

1987 Senate Bill 503

Date of enactment: **April 20, 1988**
Date of publication: **April 27, 1988**

1987 Wisconsin Act 330

AN ACT to amend 706.09 (3) (a) and 893.33 (5); and to repeal and recreate 893.33 (5) of the statutes, relating to enforcement of an electric cooperative's interest in real estate.

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

SECTION 1. 706.09 (3) (a) of the statutes is amended to read:

706.09 (3) (a) (title) *Public service corporations, railroads, electric cooperatives, trustees, governmental units.* While owned, occupied or used by any public

service corporation as defined in s. 196.01 ~~or~~, any railroad corporation as defined in s. 195.02, any electric cooperative organized and operating on a nonprofit basis under ch. 185, or any trustee or receiver of any such corporation or electric cooperative, or any mortgagee or trust deed trustee or receiver thereof; nor any such interest while held by the United States, the state

or any political subdivision or municipal corporation thereof; or

SECTION 2. 893.33 (5) of the statutes is amended to read:

893.33 (5) This section bars all claims to an interest in real property, whether rights based on marriage, remainders, reversions and reverter clauses in covenants restricting the use of real estate, mortgage liens, old tax deeds, inheritance, gift and income tax liens, rights as heirs or under will, or any claim of any nature, however denominated, and whether such claims are asserted by a person sui juris or under disability, whether such person is within or without the state, and whether such person is natural or corporate, or private or governmental, unless within the 30-year period provided by sub. (2) there has been recorded in the office of the register of deeds some instrument expressly referring to the existence of the claim, or a notice pursuant to this section. This section does not apply to any action commenced or any defense or counterclaim asserted, by any person who is in possession of the real estate involved as owner at the time the action is commenced. This section does not apply to any real estate or interest in real estate while the record title to the real estate or interest in real estate remains in a railroad corporation ~~or~~ a public service corporation as defined in s. 184.01, an electric cooperative organized and operating on a nonprofit basis under ch. 185, or any trustee or receiver of a railroad corporation ~~or~~ a public service corporation or an electric cooperative, or to claims or actions founded upon mortgages or trust deeds executed by ~~those corporations that cooperative or corporation~~, or trustees or receivers of ~~those corporations that cooperative or corporation~~. This section also does not apply to real estate or an interest in real estate while the record title to the real estate or interest in real estate remains in the state or a political subdivision or municipal corporation of this state.

SECTION 3. 893.33 (5) of the statutes, as affected by 1987 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

893.33 (5) This section bars all claims to an interest in real property, whether rights based on marriage, remainders, reversions and reverter clauses in covenants restricting the use of real estate, mortgage liens, old tax deeds, death and income tax liens, rights as heirs or under will, or any claim of any nature, however denominated, and whether such claims are asserted by a person sui juris or under disability, whether such person is within or without the state, and whether such person is natural or corporate, or private or governmental, unless within the 30-year period provided by sub. (2) there has been recorded in the office of the register of deeds some instrument expressly referring to the existence of the claim, or a notice pursuant to this section. This section does not apply to any action commenced or any defense or counterclaim asserted, by any person who is in possession of the real estate involved as owner at the time the action is commenced. This section does not apply to any real estate or interest in real estate while the record title to the real estate or interest in real estate remains in a railroad corporation, a public service corporation as defined in s. 184.01, an electric cooperative organized and operating on a nonprofit basis under ch. 185, or any trustee or receiver of a railroad corporation, a public service corporation or an electric cooperative, or to claims or actions founded upon mortgages or trust deeds executed by that cooperative or corporation, or trustees or receivers of that cooperative or corporation. This section also does not apply to real estate or an interest in real estate while the record title to the real estate or interest in real estate remains in the state or a political subdivision or municipal corporation of this state.

SECTION 4. **Initial applicability.** The amendment of section 893.33 (5) of the statutes first applies to an action commenced or a defense or counterclaim asserted on the effective date of this SECTION.

SECTION 5. **Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of section 893.33 (5) of the statutes takes effect on January 1, 1992.