

No. 542, S.]

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CHAPTER 553

AN ACT to repeal 20.661 and 270.77; to amend 270.71 (2), 270.76, 270.79 (1) and 281.03 (1); to repeal and recreate 59.39 and 289.70 (5); and to create 59.395 of the statutes, relating to docketing and recording in circuit court, the duties of the clerk of circuit court and filing of lis pendens in actions affecting specific real estate in the office of the register of deeds.

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

SECTION 1. 20.661 of the statutes is repealed.

SECTION 2. 59.39 of the statutes is repealed and recreated to read:

59.39 CLERK OF COURT; TO KEEP COURT PAPERS, BOOKS AND RECORDS. The clerk of circuit court shall:

(1) File and keep all papers properly deposited with him in every action or proceeding unless required to transmit such papers. If such papers have been filed for 30 years a microfilm record may be retained in lieu of the original papers and such papers may be destroyed upon compliance with ss. 59.715 to 59.717.

(2) Keep a book called a court record and write therein names of parties in every civil action or proceeding in such court, the names of attorneys representing such parties, a brief statement of the nature of the action or proceeding, the date of filing every paper therein and of each proceeding taken, the file wherein such papers can be found, the time when put on the calendar for trial, and when and how disposed of; the volume and page of the minute book where minutes in every case can be found and the place in the judgment book or microfilm file where any judgment, order or report has been recorded, so as to make the court record a history in brief of each action or proceeding from beginning to final disposition; and a complete index of all proceedings therein.

(3) Keep a book called a criminal record and write therein a history in every criminal action like the court record in civil actions and proceedings with references to the file where papers in the action can be found, to the minute book and to the information book where indictments and informations can be found.

(4) Keep a book called a minute book and write therein a brief statement of all proceedings in open court showing motions and orders during trial, names of witnesses, jurors drawn, the officer sworn to take them in charge, jury verdicts and openings and adjournments of court.

(5) Keep a book called a judgment book or a microfilm file and record therein all judgments, orders or reports in civil actions or proceedings which purport to finally dispose of an action or proceeding or which the judge orders to be recorded.

(6) Keep a book called an information book or a microfilm file and record therein all indictments and informations.

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

(8) Keep a book or books called lien dockets and docket therein all claims for liens filed by contractors, sub-contractors, materialmen and laborers and all claims filed for log, mining and maintenance liens.

(9) Keep an index or indices to: the court record, the criminal record, the judgment docket or dockets and the lien docket or dockets.

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

SECTION 3. 59.395 of the statutes is created to read:

59.395 CLERK OF COURT; DUTIES. The clerk of circuit court shall:

(1) Keep court papers, books and records as specified in s. 59.39.

(2) Keep a book or books called registers of officials and write or copy therein in tabular form the names of court commissioners, deputy sheriffs, notaries public and justices of the peace. In addition to the names of the above officers the clerk shall list the dates of their qualification and the commencement and termination, if any, of their terms. Such names shall be in alphabetical order or there shall be an index in alphabetical order to such names.

(3) Keep a book or books called certificate lists and write or copy therein a list of all certificates issued by him to witnesses, interpreters,

jurors, sheriffs, deputy sheriffs and deputy clerks, stating the persons to whom issued, the number, date and amount of each certificate. A certified copy of such list for the previous year shall be furnished to the county board at each annual session and shall be entered in full on the board records.

(4) Send to the secretary of state on or before June 1 of each year a certified list of all justices of the peace who filed their official bonds during the preceding year.

(5) Pay quarterly to the county treasurer for the use of the state the state tax required to be paid on each civil action, cognovit judgment and special proceeding filed during the preceding quarter. Such payments shall be made by the fifteenth day of January, April, July and October. The clerk shall take duplicate receipts from the treasurer and shall forward one receipt to the director of budget and accounts within 10 days with a certificate of the number of actions, cognovit judgments and special proceedings filed during the preceding quarter.

(6) Address process to the coroner if a party, his agent or attorney files an affidavit that he believes the sheriff will not properly perform his duty in such action.

(7) Perform such other duties as required by law.

Cross references (59.395):

- Furnish information to the bureau of vital statistics, ch. 69.
- Collect and disburse alimony and support payments, ch. 247.
- Furnish information to the judicial council, 251.181.
- Authenticate, certify and/or transmit documents, 251.251, 252.11, 252.12, 253.275, 261.10, 274.13, 327.08 and 327.09.
- Receive bail as provided by law, ch. 264 and ch. 354.
- Perform duties with respect to jurors, ch. 255.
- Care for county law library, 256.40.
- Prepare calendars, assist in drawing jurors and perform other duties in connection with trials and judgments, ch. 270.
- Tax costs and collect fees, ch. 271, s. 59.42.
- Issue executions and writs of assistance, ch. 272.
- Issue and sign subpoenas, s. 325.01.

SECTION 4. 270.71 (2) of the statutes is amended to read:

270.71 (2) All judgments * * * , orders * * * and reports which purport to finally dispose of an action or proceeding or which the judge orders to be recorded shall be recorded in the * * * judgment book.

SECTION 5. 270.76 of the statutes is amended to read:

270.76 When a judgment * * * is docketed as provided in ss. 270.69, 270.74 and 270.75, or a warrant * * * is docketed as provided in * * * ss. 108.22 (2) and 270.745, it may be docketed in like manner in any other county, upon filing with the clerk of the circuit court thereof a transcript * * * from the original docket, certified to be a true copy therefrom by the clerk of the circuit court having custody thereof.

SECTION 6. 270.77 of the statutes is repealed.

SECTION 7. 270.79 (1) of the statutes is amended to read:

270.79 (1) Every judgment, when properly docketed, and the docket gives the judgment debtor's place of abode and his occupation, trade or profession shall, for 10 years from the date of the * * * entry thereof, be a lien on the real property * * * (except the homestead mentioned in s. 270.20) in the county where docketed, of every person against whom it is rendered and docketed, which he has at the time of docketing or which he acquires thereafter within said 10 years. * * *

SECTION 8. 281.03 (1) of the statutes is amended to read:

281.03 (1) In an action * * * *where the complaint contains a legal description of real estate and seeks relief in respect to the title thereto*, after the filing of the complaint * * * the plaintiff * * * *shall* file in the office of the register of deeds of each county where any part thereof is situated, a lis pendens containing the names of the parties, the object of the action and a description of the land in that county affected thereby. In any action if the defendant asks relief on a counterclaim or cross-complaint * * * , *which contains a legal description of real estate and seeks relief in respect to the title thereto*, after the filing of the counterclaim or cross-complaint * * * he * * * *shall* file a lis pendens. From the time of such filing every purchaser or incumbrancer whose conveyance or incumbrance is not recorded or filed shall be deemed a subsequent purchaser or incumbrancer and shall be bound by the proceedings in the action to the same extent and in the same manner as if he were a party thereto. In any such action in which a lis pendens has been filed, if the party filing the same shall fail for one year after the filing thereof to serve and file proof of service of the summons or the counterclaim or cross-complaint on one or more of the adverse parties, said notice shall be void, and upon motion and proof the court may order such notice struck from the files. *Judgment shall not be entered in favor of the party required to file lis pendens until 20 days after the lis pendens has been filed.*

SECTION 9. 289.70 (5) of the statutes is repealed and recreated to read:

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

Approved August 4, 1955.
