

1999 ASSEMBLY BILL 583

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) (k), 59.43 (2) (h), 59.43 (3), 59.43 (7) (title), 59.43
5 (7) (a), 59.43 (9) (title), 59.43 (9) (a) 1. (intro.), 59.43 (9) (a) 1. a., 59.43 (9) (a) 1.
6 b., 59.43 (9) (a) 1. g., 59.43 (9) (a) 1. h., 59.43 (12m) (title) and (a) (intro.), 59.73
7 (1), 66.021 (1) (am) 2., 70.23 (2), 70.27 (3) (b), 75.521 (3) (am) 1., 77.16 (2), 80.38
8 (1), 81.11 (5), 236.34 (3), 703.28 (1m) (b), 706.05 (2m) (a) and 895.345 (2) (c); *to*
9 *repeal and recreate* 59.43 (9) (a) 2., 59.43 (9) (b), 59.43 (12m) (a) 1., 59.43
10 (12m) (a) 2., 59.43 (12m) (a) 3. and 59.43 (12m) (c); and *to create* 59.43 (9) (c)

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1 and 236.02 (9c) of the statutes; **relating to:** changes to the treatment of
2 documents by a register of deeds.

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1.** 27.065 (13) (a) of the statutes is amended to read:

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

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

16 59.43 **(1)** (a) Record or cause to be recorded in suitable books to be kept in his
17 or her office, correctly and legibly all deeds, mortgages, ~~maps~~, instruments and
18 writings authorized by law to be recorded in his or her office and left with him or her
19 for that purpose, provided such documents have plainly printed or typewritten
20 thereon the names of the grantors, grantees, witnesses and notary. The register of
21 deeds shall record and file or cause to be recorded and filed all plats and certified

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

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

18 59.43 (1) (c) State upon the record of any ~~instrument the number and~~
19 ~~denomination of all United States internal revenue stamps that are affixed thereto~~
20 ~~and shall also state upon the record~~ conveyance of real estate the real estate transfer
21 fee paid or, if the conveyance is not subject to a fee, the reason for the exemption,
22 citing the relevant subsection of s. 77.25.

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

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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 the date and time when it was received, specifying the day,
7 hour and minute of reception ~~and the volume and page where the same is recorded,~~
8 which shall be evidence of such facts. Instruments shall be recorded in the order in
9 which they are received.

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

11 59.43 (1) (f) Endorse plainly on each instrument received for record, ~~or file as~~
12 ~~soon as received~~ a number consecutive to the number ~~affixed to the instrument next~~
13 ~~previously received according to the numbering now established, and to enter the~~
14 ~~same in the indexes~~ assigned to the immediately previously recorded or filed
15 instrument, such that all numbers are unique for each instrument within a group of
16 public records that are kept together as a unit and relate to a particular subject.

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

18 59.43 (1) (k) ~~Keep a book and record in that book all certificates of organization~~
19 ~~of corporations~~ an index of all organizational documents of corporations, fraternal
20 societies, religious organizations, associations and other entities, and all
21 amendments of such certificates documents, that are allowed or required by law to
22 be filed or required to be recorded in the register's office, and an alphabetical index
23 of the names of such corporations, with a reference to the number and page of the
24 volume where such writings are recorded respectively. The index shall access the
25 documents by the names of the corporations, fraternal societies, religious

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1 organizations, associations and other entities, and shall contain a reference to the
2 document number or volume and page number where the documents are filed or
3 recorded in the register's office.

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

5 59.43 (2) (h) For recording and filing a cemetery plat under s. 157.07, a
6 subdivision plat under s. 236.25 or a condominium plat under s. 703.07, \$50.

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

8 59.43 (3) REGISTER OF DEEDS; DEPUTIES. Every register of deeds shall appoint
9 one or more deputies, who shall hold office at the register's pleasure. The
10 appointment shall be in writing and shall be ~~filed and~~ recorded in the register's office.
11 The deputy or deputies shall aid the register in the performance of the register's
12 duties under the register's direction, and in case of the register's vacancy or the
13 register's absence or inability to perform the duties of the register's office the deputy
14 or deputies shall perform the duties of register until the vacancy is filled or during
15 the continuance of the absence or inability.

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

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

18 59.43 (7) (title) INCLUDING ~~TAX KEY OR~~ PARCEL IDENTIFICATION NUMBER.

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

20 59.43 (7) (a) In counties with a population of 500,000 or more where ~~tax key~~
21 parcel identification numbers are used in the tax roll for taxes based on the value of
22 property in municipalities, any conveyance, as defined in s. 706.01 (4), of any interest
23 in real estate located in such a municipality shall contain reference to the ~~key parcel~~
24 identification number affected. The ~~tax key parcel identification~~ number shall be
25 required for the recording of the conveyance.

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

2 59.43 **(9)** (title) ~~GENERAL INDEX; ELECTRONIC DATA PROCESSING~~ REAL ESTATE
3 RECORDS INDEX.

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

5 59.43 **(9)** (a) 1. (intro.) A register of deeds shall ~~keep a general~~ maintain an
6 index, each page of which shall be divided into 9 columns, with heads to the
7 respective columns as follows for the real estate record series that contains at least
8 all of the following:

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

10 59.43 **(9)** (a) 1. a. Number of the instrument that is consecutive and unique
11 within the record series.

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

13 59.43 **(9)** (a) 1. b. Time and date of the instrument's ~~reception~~ acceptance.

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

15 59.43 **(9)** (a) 1. g. Volume and page where the instrument is recorded or filed.

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

17 59.43 **(9)** (a) 1. h. To whom the instrument is delivered, unless the document
18 is kept on file.

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

20 59.43 **(9)** (a) 2. The index shall be accessible and searchable by at least all of
21 the following means:

22 a. Name of the grantor.

23 b. Name of the grantee.

24 c. Document number, or volume and page where the instrument is recorded or
25 filed.

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

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

3 59.43 (9) (b) In the case of assignments, satisfactions and partial releases of
4 mortgages, and subordination of mortgages, the index shall also contain the
5 document number or volume and page of the original mortgage instrument
6 whenever that original mortgage instrument is referenced on the document.

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

8 59.43 (9) (c) With regard to affidavits of corrections of filed documents, the
9 register shall include at least one of the following notations on the filed document:

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

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

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

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

16 59.43 (11) RECORD OF ATTACHMENTS, LIS PENDENS, ETC. A register of deeds shall
17 file or record, and index in the real estate records index, every writ of attachment or
18 certified copy of such a writ and certificate of real estate attached, every certificate
19 of sale of real estate, and every notice of the pendency of an action affecting real
20 estate, which may be filed or recorded in the register's office. ~~The register of deeds~~
21 ~~shall maintain an index for these documents that provides all of the following:~~

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

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

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1 59.43 (12m) (title) ~~TRACT INDEX SYSTEM; POWER TO ALTER.~~ (a) (intro.) The board
2 by ordinance may require the register of deeds to keep a tract index ~~in any one of the~~
3 ~~following forms, as specified by the board~~ such that records containing valid
4 descriptions of land may be searched by all of the following:

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

6 59.43 (12m) (a) 1. Quarter-sections of land or government lots within the
7 county, the boundaries of which refer to the public land survey system or a recorded
8 private claim, as defined in s. 236.02 (9m).

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

10 59.43 (12m) (a) 2. Recorded and filed certified survey map and lot or outlot
11 number.

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

13 59.43 (12m) (a) 3. Recorded and filed plat, by name and lot, block, outlot or unit
14 within the plat, according to the description of the land.

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

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

17 59.43 (12m) (c) If the board determines that a tract index system is unfit for
18 use, the board may, by resolution, establish a new and corrected tract index. Any
19 person who is authorized by the board to compile the new tract index shall have
20 access to the old tract index and any other county records that may assist the person
21 in compiling the new tract index. Upon completion, and approval by the board, of the
22 new tract index system, the old tract index system shall be preserved as provided in
23 s. 59.52 (3) (b). The resolutions of the board ordering, approving and adopting the
24 new tract index systems, certified by the clerk, shall be recorded in each volume of
25 the new tract index system and upon the resolution of the board adopting the new

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1 system, such a system is the only lawful tract index system in the register of deeds'
2 office.

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

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

5 59.73 (1) HOW BEARINGS EXPRESSED IN SURVEYS. In all surveys the bearings shall
6 be expressed with reference to a magnetic, true or other identifiable line of the public
7 land survey, recorded and filed subdivision or to the Wisconsin coordinate system.
8 In all cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2.
9 and if magnetic must be retracable and identifiable by reference to a monumented
10 line.

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

12 66.021 (1) (am) 2. If the land is located in a recorded and filed subdivision or
13 in an area subject to a certified survey map, by reference as described in s. 236.28 or
14 s. 236.34 (3).

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

16 70.23 (2) When 2 or more lots or tracts owned by the same person are
17 considered by the assessor to be so improved or occupied with buildings as to be
18 practically incapable of separate valuation, the lots or tracts may be entered as one
19 parcel. Whenever any tract, parcel or lot of land has been surveyed and platted and
20 a plat of the platted ground filed or recorded according to law, the assessor shall
21 designate the several lots and subdivisions of the platted ground as the lots and
22 subdivisions are fixed and designated by the plat.

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

24 70.27 (3) (b) Notwithstanding par. (a), lands within an assessor's plat that are
25 divided by a subdivision plat that is prepared, approved and recorded and filed in

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1 compliance with ch. 236 or a certified survey map that is prepared and recorded and
2 filed in compliance with s. 236.34 shall be described for all purposes with reference
3 to the subdivision plat or certified survey map, as provided in ss. 236.28 and 236.34
4 (3).

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

6 75.521 **(3)** (am) 1. A brief description sufficient to identify each parcel affected
7 by such tax lien. The description shall state the lot, block and section number of any
8 parcel upon any tract, the plat or map of which is filed recorded and filed in the office
9 of the register of deeds of such county. If the lands be unplatted an engineer's metes
10 and bounds description shall be a sufficient description.

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

12 77.16 **(2)** The owner of 10 acres or more may file with the department an
13 application setting forth a description of the lands which the owner desires to place
14 under the woodland tax law and on which land the owner will practice forestry.
15 Applications received prior to May 1 each calendar year shall be processed for entry
16 by November 20 of that calendar year. Lands which include an entire
17 quarter-quarter section, fractional lot or government lot as determined by U.S.
18 government survey plat, excluding public roads and railroad rights-of-way that
19 may have been sold, are not eligible for entry. Lands within recorded and filed plats
20 or the incorporated limits of cities or villages are not eligible for entry, but lands
21 subject to a woodland tax law agreement located in a town which incorporates as a
22 city after the agreement was entered into remain in effect. Lands on which an
23 improvement is located having an assessed value in itself are not eligible for entry.

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

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

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

8 81.11 (5) The town board, upon its own authority and without direction from
9 the annual town meeting, may levy and collect a tax on property located in a recorded
10 and filed plat situated in a town requiring the approval of such town board, and
11 adjoining a private road used by the public located therein, and on property
12 adjoining, where the owner regularly uses such road which is not a portion of any
13 town, county, state or federal highway system, not exceeding 3 mills for each dollar
14 of assessed valuation thereof. The proceeds of such tax shall be expended for the
15 improvement and maintenance of any private roads used by the public located within
16 such recorded and filed plat. The town board shall not expend any of such funds upon
17 a private driveway.

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

19 236.02 (9c) “Record” means, with respect to a final plat or a certified survey
20 map, to record and file the document with the register of deeds.

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

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

23 236.34 (3) **USE IN CONVEYANCING.** When a certified survey map has been
24 recorded in accordance with this section, the parcels of land in the map shall be, for
25 all purposes, including assessment, taxation, devise, descent and conveyance, as

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1 defined in s. 706.01 (4), described by reference to the number of the survey, lot or
2 outlot number, the volume and page where recorded, and the name of the county, ~~for~~
3 ~~all purposes, including assessment, taxation, devise, descent and conveyance as~~
4 ~~defined in s. 706.01 (4)~~.

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

6 703.28 **(1m)** (b) Before a certified survey map, condominium plat, subdivision
7 plat or other plat may be recorded and filed for the same property, the condominium
8 shall first be removed from the provisions of this chapter by recording a removal
9 instrument.

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

11 706.05 **(2m)** (a) Except as provided in par. (b), any document submitted for
12 recording or filing that is to be indexed in the real estate records, any document
13 submitted for recording or filing that modifies an original mortgage or land contract
14 and any subordination agreement submitted for recording or filing shall contain the
15 full legal description of the property to which it relates if the document or
16 subordination agreement is intended to relate to a particular parcel of land. The
17 legal description may be included on the document or may be attached to the
18 document. Any such document shall also contain the ~~volume number and page~~
19 document number of any original mortgage or land contract that the document
20 affects and, if given on the original mortgage or land contract, the volume and page
21 numbers of the original mortgage or land contract.

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

23 895.345 **(2)** (c) An accurate description by lot and block number, if part of a
24 recorded and filed plat, or by metes and bounds of the real estate offered as security.

25 **SECTION 47. Initial applicability.**

