



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4709/1
FFK:amn

2017 SENATE BILL 578

November 20, 2017 - Introduced by Senators OLSEN, FEYEN, JOHNSON and MARKLEIN, cosponsored by Representatives BALLWEG, BILLINGS, BORN, E. BROOKS, BROSTOFF, DOYLE, FELZKOWSKI, GENRICH, HORLACHER, KITCHENS, KRUG, KULP, LOUDENBECK, MURSAU, NOVAK, RIPP, SPIROS, STEFFEN and WEATHERSTON. Referred to Committee on Economic Development, Commerce and Local Government.

1 **AN ACT** *to consolidate, renumber and amend* 867.046 (2) (intro.), (a) and (b);
2 and *to amend* 867.045 (1) (intro.) of the statutes; **relating to:** obtaining
3 evidence of the termination of certain property interests of a decedent.

Analysis by the Legislative Reference Bureau

Under current law, a person may obtain evidence that certain property interests of a decedent have been terminated by providing information to the register of deeds of the county in which the property is located. To obtain such evidence under current law, a person must submit to the register of deeds a certified copy of the decedent's death certificate. This bill eliminates the requirement to submit a certified copy of the decedent's death certificate to the register of deeds. Instead, this bill requires the person seeking to obtain the evidence of the termination of the decedent's property interest to verify, under oath, the correctness of the information provided to the register of deeds, which includes the date of the decedent's death.

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

4 **SECTION 1.** 867.045 (1) (intro.) of the statutes is amended to read:
5 867.045 (1) (intro.) Upon the death of any person having an interest as a joint
6 tenant or life tenant in any real property or in the vendor's interest in a land contract

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1 or a mortgagee's interest in a mortgage, any person interested in the property may
2 obtain evidence of the termination of that interest of the decedent by providing to the
3 register of deeds of the county in which such property is located ~~a certified copy of~~
4 ~~the death certificate for the decedent and by providing, on applications an~~
5 application supplied by the register of deeds for that purpose, the name and address
6 of the decedent and of the surviving joint tenant or remainder beneficiary, the date
7 of the decedent's death, and the applicant's interest in the property. A person
8 providing an application to the register of deeds under this subsection shall sign the
9 application and verify, under oath, the correctness of the information provided in the
10 application. The applicant shall also provide to the register of deeds the following
11 information:

12 **SECTION 2.** 867.046 (2) (intro.), (a) and (b) of the statutes are consolidated,
13 renumbered 867.046 (2) (intro.) and amended to read:

14 867.046 (2) UPON DEATH; INTEREST IN PROPERTY. (intro.) As an alternative to sub.
15 (1m), upon the death of any person having an interest in any real property, a vendor's
16 interest in a land contract, an interest in a savings or checking account, an interest
17 in a security, a mortgagee's interest in a mortgage, or an interest in property passing
18 under s. 705.10 (1), including an interest in survivorship marital property, the
19 decedent's spouse, a beneficiary of a marital property agreement, a TOD beneficiary,
20 or a beneficiary of a transfer under s. 705.10 (1) may obtain evidence of the
21 termination of that interest of the decedent and confirmation of the ~~petitioner's~~
22 applicant's interest in the property by providing to the register of deeds of the county
23 in which the property is located ~~the certified death certificate for the decedent and,~~
24 on applications an application supplied by the register of deeds for that purpose, all
25 of the following information: ~~(a) The the name, residence, and post-office addresses~~

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1 address of the decedent and, the name, residence, and post-office address of the
2 applicant. ~~(b) The, and the~~ date of decedent's death. A person providing an
3 application to the register of deeds under this subsection or, if the person is not an
4 individual, a representative of the person shall sign the application and verify, under
5 oath, the correctness of the information provided in the application. The applicant
6 shall also provide to the register of deeds the following information:

7

(END)