

CHAPTER 624

AN ACT to repeal 236.01 (9), 236.025 and 236.165; and to repeal and recreate 236.01 (4) and 236.16 of the statutes, (all as created, amended or repealed and recreated by chapter 351, laws of 1953), relating to the subdivision and platting of lands and providing a penalty.

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

SECTION 1. 236.01 (4) of the statutes (as amended by chapter 351, laws of 1953) is repealed and recreated to read:

236.01 (4) A "subdivision" is a described tract of land which has been divided into 5 or more lots of $1\frac{1}{2}$ acres each or less in area.

SECTION 2. 236.01 (9) of the statutes (as created by chapter 351, laws of 1953) is repealed.

SECTION 3. 236.025 of the statutes (as created by chapter 351, laws of 1953) is repealed.

SECTION 4. 236.16 of the statutes (as repealed and recreated by chapter 351, laws of 1953) is repealed and recreated to read:

236.16 SALE OF UNPLATTED LANDS; SALE BY METES AND BOUNDS PROHIBITED. (1) Whenever any owner, subdivider or his agent has divided land into 5 or more lots of $1\frac{1}{2}$ acres each or less in area, or shall in any calendar year have divided any tract of land into 5 or more parts of $1\frac{1}{2}$ acres each or less in area, for the purpose of sale, such owner, subdivider or his agent shall cause to be recorded in the office of the register of deeds of the county in which any portion of said land is located, a final plat thereof in all respects in full compliance with this chapter.

(2) It is unlawful for any subdivider or any other person to contract for the sale, to sell, or offer to sell any such subdivision or part thereof, until a final plat thereof in compliance with the provisions of this chapter has been duly recorded in the office of the register of deeds of the county in which said subdivision is located.

(3) It is unlawful for any person to sell, contract to sell, or offer for sale any such subdivision, or any part thereof, by reference to any map or plat, unless such map or plat has been recorded as provided in this chapter.

(4) Whoever violates the provisions of this section shall be fined not less than \$25 nor more than \$500 or imprisoned for not more than 6 months, or both. Nothing herein contained shall be deemed to bar any remedy to which any aggrieved municipality, or other political subdivision, or person may otherwise be entitled. Any sale, or contract to sell contrary to the provisions of this section shall be voidable at the option of the buyer or person contracting to purchase, his heirs, personal representative or trustee in insolvency or bankruptcy within one year after the execution of the document of sale or contract but such document shall be binding upon the vendor, his assignee, heir or devisee.

(5) This section shall not be construed to require the preparation and recording of a final plat of any subdivision which has been staked out and in which sales or contracts of sales have actually been made prior to June 28, 1935, and nothing herein contained shall require the recording of a plat showing property sold or contracted for sale by metes and bounds or by reference to an unrecorded plat prior to June 28, 1935, as a condition precedent to the sale or contract of sale of the whole or part thereof.

SECTION 5. 236.165 of the statutes (as created by chapter 351, laws of 1953) is repealed.

SECTION 6. Notwithstanding the provisions of ss. 236.01 (9), 236.16 and 236.165 of the statutes, as created by chapter 351, laws of 1953, any lease, conveyance or offer to convey lands in violation of any of the provisions of said sections made between July 4, 1953, and the effective date of this act shall not be deemed invalid or unrecordable for failure of such lease, conveyance or offer to comply with the requirements of said sections. This section is intended to cure any possible invalidity or unrecordability of leases, conveyances or offers to convey lands made after July 3, 1953, and prior to the effective date of this act, but only where the cause of such invalidity was due to violation of the requirements of said sections.

SECTION 7. The legislative council is directed to study the subject matter of the subdivision and platting of lands and to report its findings and recommendations to the 1955 legislature.

Approved October 29, 1953.