

State of Wisconsin



1995 Assembly Bill 786

Date of enactment: **May 23, 1996**
Date of publication*: **June 6, 1996**

1995 WISCONSIN ACT 355

AN ACT *to amend* 867.046 (2) (intro.); and *to create* 867.046 (6) of the statutes; **relating to:** property the interests in which may be confirmed in summary proceedings and to protection for purchasers of that property.

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

SECTION 1. 867.046 (2) (intro.) of the statutes is amended to read:

867.046 (2) UPON DEATH; INTEREST IN PROPERTY. (intro.) As an alternative to sub. (1m), upon the death of any person having an interest in any real property, a vendor's interest in a land contract, an interest in a savings or checking account, an interest in a security or a mortgagee's interest in a mortgage, including an interest in survivorship marital property, the decedent's spouse or a beneficiary of a marital property agreement may obtain evidence of the termination of that interest of the decedent and confirmation of the petitioner's interest in the property by providing to the register of deeds of the county in which the property is located the certified death

certificate for the decedent and, on applications supplied by the register of deeds for that purpose, all of the following information:

SECTION 2. 867.046 (6) of the statutes is created to read:

867.046 (6) PURCHASERS FROM PETITIONERS PROTECTED. If an interest in property transferred under this section is acquired from the petitioner by a purchaser or lender in good faith, for value and without actual notice that the transfer was improper, the purchaser or lender takes title free of any claims of the decedent's estate and incurs no personal liability to the estate, whether or not the transfer was proper. Purchasers and lenders have no duty to inquire whether a transfer was proper.

SECTION 3. Initial applicability.

(1) This act first applies to transfers because of deaths that occur on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].