



1997 ASSEMBLY BILL 510

September 16, 1997 - Introduced by Representatives GROTHMAN, DUFF, GOETSCH, GREEN, GUNDERSON, HANSON, HUBER, KELSO, KREUSER, LADWIG, J. LEHMAN, M. LEHMAN, MEYER, OLSEN, OTT, OTTE, PLOUFF, PORTER, POWERS, SERATTI, TURNER, UNDERHEIM, VRAKAS, WARD, ZUKOWSKI and GRONEMUS, cosponsored by Senators RISSER, DRZEWIECKI, A. LASEE, PLACHE, C. POTTER, ROESSLER, SCHULTZ, WELCH and WIRCH. Referred to Committee on Children and Families.

1 **AN ACT** *to renumber and amend* 840.10 (1); *to amend* 44.03 (1), 59.43 (2m) (b)
2 4., 66.27 (2) (b) and 880.215; and *to create* 840.10 (1) (b) of the statutes;
3 **relating to:** filing a certified copy of a petition and order for hearing for
4 guardianship with the register of deeds, requiring a historical society to pay a
5 register of deeds to record the society's articles of incorporation and requiring
6 certain documents that are recorded with a register of deeds to be legible.

Analysis by the Legislative Reference Bureau

Under current law, a copy of a petition and order for hearing for guardianship may be filed in the office of the register of deeds in the county in which the petition is granted. This bill requires the copy to be certified.

Under current law, no document may be recorded with a register of deeds unless the names of the grantee and grantor, the return address and the legal description are clear enough to be reproduced or read by a copy machine and a microfilm camera or optical scanner to the extent that the image captured is legible, except that this provision does not apply to copies of documents that are certified by the state or by a city, village, town or county (political subdivision) or to filed or rerecorded documents. Under this bill, the entire document to be recorded must be legible and clear enough to be reproduced or read by such machines. As is the case with current law, this provision which is created in the bill does not apply to copies of documents that are certified by the state or by a political subdivision or to filed or rerecorded documents.

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Also under current law, a register of deeds is not allowed to charge a fee to a historical society to record its articles of incorporation. The bill removes this current law provision.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 44.03 (1) of the statutes is amended to read:

2 44.03 **(1)** County or local historical societies without capital stock may be
3 incorporated as affiliates of the historical society, to gather and preserve the books,
4 documents and artifacts relating to the history of their region or locality. No fees
5 shall be charged by ~~any register of deeds for recording nor~~ by the department of
6 financial institutions for filing the articles of organization or its amendments, or for
7 a certificate of incorporation of any such society, but the department of financial
8 institutions shall not accept articles of incorporation under this section unless they
9 are approved by the board of curators of the historical society.

10 **SECTION 2.** 59.43 (2m) (b) 4. of the statutes is amended to read:

11 59.43 **(2m)** (b) 4. ~~The names of the grantee and grantor, the return address and~~
12 ~~the legal descriptions are~~ entire document is clear and the letters, numbers, symbols,
13 diagrams and other representations in the document are large enough and dense
14 enough to be reproduced or read by a copy machine and a microfilm camera or optical
15 scanner to the extent that the image captured is legible.

16 **SECTION 3.** 66.27 (2) (b) of the statutes is amended to read:

17 66.27 **(2)** (b) Any such action shall be brought in a court of record in the manner
18 provided in ch. 801. A lis pendens shall be filed or recorded as provided in s. 840.10

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1 upon the commencement of the action. Service upon persons whose whereabouts are
2 unknown may be made in the manner prescribed in s. 801.12.

3 **SECTION 4.** 840.10 (1) of the statutes is renumbered 840.10 (1) (a) and amended
4 to read:

5 840.10 (1) (a) In an action where relief is demanded affecting described real
6 property which relief might confirm or change interests in the real property, after the
7 filing of the complaint the plaintiff shall file present for filing or recording in the
8 office of the register of deeds of each county where any part thereof is situated, a lis
9 pendens containing the names of the parties, the object of the action and a
10 description of the land in that county affected thereby. In any action if the defendant
11 asks relief on a counterclaim or cross-complaint, which contains a legal description
12 of the real estate and seeks such relief, after the filing of the counterclaim or
13 cross-complaint the defendant shall file present for filing or recording a lis pendens.
14 From the time of such filing or recording every purchaser or encumbrancer whose
15 conveyance or encumbrance is not recorded or filed shall be deemed a subsequent
16 purchaser or encumbrancer and shall be bound by the proceedings in the action to
17 the same extent and in the same manner as if the purchaser or encumbrancer were
18 a party thereto. In any such action in which a lis pendens has been filed or recorded,
19 if the party who presents for filing the same or recording the lis pendens fails for one
20 year after the filing or recording thereof to serve and file proof of service of the
21 summons or the counterclaim or cross-complaint on one or more of the adverse
22 parties, the lis pendens shall be void, and upon motion and proof the court may order
23 it discharged. Judgment shall not be entered in favor of the party required to file
24 present for filing or recording a lis pendens until 20 days after the lis pendens has
25 been filed or recorded.

