

No. 314, A.]

[Published August 21, 1945.]

CHAPTER 549.

AN ACT to amend 49.26 (4) and to create 230.455 of the statutes, relating to the effect of old-age assistance and other liens upon joint tenancy interests.

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

SECTION 1. 49.26 (4) of the statutes is amended to read:

49.26 (4) All old-age assistance paid to any beneficiary under sections 49.20 to 49.51, including medical and funeral expense paid as old-age assistance, shall become and constitute a lien as hereafter provided and shall remain a lien until it is satisfied. When old-age assistance is granted to any person under sections 49.20 to 49.51, the name and residence of the beneficiary, the amount of assistance so granted, the date when such assistance is granted, the name of the county granting the assistance, and such other information as the state department of public welfare shall require, shall be entered upon a certificate, the form of which shall be prescribed by the state department of public welfare. The county judge of the county granting old-age assistance shall cause such certificate, or a copy thereof, to be filed in the office of the register of deeds of every county in the state in which real property of the beneficiary may be situated. From and after the time of such filing in the office of the register of deeds the lien herein imposed shall attach to any and all real property of the beneficiary presently owned or subsequently acquired, including joint tenancy interests, in any county in which such certificate is filed for any amounts paid or which thereafter may be paid under sections 49.20 to 49.51, and shall remain such lien until it is satisfied. *Such lien shall not sever a joint tenancy nor affect the right of survivorship except that the lien shall be enforceable to the extent that the beneficiary had an interest prior to his decease. All judgments, certificates, or decrees of courts of competent jurisdiction heretofore entered terminating joint tenancies or assigning such property under a will or an administration of the estate of any such beneficiary shall be binding upon all interested parties 2 years after the passage and publication of this amendment unless within said 2-year period application is made to such court to set aside or modify such judgment, certificate, or decree. Such lien shall*

take priority over any other lien subsequently acquired or recorded except tax liens and except that the amounts allowed by the court in the estate of any deceased beneficiary and remaining unpaid after all funds and personal property in the estate have been applied according to law, for administration and funeral expense for hospitalization, nursing and professional medical care furnished such decedent during his last sickness, not to exceed \$300 in the aggregate, shall be charges against all real property of such deceased upon which an old-age assistance lien shall have attached, and shall in such order be paid and satisfied prior to such lien out of the proceeds derived from such real property upon liquidation of such old-age assistance lien. The certificate herein provided need not be recorded at length by the register of deeds, but upon the filing thereof all persons shall thereby be charged with due notice of the lien and of the rights of the county thereunder. The register of deeds shall keep a separate book, properly indexed, in which shall be entered an abstract of every certificate so filed which shall show the time of filing, the name and residence of the beneficiary, the date of the certificate, the name of the county granting old-age assistance to such beneficiary, and a record of any releases and satisfactions. No fee shall be charged for the filing of such certificate or the entry of the abstract thereof except in counties wherein the register of deeds is compensated otherwise than by salary, and in such counties a fee of 25 cents shall be paid to the register of deeds by the county filing the certificate. Such liens shall be enforceable by the county filing the certificate after transfer of title of the real property by sale, succession, inheritance or will, in the manner provided by law for the enforcement of mechanics' liens upon real property. Provided, however, that no such lien and no claim under section 49.25 shall be enforced against the homestead of the beneficiary while it is occupied by a surviving spouse or by any surviving minor children, or any physically or mentally incapacitated adult children, of the beneficiary; and provided, also that whenever the county judge of the county in whose favor such lien exists is satisfied that the collection of the amount paid as old-age assistance will not thereby be jeopardized or that the release of the lien in whole or in part is necessary to provide for the maintenance or support of the beneficiary, his spouse, or minor children, or physically or mentally incapacitated adult child or children, he may release the lien hereby

imposed with respect to all or any part of the real property of the beneficiary, which release shall be filed in the office of the register of deeds of the county in which the certificate is filed. The beneficiary, his heirs, personal representatives or assigns may discharge such lien at any time by paying the amount thereof to the treasurer of the proper county who, with the approval of the county judge, shall execute a proper satisfaction which shall be duly filed with the register of deeds. The county board may by resolution authorize and empower any county agency or official to bid in property at foreclosure under this subsection at a figure not to exceed the amount of claim for assistance, and said claim or any part thereof may be applied as a credit on such a bid, or such agency or individual may accept a conveyance in lieu of foreclosure; title to any property acquired under this subsection shall vest in such agency for the purpose of liquidation, and said property may be sold and title transferred by it without regard to section 59.67. In the event the county shall so acquire such property, payment as provided by section 49.25 shall not be made until such property is sold and payment thereon shall be based on the sale price therefor. The county board may designate and authorize the district attorney to act for the county generally to collect such old-age assistance liens and claims, and claims for hospitalization, institutional care and general poor relief. The county board may authorize the district attorney to compromise the payment of any such claim, except old-age assistance claims as provided for in section 49.26 (4), with the approval of such judge, officer or agency of the county or of such committee of the county board as the county board may designate, but such compromise shall be made only when the collection of the full amount would produce undue hardship upon the debtor or the debt is otherwise uncollectible. Any compromise made before July 15, 1943 which would be valid if made pursuant to the provisions for compromise of claims under this amendment, is hereby validated.

SECTION 2. 230.455 of the statutes is created to read:

230.455 LIENS NOT TO DEFEAT RIGHT OF SURVIVORSHIP. No real estate mortgage, chattel mortgage, conditional sales contract, lien effected pursuant to the provisions of chapter 289 or other lien or charge upon the joint tenancy interest of a joint tenant to any joint tenancy shall not defeat the right of survivorship in such joint tenancy, but the joint tenancy interest of such

joint tenant to which upon his death the surviving joint tenant succeeds shall be subject to such real estate mortgage, chattel mortgage, conditional sales contract, lien effected pursuant to the provisions of chapter 289 or other lien or charge. All judgments, certificates, or decrees of courts of competent jurisdiction heretofore entered terminating joint tenancies or assigning such property under a will or an administration of the estate of any such beneficiary shall be binding upon all interested parties 2 years after the passage and publication of this amendment unless within said 2-year period application is made to such court to set aside or modify such judgment, certificate, or decree.

SECTION 3. It is the intent of the legislature that the provisions inserted into section 49.26 (4) of the statutes by this act are separable and if any such provision shall be held unconstitutional, such decision shall not affect the remainder of such provisions.

Approved August 17, 1945.

No. 342, A.]

[Published August 21, 1945.]

CHAPTER 550.

AN ACT to repeal and recreate 45.11 and 59.08 (23); to renumber 45.10 to be 45.10 (1); to amend 45.10 (1), as renumbered, 45.12, 45.14 and 45.15; and to create 45.10 (2), 45.13, 45.40 and 45.41 of the statutes, providing for a county veterans' service officer, a county veterans' service commission and a county veterans' coordinating council to co-ordinate within the county the activities of all agencies which perform functions in the interest of veterans.

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

SECTION 1. 45.10 of the statutes is renumbered 45.10 (1) and amended to read:

45.10 (1) * * * Every county board * * * shall annually levy, in addition to all other taxes, a tax sufficient to carry out the purposes of this section, such tax to be levied and collected as other county taxes for the purpose of providing * * * aid to needy soldiers, sailors or marines, who performed honorable military or naval service for the United States in time of war, the * * * needy wives, widows, minor and dependent children of such deceased soldiers, sailors and marines, and the * * *