



**ASSEMBLY AMENDMENT 4,  
TO 1995 SENATE BILL 437**

May 8, 1996 - Offered by Representatives GREEN and FREESE.

1           At the locations indicated, amend the bill, as shown by senate substitute  
2           amendment 1, as follows:

3           **1.** Page 1, line 5: after "financing statement" insert: ", interest in real property  
4           acquired by fraudulent acts, execution against real property devoted to agricultural  
5           use".

6           **2.** Page 1, line 13: after that line insert:

7           "**SECTION 1c.** 815.04 (1) (a) and (b) of the statutes, as affected by 1995 Wisconsin  
8           Act .... (Senate Bill 344), are amended to read:

9           815.04 (1) (a) Upon Except as provided in sub. (1m), upon any judgment of a  
10          court of record perfected as specified in s. 806.06 or any judgment of any other court  
11          entered in the judgment and lien docket of a court of record, execution may issue at  
12          any time within 5 years after the rendition of the judgment. When an execution has  
13          been issued and returned unsatisfied in whole or in part other executions may issue  
14          at any time upon application of the judgment creditor.

15          (b) If no execution on a judgment as described in par. (a) is issued within 5 years  
16          after the rendition of the judgment, or, if application is made by one other than the

1 judgment creditor, execution may, except as provided in sub. (1m), be issued only  
2 upon leave of the court, in its discretion, upon prior notice to the judgment debtor,  
3 served as a summons is served in a court of record. If the judgment debtor is absent  
4 or a nonresident, service of the notice may be by a class 3 notice, under ch. 985, or  
5 in any other manner that the court directs. Application shall be by the petition of  
6 the judgment creditor or of the assignee, setting forth that the judgment or a portion  
7 of the judgment remains unpaid, and that the petitioner is the bona fide owner of the  
8 judgment, for value.

9 **SECTION 1g.** 815.04 (1m) of the statutes is created to read:

10 815.04 (1m) No execution may be issued against property that is devoted  
11 primarily to agricultural use, as defined in s. 91.01 (5), after 2 years after the  
12 rendition of the judgment upon which the execution is issued.

13 **SECTION 1m.** 841.10 (3) of the statutes is created to read:

14 841.10 (3) If the court finds that any interest of the defendant has arisen solely  
15 as a result of fraudulent acts, the court shall declare the interest void.

16 **SECTION 1p.** 841.12 of the statutes is created to read:

17 **841.12 Joinder.** An action under this chapter may be joined with any other  
18 civil action or proceeding that affects or may affect title to the real property that is  
19 the subject of the action under this chapter.”.

20 **3.** Page 3, line 1: delete “This act first applies” and substitute: “The treatment  
21 of sections 409.404 (1) (d), 943.60 (1), 946.68 (1) (c) and (2) and 946.69 (2) (intro.) of  
22 the statutes and the renumbering and amendment of section 946.68 (1) of the  
23 statutes first apply”.

24 **4.** Page 3, line 2: after that line insert:

