

**1999 DRAFTING REQUEST**

**Bill**

Received: 10/13/1999

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Welch (608) 266-0751**

By/Representing: **Les Wakefield**

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

Drafter: **shoveme**

May Contact: **Andy in Rep. Hebl's office; Jane Licht**

Alt. Drafters: **kahlepj**

Subject: **Counties**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Changes to the treatment of documents by a register of deeds

**Instructions:**

See Attached. Companion to 1999 LRB -0867/4 (see that file), which was a redraft of 1997 -3726/2, with changes suggested by Jane Licht

**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 10/13/1999	wjackson 10/14/1999		_____			S&L
/1			hhagen 10/14/1999	_____	lrb_docadmin 10/14/1999	lrb_docadmin 10/22/1999	

FE Sent For: **11/9/99**

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: 10/13/1999

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Welch (608) 266-0751**

By/Representing: **Les Wakefield**

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

Drafter: **shoveme**

May Contact: **Andy in Rep. Hebl's  
office; Jane Licht**

Alt. Drafters: **kahlepj**

Subject: **Counties**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Changes to the treatment of documents by a register of deeds

**Instructions:**

See Attached. Companion to 1999 LRB -0867/4 (see that file), which was a redraft of 1997 -3726/2, with changes suggested by Jane Licht

**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 10/13/1999	wjackson 10/14/1999		_____			S&L
/1			hhagen 10/14/1999	_____	lrb_docadmin 10/14/1999		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Bill**

Received: 10/13/1999

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Welch (608) 266-0751**

By/Representing: **Les Wakefield**

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

Drafter: **shoveme**

May Contact: **Andy in Rep. Hebl's office; Jane Licht**

Alt. Drafters: **kahlepj**

Subject: **Counties**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Changes to the treatment of documents by a register of deeds

**Instructions:**

See Attached. Companion to 1999 LRB -0867/4 (see that file), which was a redraft of 1997 -3726/2, with changes suggested by Jane Licht

**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>
1?	shoveme	1 WLj 10/14	# 10/14	#/pc 10/14			
<i>1 MES 10/13/99</i>							

FE Sent For:

<END>

**PJK / (MES)**

**BILL  
REQUEST FORM**

*instructions  
from 1997-98  
session*

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

Legislator requesting this draft: Rep. Hebl

Date: 7.15.97

Person submitting request: Andy Wiesner (6-7678)

*From bill file  
99-0867*

**Describe the problem?** Working with the Register of Deeds, we would like to revise chapters 59 and 236 to update the statutes and mesh them with current practices and mandates.

**How do you want to solve the problem?** Jane Licht, Dane County Register of Deeds has drafted the changes that we would like to see made. A copy is included and should be rather self explanatory.

**Requests are confidential unless stated otherwise.**

**May we tell others that we are working on this for you?**

No

**Do you consider this request urgent?**

Yes

**Should we give this request priority over any other pending requests of this legislator, agency or body?**

Yes

WRDA PROPOSED REVISIONS TO CHAPTERS 59 AND 236

NOTE: EXPLANATIONS ARE IN ITALICS.

Drafter: Jane Licht Draft Date: 2/24/97

59.001 Definitions

(4) Register of Deeds definitions (NEW)

- 2 (a) Document: any written instrument meeting all statutory requirements which may be recorded or filed with the register of deeds; the image or original document is stored and accessible through various indexes by the general public unless the document is confidential.
- 2 (b) File (verb): to place on file within the office of the register of deeds, documents which are accepted by the register and are time stamped, assigned a unique document number and are indexed.
- 2 (c) Record (verb): documents are accepted by the register, time stamped, receive a unique document number, indexed, the image of the document is captured, and the original document is sent back to the returnee as listed on the document.
- 2 (d) Record series: public records that are kept together as a unit because they relate to a particular subject, such as (1) real estate records, (2) personal property records organized under the Uniform Commercial Code, (3) and vital records such as birth, death, and marriage certificates and military discharge papers.
- (e) Registrar: the elected county official responsible for the office of the register of deeds; county registrar
- (f) Tract: a parcel of land which may be measured and described such that it may be located exactly.
- (g) Tract index: the real estate index of land parcels which may be described according to general and/or specific locations.
- (h) Document copy: An exact reproduction of a document.
- (i) Certified copy: A document copy certified by the official records authority who has affixed his/her certification and seal to the copy.
- (j) Legal description: a description of a specific parcel of real estate complete enough for an independent surveyor to locate and identify. The description is by (1) plat name, lot and block or unit number, by (2) certified survey map and lot number, or (3) in unplatted lands, it is identified according to the town, range, section and quarter section and metes and bounds associated with the Public Land Survey System or Private Claims or Government Lots.
- (5) Treasurer: county treasurer (re-numbered from 4 to 5)

Const. refers to "eg of do eds" not registrar  
 seems clear from D. 59.43(1)(i) what "cause" means  
 only in 59.43(1)(i)  
 D. 59.69(1)(i)(b) 3.

59.43(3) Registrar; deputies. (second sentence) The appointment shall be in writing and recorded in the registrar's office. (SUBSTITUTE "recorded" for "filed") current law - filed & recorded

59.43(1) Registrar; duties.

- (a) OMIT "maps" in first sentence and insert the following sentence after the first sentence: File or cause to be filed, all plats and certified survey maps authorized to be accepted for filing. (NEW)
- (c) State upon the record of a conveyance of real estate, the real estate, the real estate transfer fee paid or, if the conveyance is not subject to a fee, the reason for the exemption, citing the relevant subsection of s.77.25. (OMIT "revenue stamps" - these have not been used for decades.)
- (d) Keep safely the sets of documents on file, safely store the images of recorded documents, and maintain the indexes necessary for accessing this information. (Updated language.)
- (e) Endorse upon each instrument, the name of the county, the words "register or registrar of deeds," the date and time when it was accepted for recording or filing, specifying the hour and minute. (Updated language.)
- (f) Endorse plainly in each instrument accepted for recording or filing, a number consecutive to the number assigned to the immediately previously recorded or filed instrument, such that all numbers are unique for each document within a record series. (Updated language.)

a group of public records that are kept together as a unit and relate to a particular subject.

should be (i)

(j) Make and deliver to any person upon payment of the required fees and proper identification of the record, a copy duly certified with the registrar's official seal affixed, of any official record within any record series in the office of the register of deeds unless access is prohibited by statute. Copy requests shall be completed within a reasonable time period. (Updated language.)

NOT DONE  
i) - NCC

(i) OMIT. All counties should have a records retention ordinance to guard against the destruction of these old GAR documents. According to law, they must be offered to the State Historical Society which is a more logical site for access to these documents.

PNM  
2

(k) Keep an index of all instruments accepted for recording which pertain to firms as allowed by law to be recorded in the office of the register of deeds. The index shall provide access by the names of such firms, contain a reference to the unique document number or volume and page locating where such documents may be viewed. (Updated language - for profit corporations must be recorded with the DFI, not with the county registrar. Better to only use the generic term "firm" rather than corporations to avoid confusion.)

(L) OMIT "or light colored" sheets.

DO NOTHING

(n) Needs updating but a special UCC Committee appointed by the DFI will be working on this.

(o) Needs updating but a special UCC Committee appointed by the DFI will be working on this.

not  
PJK

59.43(5)(b) OMIT "2. A will or death certificate." We have not recorded death certs or wills in the real estate section for many years.

59.43(7) "Including parcel identification number" OMIT "tax key."

59.43(7)(a) SUBSTITUTE "parcel identification number" for "tax key."

59.43(9) Index of real estate record series (Updated language - see below.)

59.43(9)(a)

1. Each registrar shall maintain an index for the real estate record series which contains, at a minimum, the following information:

- a. Number of the instrument that is consecutive and unique within the record series.
- b. Time of acceptance (Because of so many recording requirements which must be checked)
- c. Name of grantor.
- d. Name of grantee.
- e. Description of the land if a tract index is part of the general index.
- f. Name of the instrument.
- g. Volume and page where recorded or filed if applicable.
- h. To whom delivered unless the document is kept on file.
- i. Fees received.

not  
H.M.

2. **SUBSTITUTE:** The index must allow accessibility to the records such that records may be searched, at a minimum, by party names (grantee and grantor), document number or volume and page, and by tracts of land parcels if the county has a tract index. Updated language.

not  
H.M.

(b) **SUBSTITUTE:** In the case of assignments, satisfactions and partial releases of mortgages, and subordinations of mortgages, the index shall also contain the document number and/or volume and page of the original mortgages instrument whenever that number is referenced on the document.

(c) **ADD:** In the case of affidavits of corrections of filed documents, the register shall notate the document number and/or volume and page and date of the affidavit on the filed document.

✓ 59.43(10) OMIT This is redundant.

✓ 59.43(11) Record of attachments, Lis pendens, etc. Each registrar shall file or record, and index in the real estate record series index, every writ of attachment or certified copy thereof and certificate of real estate attached, and every notice of the pendency of any action affecting real estate, which may be filed or recorded in the office of the registers of deeds. OMIT the rest.

✓ 59.43(12m) Tract Index system

✓ 59.43(12m)(a) The board by ordinance may require the register of deeds to keep a tract index such that access to records containing valid descriptions of the land affected may be obtained through a search by (1) quarter-sections of land within the county according to the rectangular government survey known as the Public Land Survey System, (2) recorded and filed certified survey map and lot number, and (3) recorded and filed plat by name and lot, block, outlot, unit or other valid sub-unit within the plat, according to the description of the land. (Updated language.)

✓ 59.43(12m)(bm) OMIT - not needed

2 ✓ 59.43(12m)(c) Whenever in the judgment of the board any existing tract index becomes unfit for use, the board may by resolution order a new and corrected tract index, arranged and compiled according to the indexing provisions in this chapter. Any persons authorized to compile the new tract index shall have access to the old tract index and any records and instruments in the real estate record series in the registers office and other county records as necessary. When the new index is completed, approved and authorized by the county board, it shall thereupon become the only lawful tract index in the register's office. OMIT - this provision has not been used in the memory of any living person. There was an attempt to update the language; the attempt was abandoned.

✓ 59.43(12m)(d) OMIT. This information is available in the real estate record series index.

#### Revisions to Chapter 236.

236.25 Recording a Plat (1) The subdivider shall have the final plat filed in the office of the register of deeds. SUBSTITUTE "filed" for "recorded."

236.34(1) PREPARATION. A certified survey map of not more than 4 parcels of land may be filed in the office of the register of deeds. SUBSTITUTE "filed" for "recorded."

236.34(3) When a certified survey map has been filed in accordance with this section, the parcels of land in the map shall be described by reference to the number of the survey, lot number, the volume and page where recorded and the name of the county and identified according to the town, range, section and quarter section, or plat name and lot, block or unit, government lot or private claims from which the certified survey map was made.

## **Shovers, Marc**

---

**From:** Jane C. Licht [licht@co.dane.wi.us]  
**Sent:** Wednesday, May 13, 1998 9:27 AM  
**To:** Shovers, Marc  
**Subject:** Revision of Chapter 59.43

Dear Marc:

Thanks for sending me a copy of LRB 3726/2, the revision of chapter 59.43. Obviously, it is too late for the current legislative session but our WRDA can circulate to various groups for their suggestions and to garner their support, and then drum up sponsors so as to be ready for the next session. Then it can be jacketed and it should be assigned a low Assembly Bill number in the next legislative session.

One thought that occurred to me as I read the draft (for the umpteenth time) is that even though we understand that a "recorded" document is recorded, indexed, imaged and returned, while "filed" documents are actually recorded and then kept on file, is this definition something that should be made crystal clear in the Statutes? What do you think?

Thanks again for your help. You do good work. Another gold star for your halo!

Jane Licht



## Shovers, Marc

**From:** Jane C. Licht [licht@co.dane.wi.us]  
**Sent:** Wednesday, October 14, 1998 1:38 PM  
**To:** Shovers, Marc; Rep.Hebl  
**Subject:** LRB 3726 (1997) Revision of 59.43 for Wis Register of Deeds Assn

Dear Marc, Andy and Representative Hebl:

As a result of our discussions at the WRDA Fall Seminar, I am requesting 2 minor modifications to LRB 3726 - which of course, must get a new LRB number anyway. I look forward to your response. Thanks!

Jane Licht

Date: October 14, 1998

To: Representative Tom Hebel  
Legislative Aide Andy  
Senior Legislative Reference Bureau Attorney Marc Shovers

From: Dane County Register of Deeds Jane Licht

Re: Revision of Chapter 59 - LRB 3726/2

I am requesting two minor changes to LRB 3726/2. Please keep this language in the bill: page 8, lines 24 and 25: "every certificate of sale."

Explanation: Originally, I could not find any register who had any experience with this document. However, a month ago, one came across my desk. The county sheriff occasionally uses this document as notice that a deed is being prepared for foreclosure property.

I am also requesting that language be added to Chapter 706 to compliment a change in 59.43: 706.05(2m)(a) Except as provided in par. (b), any document submitted for recording or filing that is to be indexed in the real estate records, any document submitted for recording or filing that modifies an original mortgage or land contract and any subordination agreement submitted for recording or filing shall contain the full legal description of the property to which it relates if the document or subordination agreement is intended to relate to a particular parcel of land. The legal description may be included on the document or attached to the document. Any such document shall also contain the document number or volume number and page number of any original mortgage or land contract that the document affects.

Explanation: We wish to add the words "document number or" before the words "volume and page" since there is no particular reason for using volume and page with optical imaging technology now used in many register of deeds offices. The link between satisfaction and the original mortgage is made by using the unique document number of the mortgage, not volume and page when registers are scanning documents and no longer keeping them in bound volumes or on microfiche.

## Shovers, Marc

---

**From:** Wiesner, Andrew  
**Sent:** Wednesday, August 25, 1999 10:53 AM  
**To:** Shovers, Marc  
**Subject:** FW: FW: changes for LRB 0867/2

-----Original Message-----

**From:** Jane C. Licht [<mailto:licht@co.dane.wi.us>] <<mailto:licht@co.dane.wi.us>>  
**Sent:** Wednesday, August 25, 1999 11:42 AM  
**To:** Wiesner, Andrew  
**Subject:** Re: FW: changes for LRB 0867/2

Dear Andy and Marc:

Sorry - typo made here. Should be 59.20(3)©

Thanks!

Jane Licht

> **From:** "Wiesner, Andrew" <[Andrew.Wiesner@legis.state.wi.us](mailto:Andrew.Wiesner@legis.state.wi.us)  
> <<mailto:Andrew.Wiesner@legis.state.wi.us>>>  
> **To:** "licht@co.dane.wi.us" <[licht@co.dane.wi.us](mailto:licht@co.dane.wi.us) <<mailto:licht@co.dane.wi.us>>>  
> **Subject:** FW: changes for LRB 0867/2  
> **Date:** Wed, 25 Aug 1999 09:33:12 -0500

>

>

> -----Original Message-----

> **From:** Shovers, Marc  
> **Sent:** Tuesday, August 24, 1999 2:19 PM  
> **To:** Wiesner, Andrew  
> **Cc:** Kahler, Pam  
> **Subject:** RE: changes for LRB 0867/2

>

> Hi Andrew:

>

> Everything looks OK, except that the cross-reference that is  
> provided, "instruments shall be recorded on the day they are received  
> except as provided in 59.20(3) (e)", does not exist. Could you please find  
> out what cross-reference was actually intended? Thanks.

>

> Marc E. Shovers

>

> Senior Legislative Attorney  
> Legislative Reference Bureau  
> Phone: (608) 266-0129  
> Fax: (608) 264-8522  
> e-mail: [marc.shovers@legis.state.wi.us](mailto:marc.shovers@legis.state.wi.us)  
> <<<mailto:marc.shovers@legis.state.wi.us>>>

>

>

>

> -----Original Message-----

> **From:** Wiesner, Andrew  
> **Sent:** Thursday, August 12, 1999 10:11 AM  
> **To:** Shovers, Marc  
> **Subject:** FW: changes for LRB 0867/2

>

> Marc, here are what I hope will be the final changes to LRB 0867/2,  
> the Registers of Deeds clean up bill.  
>  
> Let me know if you have any questions or problems.  
>  
> Andy Wiesner  
> Rep. Hebl's Office  
>  
> -----Original Message-----  
> **From:** Jane C. Licht [<mailto:licht@co.dane.wi.us>] <<mailto:licht@co.dane.wi.us>>  
> <<mailto:licht@co.dane.wi.us>> <<mailto:licht@co.dane.wi.us>>> <<mailto:licht@co.dane.wi.us>>  
> <<mailto:licht@co.dane.wi.us>>  
> <<mailto:licht@co.dane.wi.us>> <<mailto:licht@co.dane.wi.us>>> >  
> Sent: Wednesday, August 04, 1999 3:17 PM  
> To: [andrew.wiesner@legis.state.wi.us](mailto:andrew.wiesner@legis.state.wi.us)  
> <<mailto:andrew.wiesner@legis.state.wi.us>>>  
> Subject: changes for LRB 0867/2  
>  
> Dear Andy:  
>  
> After considerable discussion, here are changes for LRB 0867/2  
>  
> Page 5, Line 4 SECTION 5. 59.43(1)(e) [substitute the following  
> language] Endorse upon each instrument received by the register for  
> recording the name of the county, the date and time of recording,  
> specifying the hour and minute, which shall be evidence of such facts.  
> Instruments shall be recorded as soon as practicable, in the order they are  
> received. Instruments shall be recorded on the day they are received except  
> as provided in 59.20(3)(e).  
> Page 5, Line 13 [part of SECTION 6] remove "accepted for recording  
> or filing."  
> Jane Licht  
> Dane County Register of Deeds  
>

## Shovers, Marc

---

**From:** Wiesner, Andrew  
**Sent:** Thursday, August 12, 1999 10:11 AM  
**To:** Shovers, Marc  
**Subject:** FW: changes for LRB 0867/2

Marc, here are what I hope will be the final changes to LRB 0867/2, the Registers of Deeds clean up bill.

Let me know if you have any questions or problems.

Andy Wiesner  
Rep. Hebl's Office

-----Original Message-----

**From:** Jane C. Licht [<mailto:licht@co.dane.wi.us>] <<mailto:licht@co.dane.wi.us>>  
**Sent:** Wednesday, August 04, 1999 3:17 PM  
**To:** [andrew.wiesner@legis.state.wi.us](mailto:andrew.wiesner@legis.state.wi.us)  
**Subject:** changes for LRB 0867/2

Dear Andy:

After considerable discussion, here are changes for LRB 0867/2

Page 5, Line 4 SECTION 5. 59.43(1)(e) [substitute the following language] Endorse upon each instrument received by the register for recording the name of the county, the date and time of recording, specifying the hour and minute, which shall be evidence of such facts. Instruments shall be recorded as soon as practicable, in the order they are received. Instruments shall be recorded on the day they are received except as provided in 59.20(3)(e).

Page 5, Line 13 [part of SECTION 6] remove "accepted for recording or filing."

Jane Licht  
Dane County Register of Deeds

## Shovers, Marc

---

**From:** Shovers, Marc  
**Sent:** Friday, July 16, 1999 11:27 AM  
**To:** Wiesner, Andrew  
**Subject:** RE: Compromise language LRB 0867/2

Hi Andy:

I'm a little confused about the change you requested for s. 59.43 (1) (e). Adding "authorized by law" is not necessary; clearly, if an instrument is not authorized by law to be recorded or filed with a register of deeds, it can't be recorded or filed. I'm also not sure what is accomplished by referring to the "county in which the instrument was 'officially' received", instead of simply stating "the name of the county in which the instrument is recorded or filed." It doesn't make sense to me that someone would record an instrument in a county in which the recording would have no legal effect, so it seems clearer to me to maintain s. 59.43 (1) (e) as it is amended in the /2 version of the bill. Could you tell me what is intended by the proposed changes?

The suggested change in s. 59.43 (1) (f) seems fine, but before I make that change I'd like to know what you think about the points I raised regarding s. 59.43 (1) (e). Thank you.

Marc E. Shovers

Senior Legislative Attorney  
Legislative Reference Bureau  
Phone: (608) 266-0129  
Fax: (608) 264-8522  
e-mail: marc.shovers@legis.state.wi.us

-----Original Message-----

**From:** Wiesner, Andrew  
**Sent:** Wednesday, July 14, 1999 9:58 AM  
**To:** Shovers, Marc  
**Subject:** FW: Compromise language LRB 0867/2

Marc, here's a small change to the revision of 59.43 that we've been working on. Can you make the change?

Thanks,

Andy Wiesner  
Rep. Hebl's Office

LRB 0867/2

Page 5, line 5

59.43(1)(e) Endorse upon each instrument authorized by law to be recorded or filed, and received by the register for recording or filing, the name of the county in which the instrument was officially received for recording or filing, specifying the hour and minute. [A document is not "officially" received unless it is in recordable form as authorized by law.]

Page 5, line 13 omit "accepted for recording or filing" [This language is not needed because the main point of this section is to set forth the register's duty to assign document numbers properly.]

The rationale here is that we omit the "accepted for recording" language that Bush & Louie find objectionable but make the point that the documents must be in recordable form to be "received for recording." This could mean that registers are still vulnerable to lawsuits but it reduces the level of vulnerability in my mind.

**Shovers, Marc**

---

**From:** Wiesner, Andrew  
**Sent:** Wednesday, July 14, 1999 9:58 AM  
**To:** Shovers, Marc  
**Subject:** FW: Compromise language LRB 0867/2

Marc, here's a small change to the revision of 59.43 that we've been working on. Can you make the change?

Thanks,

Andy Wiesner  
Rep. Hebl's Office

LRB 0867/2  
Page 5, line 5

59.43(1)(e) Endorse upon each instrument authorized by law to be recorded or filed, and received by the register for recording or filing, the name of the county in which the instrument was officially received for recording or filing, specifying the hour and minute. [A document is not "officially" received unless it is in recordable form as authorized by law.]  
Page 5, line 13 omit "accepted for recording or filing" [This language is not needed because the main point of this section is to set forth the register's duty to assign document numbers properly.]

*is recorded or  
filed*

The rationale here is that we omit the "accepted for recording" language that Bush & Louie find objectionable but make the point that the documents must be in recordable form to be "received for recording." This could mean that registers are still vulnerable to lawsuits but it reduces the level of vulnerability in my mind.

## Shovers, Marc

---

**From:** Jane C. Licht [licht@co.dane.wi.us]  
**Sent:** Friday, September 17, 1999 10:53 AM  
**To:** Shovers, Marc  
**Cc:** Wiesner, Andrew  
**Subject:** RE: LRB 0867/3

Dear Marc:

When a register of deeds uses the term "filing" they mean the document is recorded and then kept on file. We agreed with the prior Leg Ref drafter to use "recorded or filed" throughout to cover the watershed. Bottom line on the fee issue is to convey the meaning that all the listed plats (cemetery, condominium and subdivision) cost \$50 to record. The new language seems to convey that to me. I don't understand the "substantive" change you refer to.

You are correct - the one change to Sec. 9, s. 59.43(1)(L) should be deleted. Leave the current statutory language as is for that section. (The situation and the original plans for the UCC system have changed and so that change is not needed.)

Jane Licht

> From: "Shovers, Marc" <Marc.Shovers@legis.state.wi.us>  
> To: "licht@co.dane.wi.us" <licht@co.dane.wi.us>,  
> "Shovers, Marc"  
> <Marc.Shovers@legis.state.wi.us>  
> Cc: "Wiesner, Andrew" <Andrew.Wiesner@legis.state.wi.us>  
> Subject: RE: LRB 0867/3  
> Date: Fri, 17 Sep 1999 09:22:44 -0500

> Hi Jane:

>  
> It's fine to make another change now. I was just wondering if the change is  
> accurate, though, because it goes beyond fixing awkwardness and changes the  
> meaning of s. 59.43 (2) (h). For example, under the proposed revision a \$50  
> fee is set for recording or filing a cemetery plat, a subdivision plat or a  
> condominium plat. Under the version that is in the bill, a \$50 fee is set  
> for recording a cemetery plat or a condominium plat, or for filing or  
> recording or filing and recording a subdivision plat. The current wording  
> is certainly awkward, but in light of all of the drafts we have gone  
> through, I just want to make sure that you are comfortable with this  
> substantive change. Also, I have a note that you'd like bill section 9 from  
> -0867/3, the amendment of s. 59.43 (1) (L) , deleted from the bill. Is this  
> right? Thanks for your help.

>  
>

> Marc E. Shovers

>  
> Senior Legislative Attorney  
> Legislative Reference Bureau  
> Phone: (608) 266-0129  
> Fax: (608) 264-8522  
> e-mail: marc.shovers@legis.state.wi.us

>  
>  
>

> -----Original Message-----

INSTRUCTIONS  
for ~~XXXX~~  
~~XXXX~~  
4

---

> From: Jane C. Licht [mailto:licht@co.dane.wi.us  
> <mailto:licht@co.dane.wi.us> ]  
> Sent: Tuesday, September 14, 1999 11:07 AM  
> To: marc.shovers@legis.state.wi.us  
> Cc: andrew.wiesner@legis.state.wi.us  
> Subject: LRB 0867/3

>  
>  
> Dear Marc:

>  
> I asked our president, Mark Ladd, to give LRB 0867/3 one last careful  
> reading. He did and suggested a change to page 7, lines 6-8 where  
> the language is very awkward. I will let you use your discretion as  
> to whether or not it is appropriate at this late date to make another  
> change.

>  
> Page 7, lines 6 through 8: Substitute the following:  
> 59.43(2)(h) For recording or filing a cemetery plat under s. 157.07,  
> a subdivision plat under s. 236.23, or a condominium plat under s.  
> 703.07, \$50.

>  
> I am glad this is all he found. Thanks again for your time.

>  
> Jane Licht

>  
>  
>





State of Wisconsin  
1999 - 2000 LEGISLATURE

-3747/1  
LRB-0867/4  
MES&PJK:wlj&ksh/11

1999 BILL

RMNR

repeal

1 AN ACT *to repeal* 59.43 (5) (b) 2., 59.43 (10), 59.43 (11) (a), (b) and (c), 59.43 (12m)  
2 (bm), 59.43 (12m) (d) and 236.02 (10); *to renumber and amend* 59.43 (11)  
3 (intro.); *to amend* 27.065 (13) (a), 59.43 (1) (a), 59.43 (1) (c), 59.43 (1) (d), 59.43  
4 (1) (e), 59.43 (1) (f), 59.43 (1) (i), 59.43 (1) (k), 59.43 (2) (h), 59.43 (3), 59.43 (7)  
5 (title), 59.43 (7) (a), 59.43 (9) (title), 59.43 (9) (a) 1. (intro.), 59.43 (9) (a) 1. a.,  
6 59.43 (9) (a) 1. b., 59.43 (9) (a) 1. g., 59.43 (9) (a) 1. h., 59.43 (12m) (title) and (a)  
7 (intro.), 59.73 (1), 66.021 (1) (am) 2., 70.23 (2), 70.27 (3) (b), 75.521 (3) (am) 1.,  
8 77.16 (2), 80.38 (1), 81.11 (5), 236.34 (3), 703.28 (1m) (b), 706.05 (2m) (a) and  
9 895.345 (2) (c); *to repeal and recreate* 59.43 (9) (a) 2., 59.43 (9) (b), 59.43 (12m)  
10 (a) 1., 59.43 (12m) (a) 2., 59.43 (12m) (a) 3. and 59.43 (12m) (c); and *to create*  
11 59.43 (9) (c) and 236.02 (9c) of the statutes; **relating to:** changes to the  
12 treatment of documents by a register of deeds.

***Analysis by the Legislative Reference Bureau***

Under current law, a register of deeds is required to record, file, endorse and index certain documents in certain ways. This bill makes various technical changes

**BILL**

to the ways in which such documents are handled by a register of deeds and modernizes the obsolete language and references that describe certain activities of a register of deeds. The changes in the bill include the following:

1. Under current law, a register of deeds is required to record or cause to be recorded documents such as maps. Under the bill, the register of deeds is required to file or record or cause to be filed or recorded all plats and certified survey maps that may be filed or recorded in his or her office.

2. Under current law, a register of deeds is required to state upon the record of any instrument the number and denomination of all U.S. internal revenue stamps that are affixed to the record and state upon the record the real estate transfer fee paid, subject to some exceptions. Under the bill, the register of deeds is required to state upon the record of any conveyance of real estate the real estate transfer fee paid, subject to the same exceptions that apply under current law. Internal revenue stamps have not been used for decades.

3. Currently, a register of deeds must endorse upon each instrument or writing received for record a certificate of the time and date when it was received and the volume and page where it is recorded. Under the bill, a register of deeds must endorse upon each instrument received for recording the name of the county in which the instrument is recorded and the date and time when it was accepted for recording. The bill requires such instruments to be recorded as soon as practicable, in the order in which they are received. Generally, the instruments must be recorded on the day they are received.

4. Currently, a register of deeds must record in a book all certificates of organization of corporations and amendments of such certificates. Under the bill, a register of deeds must keep an index of all organizational documents of corporations, fraternal societies, religious organizations, associations and other entities and all amendments of such documents.

5. The bill repeals a reference to filing requirements for filing with a register of deeds a will or death certificate.

6. For Milwaukee County, the bill substitutes "parcel identification" number for "tax key" number in a statute dealing with real estate.

7. Currently, a register of deeds is required to keep a 9 column general index that contains various information about recorded real estate transactions. The bill requires the register of deeds to maintain an index for the real estate record series that contains various information about real estate instruments that are recorded or filed.

8. With regard to affidavits of corrections of filed documents, the bill requires a register of deeds to include a notation of either the document number of the affidavit or the volume and page number where the affidavit is filed and the date on which it is filed.

9. The bill makes various technical changes in the filing and recording requirements for writs of attachment and notices of the pendency of an action affecting real estate.

10. The bill makes various technical changes and modernizes language in the tract index system that a register of deeds is required to keep.

**BILL**

11. With regard to various statutory requirements related to the recording of certified survey maps and the filing of subdivision plats, the bill requires that such maps and plats be filed or recorded with a register of deeds.

12. With respect to a document that is to be recorded or filed and that affects an original mortgage or land contract, the bill provides that the document must contain the document number or the volume and page numbers of the original mortgage or land contract.

For further information see the *state and 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.** 27.065 (13) (a) of the statutes is amended to read:

2           27.065 (13) (a) Whenever in any proceeding under this section, whether for  
3 acquisition of land or improvement thereof, any tract of land which at the time of  
4 filing of the final assessment of benefits and damages is in one ownership and such  
5 tract or any portion thereof shall thereafter be divided or subdivided into 2 or more  
6 lots or parcels, either by filed or recorded plat or by conveyance duly recorded, and  
7 the special assessment of benefits against the original tract shall be outstanding, in  
8 instalments or otherwise, the county highway committee, after notice and hearing  
9 as hereinafter provided, on verified written request of the owner of such original tract  
10 or the owner of any portion thereof shall apportion said assessment of benefits among  
11 the several lots or parcels into which the original tract or any portion thereof is  
12 divided or subdivided.

13           **SECTION 2.** 59.43 (1) (a) of the statutes is amended to read:

14           59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his  
15 or her office, correctly and legibly all deeds, mortgages, ~~maps~~, instruments and  
16 writings authorized by law to be recorded in his or her office and left with him or her  
17 for that purpose, provided such documents have plainly printed or typewritten

**BILL**

1 thereon the names of the grantors, grantees, witnesses and notary. The register of  
2 deeds shall file or record or cause to be filed or recorded all plats and certified survey  
3 maps that are authorized to be accepted for filing or recording in his or her office.

4 Any county, by a resolution duly adopted by the board, may combine the separate  
5 books or volumes for deeds, mortgages, miscellaneous instruments, attachments, lis  
6 pendens, sales and notices, certificates of organization of corporations, plats or other  
7 recorded or filed instruments or classes of documents as long as separate indexes are  
8 maintained may be produced. Notwithstanding any other provisions of the statutes,  
9 any county adopting a system of microfilming or like process or a system of recording  
10 documents by optical imaging or electronic formatting under ch. 228 may substitute  
11 the headings, reel, disk or electronic file name and microfilm image (frame) for  
12 volume and page where recorded and different classes of instruments may be  
13 recorded, reproduced or copied on or transferred to the same reel, disk or electronic  
14 file or part of a reel or disk. All recordings made prior to June 28, 1961, which would  
15 have been valid under this paragraph, had this paragraph then been in effect, are  
16 hereby validated. In this subsection, "book", if automated recording or indexing  
17 equipment is used, includes the meaning given under sub. (12) (d).

18 **SECTION 3.** 59.43 (1) (c) of the statutes is amended to read:

19 59.43 (1) (c) State upon the record of any instrument ~~the number and~~  
20 ~~denomination of all United States internal revenue stamps that are affixed thereto~~  
21 ~~and shall also state upon the record conveyance of real estate the real estate transfer~~  
22 fee paid or, if the conveyance is not subject to a fee, the reason for the exemption,  
23 citing the relevant subsection of s. 77.25.

24 **SECTION 4.** 59.43 (1) (d) of the statutes is amended to read:

**BILL**

1           59.43 (1) (d) ~~Keep the books and indexes~~ safely and maintain the documents,  
2 images of recorded documents and indices mentioned in this section and in s. 84.095  
3 in the manner required.

4           **SECTION 5.** 59.43 (1) (e) of the statutes is amended to read:

5           59.43 (1) (e) Endorse upon each instrument ~~or writing~~ received by the register  
6 for ~~record a certificate of~~ recording the name of the county in which the instrument  
7 is recorded and the date and time when it the instrument was received recorded,  
8 specifying the day, hour and minute of reception ~~and the volume and page where the~~  
9 ~~same is recorded,~~ which shall be evidence of such facts. Instruments shall be  
10 recorded as soon as practicable, in the order in which they are received, and shall be  
11 recorded on the day they are received, except as provided in s. 59.20 (3) (c).

12           **SECTION 6.** 59.43 (1) (f) of the statutes is amended to read:

13           59.43 (1) (f) Endorse plainly on each instrument ~~received for record, or file as~~  
14 ~~soon as received~~ a number consecutive to the number ~~affixed to the instrument next~~  
15 ~~previously received according to the numbering now established, and to enter the~~  
16 ~~same in the indexes~~ assigned to the immediately previously recorded or filed  
17 instrument, such that all numbers are unique for each instrument within a group of  
18 public records that are kept together as a unit and relate to a particular subject.

19           **SECTION 7.** 59.43 (1) (i) of the statutes is amended to read:

20           59.43 (1) (i) Make and deliver to any person, on ~~demand~~ request and upon  
21 payment of the required fees and proper identification of the record, a certified copy,  
22 with the register's official seal affixed, of any official record, paper, file, map or plat  
23 in the register's office.

24           **SECTION 8.** 59.43 (1) (k) of the statutes is amended to read:

**BILL**

1           59.43 (1) (k) ~~Keep a book and record in that book all certificates of organization~~  
2 ~~of corporations an index of all organizational documents of corporations, fraternal~~  
3 ~~societies, religious organizations, associations and other entities, and all~~  
4 ~~amendments of such certificates documents, that are allowed or required by law to~~  
5 ~~be filed or required to be recorded in the register's office, and an alphabetical index~~  
6 ~~of the names of such corporations, with a reference to the number and page of the~~  
7 ~~volume where such writings are recorded respectively. The index shall access the~~  
8 ~~documents by the names of the corporations, fraternal societies, religious~~  
9 ~~organizations, associations and other entities, and shall contain a reference to the~~  
10 ~~document number or volume and page number where the documents are filed or~~  
11 ~~recorded in the register's office.~~

12           **SECTION 9.** 59.43 (2) (h) of the statutes is amended to read:

13           59.43 (2) (h) For recording or filing a cemetery plat under s. 157.07, a  
14 subdivision plat under s. 236.25 or a condominium plat under s. 703.07, \$50.

15           **SECTION 10.** 59.43 (3) of the statutes is amended to read:

16           59.43 (3) REGISTER OF DEEDS; DEPUTIES. Every register of deeds shall appoint  
17 one or more deputies, who shall hold office at the register's pleasure. The  
18 appointment shall be in writing and shall be ~~filed and~~ recorded in the register's office.  
19 The deputy or deputies shall aid the register in the performance of the register's  
20 duties under the register's direction, and in case of the register's vacancy or the  
21 register's absence or inability to perform the duties of the register's office the deputy  
22 or deputies shall perform the duties of register until the vacancy is filled or during  
23 the continuance of the absence or inability.

24           **SECTION 11.** 59.43 (5) (b) 2. of the statutes is repealed.

25           **SECTION 12.** 59.43 (7) (title) of the statutes is amended to read:

**BILL**

1           59.43 (7) (title) ~~INCLUDING TAX KEY OR~~ PARCEL IDENTIFICATION NUMBER.

2           **SECTION 13.** 59.43 (7) (a) of the statutes is amended to read:

3           59.43 (7) (a) In counties with a population of 500,000 or more where ~~tax key~~  
4 parcel identification numbers are used in the tax roll for taxes based on the value of  
5 property in municipalities, any conveyance, as defined in s. 706.01 (4), of any interest  
6 in real estate located in such a municipality shall contain reference to the ~~key parcel~~  
7 identification number affected. The ~~tax key~~ parcel identification number shall be  
8 required for the recording of the conveyance.

9           **SECTION 14.** 59.43 (9) (title) of the statutes is amended to read:

10          59.43 (9) (title) ~~GENERAL INDEX, ELECTRONIC DATA PROCESSING~~ REAL ESTATE  
11 RECORDS INDEX.

12          **SECTION 15.** 59.43 (9) (a) 1. (intro.) of the statutes is amended to read:

13          59.43 (9) (a) 1. (intro.) A register of deeds shall ~~keep a general~~ maintain an  
14 index, each page of which shall be divided into 9 columns, with heads to the  
15 respective columns as follows for the real estate record series that contains at least  
16 all of the following:

17          **SECTION 16.** 59.43 (9) (a) 1. a. of the statutes is amended to read:

18          59.43 (9) (a) 1. a. Number of the instrument that is consecutive and unique  
19 within the record series.

20          **SECTION 17.** 59.43 (9) (a) 1. b. of the statutes is amended to read:

21          59.43 (9) (a) 1. b. Time and date of the instrument's ~~reception~~ acceptance.

22          **SECTION 18.** 59.43 (9) (a) 1. g. of the statutes is amended to read:

23          59.43 (9) (a) 1. g. Volume and page where the instrument is recorded or filed.

24          **SECTION 19.** 59.43 (9) (a) 1. h. of the statutes is amended to read:

**BILL**

1           59.43 (9) (a) 1. h. To whom the instrument is delivered, unless the document  
2 is kept on file.

3           **SECTION 20.** 59.43 (9) (a) 2. of the statutes is repealed and recreated to read:

4           59.43 (9) (a) 2. The index shall be accessible and searchable by at least all of  
5 the following means:

6           a. Name of the grantor.

7           b. Name of the grantee.

8           c. Document number, or volume and page where the instrument is recorded or  
9 filed.

10          d. By tract of land parcel if the county has a tract index.

11          **SECTION 21.** 59.43 (9) (b) of the statutes is repealed and recreated to read:

12          59.43 (9) (b) In the case of assignments, satisfactions and partial releases of  
13 mortgages, and subordination of mortgages, the index shall also contain the  
14 document number or volume and page of the original mortgage instrument  
15 whenever that original mortgage instrument is referenced on the document.

16          **SECTION 22.** 59.43 (9) (c) of the statutes is created to read:

17          59.43 (9) (c) With regard to affidavits of corrections of filed documents, the  
18 register shall include at least one of the following notations on the filed document:

19           1. The document number of the affidavit of correction.

20           2. The volume and page number where the affidavit of correction is filed, and  
21 the date when the affidavit is filed.

22          **SECTION 23.** 59.43 (10) of the statutes is repealed.

23          **SECTION 24.** 59.43 (11) (intro.) of the statutes is renumbered 59.43 (11) and  
24 amended to read:



**BILL**

1           59.43 (11) RECORD OF ATTACHMENTS, LIS PENDENS, ETC. A register of deeds shall  
2 file or record, and index in the real estate records index, every writ of attachment or  
3 certified copy of such a writ and certificate of real estate attached, every certificate  
4 of sale of real estate, and every notice of the pendency of an action affecting real  
5 estate, which may be filed or recorded in the register's office. ~~The register of deeds  
6 shall maintain an index for these documents that provides all of the following:~~

7           **SECTION 25.** 59.43 (11) (a), (b) and (c) of the statutes are repealed.

8           **SECTION 26.** 59.43 (12m) (title) and (a) (intro.) of the statutes are amended to  
9 read:

10           59.43 (12m) (title) ~~TRACT INDEX SYSTEM; POWER TO ALTER.~~ (a) (intro.) The board  
11 by ordinance may require the register of deeds to keep a tract index in any one of the  
12 following forms, as specified by the board such that records containing valid  
13 descriptions of land may be searched by all of the following:

14           **SECTION 27.** 59.43 (12m) (a) 1. of the statutes is repealed and recreated to read:

15           59.43 (12m) (a) 1. Quarter-sections of land within the county, the boundaries  
16 of which refer to the public land survey system.

17           **SECTION 28.** 59.43 (12m) (a) 2. of the statutes is repealed and recreated to read:

18           59.43 (12m) (a) 2. Recorded and filed certified survey map and lot number.

19           **SECTION 29.** 59.43 (12m) (a) 3. of the statutes is repealed and recreated to read:

20           59.43 (12m) (a) 3. Recorded and filed plat, by name and lot, block, outlot, unit  
21 or other valid subunit within the plat, according to the description of the land.

22           **SECTION 30.** 59.43 (12m) (bm) of the statutes is repealed.

23           **SECTION 31.** 59.43 (12m) (c) of the statutes is repealed and recreated to read:

24           59.43 (12m) (c) If the board determines that a tract index system is unfit for  
25 use, the board may, by resolution, establish a new and corrected tract index. Any

**BILL**

1 person who is authorized by the board to compile the new tract index shall have  
2 access to the old tract index and any other county records that may assist the person  
3 in compiling the new tract index. Upon completion, and approval by the board, of the  
4 new tract index system, the old tract index system shall be preserved as provided in  
5 s. 59.52 (3) (b). The resolutions of the board ordering, approving and adopting the  
6 new tract index systems, certified by the clerk, shall be recorded in each volume of  
7 the new tract index system and upon the resolution of the board adopting the new  
8 system, such a system is the only lawful tract index system in the register of deeds'  
9 office.

10 **SECTION 32.** 59.43 (12m) (d) of the statutes is repealed.

11 **SECTION 33.** 59.73 (1) of the statutes is amended to read:

12 59.73 (1) HOW BEARINGS EXPRESSED IN SURVEYS. In all surveys the bearings shall  
13 be expressed with reference to a magnetic, true or other identifiable line of the public  
14 land survey, recorded or filed subdivision or to the Wisconsin coordinate system. In  
15 all cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2. and  
16 if magnetic must be retraceable and identifiable by reference to a monumented line.

17 **SECTION 34.** 66.021 (1) (am) 2. of the statutes is amended to read:

18 66.021 (1) (am) 2. If the land is located in a recorded or filed subdivision or in  
19 an area subject to a certified survey map, by reference as described in s. 236.28 or s.  
20 236.34 (3).

21 **SECTION 35.** 70.23 (2) of the statutes is amended to read:

22 70.23 (2) When 2 or more lots or tracts owned by the same person are  
23 considered by the assessor to be so improved or occupied with buildings as to be  
24 practically incapable of separate valuation, the lots or tracts may be entered as one  
25 parcel. Whenever any tract, parcel or lot of land has been surveyed and platted and

**BILL**

1 a plat of the platted ground filed or recorded according to law, the assessor shall  
2 designate the several lots and subdivisions of the platted ground as the lots and  
3 subdivisions are fixed and designated by the plat.

4 **SECTION 36.** 70.27 (3) (b) of the statutes is amended to read:

5 70.27 (3) (b) Notwithstanding par. (a), lands within an assessor's plat that are  
6 divided by a subdivision plat that is prepared, approved and recorded or filed in  
7 compliance with ch. 236 or a certified survey map that is prepared and recorded or  
8 filed in compliance with s. 236.34 shall be described for all purposes with reference  
9 to the subdivision plat or certified survey map, as provided in ss. 236.28 and 236.34  
10 (3).

11 **SECTION 37.** 75.521 (3) (am) 1. of the statutes is amended to read:

12 75.521 (3) (am) 1. A brief description sufficient to identify each parcel affected  
13 by such tax lien. The description shall state the lot, block and section number of any  
14 parcel upon any tract, the plat or map of which is filed or recorded in the office of the  
15 register of deeds of such county. If the lands be unplatted an engineer's metes and  
16 bounds description shall be a sufficient description.

17 **SECTION 38.** 77.16 (2) of the statutes is amended to read:

18 77.16 (2) The owner of 10 acres or more may file with the department an  
19 application setting forth a description of the lands which the owner desires to place  
20 under the woodland tax law and on which land the owner will practice forestry.  
21 Applications received prior to May 1 each calendar year shall be processed for entry  
22 by November 20 of that calendar year. Lands which include an entire  
23 quarter-quarter section, fractional lot or government lot as determined by U.S.  
24 government survey plat, excluding public roads and railroad rights-of-way that  
25 may have been sold, are not eligible for entry. Lands within filed or recorded plats

**BILL**

1 or the incorporated limits of cities or villages are not eligible for entry, but lands  
2 subject to a woodland tax law agreement located in a town which incorporates as a  
3 city after the agreement was entered into remain in effect. Lands on which an  
4 improvement is located having an assessed value in itself are not eligible for entry.

5 **SECTION 39.** 80.38 (1) of the statutes is amended to read:

6 80.38 (1) The town board of any town within which is situated any village or  
7 other plat duly certified and filed or recorded and not included within the limits of  
8 any incorporated village may make an order to be recorded by the town clerk  
9 declaring such streets and alleys in the village or other plat as they deem necessary  
10 for the public use to be public highways, without any other survey or description than  
11 that made in the filed or recorded plat.

12 **SECTION 40.** 81.11 (5) of the statutes is amended to read:

13 81.11 (5) The town board, upon its own authority and without direction from  
14 the annual town meeting, may levy and collect a tax on property located in a filed or  
15 recorded plat situated in a town requiring the approval of such town board, and  
16 adjoining a private road used by the public located therein, and on property  
17 adjoining, where the owner regularly uses such road which is not a portion of any  
18 town, county, state or federal highway system, not exceeding 3 mills for each dollar  
19 of assessed valuation thereof. The proceeds of such tax shall be expended for the  
20 improvement and maintenance of any private roads used by the public located within  
21 such filed or recorded plat. The town board shall not expend any of such funds upon  
22 a private driveway.

23 **SECTION 41.** 236.02 (9c) of the statutes is created to read:

24 236.02 (9c) "Record" means, with respect to a final plat or a certified survey  
25 map, to record or file the document with the register of deeds.

**BILL**

1           **SECTION 42.** 236.02 (10) of the statutes is repealed.

2           **SECTION 43.** 236.34 (3) of the statutes is amended to read:

3           236.34 (3) **USE IN CONVEYANCING.** When a certified survey map has been  
4 recorded in accordance with this section, the parcels of land in the map shall be, for  
5 all purposes, including assessment, taxation, devise, descent and conveyance, as  
6 defined in s. 706.01 (4), described by reference to the number of the survey, lot  
7 number, the volume and page where recorded, and the name of the county, for all  
8 purposes, including assessment, taxation, devise, descent and conveyance as defined  
9 in s. 706.01 (4) and identified according to the town, range, section and  
10 quarter-section, or plat name and lot, block or unit, government lot or private claims  
11 from which the certified survey map was made.

12           **SECTION 44.** 703.28 (1m) (b) of the statutes is amended to read:

13           703.28 (1m) (b) Before a certified survey map, condominium plat, subdivision  
14 plat or other plat may be recorded or filed, whichever is appropriate, for the same  
15 property, the condominium shall first be removed from the provisions of this chapter  
16 by recording a removal instrument.

17           **SECTION 45.** 706.05 (2m) (a) of the statutes is amended to read:

18           706.05 (2m) (a) Except as provided in par. (b), any document submitted for  
19 recording or filing that is to be indexed in the real estate records, any document  
20 submitted for recording or filing that modifies an original mortgage or land contract  
21 and any subordination agreement submitted for recording or filing shall contain the  
22 full legal description of the property to which it relates if the document or  
23 subordination agreement is intended to relate to a particular parcel of land. The  
24 legal description may be included on the document or may be attached to the  
25 document. Any such document shall also contain the document number or the

**BILL**

1 volume ~~number~~ and page ~~number~~ numbers of any original mortgage or land contract  
2 that the document affects.

3 **SECTION 46.** 895.345 (2) (c) of the statutes is amended to read:

4 895.345 (2) (c) An accurate description by lot and block number, if part of a filed  
5 or recorded plat, or by metes and bounds of the real estate offered as security.

6 **SECTION 47. Initial applicability.**

7 (1) This act first applies to documents that are recorded, filed or indexed on the  
8 effective date of this subsection.

9 (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: 10/14/1999

To: Senator Welch

Relating to LRB drafting number: LRB-3747

**Topic**

Changes to the treatment of documents by a register of deeds

**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

