

1999 DRAFTING REQUEST

Bill

Received: **11/13/1998**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Tom Hebl (608) 266-7678**

By/Representing: **Andrew, Jane Licht**

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

Drafter: **shoveme**

May Contact: **Jane Licht**

Alt. Drafters: **kahlepj**

Subject: **Counties**

Extra Copies:

Pre Topic:

No specific pre topic given

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Changes to the treatment of documents by a register of deeds

Instructions:

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<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)

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.

Const. refers to Reg of Deeds - not registrar
 seems clear from D. 59.43 (1)(c) what "care" means
 only in D. 59.69 (1)(b) 3.

(5) Treasurer: county treasurer (re-numbered from 4 to 5)

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
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.

part 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 P5 K

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 done
maintain

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 done
maintain

(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 registrar 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 registrar's 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 registrar'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.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3726/P1dn

MES:mfd:kmm

Wednesday, August 13, 1997

Representative Hebl:

I have done this bill as a preliminary draft because I have not executed a number of the instructions from the materials that Jane Licht forwarded to your office. In this note I will list the instructions that I did not execute and my reasons for not executing the instructions.

The instructions specified a number of terms that Ms. Licht would like to have defined. For the most part, I could see no good reason to define any of the terms that Ms. Licht would like to define. For example, "document", "file", "record", "tract", "tract index" and "document copy" seem to be very straightforward terms that have been used for decades with no need for definitions. I searched for these terms in ch. 59 and found no instance where the terms were confusing and needed a definition. In fact, defining "file" as Ms. Licht would like it defined would lead to problems. She wants the term to mean "to place on file within the office of the register of deeds, documents which are accepted by the register" This definition would apply throughout the chapter, yet in ss. 59.10 (3) (b) 4. and 59.14 (1), for example, this definition would be clearly erroneous.

Defining "certified copy" seems unnecessary; one can readily determine what the term means from the language in s. 59.43 (1) (i). Defining "registrar" as "the elected county official responsible for the office of the register of deeds" seems inappropriate since the office of register of deeds is required in the state constitution. I don't understand the purpose for picking a new term to define a constitutional office. The term "record series" is not used at all in ch. 59, although Ms. Licht's instructions contain several usages of the term. Instead of creating a definition, I merely added some of the language she suggested to to s. 59.43 (1) (f). The term "legal description" is used only once in ch. 59 (s. 59.69 (10) (b) 3.), so I don't think that the term needs to be defined for this one instance, especially when the lack of a definition has not caused any problems.

There may be good reasons to define some of the terms that Ms. Licht would like to define, but based on the materials that you submitted, I see no reason to define a lot of terms that at best seem to be clear on their face and at worst would cause confusion or conflict with the constitution.

Ms. Licht recommends that s. 59.43 (1) (j), which requires a register of deeds to keep in his or her office all of the records and documents of any post of the Grand Army of

the Republic, be repealed because, her instructions state, "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" I did not repeal this statute because I could find no requirement under current law that a county have a records retention ordinance, nor could I find a requirement that such GAR documents first be offered to the historical society before destruction. A county *may* have a records destruction ordinance under s. 19.21 that prescribes the time after which certain records may be destroyed. It doesn't seem to me, however, that s. 59.52 (4) applies to GAR records. Under s. 44.09, it appears that a register of deeds may offer GAR records to the historical society, but it is purely discretionary whether the historical society would accept the records. Please let me know if you would like any changes made to s. 59.43 (1) (j) or any other statute that affects GAR records.

Ms. Licht proposes that "firm" be substituted for "corporation" in s. 59.43 (1) (k). I did not make this change because "firm" is not defined anywhere in the statutes and is just as ambiguous as "corporation". Some entities that must register, or record or file documents, with the register of deeds that are neither "corporations" nor "firms" include the department of agriculture, trade and consumer protection under s. 91.13 (9), grantees of cemetery plots under s. 157.08 (1), certain religious or charitable organizations under s. 187.09 and the Congregational Church under s. 187.10 (5). I understand the problem that Ms. Licht is trying to address and I believe that the changes I *did* make in s. 59.43 (1) (k) are consistent with her intent.

I made the changes you requested in s. 59.43 (7), but since that subsection applies only to Milwaukee County you may want to check with the Milwaukee County register of deeds to see if the change is acceptable.

I have not incorporated the proposed changes to s. 59.43 (9) (a) 2. or (b), other than a cross-reference change in par. (b), because I am not certain what is wanted. I'm not sure whether Ms. Licht wants to substitute one sentence for the entire current text in subd. 2., which seems to make a significant substantive change to current law, or if she wants to add to the current statute. I have the same concern with regard to par. (b).

In these cases, and in all cases in the future, it would be a lot easier if Ms. Licht, or any other requester, for that matter, would mark up a copy of current text with proposed changes instead of just writing out proposed statutory changes. If current text is marked up, it is a lot easier to determine the desired changes to the statutes.

I have drafted s. 59.43 (9) (a) 1. e. according to your instructions, but I wonder if you really want that statute to refer to "the general index" since that phrase is changed to "real estate records index" in s. 59.43 (9) (a) 1. (intro.).

The instructions for created s. 59.43 (9) (c) are unclear to me. Please review carefully what I have drafted.

The language in repealed and recreated s. 59.43 (12m) (a) 1. is based on s. 16.967 (7) (a) 2. and 3. Is this OK? The changes in s. 59.43 (12m) (a) 1. to 3. seem to be significant. Does this subsection meet your intent? Because the repeal of s. 59.43 (12m) (bm) affects only Milwaukee County, you may want to check with the Milwaukee County register of deeds to see if the change is acceptable.

The instructions indicate that only s. 236.25 (1) is to be amended, but I also amended several other subsections in that section. Is this OK?

Marc E. Shovers
Senior Legislative Attorney
266-0129

Shovers, Marc

From: Wiesner, Andrew
Sent: Wednesday, November 11, 1998 12:53 PM
To: Shovers, Marc
Subject: Bill Draft

Marc, I talked with Jane Licht a few times in the last week about the draft we're working on for the Register of Deeds. I believe that she gave you the changes she wanted to see in the draft. Things have gotten crazy in here the last few days, so I haven't had the time to go through them with Tom completely. Could you do the draft with these changes, and then next week Jane, Tom and I can sit down and go through them?

I'm sorry about the brevity of the instructions, but I'll be out of town for Thursday and Friday and I wanted to get this to you before I leave.

Thanks,

Andy Wiesner
Rep. Hebl's Office

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.

MES/PJK: WJL
RMNR

1999 1997 BILL

D-note

WPO: Please proof all amended stats. w/ stats.

repeal

Due 1/25

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) and 59.43 (12m) (d); to renumber and amend 59.43 (11) (intro.); to

3 amend 59.43 (1) (a), 59.43 (1) (c), 59.43 (1) (d), 59.43 (1) (e), 59.43 (1) (f), 59.43

4 (1) (i), 59.43 (1) (k), 59.43 (1) (L), 59.43 (3), 59.43 (7) (title), 59.43 (7) (a), 59.43

5 (9) (title), 59.43 (9) (a) 1. (intro.), 59.43 (9) (a) 1. a., 59.43 (9) (a) 1. b., 59.43 (9)

6 (a) 1. g., 59.43 (9) (a) 1. h., 59.43 (12m) (title) and (a) (intro.), 236.25 (title),

7 236.25 (1), 236.25 (2) (intro.), 236.25 (2) (b), 236.25 (3), 236.25 (4), 236.25 (5),

8 236.28, 236.34 (title), 236.34 (1) (intro.), 236.34 (2) and 236.34 (3); to repeal

9 and recreate 59.43 (9) (a) 2., 59.43 (9) (b), 59.43 (12m) (a) 1., 59.43 (12m) (a)

10 2., 59.43 (12m) (a) 3. and 59.43 (12m) (c); and to create 59.43 (9) (c) of the

11 statutes; relating to: changes to the treatment of documents by a register of

12 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 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 cause to be filed all plats and certified survey maps that may be filed 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 or filing the name of the county in which the instrument is recorded or filed and the date and time when it was accepted for recording or filing.

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.

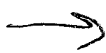
7. Currently, a register of deeds is required to keep a 9 column general index that contains various information about recorded real estate transactions. The bill requires the register of deeds to maintain an index for the real estate record series that contains various information about real estate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

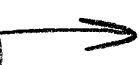
9. The bill makes various technical changes in the filing and recording requirements for writs of attachment and notices of the pendency of an action affecting real estate.

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

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



Insert A-2



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:

Insert 3-11 →

1 SECTION 1. 59.43 (1) (a)^v of the statutes is amended to read:

2 59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his
3 or her office, correctly and legibly all deeds, mortgages, maps, instruments and
4 writings authorized by law to be recorded in his or her office and left with him or her
5 for that purpose, provided such documents have plainly printed or typewritten
6 thereon the names of the grantors, grantees, witnesses and notary. The register of
7 deeds shall file or cause to be filed all plats and certified survey maps that are
8 authorized to be accepted for filing in his or her office. Any county, by a resolution
9 duly adopted by the board, may combine the separate books or volumes for deeds,
10 mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices,
11 certificates of organization of corporations, plats or other recorded or filed
12 instruments or classes of documents as long as separate indexes ~~are maintained~~ may
13 be produced. Notwithstanding any other provisions of the statutes, any county
14 adopting a system of microfilming or like process or a system of recording documents
15 by optical imaging or electronic formatting under ch. 228 may substitute the
16 headings, reel, disk or electronic file name and microfilm image (frame) for volume
17 and page where recorded and different classes of instruments may be recorded,
18 reproduced or copied on or transferred to the same reel, disk or electronic file or part
19 of a reel or disk. All recordings made prior to June 28, 1961, which would have been
20 valid under this paragraph, had this paragraph then been in effect, are hereby

1 validated. In this subsection, "book", if automated recording or indexing equipment
2 is used, includes the meaning given under sub. (12) (d).

3 SECTION 2. 59.43 (1) (c) of the statutes is amended to read:

4 59.43 (1) (c) State upon the record of any ~~instrument the number and~~
5 ~~denomination of all United States internal revenue stamps that are affixed thereto~~
6 ~~and shall also state upon the record conveyance of real estate~~ the real estate transfer
7 fee paid or, if the conveyance is not subject to a fee, the reason for the exemption,
8 citing the relevant subsection of s. 77.25.

9 SECTION 3. 59.43 (1) (d) of the statutes is amended to read:

10 59.43 (1) (d) ~~Keep the books and indexes safely and maintain the documents,~~
11 images of recorded documents and indices mentioned in this section in the manner
12 required.

and in P. 84.095
plain

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

14 59.43 (1) (e) Endorse upon each instrument ~~or writing~~ received by the register
15 for record ~~a certificate of recording or filing the name of the county in which the~~
16 instrument is recorded or filed and the date and time when it the instrument was
17 received accepted for recording or filing, specifying the day, hour and minute of
18 reception ~~and the volume and page where the same is recorded, which shall be~~
19 evidence of such facts.

20 SECTION 5. 59.43 (1) (f) of the statutes is amended to read:

21 59.43 (1) (f) Endorse plainly on each instrument received for record, or file as
22 soon as received accepted for recording or filing a number consecutive to the number
23 affixed to the instrument next previously received according to the numbering now
24 established, and to enter the same in the indexes assigned to the immediately
25 previously recorded or filed instrument, such that all numbers are unique for each

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

3 SECTION 6. 59.43 (1) (i)[√] of the statutes is amended to read:

4 59.43 (1) (i) Make and deliver to any person, on demand request and upon
5 payment of the required fees and proper identification of the record, a certified copy,
6 with the register's official seal affixed, of any official record, ~~paper, file, map or plat~~
7 in the register's office.

8 SECTION 7. 59.43 (1) (k)[√] of the statutes is amended to read:

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

20 SECTION 8. 59.43 (1) (L)[√] of the statutes is amended to read:

21 59.43 (1) (L) File all documents pertaining to security interests in personal
22 property, crops or fixtures that are required or authorized by law to be filed with the
23 register. Except as otherwise prescribed by the department of financial institutions
24 under ss. 409.403 to 409.406, these documents shall be executed on white ~~or light~~
25 eolored sheets of paper, 8 or 8.5 inches wide and 5, 7, 10.5 or 14 inches long. Whenever

1 there is offered for filing any document that varies more than one-eighth of an inch
2 from the approved size, or that is not on a standard form prescribed by the
3 department of financial institutions, then in addition to the regular filing fee an
4 additional filing fee shall be charged by the register of deeds, as prescribed by sub.
5 (2). No assignment, release or other instrument shall be offered for filing that is
6 executed or endorsed on any other document, but each shall be a separate and
7 distinct document, except those assignments or notices that are printed or written
8 on and immediately following the original agreement or financing statement, offered
9 for filing at the same time, shall be considered as one document. All of these
10 documents shall be legibly written, and shall have the names of the debtor and
11 secured party plainly printed or typed on the document and shall provide a space for
12 filing data of the register of deeds on the outside of the document.

13 **SECTION 9.** 59.43 (3)[√] of the statutes is amended to read:

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

22 **SECTION 10.** 59.43 (5) (b) 2.[√] of the statutes is repealed.

23 **SECTION 11.** 59.43 (7) (title)[√] of the statutes is amended to read:

24 59.43 (7) (title) INCLUDING ~~TAX KEY OR~~ PARCEL IDENTIFICATION NUMBER.

25 **SECTION 12.** 59.43 (7) (a)[√] of the statutes is amended to read:

Insert 6-12

1 59.43 (7) (a) In counties with a population of 500,000 or more where ~~tax key~~
2 parcel identification numbers are used in the tax roll for taxes based on the value of
3 property in municipalities, any conveyance, as defined in s. 706.01 (4), of any interest
4 in real estate located in such a municipality shall contain reference to the key parcel
5 identification number affected. The ~~tax key parcel identification~~ number shall be
6 required for the recording of the conveyance.

7 **SECTION 13.** 59.43 (9) (title) of the statutes is amended to read:

8 59.43 (9) (title) ~~GENERAL INDEX; ELECTRONIC DATA PROCESSING~~ REAL ESTATE
9 RECORDS INDEX.

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

11 59.43 (9) (a) 1. (intro.) A register of deeds shall ~~keep a general~~ maintain an
12 index, each page of which shall be divided into 9 columns, with heads to the
13 respective columns as follows for the real estate record series that contains at least
14 all of the following:

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

16 59.43 (9) (a) 1. a. Number of the instrument that is consecutive and unique
17 within the record series.

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

19 59.43 (9) (a) 1. b. Time and date of the instrument's ~~reception~~ acceptance.

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

21 59.43 (9) (a) 1. g. Volume and page where the instrument is recorded or filed.

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

23 59.43 (9) (a) 1. h. To whom the instrument is delivered, unless the document
24 is kept on file.

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

1 59.43 (9) (a) 2. The index shall be accessible and searchable by at least all of
2 the following means:

3 a. Name of the grantor.

4 b. Name of the grantee.

5 c. Document number, or volume and page where the instrument is recorded or
6 filed.

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

8 **SECTION 20.** 59.43 (9) (b) of the statutes is repealed and recreated to read:

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

13 **SECTION 21.** 59.43 (9) (c) of the statutes is created to read:

14 59.43 (9) (c) With regard to affidavits of corrections of filed documents, the
15 register shall include at least one of the following notations on the filed document:

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

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

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

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

22 59.43 (11) RECORD OF ATTACHMENTS, LIS PENDENS, ETC. A register of deeds shall
23 file or record, and index in the real estate records index, every writ of attachment or
24 certified copy of such a writ and certificate of real estate attached, every certificate

25 of sale of real estate, and every notice of the pendency of an action affecting real

plain

plain

1 estate, which may be filed or recorded in the register's office. ~~The register of deeds~~
2 ~~shall maintain an index for these documents that provides all of the following:~~

3 **SECTION 24.** 59.43 (11) (a), (b) and (c) of the statutes are repealed.

4 **SECTION 25.** 59.43 (12m) (title) and (a) (intro.) of the statutes are amended to
5 read:

6 59.43 (12m) (title) ~~TRACT INDEX SYSTEM; POWER TO ALTER.~~ (a) (intro.). The board
7 by ordinance may require the register of deeds to keep a tract index ~~in any one of the~~
8 ~~following forms, as specified by the board~~ such that records containing valid
9 descriptions of land may be searched by all of the following:

10 **SECTION 26.** 59.43 (12m) (a) 1. of the statutes is repealed and recreated to read:

11 59.43 (12m) (a) 1. Quarter-sections of land within the county, the boundaries
12 of which refer to the public land survey system.

13 **SECTION 27.** 59.43 (12m) (a) 2. of the statutes is repealed and recreated to read:

14 59.43 (12m) (a) 2. Recorded and filed certified survey map and lot number.

15 **SECTION 28.** 59.43 (12m) (a) 3. of the statutes is repealed and recreated to read:

16 59.43 (12m) (a) 3. Recorded and filed plat, by name and lot, block, outlot, unit
17 or other valid subunit within the plat, according to the description of the land.

18 **SECTION 29.** 59.43 (12m) (bm) of the statutes is repealed.

19 **SECTION 30.** 59.43 (12m) (c) of the statutes is repealed and recreated to read:

20 59.43 (12m) (c) If the board determines that a tract index system is unfit for
21 use, the board may, by resolution, establish a new and corrected tract index. Any
22 person who is authorized by the board to compile the new tract index shall have
23 access to the old tract index and any other county records that may assist the person
24 in compiling the new tract index. Upon completion, and approval by the board, of the
25 new tract index system, the old tract index system shall be preserved as provided in

1 s. 59.52 (3) (b). The resolutions of the board ordering, approving and adopting the
2 new tract index systems, certified by the clerk, shall be recorded in each volume of
3 the new tract index system and upon the resolution of the board adopting the new
4 system, such a system is the only lawful tract index system in the register of deeds'
5 office.

6 SECTION 31. 59.43 (12m) (d) of the statutes ~~is affected by 1997 Wisconsin Act~~
7 ~~is~~ is repealed.

8 SECTION 32. 236.25 (title) of the statutes is amended to read:

9 **236.25 (title) Recording, filing a plat.**

10 SECTION 33. 236.25 (1) of the statutes is amended to read:

11 236.25 (1) The subdivider shall have the final plat ~~recorded~~ filed in the office
12 of the register of deeds of the county in which the subdivision is located.

13 SECTION 34. 236.25 (2) (intro.) of the statutes is amended to read:

14 236.25 (2) (intro.) The register of deeds shall not accept a plat for record filing
15 unless:

16 SECTION 35. 236.25 (2) (b) of the statutes is amended to read:

17 236.25 (2) (b) The plat is offered for record filing within 30 days ~~of~~ ^{after} the date of
18 the last approval of the plat and within ~~30~~ ²⁴ months ~~of~~ ^{after} the first approval;

19 SECTION 36. 236.25 (3) of the statutes is amended to read:

20 236.25 (3) The ~~recording~~ filing of a plat which is not entitled to be recorded filed
21 under sub. (2) shall not of itself affect the title of a purchaser of a lot covered by the
22 plat, the donation or dedication of land made by the plat, or the validity of a
23 description of land by reference to the plat, but it allows the purchaser a right to
24 rescind the sale under s. 236.31.

25 SECTION 37. 236.25 (4) of the statutes is amended to read:

Insert 10-7

1 236.25 (4) Every final plat entitled to be ~~reordered~~ filed under this section shall
 2 be bound or filed by the register of deeds into properly indexed volumes. Any
 3 facsimile of the original whole record, made and prepared by the register of deeds or
 4 under his or her direction shall be deemed to be a true copy of the final plat.

5 **SECTION 38.** 236.25 (5) of the statutes is amended to read:

6 236.25 (5) The register of deeds may furnish certified copies or other accurate
 7 reproductions of any plat on record or filed in his or her office to surveyors, engineers
 8 or other interested parties at cost.

9 **SECTION 39.** 236.28 of the statutes is amended to read:

10 **236.28 (title) Description of lots in recorded or filed plat.** When a
 11 subdivision plat has been recorded or filed in accordance with s. 236.25, the lots in
 12 that plat shall be described by the name of the plat and the lot and block in the plat
 13 for all purposes, including those of assessment, taxation, devise, descent and
 14 conveyance as defined in s. 706.01 (4). Any conveyance containing such a description
 15 shall be construed to convey to the grantee all portions of vacated streets and alleys
 16 abutting such lots and belonging to the grantor unless the grantor by appropriate
 17 language indicates an intention to reserve or except them from the conveyance.

18 **SECTION 40.** 236.34 (title) of the statutes is amended to read:

19 **236.34 (title) Recording, filing of certified survey map, use in changing**
 20 **boundaries; use in conveyancing.**

21 **SECTION 41.** 236.34 (1) (intro.) of the statutes is amended to read:

22 236.34 (1) PREPARATION. (intro.) A certified survey map of not more than 4
 23 parcels of land may be ~~reordered~~ filed in the office of the register of deeds of the county
 24 in which the land is situated. A certified survey map may be used to change the
 25 boundaries of lots and outlots within a recorded or filed plat or recorded or filed,

Handwritten note:
 in accordance with s. 236.25 (1) (intro.)

1 certified survey map if the redivision does not result in a subdivision or violate a local
 2 subdivision regulation. A certified survey map may not alter the exterior boundary
 3 of a recorded or filed plat, areas previously dedicated to the public or a restriction
 4 placed on the platted land by covenant, by grant of an easement or by any other
 5 manner. A certified survey must meet the following requirements:
 6 SECTION 42. 236.34 (2) of the statutes is amended to read:
 7 236.34 (2) (title) RECORDING FILING. Certified survey maps prepared in
 8 accordance with sub. (1) shall be numbered consecutively by the register of deeds and
 9 shall be recorded filed in a bound volume to be kept in the register of deeds' office,
 10 known as the "Certified Survey Maps of ... County".

11 SECTION 43. 236.34 (3) of the statutes is amended to read:
 12 plain ↓ 236.34 (3) USE IN CONVEYANCING. When a certified survey map has been
 13 recorded ~~FILED~~ in accordance with this section, the parcels of land in the map shall be
 14 described by reference to the number of the survey, lot number, the volume and page
 15 where ~~recorded~~ ~~FILED~~, and the name of the county, for all purposes, including
 16 assessment, taxation, devise, descent and conveyance as defined in s. 706.01 (4) and
 17 identified according to the town, range, section and quarter-section, or plat name
 18 and lot, block or unit, government lot or private claims from which the certified
 19 survey map was made.

INS. 20 SECTION 44. Initial applicability.
 21 (1) This act first applies to documents that are recorded, filed or indexed on the
 22 effective date of this subsection.

(END)

D-note

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0867/?ins
PJK.....

INSERT A-2 ✓

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.

(END OF INSERT A-2)

Insert 3-1

Section #. 27.065 (13) (a) of the statutes is amended to read:

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

History: 1979 c. 110 s. 60 (13); 1983 a. 24; 1985 a. 29, 176; 1987 a. 378; 1991 a. 316; 1993 a. 184, 246, 301, 453; 1995 a. 225, 227, 417; 1997 a. 27.

(end of ins. 3-1)

Insert 6-12

Section #. 59.43 (2) (h) of the statutes is amended to read:

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

~~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.~~

(and of ins. 6-12)

or for filing a subdivision
plat under s. 236.25

Insert 10-7

1078

SECTION # CR, 236.02 ~~(1078)~~

236.02 ~~(1078)~~ "Recording a certified

survey map" means the filing of the certified survey map with the register of deeds.

9



insert 10-7 contd

288

Section #. 59.73 (1) of the statutes is amended to read:

filed

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

~~History: 1995 a. 201 ss. 393, 394, 421.~~



ens. 10-7 cont'd

3078

Section #. 66.021 (1) (am) 2. of the statutes is amended to read:

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

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27.



ens 10-7 contd

488

Section #. 70.23 (2) of the statutes is amended to read:

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

~~History: 1971 c. 215; 1983 a. 532; 1993 a. 491; 1997 a. 35, 253.~~

filed or



Section #. 70.27 (3) (b) of the statutes is amended to read:

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

History: 1977 c. 29 s. 1646 (3); 1979 c. 221, 248, 355, 361; 1983 a. 473; 1987 a. 172; 1989 a. 31, 56; 1991 a. 316; 1995 a. 27 ss. 3361, 3362, 9116 (5); 1997 a. 27, 99.

~~1997 stats., or filed in compliance with s. 236.34~~
 prepared and
 filed



Ens 10-7 contd

688

Section #. 77.16 (2) of the statutes is amended to read:

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

History: 1975 c. 226; 1977 c. 29 s. 1647 (2); 1977 c. 418; 1983 a. 275 s. 15 (7); 1983 a. 405, 417, 538; 1985 a. 29; 1987 a. 27, 378; 1991 a. 39; 1995 a. 201.

→ filed on



Section #. 80.38 (1) of the statutes is amended to read:

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

~~History: 1981 c. 317; 1993 a. 16; 1995 a. 27.~~

filed on

Section #. 81.11 (5) of the statutes is amended to read:

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

~~History: 1985 a. 29; 1991 a. 316; 1997 a. 35.~~

filed or

(and ins. 10-7)

Eng. 12-19

log 3

Section #. 703.28 (1m) (b) of the statutes is amended to read:

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

History: 1977 c. 407; 1997 a. 333.

→ or filed, whichever is appropriate,



Ins. 12-19 contd

283

Section #. 706.05 (2m) (a) of the statutes is amended to read:

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 may be attached to the document. Any such document shall also contain the volume ~~number~~ and page ~~number~~^{numbers} of any original mortgage or land contract that the document affects.

History: 1971 c. 211; 1977 c. 217, 253, 447; 1979 c. 221; 1983 a. 492 s. 3; 1985 a. 174; 1991 a. 66, 269; 1993 a. 145, 486; 1995 a. 110, 201; 1997 a. 35.

→ document number or the

Send of Ins (12-19)

ens 12-19 contd

3 of 3

Section #. 895.345 (2) (c) of the statutes is amended to read:

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

~~History: 1993 a 486.~~

(end of ins 12-19)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0867/?dn

PJK...:1:....

WJ

Under current law, subdivision plats are required to be filed, rather than recorded. Section 236.02 (10) defines "recording a plat" as the *filing* of the plat with the register of deeds. Because this exists in current law, and because the references to "recording" (a plat or a certified survey map) are so numerous in ch. 236, rather than changing every such reference to "filing" I added a similar definition for certified survey maps (i.e., "recording" one means "filing" one).

Because the word "recording" does not mean "filing" outside of ch. 236, I searched the statutes to make sure that the appropriate word was used with reference to subdivision plats or certified survey maps. If a statute appeared to apply only to subdivision plats or certified survey maps, I changed the form of the word "record" to the appropriate form of the word "file". Because other types of plats (including assessor's plats, condominium plats, project and time-share plats, transportation project plats and cemetery plats) must still be recorded under current law, if a statute appeared to apply to more than one kind of plat that could include a subdivision plat, I changed the form of the word "record" to the appropriate form of the words "file or record". I made no change if a statute appeared to apply only to plats other than subdivision plats. To further complicate matters, subdivision plats are often referred to in the statutes as simply plats or subdivisions. There may be other references that I have not thought of and, therefore, not searched for. I cannot guarantee that I have found every statute that should be changed, nor can I guarantee that I have changed every statute that I did find in the correct way.

I see another potential problem with the change from recording[®] to filing[®], at least with respect to certified survey maps. There may be statutes that refer to some generic term that may include a certified survey map. The statute may require that the document (including a certified survey map) be recorded in order for some transaction to be valid. The change from recording[®] to filing[®] might inadvertently invalidate such a transaction. Such a statute would be impossible to search for.

Pamela J. Kahler
Senior Legislative Attorney
266-2682

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0867/P1dn
PJK:wlj:jf

January 22, 1999

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Pamela J. Kahler
Senior Legislative Attorney
266-2682



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0867/P2
MES&PJK:wlj&ksh:jf

rm is run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON
(2-2)
J-note

Regenerate ↓

1 AN ACT *to repeal* 59.43 (5) (b) 2., 59.43 (10), 59.43 (11) (a), (b) and (c), 59.43 (12m)

2 (benz) and 59.43 (12m) (d); *to renumber and amend* 59.43 (11) (intro.); *to*

3 *amend* 27.065 (13) (a), 59.43 (1) (a), 59.43 (1) (c), 59.43 (1) (d), 59.43 (1) (e), 59.43

4 (1) (f), 59.43 (1) (i), 59.43 (1) (k), 59.43 (1) (L), 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), 77.16 (2), 80.38 (1),

8 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)

11 and 236.02 (9r) of the statutes; **relating to:** changes to the treatment of

12 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

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 cause to be filed all plats and certified survey maps that may be filed 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 or filing the name of the county in which the instrument is recorded or filed and the date and time when it was accepted for recording or filing.

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.

✓ or recorded ✓

or record ✓

✓ and the filing of subdivision plats → and plats ✓

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

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

SECTION 2

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

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.

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

✓ or record ✓

or recorded ✓

✓ or recording

2
3

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 or filing the name of the county in which the~~
7 instrument is recorded or filed and the date and time when it the instrument was
8 received accepted for recording or filing, specifying the ~~day,~~ hour and minute of
9 ~~reception and the volume and page where the same is recorded,~~ which shall be
10 ~~evidence of such facts.~~

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

12 59.43 (1) (f) Endorse plainly on each instrument ~~received for record, or file as~~
13 ~~soon as received~~ accepted for recording or filing a number consecutive to the number
14 ~~affixed to the instrument next previously received according to the numbering now~~
15 ~~established, and to enter the same in the indexes~~ assigned to the immediately
16 previously recorded or filed instrument, such that all numbers are unique for each
17 instrument within a group of public records that are kept together as a unit and
18 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:

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 (1) (L) of the statutes is amended to read:

13 59.43 (1) (L) File all documents pertaining to security interests in personal
14 property, crops or fixtures that are required or authorized by law to be filed with the
15 register. Except as otherwise prescribed by the department of financial institutions
16 under ss. 409.403 to 409.406, these documents shall be executed on white or light
17 colored sheets of paper, 8 or 8.5 inches wide and 5, 7, 10.5 or 14 inches long. Whenever
18 there is offered for filing any document that varies more than one-eighth of an inch
19 from the approved size, or that is not on a standard form prescribed by the
20 department of financial institutions, then in addition to the regular filing fee an
21 additional filing fee shall be charged by the register of deeds, as prescribed by sub.
22 (2). No assignment, release or other instrument shall be offered for filing that is
23 executed or endorsed on any other document, but each shall be a separate and
24 distinct document, except those assignments or notices that are printed or written
25 on and immediately following the original agreement or financing statement, offered

1 for filing at the same time, shall be considered as one document. All of these
2 documents shall be legibly written, and shall have the names of the debtor and
3 secured party plainly printed or typed on the document and shall provide a space for
4 filing data of the register of deeds on the outside of the document.

5 SECTION 10. 59.43 (2) (h) of the statutes is amended to read:

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

9 SECTION 11. 59.43 (3) of the statutes is amended to read:

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

18 SECTION 12. 59.43 (5) (b) 2. of the statutes is repealed.

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

20 59.43 (7) (title) INCLUDING ~~TAX KEY OR~~ PARCEL IDENTIFICATION NUMBER.

21 SECTION 14. 59.43 (7) (a) of the statutes is amended to read:

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

1 identification number affected. The ~~tax-key parcel identification~~ number shall be
2 required for the recording of the conveyance.

3 **SECTION 15.** 59.43 (9) (title) of the statutes is amended to read:

4 59.43 (9) (title) ~~GENERAL INDEX; ELECTRONIC DATA PROCESSING~~ REAL ESTATE
5 RECORDS INDEX.

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

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

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

12 59.43 (9) (a) 1. a. Number of the instrument that is consecutive and unique
13 within the record series.

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

15 59.43 (9) (a) 1. b. Time and date of the instrument's ~~reception~~ acceptance.

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

17 59.43 (9) (a) 1. g. Volume and page where the instrument is recorded or filed.

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

19 59.43 (9) (a) 1. h. To whom the instrument is delivered, unless the document
20 is kept on file.

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

22 59.43 (9) (a) 2. The index shall be accessible and searchable by at least all of
23 the following means:

24 a. Name of the grantor.

25 b. Name of the grantee.

1 c. Document number, or volume and page where the instrument is recorded or
2 filed.

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

4 SECTION 22. 59.43 (9) (b) of the statutes is repealed and recreated to read:

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

9 SECTION 23. 59.43 (9) (c) of the statutes is created to read:

10 59.43 (9) (c) With regard to affidavits of corrections of filed documents, the
11 register shall include at least one of the following notations on the filed document:

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

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

15 SECTION 24. 59.43 (10) of the statutes is repealed.

16 SECTION 25. 59.43 (11) (intro.) of the statutes is renumbered 59.43 (11) and
17 amended to read:

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

24 SECTION 26. 59.43 (11) (a), (b) and (c) of the statutes are repealed.

1 **SECTION 27.** 59.43 (12m) (title) and (a) (intro.) of the statutes are amended to
2 read:

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

7 **SECTION 28.** 59.43 (12m) (a) 1. of the statutes is repealed and recreated to read:

8 **59.43 (12m)** (a) 1. Quarter-sections of land within the county, the boundaries
9 of which refer to the public land survey system.

10 **SECTION 29.** 59.43 (12m) (a) 2. of the statutes is repealed and recreated to read:

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

12 **SECTION 30.** 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, unit
14 or other valid subunit within the plat, according to the description of the land.

15 **SECTION 31.** 59.43 (12m) (~~b~~^{bm}) of the statutes is repealed.

16 **SECTION 32.** 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

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

3 SECTION 33. 59.43 (12m) (d) of the statutes is repealed.

4 SECTION 34. 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, ^{plain} ~~recorded~~ ^{or} ~~filed~~ subdivision or to the Wisconsin coordinate system. In all
8 cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2. and if
9 magnetic must be retraceable and identifiable by reference to a monumented line.

10 SECTION 35. 66.021 (1) (am) 2. of the statutes is amended to read:

11 66.021 (1) (am) 2. If the land is located in a ^{state plain} ~~recorded~~ ^{or} ~~filed~~ subdivision or in an
12 area subject to a certified survey map, by reference as described in s. 236.28 or s.
13 236.34 (3).

14 SECTION 36. 70.23 (2) of the statutes is amended to read:

15 70.23 (2) When 2 or more lots or tracts owned by the same person are
16 considered by the assessor to be so improved or occupied with buildings as to be
17 practically incapable of separate valuation, the lots or tracts may be entered as one
18 parcel. Whenever any tract, parcel or lot of land has been surveyed and platted and
19 a plat of the platted ground filed or recorded according to law, the assessor shall
20 designate the several lots and subdivisions of the platted ground as the lots and
21 subdivisions are fixed and designated by the plat.

22 SECTION 37. 70.27 (3) (b) of the statutes is amended to read:

23 70.27 (3) (b) Notwithstanding par. (a), lands within an assessor's plat that are
24 divided by a subdivision plat that is prepared, approved and ^{plain} ~~recorded~~ ^{or} ~~filed~~ in
25 compliance with ch. 236 or a certified survey map that is prepared and ^{state plain} ~~recorded~~ ^{or} ~~filed~~

state plain

12-22

1 in compliance with s. 236.34 shall be described for all purposes with reference to the
2 subdivision plat or certified survey map, as provided in ss. 236.28 and 236.34 (3).

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

4 77.16 (2) The owner of 10 acres or more may file with the department an
5 application setting forth a description of the lands which the owner desires to place
6 under the woodland tax law and on which land the owner will practice forestry.
7 Applications received prior to May 1 each calendar year shall be processed for entry
8 by November 20 of that calendar year. Lands which include an entire
9 quarter-quarter section, fractional lot or government lot as determined by U.S.
10 government survey plat, excluding public roads and railroad rights-of-way that
11 may have been sold, are not eligible for entry. Lands within filed or recorded plats
12 or the incorporated limits of cities or villages are not eligible for entry, but lands
13 subject to a woodland tax law agreement located in a town which incorporates as a
14 city after the agreement was entered into remain in effect. Lands on which an
15 improvement is located having an assessed value in itself are not eligible for entry.

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

17 80.38 (1) The town board of any town within which is situated any village or
18 other plat duly certified and filed or recorded and not included within the limits of
19 any incorporated village may make an order to be recorded by the town clerk
20 declaring such streets and alleys in the village or other plat as they deem necessary
21 for the public use to be public highways, without any other survey or description than
22 that made in the filed or recorded plat.

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

24 81.11 (5) The town board, upon its own authority and without direction from
25 the annual town meeting, may levy and collect a tax on property located in a filed or

1 recorded plat situated in a town requiring the approval of such town board, and
2 adjoining a private road used by the public located therein, and on property
3 adjoining, where the owner regularly uses such road which is not a portion of any
4 town, county, state or federal highway system, not exceeding 3 mills for each dollar
5 of assessed valuation thereof. The proceeds of such tax shall be expended for the
6 improvement and maintenance of any private roads used by the public located within
7 such filed or recorded plat. The town board shall not expend any of such funds upon
8 a private driveway.

9 **SECTION 41.** 236.02 (9r) of the statutes is created to read:
10 236.02 (9r) "Recording a certified survey map" means the filing of the certified
11 survey map with the register of deeds.

12 **SECTION 42.** 236.34 (3) of the statutes is amended to read:

13 236.34 (3) USE IN CONVEYANCING. When a certified survey map has been
14 recorded in accordance with this section, the parcels of land in the map shall be
15 described by reference to the number of the survey, lot number, the volume and page
16 where recorded, and the name of the county, ~~for all purposes, including assessment,~~
17 ~~taxation, devise, descent and conveyance as defined in s. 706.01 (4) and identified~~
18 according to the town, range, section and quarter-section, or plat name and lot, block
19 or unit, government lot or private claims from which the certified survey map was
20 made.

21 **SECTION 43.** 703.28 (1m) (b) of the statutes is amended to read:

22 703.28 (1m) (b) Before a certified survey map, condominium plat, subdivision
23 plat or other plat may be recorded or filed, whichever is appropriate, for the same
24 property, the condominium shall first be removed from the provisions of this chapter
25 by recording a removal instrument.

Insert 13-11

1 **SECTION 44.** 706.05 (2m) (a) of the statutes is amended to read:

2 706.05 (2m) (a) Except as provided in par. (b), any document submitted for
 3 recording or filing that is to be indexed in the real estate records, any document
 4 submitted for recording or filing that modifies an original mortgage or land contract
 5 and any subordination agreement submitted for recording or filing shall contain the
 6 full legal description of the property to which it relates if the document or
 7 subordination agreement is intended to relate to a particular parcel of land. The
 8 legal description may be included on the document or may be attached to the
 9 document. Any such document shall also contain the document number or the
 10 volume number and page number numbers of any original mortgage or land contract
 11 that the document affects.

12 **SECTION 45.** 895.345 (2) (c) of the statutes is amended to read:

13 895.345 (2) (c) An accurate description by lot and block number, if part of a filed
 14 or recorded plat, or by metes and bounds of the real estate offered as security.

15 **SECTION 46. Initial applicability.**

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

18 (END)

D-ute

Insert 12-2

Section #. 75.521 (3) (am) 1. of the statutes is amended to read:

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

History: 1977 c. 174; 1979 c. 34, 89; 1983 a. 52, 192, 302, 538; 1987 a. 27, 378; 1989 a. 330, 347; 1991 a. 39, 316; 1993 a. 301, 490; 1995 a. 224, 225, 417; 1997 a. 72, 250.

(end of ins. 12-2)

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0867/P2ins
MES&PJK:wj&ksh:jf

INSERT 13-11

~~SECTION 4.~~ SECTION ~~4.~~ 236.02 (9c)¹ of the statutes is created to read:

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

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

(END OF INSERT 13-11)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0867/P2dn
MES&PJK:wlj&Mm:jf

JLg

1. After speaking with Jane Licht, I made a couple of changes to the draft. From our conversation, my understanding is that subdivision plats and certified survey maps are both recorded and filed in practice. For maximum flexibility, the draft allows for either one (by the use of "or"), rather than requiring either filing or recording or both, except in s. 59.43 (12m) (a) 2[✓] and 3[✓] (which use "and"). Please review the draft, and those subdivisions in particular, carefully to ensure that we have captured your intent. Let me know if you want any changes.

2. See s. 59.43 (2) (h)[✓]. Would a person be charged \$100 if the register of deeds both filed and recorded a subdivision plat? Do you want to change that provision in any respect?

Pamela J. Kahler
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0867/P2dn
PJK:wlj&jlg:jf

February 3, 1999

1. After speaking with Jane Licht, I made a couple of changes to the draft. From our conversation, my understanding is that subdivision plats and certified survey maps are both recorded and filed in practice. For maximum flexibility, the draft allows for either one (by the use of "or"), rather than requiring either filing or recording or both, except in s. 59.43 (12m) (a) 2. and 3. (which use "and"). Please review the draft, and those subdivisions in particular, carefully to ensure that we have captured your intent. Let me know if you want any changes.

2. See s. 59.43 (2) (h). Would a person be charged \$100 if the register of deeds both filed and recorded a subdivision plat? Do you want to change that provision in any respect?

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