

1999 DRAFTING REQUEST

Bill

Received: **09/8/98**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Hubler (608) 266-2519**

By/Representing: **Lynn**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

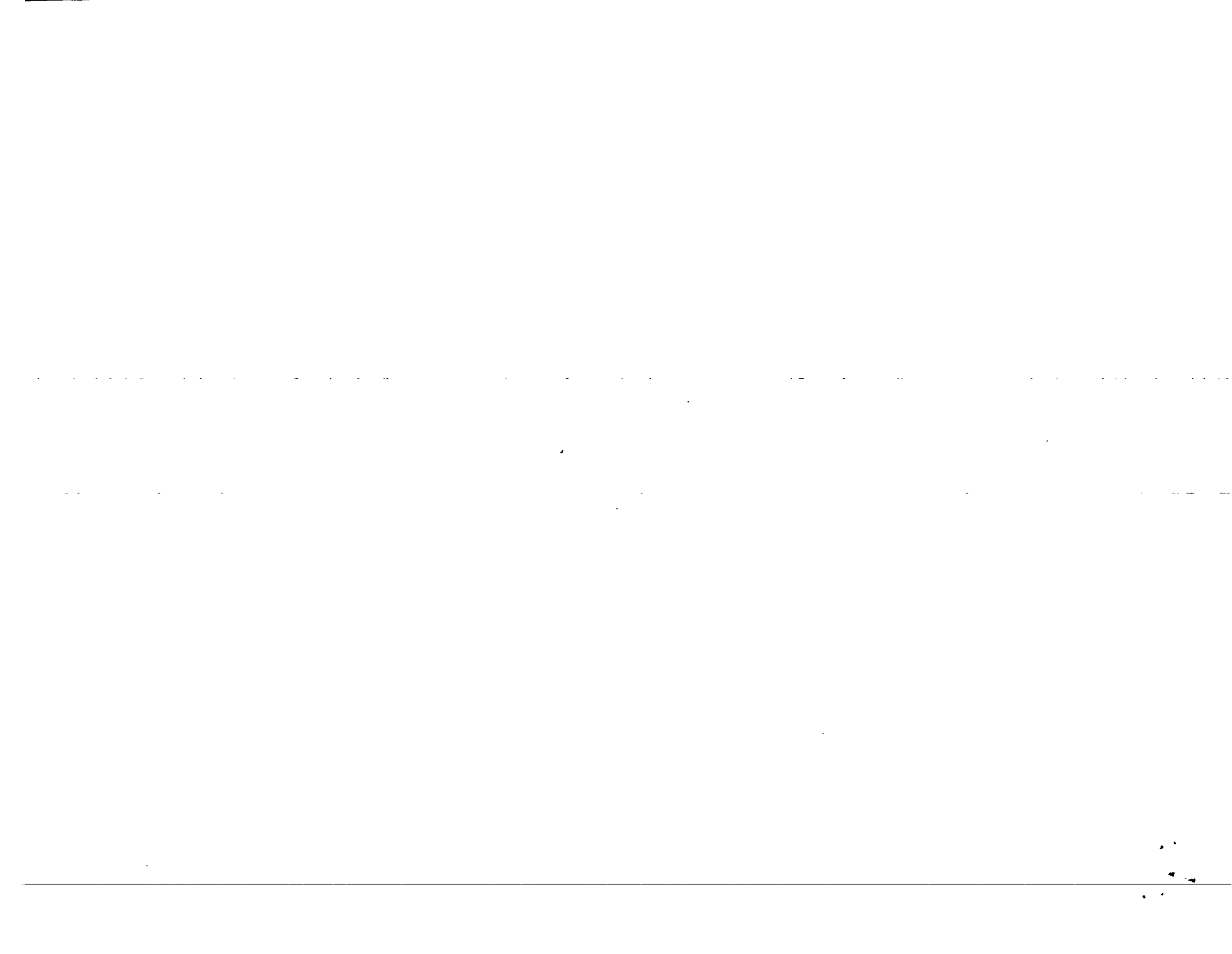
Register of deeds, affidavit of correction

Instructions:

Change stats so that a correction of error on a doc. filed w/ a reg. of deeds be filed only on an aff. of corr. and not by re-recording the instrument. See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 09/24/98	gilfokm 10/8/98		_____			Local
/1			ismith 10/8/98	_____	lrb_docadmin 10/8/98	lrb_docadmin 03/18/99	
				_____	lrb_docadmin 10/8/98		
				_____	lrb_docadmin 10/8/98		



FE Sent For:

G 04-21-99

<END>

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1?	shoveme	1-10-7	IS 10/8	IS/JF 10/8			
11 MESA/24 mg							

FE Sent For:

<END>



Mary Hubler

State Representative

1999 BILL REQUEST FORM

Drafter: Marc Shovers

Date: July 7, 1998

Legislator: Representative Mary Hubler

Person submitting request: Lynn Ansfield 6-2519

The Problem: See attached material from Donna Miller, Barron County Register of Deeds. NOTE: The statute citations on the resolution are incorrect. I have provided the appropriate statute numbers below.

Drafting Request: The Wisconsin Register of Deeds Association passed her resolution requesting that legislation be drafted to require that a correction of error on a document filed with the County Register of Deeds be filed only on an affidavit of correction and to end the current practice that allows such a correction to be made through re-recording of the instrument.

Statute sections affected: S. 59.43, S. 59.43 (2m) (d) 2., S.891.43

This request is not confidential.

**DONNA M. MILLER
REGISTER OF DEEDS
330 E. LASALLE AVE. RM #201
BARRON, WI 54812**

**PHONE: 715-537-6212
FAX: 715-537-6277**

DATE: JUNE 18, 1998

**TO: REP. MARY HUBLER
1966 21 7/8 STREET
RICE LAKE, WI 54868**

**FROM: DONNA M. MILLER *D.M.*
REGISTER OF DEEDS
330 E. LASALLE AVE. RM #201
BARRON, WI 54812**

Mary:

Please find copies enclosed of the resolution which was adopted by the Register of Deeds Association, Draft of Affidavit of Correction and one of many re-recorded documents we put on record.

These re-recorded documents do not note who is making the corrections. (Sometimes they will initial the correction). I do request a statement stating why it is being re-recorded.

When a re-recording is sent in for the third time I do refuse them for recording.

We will appreciate whatever you can do to get this drafted and into legislation as quickly as possible. If you have any questions please give me a call at any time. If you are willing to sponsor this bill after viewing this information will you let me know? Thanks!

WARRANTY DEED

DAN FISCHER and DEBRA E. FISCHER, his wife and each in his and her own right, conveys and warrants to, CARMEN N. CHIARELLI and NANCY V. CHIARELLI, husband and wife as survivorship marital property, for a valuable consideration, the following-described real estate in Barron County, State of Wisconsin:

Parcel I: Parcel "A" of Certified Survey Map, Volume 19, Page 78, a part of Lot 1 of Many Pine Park (in the Township of Chetek) also; an easement over

Parcel II: (a) That part of Certified Survey Map, Volume 16, Page 104 and Volume 16, Page 105, parts of Government Lot 2 of Section 20, Township 33 North, Range 10 West, granted in Deeds 150-228 and defined on said Certified Survey Map, Volume 19, Page 78;

(b) 25 by 50 easement over part of Lot 1 of Many Pine Park contained in said Certified Survey Map, Volume 19, Page 78

This is not homestead property.

FEE EXEMPT
77.25(3)

Exception to warranties: Easements, licenses, zoning ordinances, and restrictions of record.

Dated on January 25, 1996.

[Signature]
DAN FISCHER

[Signature]
DEBRA E. FISCHER

TRANSFER FEE
\$ 136.30

RECEIVED OF RECORD

1:40 PM.
JAN 29 1996

[Signature]
REGISTRAR OF DEEDS
BARRON COUNTY, WI

ACKNOWLEDGMENT

STATE OF WISCONSIN) SS.
BARRON COUNTY)

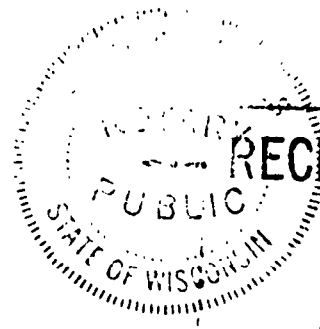
This warranty deed is being re-recorded to show Parcel II, A and B are an easement only

Personally came before me on January 25, 1996, the above-named DAN FISCHER and DEBRA E. FISCHER, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

[Signature]
Notary Public

State of Wisconsin
My Commission Expires: August 9, 1998

Drafted By: Kenneth Wm. Jost.
Jost Law Office
P.O. Box 54
Chetek, WI 54728



RECEIVED OF RECORD

10:15 AM
MAR 28 1996

RERECORDING OF INSTRUMENTS

WHEREAS, Section ^{59.43} 59.51, Wis. Stats. describes the duties of the Register of Deeds Office; and

WHEREAS, Section ^{ok} 891.43, Wis. Stats., providing that instruments of any county which are destroyed and previously recorded may be rerecorded; and

WHEREAS, upon rerecording, the Register of Deeds shall record the certificate of the previous record, and the date of filing for record appearing in the original certificate shall be the date of the record; and

WHEREAS, Wisconsin Statutes do not authorize the alteration or amendment of any document which is authorized by law to be recorded in the Office of Register of Deeds; and

WHEREAS, the effect of rerecording, absent authority granted in Section 891.43, altering or amendments to documents previously filed without the knowledge of the title holder can result in detrimental effect to said title holder; and

WHEREAS, Section ^{59.43 (zm)} ~~59.517~~ provides standard format requirements for recorded documents; and

WHEREAS, Section ^{59.43 (zm) (d) 2.} 59.517(4)(b) provides an exception to following standard format requirements for recorded documents for re-recorded documents; and

WHEREAS, the Wisconsin Register of Deeds Association is desirous of establishing a policy wherein documentation filed with the Register of Deeds Office pursuant to sec. 59.51, Wis. Stats. shall not be altered, amended or rerecorded unless done pursuant to sec. 891.43, Wis. Stats.; and

WHEREAS, it is the position of the Register of Deeds Association that the exception under Section 59.517(4)(b) applies only to re-recordings done pursuant to §891.43; and

WHEREAS, it is the recommendation of the Register of Deeds Association that the attached Affidavit of Correction be filed to correct an error rather than allowing re-recording of documents.

NOW, THEREFORE, BE IT RESOLVED, that documentation filed with the Register of Deeds Office pursuant to sec. 59.51, Wis. Stats. shall not be altered, amended or re-recorded unless done pursuant to sec. 891.43, Wis. Stats.

Dated this _____ day of September, 1997.

SUBMITTED BY:

District "6"
Donna M. Miller,
Barron County Register of Deeds

AFFIDAVIT OF CORRECTION

Document Number _____

AFFIANT _____ states
that he/she is the _____ of a
certain document recorded on the _____ day of 19____
in volume _____ Page _____, Document No. _____
which was recorded in _____ County, State of Wisconsin

Recording Area _____
Name and Return Address _____

This document contained the following error:

PARCEL IDENTIFICATION NO. _____

AFFIANT makes this affidavit for the purpose of correcting the above document to read as follows

REAL ESTATE is described as follows:

Dated this _____ day of _____, 19____

SIGNED: _____

ACKNOWLEDGEMENT

STATE OF WISCONSIN

_____ COUNTY. Personally came before me this _____ day of 19____,
the above named _____ to me known to be t person who executed the
foregoing instrument and acknowledged the same.

SIGNATURE: _____ NOTARY PUBLIC _____ County, Wis.

Type or Print Name: _____

My Commission is permanent. (if not, State expiration date _____, 19____)

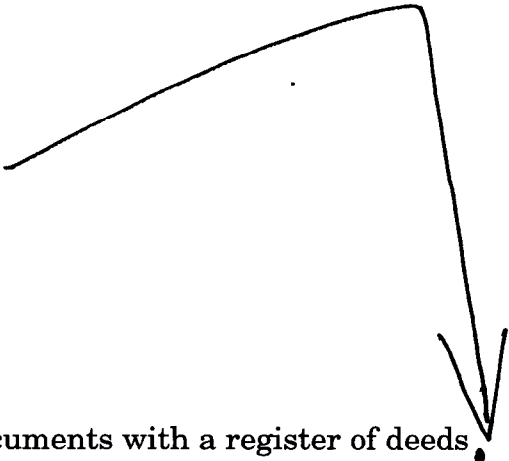
This instrument was drafted by (type or print name)



RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gjm



1 **AN ACT ...; relating to:** the filing of certain documents with a register of deeds.

be
Analysis by the Legislative Reference Bureau

be
Under current law and subject to some exceptions, no document may be recorded in the office of a register of deeds unless the first page of the document substantially complies with a number of conditions, such as a requirement that the name of the instrument be clear and be located not less than 0.5 inch nor more than *three* inches from the top of the document. One of the current law exceptions is for rerecorded documents. Under the bill, the exception for rerecorded documents is limited to documents that are rerecorded because they are county documents that have been destroyed.

The bill also provides that a register of deeds may not accept for rerecording any document that corrects an error in a previously filed or recorded document unless the error is corrected by the filing of an affidavit of correction.

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:

2 **SECTION 1.** 59.43 (1) (w) of the statutes is created to read:

1 59.43 (1) (w) Not accept for rerecording any document that corrects an error
2 in a previously filed or recorded document unless the error is corrected by the filing
3 of an affidavit of correction.

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

5 59.43 (2m) (d) 2. ~~Rerecorded documents~~ Documents that are rerecorded as
6 provided under s. 891.43 (1).

7 ^{History:} 1995 a 201 ss. 326, 327, 335, 338 to 353, 355, 361, 367, 369, 375, 377 to 380, 382 to 384; 1995 a. 225 ss. 159, 160, 162; 1995 a. 227; 1997 a 27, 35, 79, 140, 252, 282, 303, 304.

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 10/8/98

To: Representative Hubler

Relating to LRB drafting number: LRB-0047

Topic

register of deeds, affidavit of correction

Subject(s)

Counties

1. **JACKET** the draft for introduction



in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-0129

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