in the warrant in the same manner as upon an execution against property issued upon the judgment of a court of record, and to return the warrant to the department and pay to it the money collected by virtue thereof within 60 days after receipt of the warrant.

SECTION 25. 108.22 (2) (b) of the statutes is amended to read:

108.22 (2) (b) The clerk of circuit court shall accept, file and ~~docket~~ enter the warrant in the judgment and lien docket without prepayment of any fee, but the clerk of circuit court shall submit a statement of the proper fee semiannually to the department covering the periods from January 1 to June 30 and July 1 to December 31 unless a different billing period is agreed to between the clerk of circuit court and the department. The fees shall then be paid by the department, but the fees provided by s. 814.61 (5) for ~~filing and docketing~~ entering the warrants shall be added to the amount of the warrant and collected from the employing unit when satisfaction or release is presented for entry.

SECTION 26. 108.22 (3) of the statutes is amended to read:

108.22 (3) The department may issue a warrant of like terms, force and effect to any employe or other agent of the department, who may file a copy of such warrant with the clerk of circuit court of any county in the state, and thereupon such clerk shall ~~docket~~ enter the warrant in the judgement and lien docket and ~~it~~ the warrant shall become a lien in the same manner, and with the same force and effect, as provided in sub. (2). In the execution ~~thereof of the warrant~~, the employe or other agent shall

have all the powers conferred by law upon a sheriff, but shall not be entitled to collect from the employer any fee or charge for the execution of ~~such~~ the warrant in excess of the actual expenses paid in the performance of his or her duty.

SECTION 27. 108.22 (5) of the statutes is amended to read:

108.22 (5) When the contributions set forth in a warrant together with interest and other fees to date of payment and all costs due the department have been paid to it, the department shall issue a satisfaction of the warrant and file it with the clerk of circuit court. The clerk of circuit court shall immediately ~~make a record on the judgment docket of the~~ enter a satisfaction of the judgment on the judgment and lien docket. The department shall send a copy of the satisfaction to the employer.

SECTION 28. 304.10 (1) (b) of the statutes is amended to read:

304.10 (1) (b) A certified copy of the ~~docket court record~~ entries, the indictment or information, and ~~such~~ any additional papers on file in the court, if obtainable, as the governor requires;

SECTION 29. 345.51 of the statutes is amended to read:

345.51 Reopening of default judgment. Except as provided in ss. 345.36 and 345.37, there shall be no reopening of default judgments unless allowed by order of the trial court after notice and motion duly made and upon good cause shown. The notice of motion ~~must~~ shall be filed within 6 months after ~~entry of the judgment is entered~~ in the case docket court record. Default judgments for purposes of this section include pleas of guilty, no contest and forfeitures of deposit.

SECTION 30. 618.61 (4) (b) 2. of the statutes is amended to read:

618.61 (4) (b) 2. Promptly upon the filing of the foreign decree and the affidavit, the clerk of circuit court shall mail notice of the filing of the foreign decree to the defendant at the address given and to the commissioner and shall note the mailing in the ~~docket court record~~. In addition, the attorney general may mail a notice of the filing of the foreign decree to the defendant and to the commissioner or the commissioner may mail such a notice to the defendant, and either may file proof of mailing with the clerk of circuit court. Failure of the clerk of circuit court to mail notice of filing shall not affect the enforcement proceedings if the attorney general or commissioner has filed proof of mailing.

SECTION 31. 645.54 (3) (a) of the statutes is amended to read:

645.54 (3) (a) *Definition.* A lien obtainable by legal or equitable proceedings upon a simple contract is one arising in the ordinary course of ~~such proceedings~~ a legal or equitable proceeding upon the filing of a decree or entry or docketing of a judgment or decree in the judgment and lien docket, or upon attachment, garnishment,

execution or like process, whether before, upon or after judgment or decree and whether before or upon levy. It does not include liens which under applicable law are given a special priority over other liens which are prior in time.

SECTION 32. 703.16 (4) of the statutes is amended to read:

703.16 (4) **ASSESSMENTS CONSTITUTE LIEN.** All assessments, until paid, together with interest on them and actual costs of collection, constitute a lien on the units on which they are assessed, if a statement of lien is filed within 2 years after the date the assessment becomes due. The lien is effective against a unit at the time the assessment became due regardless of when within the 2-year period it is filed. A statement of condominium lien is filed in the land records of the clerk of circuit court of the county where the unit is located, stating the description of the unit, the name of the record owner, the amount due and the period for which the assessment was due. The clerk of circuit court shall index the statement of condominium lien under the name of the record owner in the ~~condominium judgment and~~ condominium judgment and lien docket. The statement of condominium lien shall be signed and verified by an officer or agent of the association as specified in the by-laws and then may be filed. On full payment of the assessment for which the lien is claimed, the unit owner shall be entitled to a fileable satisfaction of the lien.

SECTION 33. 706.13 (1) of the statutes is amended to read:

706.13 (1) In addition to any criminal penalty or civil remedy provided by law, any person who submits for filing, ~~docketing~~ entering in the judgment and lien docket or recording, any lien, claim of lien, lis pendens, writ of attachment or any other instrument relating to the title in real or personal property, knowing the contents or any part of the contents to be false, sham or frivolous, is liable in tort to any person interested in the property whose title is thereby impaired, for punitive damages of \$1,000 plus any actual damages caused ~~thereby~~ by the filing, entering or recording.

SECTION 34. 706.13 (3) of the statutes is amended to read:

706.13 (3) This section does not apply to a register of deeds or other government employee who acts in the course of his or her official duties and files, ~~dockets~~ enters or records any instrument relating to title on behalf of another person.

SECTION 35. 706.15 of the statutes is amended to read:

706.15 Liens against public officials or employees. No lien may be filed, ~~docketed~~ entered or recorded against the real or personal property of any official or employee of the state or any political subdivision of the state, relating to an alleged breach of duty by the official or employee, except after notice and a hearing before a court of

record and a finding by the court that probable cause exists that there was a breach of duty.

SECTION 36. 707.34 (4) of the statutes is amended to read:

707.34 (4) **JUDGMENT LIEN.** A judgment for money against an association shall be a lien against all of the time shares if properly ~~docteted~~ entered in the judgment and lien docket under ch. 806, but, notwithstanding s. 806.15 (1), the judgment shall not constitute a lien against any other property of a time-share owner.

SECTION 37. 707.37 (2) (b) of the statutes is amended to read:

707.37 (2) (b) A statement of time-share lien shall be filed in the land records of the office of the clerk of circuit court of the county where the time-share property is located, stating the description of the time-share property and the time share, the name of the time-share owner, the amount due and the period for which the assessment for time-share expenses was due. The clerk of circuit court shall index the statement of time-share lien under the name of the time-share owner in the judgment and lien docket. The statement of time-share lien shall be signed and verified by an officer or agent of the association as specified in the bylaws or, if there is no association, a representative of the time-share owners. On full payment of the assessment for which the lien is claimed, the time-share owner shall be entitled to a fileable satisfaction of the lien.

SECTION 38. 755.12 of the statutes is amended to read:

755.12 Delivery of books to municipal clerk. When a municipal court ceases to operate, the ~~doctet~~ court records, books of account, case files, moneys and bonds belonging to the court shall be delivered to the municipal clerk within 10 days after the vacancy occurs by the person who is in possession. If the municipal court was established under s. 755.01 (4), the person shall separate the ~~doctets~~ court records, books, files, moneys and bonds according to the municipalities involved and deliver them to the appropriate municipal clerk.

SECTION 39. 755.14 (1) (intro.) of the statutes is amended to read:

755.14 (1) (intro.) When the municipal clerk receives the ~~doctet~~ court records, books of account and case files of a municipal court which has ceased to operate, he or she shall within 10 days dispose of them as follows:

SECTION 40. 755.14 (1) (b) of the statutes is amended to read:

755.14 (1) (b) Deliver the case files of the pending and appealable cases to the clerk of the circuit court of the county where the court held office and certified copies of the ~~doctet~~ court records for the past 12 months to the clerk of the circuit court of every ~~other~~ county in which the municipality lies, if the municipality in which the municipal court was located is in more than one county.

SECTION 41. 777.36 (2) of the statutes is amended to read:

777.36 (2) Judgments ~~docteted~~ entered in the judgment and lien docket against the decedent, according to the respective priority thereof, respectively of the judgments.

SECTION 42. 778.14 of the statutes is amended to read:

778.14 Treasurers to collect. Every town, village and city treasurer shall demand of and recover from each municipal judge of the town, village or city, respectively, all moneys received by ~~sueh~~ the municipal judge upon judgments rendered in actions under this chapter, and every ~~sueh~~ municipal judge shall, on demand of ~~either sueh~~ treasurers a town, village or city treasurer, produce to the treasurer the court ~~doctet~~ record for examination and all process and papers concerning or in the actions. In case of refusal or neglect by the municipal judge to pay over promptly the moneys upon demand the treasurer shall cause an action to be instituted for the recovery ~~thereof~~ of the moneys against the municipal judge and the sureties upon the municipal judge's official bond.

SECTION 43. 779.06 (1) of the statutes is amended to read:

779.06 (1) No lien under s. 779.01 shall exist and no action to enforce ~~the same~~ a lien under s.779.01 shall be maintained unless within 6 months from the date the lien claimant furnished the last labor or materials a claim for ~~sueh~~ the lien is filed in the office of the clerk of circuit court of the county in which the lands affected ~~thereby~~ by the lien lie, and unless within 2 years from the date of filing a claim for lien an action is brought and summons and complaint filed ~~therein~~. ~~Sueh~~ A claim for a lien may be filed and ~~docteted~~ entered in the judgment and lien docket, and action brought, notwithstanding the death of the owner of the property affected ~~thereby~~ by the action or of the person with whom the original contract was made, with like effect as if he or she were then living.

SECTION 44. 779.07 (title) and (1) (intro.) of the statutes are amended to read:

779.07 (title) Docket of liens Judgment and lien docket. (1) (intro.) Every clerk of the circuit court shall keep a separate judgment and lien docket, entitled "lien docket," in which shall be entered, immediately upon its filing, the proper entries under the appropriate headings specified in this subsection, relative to each claim for lien filed ~~with the clerk of court~~, opposite the names of the persons against whom the lien is claimed. The names shall be entered alphabetically, ~~or an alphabetical index shall be kept as judgment dockets are required by law to be kept~~. Each page of the in the judgment and lien docket shall be divided into 9 columns, with headings in the following sequence to the respective columns, as follows:

SECTION 45. 779.07 (2) of the statutes is amended to read:

779.07 (2) ~~Such~~ The judgment and lien docket shall be presumptive evidence of the correctness of the its entries ~~therein made~~.

SECTION 46. 779.12 (2) of the statutes is amended to read:

779.12 (2) If any deficiency arises upon the sale in the payment of the sums adjudged to be due to any lien claimant, the court, upon confirming ~~such the~~ sale, may render judgment ~~therefor~~ for the deficiency if demanded in the pleadings against the defendant legally liable to pay the ~~same which~~ deficiency. The judgment may be docketed entered in the judgment and lien docket and enforced in the same manner that ordinary judgments are. The purchasers at ~~such the~~ sale shall be entitled to a writ of assistance under s. 815.63 to obtain possession of the premises sold.

SECTION 47. 779.13 (1) of the statutes is amended to read:

779.13 (1) Every lien claimant, or the attorney who executed and filed a claim for lien on the claimant's behalf, who has received satisfaction or tender of ~~such the~~ claim with the costs of any action brought ~~thereon on the claim~~ shall, at the request of any person interested in the premises affected and on payment of the costs of satisfying the same, execute and deliver the necessary satisfaction to ~~such the~~ interested person. On filing the satisfaction with the clerk of circuit court, the clerk of circuit court shall enter satisfaction of the claim on the judgment and lien docket. Failure to execute and deliver the satisfaction or to satisfy the lien on the judgment and lien docket shall render the person so refusing liable to pay to the person requiring the satisfaction a sum equal to one-half of the sum claimed in the claim for lien.

SECTION 48. 779.70 (5) of the statutes is amended to read:

779.70 (5) The clerk of circuit court shall ~~docket enter~~ each claim for a maintenance lien in ~~a- the judgment and lien~~ docket immediately after the claim is filed in the same manner that other liens are ~~docketed entered~~. The date of levy of assessment will appear on the judgment and lien docket instead of the last date of performance of labor or furnishing materials.

SECTION 49. 779.80 (3) (a) of the statutes is amended to read:

779.80 (3) (a) The clerk of circuit court ~~in every county shall, at the expense of the county, provide a suitable record to be called "the hospital lien docket", in which the clerk shall enter all hospital liens in the judgment and lien docket, including the name of the injured person, the date of the event causing the injury and the name of the hospital or other institution making the claim. The clerk of circuit court shall make a proper index of the docket in the name of the injured person and shall receive the fee prescribed in s. 814.61 (5) for filing entering each claim lien.~~

SECTION 50. 788.14 (title) and (1) (intro.) of the statutes are amended to read:

788.14 (title) Papers filed with motion regarding award; docketing entry of judgment, effect of judgment. (1) (intro.) Any party to a proceeding for an order confirming, modifying or correcting an award shall, at the time ~~such the~~ order is filed with the clerk of circuit court for the entry of judgment thereon, also file the following papers with the clerk of circuit court:

SECTION 51. 788.14 (2) of the statutes is amended to read:

788.14 (2) The judgment shall be ~~docketed entered in the judgment and lien docket~~ as if it was rendered in an action.

SECTION 52. 799.10 (title) and (1) of the statutes are amended to read:

799.10 (title) Case file, ease docket court record. (1) (title) CLERK TO MAINTAIN ~~DOCKET COURT RECORD AND CASE FILE~~. The clerk of circuit court shall maintain a docket court record of small claims cases ~~under this chapter, which docket may be in loose leaf or card form,~~ and a case file for each case in which there are papers other than the ones listed in s. 799.07 to be filed.

SECTION 53. 799.10 (2) (intro.) of the statutes is amended to read:

799.10 (2) ENTRIES; WHAT TO CONTAIN. (intro.) Entries in the docket court record shall include:

SECTION 54. 799.10 (3) of the statutes is amended to read:

799.10 (3) (title) ~~CORRECTING DOCKET COURT RECORD~~. The judge has power at any time to order the docket court record corrected or any omission or additional entry supplied if the judge is satisfied that an error or omission exists, or that one or more additional entries are needed.

SECTION 55. 799.10 (4) of the statutes is amended to read:

799.10 (4) (title) ~~TIME OF DOCKET COURT RECORD ENTRIES~~. Entries in the docket court record shall be made not later than the time of the entry of the judgment or final order, or as soon thereafter as possible. No docket court record entries need be made in uncontested cases where the action is for a money forfeiture charging violation of a parking regulation.

SECTION 56. 799.24 (1) of the statutes is amended to read:

799.24 (1) ENTRY OF JUDGMENT OR ORDER; NOTICE OF ENTRY THEREOF. When a judgment or an order is rendered, the judge, court commissioner or clerk of circuit court shall immediately enter it in the ~~ease docket court record~~ and note the date thereof which shall be the date of entry of judgment or order. The clerk of circuit court, except in municipal and county forfeiture actions, shall mail a notice of entry of judgment to the parties or their attorneys at their last-known address within 5 days of its

entry. Any such judgment shall be a docketed judgment for all purposes upon Upon payment of the fee prescribed in s. 814.62 (3) (c). ~~The, the~~ clerk of circuit court shall enter the docketed judgment in an appropriate the judgment record and lien docket.

SECTION 57. 799.24 (2) of the statutes is amended to read:

799.24 (2) (title) APPLICABILITY OF SECTION S. 806.15. Section 806.15 shall apply with respect to docketed judgments entered in the judgment and lien docket.

SECTION 58. 800.04 (1) (b) 2. of the statutes is amended to read:

800.04 (1) (b) 2. The defendant shall plead to the charges and the municipal judge shall enter the plea in the court docket record. If the defendant refuses to plead, the municipal judge shall enter a plea of not guilty.

SECTION 59. 800.06 (1) (intro.) of the statutes is amended to read:

800.06 (1) (intro.) If any municipal judge is to be temporarily absent or is sick or disabled, the municipal judge may deliver the docket court record and all papers relating to any pending action to the circuit court of the county and the circuit court may try the action and enter judgment as though the action was begun before that court or the municipal judge may by written order, filed in the court and with the approval of the chief judge of the judicial administrative district, do one of the following:

SECTION 60. 800.06 (2) of the statutes is amended to read:

800.06 (2) If any municipal judge is incompetent, unable or fails to act, s. 751.03 (2) applies. The parties and their attorneys shall be notified of the transfer to another judge or to circuit court prior to trial. The judge designated or the circuit court to which the case is transferred may, while in possession of the docket court record, issue execution upon or give a certified transcript of any unsatisfied judgment appearing ~~therein~~ in the record.

SECTION 61. 800.11 (title) and (1) (intro.) of the statutes are amended to read:

800.11 (title) Municipal court docket record and transcript entries. (1) (intro.) Every municipal judge shall keep a docket court record in which he or she shall enter, in actions to which they relate:

SECTION 62. 800.11 (2) of the statutes is amended to read:

800.11 (2) Failure of the municipal judge to keep a docket court record properly shall not affect the jurisdiction of the municipal court or render the judgment void.

SECTION 63. 800.11 (4) of the statutes is amended to read:

800.11 (4) If the municipal judge is elected under s. 755.01 (4), the judge shall keep ~~a~~ separate docket court records for each municipality.

SECTION 64. 806.10 (title) and (1) (intro.), (a) and (e) of the statutes are amended to read:

806.10 (title) Judgment and lien docket. (1) (intro.)

At the time of entry of a judgment directing in whole or in part the payment of money, or a judgment naming a spouse under s. 806.15 (4), and upon payment of the fee prescribed in s. 814.61 (5) (b), the clerk of circuit court shall enter the judgment in ~~a~~ the judgment and lien docket, either arranged alphabetically ~~or accompanied by an alphabetical index~~, a docket of such judgment containing, including all of the following:

(a) The full name and place of residence of each judgment debtor and of the spouse or former spouse of the judgment debtor if the spouse is named in a judgment described under s. 806.15 (4). If the judgment or judgment and lien docket fails to give the place of residence of the judgment debtor or the judgment debtor's spouse or former spouse, the validity of the judgment is not affected thereby, but the judgment creditor may at any time file with the clerk of circuit court an affidavit stating, on knowledge or information and belief, the information. The clerk of circuit court shall thereupon enter the facts according to the affidavit in the judgment and lien docket, noting the date and hour time of the entry.

(e) The day and hour time of entering such ~~docket entry~~.

SECTION 65. 806.10 (1) (g) of the statutes is renumbered 806.10 (1m) and amended to read:

806.10 (1m) If ~~the a~~ judgment is against several persons ~~such statement~~, the clerk of circuit court shall ~~be repeated~~ enter the judgment, in accordance with the procedure under sub. (1) in the judgment and lien docket under the name of each person against whom the judgment was rendered, ~~in the alphabetical order of their names, respectively, when the docket is arranged alphabetically, or entered in the index under the name of each such person when the docket is kept with an alphabetical index accompanying.~~

SECTION 66. 806.10 (2) of the statutes is amended to read:

806.10 (2) Whenever any docketed judgment shall be entered in the judgment and lien docket is reversed and the remittitur filed, the clerk of circuit court shall enter ~~on~~ the docket "reversed on appeal" on the judgment and lien docket.

SECTION 67. 806.10 (3) of the statutes is amended to read:

806.10 (3) Every clerk of circuit court who ~~dockets~~ enters a judgment or decree and enters upon the judgment and lien docket a date or time other than that of its actual entry or neglects to ~~docket~~ enter the same at the proper time shall be liable in treble damages to the party injured.

SECTION 68. 806.11 (title) of the statutes is amended to read:

806.11 (title) Delinquent income or franchise tax docket lien.

SECTION 69. 806.11 (intro.) of the statutes is renumbered 806.11 (1) (intro.) and amended to read:

806.11 (1) (intro.) At the time of filing the warrant provided by s. 71.74 (14) or 71.91 (5), the clerk of circuit court shall enter the warrant in the delinquent income or franchise tax judgment and lien docket, either arranged alphabetically or accompanied by an alphabetical index, a docket of such warrant containing including:

SECTION 70. 806.11 (1) to (4) of the statutes are renumbered 806.11 (1) (a) to (d), and 806.11 (1) (c), as renumbered, is amended to read:

806.11 (1) (c) The day and hour time of entering such docket entry.

SECTION 71. 806.11 (5) of the statutes is renumbered 806.11 (2) and amended to read:

806.11 (2) If the a warrant be provided by s. 71.74 (14) or 71.91 (5) is against several persons such statement, the warrant shall be repeated entered, in accordance with the procedure under sub. (1), in the judgment and lien docket under the name of each person against whom the warrant was issued, in the alphabetical order of their names, respectively, when the docket is arranged alphabetically, or entered in the index under the name of each such person when the docket is kept with an alphabetical index accompanying.

SECTION 72. 806.115 of the statutes is amended to read:

806.115 Filing of duplicate copy of warrant. The department of revenue may file in any county a duplicate copy of a warrant filed under s. 71.74 (14) or 71.91 (5) and the clerk of circuit court shall enter such the duplicate copy on the delinquent income tax judgment and lien docket as provided in s. 806.11, and upon entry therein, When so entered, the duplicate copy shall have the same legal effect as the warrant filed under s. 71.91 (5).

SECTION 73. 806.12 of the statutes is renumbered 806.12 (1) and amended to read:

806.12 (1) The clerk of the circuit court shall, upon the production of a duly certified transcript of a judgment for more than \$10, exclusive of costs, rendered by any municipal judge in the county, forthwith file the same and docket such enter the judgment in the judgment and lien docket of the court in the manner prescribed in s. 806.10. When the transcript shows that execution was stayed in the municipal court, with the name of the surety thereof, the clerk of circuit court shall docket enter the judgment against such the surety as well as the judgment debtor, and such the surety shall be bound thereby as a judgment debtor and the surety's property shall be subject to lien and be liable thereon on the lien to the same extent as the surety's principal.

(2) Every such judgment entered in the judgment and lien docket under sub. (1), from the time of such the filing of the transcript thereof of the judgment, shall be deemed considered the judgment of the circuit court. The judgment shall be equally under the control thereof and be of

the circuit court and municipal court. The judgment shall be carried into execution, both as to the principal judgment debtor and the debtor's surety, if any, in the same manner and with like effect as the judgments thereof of the circuit court, except that no action can be brought upon the same judgment as a judgment of such the circuit court nor execution issued thereon on that judgment after the expiration of the period of the lien thereof of the judgment on real estate provided by s. 806.15.

SECTION 74. 806.13 of the statutes is amended to read:

806.13 (title) Judgments docketed entered in other counties. When a judgment is docketed entered as provided in ss. 806.10, 806.12 and 806.24, or a warrant is docketed entered as provided in s. 108.22 (2) (a), it may be docketed in like manner entered in any other county, upon filing with the clerk of circuit court thereof of that county a transcript from the original judgment and lien docket, certified to be a true copy therefrom by the clerk of the original circuit court having custody thereof.

SECTION 75. 806.14 of the statutes is amended to read:

806.14 Enforcement of real estate judgment in other counties. If a judgment affecting real property is rendered in any county other than that in which the property is situated, the clerk of the circuit court of the county where the property is situated shall, upon production of a duly certified copy of the judgment and payment of the fee specified by s. 814.61 (5) (b), file and docket it enter the judgment in the judgment and lien docket. The judgment may thereupon be enforced in the circuit court for either county.

SECTION 76. 806.15 (1) of the statutes is amended to read:

806.15 (1) Every judgment properly docketed entered in the judgment and lien docket showing the judgment debtor's place of residence shall, for 10 years from the date of entry, be a lien on the all real property of every person against whom the judgment is entered which is in the county where the judgment is rendered, except the homestead mentioned in property that is exempt from execution under s. 815.20, in the county where docketed, of every person against whom it is rendered and docketed, and which the person has at the time of docketing the entry or which the person acquires thereafter within the 10-year period.

SECTION 77. 806.15 (2) of the statutes is renumbered 806.15 (2) (a) and amended to read:

806.15 (2) (a) When the collection of the judgment or the sale of the real estate upon which it the judgment is a lien shall be delayed by law, and the judgment creditor shall have caused to be entered on the judgment and lien docket "enforcement suspended by injunction" or otherwise, as the case may be, and such that entry is dated, the time period of such the delay after the date of such the entry shall not be taken as considered part of said

10 years. And whenever the 10-year period under sub. (1).

(b) Whenever an appeal from any judgment shall be pending and the bond or deposit requisite to stay execution has been given or made, the trial court may, on motion, after notice to the judgment creditor, on such terms as it the trial court shall see fit, direct the clerk of circuit court to enter on the judgment and lien docket that such the judgment is "secured on appeal" and thereupon it the judgment shall cease, during the pendency of such the appeal, to be a lien.

SECTION 78. 806.15 (3) of the statutes is amended to read:

806.15 (3) If the judgment is affirmed on appeal or the appeal is dismissed the clerk of circuit court shall, on the filing of the remittitur, enter on the judgment and lien docket "lien restored by affirmation" or "lien restored by dismissal of appeal" with the date of such the entry, and the lien thereof shall be thereupon restored. Similar entries may be made with the like effect upon the judgment and lien docket of such the judgment in any other county upon filing with the clerk of the circuit court thereof a transcript of from the original judgment and lien docket.

SECTION 79. 806.15 (4) (a) of the statutes is amended to read:

806.15 (4) (a) With respect to property held by the spouse of the judgment debtor when the judgment is docketed entered in the judgment and lien docket, the property is expressly determined available under s. 766.55 to satisfy the obligation.

SECTION 80. 806.15 (4) (b) of the statutes is amended to read:

806.15 (4) (b) The property is acquired after the judgment is docketed entered in the judgment and lien docket.

SECTION 81. 806.16 of the statutes is amended to read:

806.16 (title) **Appellate court judgment, docketing entry.** The clerk of the supreme court, on demand and upon payment of \$1, shall furnish a certified transcript of any money judgment of the court of appeals or the supreme court, which transcript may be filed and docketed entered in the judgment and lien docket in the office of any clerk of the circuit court in the manner that other judgments are docketed entered and shall then be a like lien and for a like the same time as circuit court judgments on the real property in the county where docketed entered. If the court of appeals or supreme court remits its judgment for the recovery of money or for costs to the lower court, the judgment shall in like manner be docketed entered by the clerk of the lower court and shall have the like force and effect as judgments of the circuit court so docketed that are entered.

SECTION 82. 806.17 of the statutes is amended to read:

806.17 (title) **Docketing Entering federal judgments.** Every judgment and decree requiring the pay-

ment of money rendered in a district court of the United States within this state shall be, ~~from the docketing thereof in said court,~~ a lien upon the real property of the judgment debtor situated in the county in which it is ~~so docketed~~ entered, the same as a judgment of the state court. A transcript of ~~such docket~~ the judgment may be filed with the clerk of the circuit court of any other county; and shall be ~~docketed~~ entered in the clerk's office of the clerk of circuit court as in the case of judgments and decrees of the state courts and with like effect, on payment of fees as provided in s. 814.61 (5).

SECTION 83. 806.18 of the statutes is amended to read:

806.18 Assignment of judgment. (1) When a duly acknowledged assignment of a judgment is filed, the clerk of circuit court shall ~~note the fact and the date thereof and of filing~~ enter the assignment on the judgment and lien docket.

(2) An assignment may be made by an entry on the judgment and lien docket thus: "I assign this judgment to A.B.," signed by the owner, with the date affixed and witnessed by the clerk of circuit court.

SECTION 84. 806.19 (1) (a) and (c) of the statutes are amended to read:

806.19 (1) (a) A judgment may be satisfied in whole or in part or as to any judgment debtor by an instrument signed and acknowledged by the owner or, if no assignment has been filed, by the owner's attorney of record, or by an acknowledgment of satisfaction, signed and entered on the judgment and lien docket in the county where first docketed entered, with the date of entry, and witnessed by the clerk of circuit court. Every satisfaction of a part of a judgment or as to some of the judgment debtors shall state the amount paid ~~thereon~~ on the judgment or for the release of such the debtors, naming them.

(c) On filing a duly executed satisfaction, the clerk of circuit court shall enter the same satisfaction on the court record of the case and shall enter a statement of the substance ~~thereof of the satisfaction~~, including the amount paid, on the ~~margin of the judgment~~ and lien docket with the date of filing the satisfaction.

SECTION 85. 806.19 (2) and (3) of the statutes are amended to read:

806.19 (2) When an execution is returned satisfied in whole or in part the judgment is ~~deemed considered~~ satisfied to the extent of the amount so returned unless such the return is vacated ~~and the~~. The clerk of circuit court shall enter in the judgment and lien docket that the amount stated in such the return has been collected.

(3) For the purpose of paying any money judgment, the debtor may deposit with the clerk of the circuit court in which the judgment was entered the amount of liability ~~thereon~~ on the judgment. The clerk of circuit court shall give the debtor a certificate showing the date and amount of the deposit and identifying the judgment; ~~and~~. The clerk of circuit court shall immediately note on the judg-

~~ment and lien~~ docket thereof and on the margin of the judgment journal the amount and date of the deposit. The debtor shall immediately give written notice to the owner of record of the judgment and to the owner's attorney of record, personally, or by registered mail, to the last-known post-office address, stating the amount, date and purpose of the deposit, and that it is held subject to the order of the judgment owner. Ten days after giving the notice, the clerk of circuit court shall, upon filing proof of service, satisfy the judgment of record, unless the trial court otherwise orders. Acceptance by the owner of the sum deposited has the same legal consequences that payment direct by the debtor would have. Payment to the clerk shall include the fee prescribed in s. 814.61 (5).

SECTION 86. 806.19 (4) (b) (form) 1. of the statutes is amended to read:

806.19 (4) (b) (form) 1. (Name of judgment debtor) has received an order of discharge of debts under the bankruptcy laws of the United States, a copy of which is attached, and (Name of judgment debtor or person interested in real property) applies for satisfaction of the following judgments:

... (List of judgments by case name, case number, date and, if applicable, judgment and lien docket volume and page number.)

SECTION 87. 806.19 (4) (b) (form) 3. of the statutes is amended to read:

806.19 (4) (b) (form) 3. The undersigned believes that each judgment listed above has been completely voided by the discharge in bankruptcy, and no inconsistent ruling has been made by, or is being requested by any party from, the bankruptcy court.

Dated this day of, 19....

...(Signature)

Judgment Debtor, Person Interested in Real Property or Attorney for Debtor or Person

ORDER OF SATISFACTION

The clerk of circuit court is directed to indicate on the judgment and lien docket that each judgment described in the attached application has been satisfied.

Dated this day of, 19....

...(Signature)

Circuit Judge

SECTION 88. 806.20 (1) of the statutes is amended to read:

806.20 (1) When a judgment has been fully paid but not satisfied or the satisfaction has been lost, the trial court may authorize the attorney of the judgment creditor to satisfy the same judgment or may by order declare the same judgment satisfied and direct satisfaction to be entered upon the judgment and lien docket.

SECTION 89. 806.21 of the statutes is amended to read:

806.21 Judgment satisfied not a lien; partial satisfaction. If a judgment is satisfied in whole or in part or as to any judgment debtor and ~~such the~~ satisfaction ~~dock-~~

~~eted, such is entered in the judgment and lien docket, the judgment shall, to the extent of such the~~ satisfaction, cease to be a lien; ~~and any. Any execution thereafter issued after the satisfaction is entered in the judgment and lien docket shall contain a direction to collect only the residue thereof of the judgment, or to collect only from the judgment debtors remaining liable thereon.~~

SECTION 90. 806.22 of the statutes is amended to read:

806.22 (title) Filing transcript copy of satisfaction. If a satisfaction of a judgment has been entered on the judgment and lien docket in the county where it was first docketed entered, a certified transcript copy of the docket satisfaction or a certificate by the clerk of circuit court, under official seal, showing the satisfaction, may be filed with the clerk of the circuit court ~~in of~~ any county where it is docketed the judgment has been entered, and ~~such that~~ clerk of circuit court shall ~~thereupon~~ make a similar entry on the clerk's judgment and lien docket of that county.

SECTION 91. 806.24 (3) (b) of the statutes is amended to read:

806.24 (3) (b) Promptly upon the filing of the foreign judgment and affidavit, the clerk of circuit court shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing ~~in on~~ the docket court record. The notice shall include the name and post-office address of the judgment creditor and the judgment creditor's lawyer, if any, in this state. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk of circuit court. Lack of mailing notice of filing by the clerk of circuit court shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

SECTION 92. 806.245 (5) of the statutes is amended to read:

806.245 (5) No lien or attachment based on a tribal court judgment may be filed, docketed entered in the judgment and lien docket or recorded in this state against the real or personal property of any person unless the judgment has been given full faith and credit by a circuit court under this section.

SECTION 93. 806.36 (8) of the statutes is amended to read:

806.36 (8) A judgment shall be filed with the clerk of circuit court and docketed entered in the judgment and lien docket in foreign money in the same manner and shall have the same effect as other judgments.

SECTION 94. 806.39 (2) of the statutes is amended to read:

806.39 (2) Notwithstanding sub. (1), a foreign judgment may be filed and docketed entered in the judgment and lien docket under s. 806.24.

SECTION 95. 808.03 (1) of the statutes is amended to read:

808.03 (1) **APPEALS AS OF RIGHT.** A final judgment or a final order of a circuit court may be appealed as a matter of right to the court of appeals unless otherwise expressly provided by law. A final judgment or final order is a judgment or order entered in accordance with s. 806.06 (1) (b) or 807.11 (2) or a disposition recorded in ~~docket~~ court record entries in ch. 799 cases or traffic regulation or municipal ordinance violation cases prosecuted in circuit court which disposes of the entire matter in litigation as to one or more of the parties, whether rendered in an action or special proceeding.

SECTION 96. 809.105 (3) (a) and (c) of the statutes are amended to read:

809.105 (3) (a) *Fee.* No fee for ~~docketing~~ filing an appeal in the court of appeals under this section may be required of a minor or of a member of the clergy who files an appeal under this section on behalf of the minor.

(c) (title) ~~Docketing~~ Filing in court of appeals. The clerk of the court of appeals shall ~~docket~~ file the appeal immediately upon receipt of the items specified in par. (b).

SECTION 97. 809.105 (8) of the statutes is amended to read:

809.105 (8) **ASSIGNMENT AND ADVANCEMENT OF CASES.** The court of appeals shall take cases appealed under this section in an order that ensures that a judgment is made within 4 calendar days after the appeal has been ~~docketed~~ filed in the court of appeals. The time limit under this subsection may be extended with the consent of the minor and her counsel, if any, or the member of the clergy who initiated the appeal under this section, if any.

SECTION 98. 809.11 (title) and (1) of the statutes are amended to read:

809.11 (title) Rule (Items to be filed, and forwarded and docketed). (1) (title) ~~FEE TO BE FILED.~~ The appellant shall ~~file~~ pay the filing fee with the notice of appeal ~~the fee for docketing an appeal with the court of appeals.~~

SECTION 99. 809.11 (2) of the statutes is amended to read:

809.11 (2) FORWARDING TO COURT OF APPEALS. The clerk of the trial court shall forward to the court of appeals, within 3 days of the filing of the notice of appeal, a copy of the notice of appeal, the ~~docketing~~ filing fee, and a copy of the trial court record (~~docket entries~~) of the case ~~in the trial court~~ maintained pursuant to s. 59.39 (2) or (3).

SECTION 100. 809.11 (3) of the statutes is amended to read:

809.11 (3) (title) ~~Docketing~~ FILING IN COURT OF APPEALS. The clerk of the court of appeals shall ~~docket~~ file the appeal upon receipt of the items referred to in sub. (2).

SECTION 101. 809.14 (1) of the statutes is amended to read:

809.14 (1) A party seeking an order or other relief in a ~~docketed~~ case shall file a motion for the order or other relief. The motion must state the order or relief sought and the grounds on which the motion is based and may include a statement of the position of other parties as to the granting of the motion. A motion may be supported by a memorandum. Any other party may file a response to the motion within 7 days of service of the motion.

SECTION 102. 809.18 of the statutes is amended to read:

809.18 Rule (Voluntary dismissal). An appellant may dismiss ~~an~~ a filed appeal by filing a notice of dismissal. ~~The notice must be filed in the court or, if the appeal is not yet docketed in the court filed,~~ in the trial court. The dismissal of an appeal does not affect the status of a cross-appeal or the right of a respondent to file a cross-appeal.

SECTION 103. 809.19 (2) of the statutes is amended to read:

809.19 (2) **APPENDIX.** The appellant's brief shall include a short appendix providing relevant ~~docket~~ trial court record entries ~~in the trial court,~~ the findings or opinion of the trial court and limited portions of the record essential to an understanding of the issues raised, including oral or written rulings or decisions showing the trial court's reasoning regarding those issues. The appendix shall include a table of contents. If the record is required by law to be confidential, the portions of the record included in the appendix shall be reproduced using first names and last initials instead of full names of persons, specifically including juveniles and parents of juveniles, with a notation that the portions of the record have been so reproduced to preserve confidentiality and with appropriate references to the record.

SECTION 104. 809.25 (1) (d) of the statutes is amended to read:

809.25 (1) (d) Costs allowed by the court are taxed by the clerk ~~in~~ of the court of appeals irrespective of the filing by a party of a petition for review in the supreme court. In the event of review by the supreme court, costs are taxed by the clerk ~~in~~ of the supreme court as set forth in pars. (a) and (b). The clerk of the supreme court shall include in the remittitur the costs allowed in the court. The clerk of ~~the trial circuit~~ court shall ~~docket~~ enter the judgment for costs in accordance with s. 806.16.

SECTION 105. 809.25 (2) (c) of the statutes is amended to read:

809.25 (2) (c) The clerk of the court of appeals may refuse to file, ~~docket,~~ record, certify, or render any other service without prepayment of the fees established by this section.

SECTION 106. 812.31 (3) of the statutes is amended to read:

812.31 (3) An earnings garnishment action may not be commenced in a county other than the county where

the judgment is entered unless a transcript of the judgment is ~~docketed~~ entered in that county.

SECTION 107. 812.44 (2) of the statutes is amended to read:

812.44 (2) The notice filed by the creditor to initiate an earnings garnishment under s. 812.35 (1) shall be in substantially the following form:

STATE OF WISCONSIN
CIRCUIT COURT: County

A.B., Creditor	File or Reference Number....
vs.	EARNINGS
C.D., Debtor	GARNISHMENT
and	NOTICE
E.F., Garnishee	

To the Clerk of Circuit Court:

Please take and file notice that the creditor has today commenced an earnings garnishment action under subchapter II of chapter 812 of the Wisconsin Statutes against the debtor and the garnishee to collect an unsatisfied civil judgment. The judgment was entered on the day of, 19... by (County Circuit or Federal District) Court. The case number of the action in which the judgment is entered is [and a transcript of the judgment was ~~docketed~~ entered in this county in file number]. The creditor's total claim for the unsatisfied portion of this judgment plus statutory interest and costs is \$....

The names and addresses last known to the creditor of the parties to this proceeding are as follows:

Debtor
Name:
Address:

Garnishee
Name:
Address:

Creditor
Name:
Address:

Creditor's Attorney
Name:
Address:

Signature of Creditor or Creditor's Attorney:
Date:

SECTION 108. 814.10 (1) of the statutes is amended to read:

814.10 (1) CLERK'S DUTY, NOTICE, REVIEW. The clerk of circuit court shall tax and insert in the judgment and in the judgment and lien docket thereof, if the same judgment shall have been ~~docketed~~ entered, on the application of the prevailing party, upon ~~three~~ 3 days' notice to the other, the sum of the costs and disbursements as ~~above~~ provided in this chapter, verified by affidavit.

SECTION 109. 814.60 (1) of the statutes is amended to read:

814.60 (1) In a criminal action, the clerk of circuit court shall collect a fee of \$20 for all necessary filing, entering, ~~docketing~~ or recording, to be paid by the defendant when judgment is entered against the defendant. Of the fees received by the clerk of circuit court under this subsection, the county treasurer shall pay 50% to the state treasurer for deposit in the general fund and shall retain the balance for the use of the county.

SECTION 110. 814.61 (5) (a) of the statutes is amended to read:

814.61 (5) (a) Issuing executions, certificates, commissions to take depositions, transcripts from the judgment and lien docket, and any writs not commencing an action or special proceeding.

SECTION 111. 814.61 (5) (b) of the statutes is amended to read:

814.61 (5) (b) Filing and ~~docketing~~ entering judgments, transcripts of judgments, liens, warrants and awards, including filing and ~~docketing~~ entering assignments or satisfactions of judgments, liens or warrants and withdrawals, satisfactions and voidances of tax warrants under s. 71.91 (5) (g).

SECTION 112. 814.61 (11) of the statutes is amended to read:

814.61 (11) SEARCHES. For searching files or records to locate any one action when the person requesting the same search does not furnish the ~~docket or file~~ case number of the action, or to ascertain the existence or nonexistence of any instrument or record in the clerk's custody of the clerk of circuit court, \$5.

SECTION 113. 814.66 (1) (j) of the statutes is amended to read:

814.66 (1) (j) For searching files or records to locate any one action when the person requesting the same search does not furnish the ~~docket or file~~ case number of the action, or to ascertain the existence or nonexistence of any instrument or record in the clerk's custody of the clerk of circuit court, \$4.

SECTION 114. 815.04 (1) of the statutes is renumbered 815.04 (1) (a) and amended to read:

815.04 (1) (a) Upon any judgment of a court of record perfected as specified in s. 806.06 or any judgment of any other court ~~docketed in entered in the judgment and lien docket of~~ a court of record, execution may issue at any time within 5 years after the rendition thereof, ~~and when of the judgment. When~~ an execution shall have has been ~~so~~ issued and returned unsatisfied in whole or in part other executions may issue at any time upon application of the judgment creditor. ~~But if~~

(b) If no execution was on a judgment as described in par. (a) is issued within said 5 years after the rendition of the judgment, or, if application ~~be is~~ made by one other than the judgment creditor, execution ~~shall issue~~ may be issued only upon leave of the court, in its discretion, upon prior notice to the judgment debtor, served as a summons is served, in a court of record. If the judgment debtor is

absent or a nonresident, service of the notice may be by a class 3 notice, under ch. 985, or in ~~such any~~ other manner as that the court directs. Application shall be by the petition of the judgment creditor or of the assignee, setting forth that ~~such the~~ judgment or a portion thereof of the judgment remains unpaid, and that the petitioner is the bona fide owner ~~thereof of the judgment~~, for value; ~~but no.~~

(c) ~~No~~ executions shall issue or any proceedings be ~~had commenced~~ upon any judgment after 20 years from the rendition ~~thereof of the judgment~~.

SECTION 115. 815.05 (intro.) of the statutes is amended to read:

815.05 execution, how issued; contents. (intro.) The execution ~~must shall~~ be issued from and be sealed with the seal of the court and signed by the clerk of circuit court where the judgment ~~is~~, or a certified copy ~~thereof of the judgment~~, or the transcript of the municipal judge's judgment is filed, ~~The execution shall be~~ directed to the sheriff, or ~~the~~ coroner if the sheriff is a party or interested, and countersigned by the owner or his or her attorney, ~~and must.~~ The execution shall intelligibly refer to the judgment, stating the court, the county where the judgment ~~is~~ or a certified copy ~~thereof of the judgment~~ or the transcript is filed, the names of the parties, the amount of the judgment, if it is for money, ~~and the amount due thereon on the judgment~~, and the time of ~~docketing entry in the judgment and lien docket~~ in the county to which the execution is issued, ~~and shall.~~ The execution shall require the officer, substantially as follows:

SECTION 116. 815.05 (1) of the statutes is amended to read:

815.05 (1) If it be against the property of the judgment debtor, to satisfy the judgment out of the personal property of ~~such the~~ debtor, and if sufficient personal property cannot be found, out of the real property belonging to the judgment debtor on the day when the judgment was ~~docketed entered in the judgment and lien docket~~ in the county or at any time thereafter.

SECTION 117. 815.05 (6) of the statutes is amended to read:

815.05 (6) If it is for the delivery of property, to deliver the possession of the ~~same property~~, particularly describing it the property, to the party entitled ~~thereto to the property~~, and may require the officer to satisfy any costs, damages or rents and profits covered by the judgment out of the personal property of the party against whom it ~~the~~ judgment was rendered, and shall specify the value of the property for which the judgment was recovered; ~~if a.~~ If delivery of the property ~~cannot be had is not possible~~ and if sufficient personal property cannot be found, ~~then the officer may satisfy the judgment~~ out of the real property belonging to the person against whom the execution was rendered on the day when the judgment was ~~docketed entered in the judgment and lien docket~~ or at any time thereafter. When a judgment in replevin is entered against the

principal and also against the principal's sureties under s. 810.15, the execution shall direct that the property of the surety shall not be levied on unless the property found, belonging to the principal, is not sufficient to satisfy the judgment.

SECTION 118. 815.07 of the statutes is amended to read:

815.07 To what county issued. When the execution is against the property of the judgment debtor ~~it, the execution~~ may be issued to the sheriff of any county where the judgment is ~~docketed entered in the judgment and lien docket~~. When it ~~the execution~~ requires the delivery of real or personal property ~~it must, the execution shall~~ be issued to the sheriff of the county where the property or some part ~~thereof of the property~~ is situated. Executions may be issued at the same time to different counties.

SECTION 119. 815.20 (2) of the statutes is amended to read:

815.20 (2) Any owner of an exempt homestead against whom a judgment has been rendered and ~~docketed entered in the judgment and lien docket~~, and any heir, devisee or grantee of ~~such the~~ owner, or any mortgagee of ~~such the~~ homestead, may proceed under s. 806.04 for declaratory relief if ~~such the~~ homestead is less than \$40,000 in value and the owner of ~~such the~~ judgment shall fail, for 10 days after demand, to execute a recordable release of ~~such the~~ homestead from the judgment owner's judgment lien.

SECTION 120. 815.53 (1) of the statutes is amended to read:

815.53 (1) A certified copy of the ~~docket of the creditor's judgment or of the record of the creditor's mortgage.~~

SECTION 121. 815.62 of the statutes is amended to read:

815.62 Lien, how preserved after execution sale; clerk's fee. To preserve the lien of the original judgment upon lands and subject them to sale on execution under s. 815.61, the person aggrieved shall, within 20 days after the payment for which he or she claims a contribution, file an affidavit with the clerk of the circuit court in which the original judgment was rendered, stating the sum paid and his or her claim to use the judgment for the reimbursement ~~thereof, and the of the payment.~~ The clerk of circuit court shall enter in the ~~margin of the judgment and lien docket of the judgment~~, the sum so paid and that the judgment is claimed to be a lien ~~to in~~ that amount. To preserve the lien upon property situated in ~~some other a~~ county other than the county where the circuit court that rendered the judgment is located, a similar affidavit and notice ~~must shall~~ be filed with the clerk of the circuit court for that county and a like entry made upon the judgment and lien docket of the judgment in that county. The clerk's fee of the clerk of circuit court for making the entry ~~upon the docket~~ is prescribed in s. 814.61 (5).

SECTION 122. 815.63 of the statutes is amended to read:

815.63 Sheriff's deed; writ of assistance. Whenever title has been perfected to any real estate sold on execution, or to any part or interest in the real estate, and the defendant in execution, or any other person claiming under the defendant by title accruing subsequently to the ~~docketing~~ entry of the judgment in the judgment and lien docket upon which it the judgment was issued, shall be in possession of that real estate or part or interest in that real estate, and, upon demand of the person in whom ~~such~~ the title has been perfected, refuses to surrender the possession, the person may apply to the court from which the execution issued, by verified petition, for a writ of assistance to obtain possession. A copy of this petition, with a notice of the time and place when and where the petition will be presented, ~~must~~ shall be served upon the person against whom the writ is ~~prayed~~ issued at least 10 days before the petition is presented; ~~the~~. The petition may be served as a summons in an action in the circuit court. The court may direct ~~such~~ the writ to issue, and the writ shall be executed and return made in the same manner as upon a sale upon a judgment for foreclosure of a mortgage.

SECTION 123. 821.05 of the statutes is amended to read:

821.05 Costs of certification. Fees and costs shall be the same as in civil appeals ~~docketed before~~ filed in the court of appeals and shall be equally divided between the parties unless otherwise ordered by the certifying court in its order of certification.

SECTION 124. 846.04 of the statutes is amended to read:

846.04 Deficiency, judgment for. The plaintiff may, in the ~~plaintiff's~~ complaint, demand judgment for any deficiency ~~which that~~ may remain due the plaintiff after sale of the mortgaged premises against every party who is personally liable for the debt secured by the mortgage and judgment. Judgment may be rendered for any such deficiency remaining after applying the proceeds of sale to the amount due ~~may in such case be rendered. Such~~. The judgment for deficiency shall be ordered in the original judgment and separately rendered against the party liable on or after the coming in and confirmation of the report of sale, and be docketed. The judgment for deficiency shall be entered in the judgment and lien docket and enforced as in other cases.

SECTION 125. 846.25 of the statutes is amended to read:

846.25 Discharge after foreclosure. After a mortgage has been foreclosed by action and the judgment and costs have been paid and satisfaction of the mortgage entered upon the ~~docket~~ court record, the clerk of circuit court, on request, shall sign a certificate attesting to ~~such~~ those facts, which certificate is entitled to record.

SECTION 126. 879.43 (3) of the statutes is amended to read:

879.43 (3) (title) ~~DOCKET ENTRY~~. Judgments may be ~~docketed~~ entered in the judgment and lien docket in the office of the clerk of circuit court, upon the filing of a certified transcript of the judgment.

SECTION 127. 879.43 (4) of the statutes is amended to read:

879.43 (4) LIEN. A judgment ~~when docketed is~~ entered in the judgment and lien docket creates a lien upon the real estate of the debtor under s. 806.15.

SECTION 128. 943.60 (1) and (3) of the statutes are amended to read:

943.60 (1) Any person who submits for filing, ~~docketing~~ entering or recording any lien, claim of lien, lis pendens, writ of attachment or any other instrument relating to title in real or personal property, knowing the contents or any part of the contents to be false, sham or frivolous, is guilty of a Class E felony.

(3) This section does not apply to a register of deeds or other government employe who acts in the course of his or her official duties and files, ~~dockets~~ enters or records any instrument relating to title on behalf of another person.

SECTION 129. 973.09 (3) (b) of the statutes is amended to read:

973.09 (3) (b) The department shall notify the sentencing court, any person to whom unpaid restitution is owed and the district attorney of the status of the ordered payments unpaid at least 90 days before the probation expiration date. If payment as ordered has not been made, the court shall hold a probation review hearing prior to the expiration date, unless the hearing is voluntarily waived by the probationer with the knowledge that waiver may result in an extension of the probation period or in a revocation of probation. If the court does not extend probation, it shall issue a judgment for the unpaid restitution and direct the clerk of circuit court to file and ~~docket~~ a transcript of enter the judgment in the judgment and lien docket, without fee, unless it finds that the victim has already recovered a judgment against the probationer for the damages covered by the restitution order. If the court issues a judgment for the unpaid restitution, the court shall send to the person at his or her last-known address written notification that a civil judgment has been issued for the unpaid restitution. The judgment has the same force and effect as judgments ~~docketed~~ entered under s. 806.10.

SECTION 130. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 50.05 (15) (f) and 51.42 (3) (d) 12. f. of the statutes takes effect on July 1, 1996.