



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2011 Senate Bill 307

**Senate
Amendments 1 and 2**

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CURRENT LAW

Under current law, if a judgment of foreclosure has been entered against a borrower, the borrower may stop the sheriff's sale of the property by paying the total amount owed to the lender within a specified period. The period is set by the court in the judgment of foreclosure. Depending on the circumstances, the redemption period is two, three, six, or 12 months from the date the foreclosure judgment is entered by the court. [ss. 846.10 (2), 843.101 (2), 846.102, and 846.103, Stats.]

If the property has been abandoned, the redemption period is two months from the date the judgment of foreclosure is entered, and notice of the sheriff's sale may be given within that two-month redemption period. "Abandoned" means the borrower has relinquished possession or control of the premises, whether or not the title to the property has been transferred. [s. 846.102, Stats.]

The sheriff's notice of sale for any property must be posted in one public place, posted on the county's website at least three weeks before the sale, and published in a newspaper for six successive weeks before the sale. [s. 815.31 (1) and (2), Stats.]

2011 SENATE BILL 307

Senate Bill 307 revises the redemption period for abandoned property from two months to five weeks from the date the judgment of foreclosure is entered.

The bill also provides that a representative of the municipality where the property is located may provide evidence or testimony to the court as to whether the property has been abandoned. The bill specifies that evidence of abandonment may include any of the following:

- Boarded, closed, or damaged windows or doors to the premises.

- Missing, unhinged, or continuously unlocked doors to the premises.
- Terminated utility accounts for the premises.
- Accumulation of trash or debris on the premises.
- At least two reports to law enforcement of trespassing, vandalism, or other illegal acts being committed on the premises.
- Conditions that make the premises unsafe or unsanitary or that make the premises in imminent danger of becoming unsafe or unsanitary.

SENATE AMENDMENT 1 TO 2011 SENATE BILL 307

Senate Amendment 1 retains the factors that may be considered by a court as evidence of abandonment, but specifies that the factors must be considered in the totality of the circumstances.

The amendment also explicitly specifies that the parties may present evidence or testimony to the court as to whether the property has been abandoned, in addition to evidence or testimony by a representative of the municipality where the property is located.

Lastly, the amendment revises the language that allows notice of the sheriff's sale to be given within the redemption period to specify that placement of the notice may begin after the judgment of foreclosure is entered by the court. This changes the wording only, and not the effect.

SENATE AMENDMENT 2 TO 2011 SENATE BILL 307

Senate Amendment 2 modifies the length of time that a sheriff must publish the notice of sale in a newspaper for any property from six successive weeks to three successive weeks before the sale.

LEGISLATIVE HISTORY

Senate Bill 307 was introduced on November 28, 2011, by Senators Grothman, Taylor, and Carpenter. On January 4, 2012, the Senate Committee on Financial Institutions and Rural Issues introduced and adopted Senate Amendment 1, both on votes of Ayes, 5; Noes, 0. That same day the committee recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

On January 17, 2012, Senators Grothman and Taylor introduced Senate Amendment 2. That same day, the Senate adopted both amendments, and passed the bill, as amended, on a voice vote.

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