



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0867/12  
MES&PJK:wlj&ksh:jf

*r m s n u n*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

*SOON  
(3-17)  
P. 7*

*Regen*

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

2 (bm), 59.43 (12m) (d) and 236.02 (10); **to renumber and amend** 59.43 (11)

3 (intro.); **to amend** 27.065 (13) (a), 59.43 (1) (a), 59.43 (1) (c), 59.43 (1) (d), 59.43

4 (1) (e), 59.43 (1) (f), 59.43 (1) (i), 59.43 (1) (k), 59.43 (1) (L), 59.43 (2) (h), 59.43

5 (3), 59.43 (7) (title), 59.43 (7) (a), 59.43 (9) (title), 59.43 (9) (a) 1. (intro.), 59.43

6 (9) (a) 1. a., 59.43 (9) (a) 1. b., 59.43 (9) (a) 1. g., 59.43 (9) (a) 1. h., 59.43 (12m)

7 (title) and (a) (intro.), 59.73 (1), 66.021 (1) (am) 2., 70.23 (2), 70.27 (3) (b), 75.521

8 (3) (am) 1., 77.16 (2), 80.38 (1), 81.11 (5), 236.34 (3), 703.28 (1m) (b), 706.05 (2m)

9 (a) and 895.345 (2) (c); **to repeal and recreate** 59.43 (9) (a) 2., 59.43 (9) (b),

10 59.43 (12m) (a) 1., 59.43 (12m) (a) 2., 59.43 (12m) (a) 3. and 59.43 (12m) (c); and

11 **to create** 59.43 (9) (c) and 236.02 (9c) of the statutes; **relating to:** changes to

12 the treatment of documents by a register of deeds.

**Analysis by the Legislative Reference Bureau**

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

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

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

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

3. Currently, a register of deeds must endorse upon each instrument or writing received for record a certificate of the time and date when it was received and the volume and page where it is recorded. Under the bill, a register of deeds must endorse upon each instrument received for recording 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 certified survey maps and the filing of subdivision plats, the bill requires that such maps and plats be filed or recorded with a register of deeds.

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

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

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*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

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

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

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

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

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

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 or recording a  
8 subdivision plat under s. 236.25, \$50.

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

*for filing and recording*

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) (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, recorded or filed subdivision or to the Wisconsin coordinate system. In  
8 all cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2. and  
9 if magnetic must be retracable 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 recorded or filed subdivision or in  
12 an 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 recorded or filed in  
25 compliance with ch. 236 or a certified survey map that is prepared and recorded or

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

4 **SECTION 38.** 75.521 (3) (am) 1. of the statutes is amended to read:

5 75.521 (3) (am) 1. A brief description sufficient to identify each parcel affected  
6 by such tax lien. The description shall state the lot, block and section number of any  
7 parcel upon any tract, the plat or map of which is filed or recorded in the office of the  
8 register of deeds of such county. If the lands be unplatted an engineer's metes and  
9 bounds description shall be a sufficient description.

10 **SECTION 39.** 77.16 (2) of the statutes is amended to read:

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

23 **SECTION 40.** 80.38 (1) of the statutes is amended to read:

24 80.38 (1) The town board of any town within which is situated any village or  
25 other plat duly certified and filed or recorded and not included within the limits of

1 any incorporated village may make an order to be recorded by the town clerk  
2 declaring such streets and alleys in the village or other plat as they deem necessary  
3 for the public use to be public highways, without any other survey or description than  
4 that made in the filed or recorded plat.

5 **SECTION 41.** 81.11 (5) of the statutes is amended to read:

6 81.11 (5) The town board, upon its own authority and without direction from  
7 the annual town meeting, may levy and collect a tax on property located in a filed or  
8 recorded plat situated in a town requiring the approval of such town board, and  
9 adjoining a private road used by the public located therein, and on property  
10 adjoining, where the owner regularly uses such road which is not a portion of any  
11 town, county, state or federal highway system, not exceeding 3 mills for each dollar  
12 of assessed valuation thereof. The proceeds of such tax shall be expended for the  
13 improvement and maintenance of any private roads used by the public located within  
14 such filed or recorded plat. The town board shall not expend any of such funds upon  
15 a private driveway.

16 **SECTION 42.** 236.02 (9c) of the statutes is created to read:

17 236.02 (9c) "Record" means, with respect to a final plat or a certified survey  
18 map, to record or file the document with the register of deeds.

19 **SECTION 43.** 236.02 (10) of the statutes is repealed.

20 **SECTION 44.** 236.34 (3) of the statutes is amended to read:

21 236.34 (3) USE IN CONVEYANCING. When a certified survey map has been  
22 recorded in accordance with this section, the parcels of land in the map shall be  
23 described by reference to the number of the survey, lot number, the volume and page  
24 where recorded, and the name of the county, ~~for all purposes, including assessment,~~  
25 ~~taxation, devise, descent and conveyance as defined in s. 706.01 (4)~~ and identified

1 according to the town, range, section and quarter-section, or plat name and lot, block  
2 or unit, government lot or private claims from which the certified survey map was  
3 made.

4 **SECTION 45.** 703.28 (1m) (b) of the statutes is amended to read:

5 703.28 (1m) (b) Before a certified survey map, condominium plat, subdivision  
6 plat or other plat may be recorded or filed, whichever is appropriate, for the same  
7 property, the condominium shall first be removed from the provisions of this chapter  
8 by recording a removal instrument.

9 **SECTION 46.** 706.05 (2m) (a) of the statutes is amended to read:

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

20 **SECTION 47.** 895.345 (2) (c) of the statutes is amended to read:

21 895.345 (2) (c) An accurate description by lot and block number, if part of a filed  
22 or recorded plat, or by metes and bounds of the real estate offered as security.

23 **SECTION 48. Initial applicability.**





State of Wisconsin  
1999 - 2000 LEGISLATURE

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MES&PJK:wj&ksh:km

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SOON  
(4-27)  
J-note  
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11 *to create* 59.43 (9) (c) and 236.02 (9c) of the statutes; **relating to:** changes to

12 the treatment of documents by a register of deeds.

**Analysis by the Legislative Reference Bureau**

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



**BILL**

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

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

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

3. Currently, a register of deeds must endorse upon each instrument or writing received for record a certificate of the time and date when it was received and the volume and page where it is recorded. Under the bill, a register of deeds must endorse upon each instrument received for recording 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.

**BILL**

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

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

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

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*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

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

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

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

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

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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 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:

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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

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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 or recording, or  
8 filing and recording, a subdivision plat under s. 236.25, \$50.

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~~

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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.

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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.



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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) (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

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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 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, recorded or filed subdivision or to the Wisconsin coordinate system. In  
8 all cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2. and  
9 if magnetic must be retracable 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 recorded or filed subdivision or in  
12 an 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 recorded or filed in  
25 compliance with ch. 236 or a certified survey map that is prepared and recorded or

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

4 **SECTION 38.** 75.521 (3) (am) 1. of the statutes is amended to read:

5 75.521 (3) (am) 1. A brief description sufficient to identify each parcel affected  
6 by such tax lien. The description shall state the lot, block and section number of any  
7 parcel upon any tract, the plat or map of which is filed or recorded in the office of the  
8 register of deeds of such county. If the lands be unplatted an engineer's metes and  
9 bounds description shall be a sufficient description.

10 **SECTION 39.** 77.16 (2) of the statutes is amended to read:

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

23 **SECTION 40.** 80.38 (1) of the statutes is amended to read:

24 80.38 (1) The town board of any town within which is situated any village or  
25 other plat duly certified and filed or recorded and not included within the limits of

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1 any incorporated village may make an order to be recorded by the town clerk  
2 declaring such streets and alleys in the village or other plat as they deem necessary  
3 for the public use to be public highways, without any other survey or description than  
4 that made in the filed or recorded plat.

5 **SECTION 41.** 81.11 (5) of the statutes is amended to read:

6 81.11 (5) The town board, upon its own authority and without direction from  
7 the annual town meeting, may levy and collect a tax on property located in a filed or  
8 recorded plat situated in a town requiring the approval of such town board, and  
9 adjoining a private road used by the public located therein, and on property  
10 adjoining, where the owner regularly uses such road which is not a portion of any  
11 town, county, state or federal highway system, not exceeding 3 mills for each dollar  
12 of assessed valuation thereof. The proceeds of such tax shall be expended for the  
13 improvement and maintenance of any private roads used by the public located within  
14 such filed or recorded plat. The town board shall not expend any of such funds upon  
15 a private driveway.

16 **SECTION 42.** 236.02 (9c) of the statutes is created to read:

17 236.02 (9c) "Record" means, with respect to a final plat or a certified survey  
18 map, to record or file the document with the register of deeds.

19 **SECTION 43.** 236.02 (10) of the statutes is repealed.

20 **SECTION 44.** 236.34 (3) of the statutes is amended to read:

21 236.34 (3) USE IN CONVEYANCING. When a certified survey map has been  
22 recorded in accordance with this section, the parcels of land in the map shall be  
23 described by reference to the number of the survey, lot number, the volume and page  
24 where recorded, and the name of the county, ~~for all purposes, including assessment,~~  
25 ~~taxation, devise, descent and conveyance as defined in s. 706.01 (4) and identified~~

*for all purposes, including assessment, taxation,  
devise, descent and conveyance, as defined in  
A. 706.01 (4)*

**BILL**

1 according to the town, range, section and quarter-section, or plat name and lot, block  
2 or unit, government lot or private claims from which the certified survey map was  
3 made.

4 **SECTION 45.** 703.28 (1m) (b) of the statutes is amended to read:

5 703.28 (1m) (b) Before a certified survey map, condominium plat, subdivision  
6 plat or other plat may be recorded or filed, whichever is appropriate, for the same  
7 property, the condominium shall first be removed from the provisions of this chapter  
8 by recording a removal instrument.

9 **SECTION 46.** 706.05 (2m) (a) of the statutes is amended to read:

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

20 **SECTION 47.** 895.345 (2) (c) of the statutes is amended to read:

21 895.345 (2) (c) An accurate description by lot and block number, if part of a filed  
22 or recorded plat, or by metes and bounds of the real estate offered as security.

23 **SECTION 48. Initial applicability.**

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

3 (END)

D-note

If I added the stricken language  
back in, but changed its location  
so that it is more readable and so  
that the "for all purposes"  
relates to both <sup>how</sup> the parcel  
of land is described, as well  
as <sup>now</sup> how it is identified.

PJK

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

LRB-0867/2dn  
PJK:wlj&ksh:hmh

April 27, 1999

I added the stricken language back in, but changed its location so that it is more readable and so that the "for all purposes" relates to both how the parcel of land is described, as well as how it is identified.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: Pam.Kahler@legis.state.wi.us

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

LRB-0867/2dn  
PJK:wj&ksh:hmh

April 27, 1999

I added the stricken language back in, but changed its location so that it is more readable and so that the "for all purposes" relates to both how the parcel of land is described, as well as how it is identified.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: Pam.Kahler@legis.state.wi.us



## Shovers, Marc

---

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

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

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

Dear Andy and Marc:

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

Thanks!

Jane Licht

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

>

>

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

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

>

> Hi Andrew:

>

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

>

> Marc E. Shovers

>

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

>

>

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

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

>

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

## Shovers, Marc

---

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

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

Let me know if you have any questions or problems.

Andy Wiesner  
Rep. Hebl's Office

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

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

Dear Andy:

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

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

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

Jane Licht  
Dane County Register of Deeds

## Shovers, Marc

---

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

Hi Andy:

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

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

Marc E. Shovers

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

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

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

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

Thanks,

Andy Wiesner  
Rep. Hebl's Office

LRB 0867/2

Page 5, line 5

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

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

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

## Shovers, Marc

---

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

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Thanks,

Andy Wiesner  
Rep. Hebl's Office

LRB 0867/2  
Page 5, line 5

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

*is recorded or  
filed*

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0867/2

MES&PJK:wlj&ksh:hmh

3  
RMR

1999 BILL

Register

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

**Analysis by the Legislative Reference Bureau**

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

**BILL**

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

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

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

3. Currently, a register of deeds must endorse upon each instrument or writing received for record a certificate of the time and date when it was received and the volume and page where it is recorded. Under the bill, a register of deeds must endorse upon each instrument received for recording ~~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.

*Not*  
The bill requires such instruments to be recorded as soon as practicable, in the order in which they are received. Generally, the instruments must be recorded on the day they are received.

**BILL**

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

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

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

---

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

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

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

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

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



**BILL**

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

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

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

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

**BILL**

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

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

5           59.43 (1) (e) Endorse upon each instrument ~~or writing~~ received by the register  
6 for record ~~a certificate of recording 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,~~ <sup>recorded</sup> 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. <sup>plain</sup> Instruments shall be recorded as soon  
11 as practicable, in the order in which they are received,

12           **SECTION 6.** 59.43 (1) (f) of the statutes is amended to read: and shall be recorded  
on the day they are received, except as provided in

13           59.43 (1) (f) Endorse plainly on each instrument ~~received for record, or file as~~  
~~soon as received~~ <sup>2.59.20(c)</sup> 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:

**BILL**

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

12           **SECTION 9.** 59.43 (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

**BILL**

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 or recording, or  
8 filing and recording, a subdivision plat under s. 236.25, \$50.

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

**BILL**

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.

**BILL**

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.

**BILL**

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) (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

**BILL**

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, recorded or filed subdivision or to the Wisconsin coordinate system. In  
8 all cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2. and  
9 if magnetic must be retracable 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 recorded or filed subdivision or in  
12 an 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 recorded or filed in  
25 compliance with ch. 236 or a certified survey map that is prepared and recorded or



**BILL**

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

4 **SECTION 38.** 75.521 (3) (am) 1. of the statutes is amended to read:

5 75.521 (3) (am) 1. A brief description sufficient to identify each parcel affected  
6 by such tax lien. The description shall state the lot, block and section number of any  
7 parcel upon any tract, the plat or map of which is filed or recorded in the office of the  
8 register of deeds of such county. If the lands be unplatted an engineer's metes and  
9 bounds description shall be a sufficient description.

10 **SECTION 39.** 77.16 (2) of the statutes is amended to read:

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

23 **SECTION 40.** 80.38 (1) of the statutes is amended to read:

24 80.38 (1) The town board of any town within which is situated any village or  
25 other plat duly certified and filed or recorded and not included within the limits of

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1 any incorporated village may make an order to be recorded by the town clerk  
2 declaring such streets and alleys in the village or other plat as they deem necessary  
3 for the public use to be public highways, without any other survey or description than  
4 that made in the filed or recorded plat.

5 **SECTION 41.** 81.11 (5) of the statutes is amended to read:

6 81.11 (5) The town board, upon its own authority and without direction from  
7 the annual town meeting, may levy and collect a tax on property located in a filed or  
8 recorded plat situated in a town requiring the approval of such town board, and  
9 adjoining a private road used by the public located therein, and on property  
10 adjoining, where the owner regularly uses such road which is not a portion of any  
11 town, county, state or federal highway system, not exceeding 3 mills for each dollar  
12 of assessed valuation thereof. The proceeds of such tax shall be expended for the  
13 improvement and maintenance of any private roads used by the public located within  
14 such filed or recorded plat. The town board shall not expend any of such funds upon  
15 a private driveway.

16 **SECTION 42.** 236.02 (9c) of the statutes is created to read:

17 236.02 (9c) "Record" means, with respect to a final plat or a certified survey  
18 map, to record or file the document with the register of deeds.

19 **SECTION 43.** 236.02 (10) of the statutes is repealed.

20 **SECTION 44.** 236.34 (3) of the statutes is amended to read:

21 236.34 (3) **USE IN CONVEYANCING.** When a certified survey map has been  
22 recorded in accordance with this section, the parcels of land in the map shall be for  
23 all purposes, including assessment, taxation, devise, descent and conveyance, as  
24 defined in s. 706.01 (4), described by reference to the number of the survey, lot  
25 number, the volume and page where recorded, and the name of the county, for all

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1 ~~purposes, including assessment, taxation, devise, descent and conveyance as defined~~  
2 ~~in s. 706.01 (4) and identified according to the town, range, section and~~  
3 ~~quarter-section, or plat name and lot, block or unit, government lot or private claims~~  
4 ~~from which the certified survey map was made.~~

5 **SECTION 45.** 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 or filed, whichever is appropriate, for the same  
8 property, the condominium shall first be removed from the provisions of this chapter  
9 by recording a removal instrument.

10 **SECTION 46.** 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 document number or the  
19 volume number and page number numbers of any original mortgage or land contract  
20 that the document affects.

21 **SECTION 47.** 895.345 (2) (c) of the statutes is amended to read:

22 895.345 (2) (c) An accurate description by lot and block number, if part of a filed  
23 or recorded plat, or by metes and bounds of the real estate offered as security.

24 **SECTION 48. Initial applicability.**



## Shovers, Marc

---

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

Dear Marc:

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

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

Jane Licht

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

> Hi Jane:

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

>  
>  
> Marc E. Shovers

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

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

Instructions  
for ~~XXXX~~  
~~XXXX~~  
4

---

> From: Jane C. Licht [mailto:licht@co.dane.wi.us  
> <mailto:licht@co.dane.wi.us> ]  
> Sent: Tuesday, September 14, 1999 11:07 AM  
> To: marc.shovers@legis.state.wi.us  
> Cc: andrew.wiesner@legis.state.wi.us  
> Subject: LRB 0867/3  
>  
>  
> Dear Marc:  
>  
> I asked our president, Mark Ladd, to give LRB 0867/3 one last careful  
> reading. He did and suggested a change to page 7, lines 6-8 where  
> the language is very awkward. I will let you use your discretion as  
> to whether or not it is appropriate at this late date to make another  
> change.  
>  
> Page 7, lines 6 through 8: Substitute the following:  
> 59.43(2)(h) For recording or filing a cemetery plat under s. 157.07,  
> a subdivision plat under s. 236.23, or a condominium plat under s.  
> 703.07, \$50.  
>  
> I am glad this is all he found. Thanks again for your time.  
>  
> Jane Licht  
>  
>  
>



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0867/3  
MES&PJK:wj&ksh:ch

RMR

1999 BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

---

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

1           **SECTION 1.** 27.065 (13) (a) of the statutes is amended to read:  
2           27.065 (13) (a) Whenever in any proceeding under this section, whether for  
3 acquisition of land or improvement thereof, any tract of land which at the time of  
4 filing of the final assessment of benefits and damages is in one ownership and such  
5 tract or any portion thereof shall thereafter be divided or subdivided into 2 or more  
6 lots or parcels, either by filed or recorded plat or by conveyance duly recorded, and  
7 the special assessment of benefits against the original tract shall be outstanding, in  
8 instalments or otherwise, the county highway committee, after notice and hearing  
9 as hereinafter provided, on verified written request of the owner of such original tract  
10 or the owner of any portion thereof shall apportion said assessment of benefits among  
11 the several lots or parcels into which the original tract or any portion thereof is  
12 divided or subdivided.

13           **SECTION 2.** 59.43 (1) (a) of the statutes is amended to read:  
14           59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his  
15 or her office, correctly and legibly all deeds, mortgages, ~~maps~~, instruments and  
16 writings authorized by law to be recorded in his or her office and left with him or her  
17 for that purpose, provided such documents have plainly printed or typewritten

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

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

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

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

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

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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 recording the name of the county in which the instrument~~  
7 is recorded and the date and time when it the instrument was received recorded,  
8 specifying the day, hour and minute of reception and the volume and page where the  
9 same is recorded, which shall be evidence of such facts. Instruments shall be  
10 recorded as soon as practicable, in the order in which they are received, and shall be  
11 recorded on the day they are received, except as provided in s. 59.20 (3) (c).

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

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

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

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

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

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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

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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:

Plain

6 59.43 (2) (h) For recording <sup>or filing</sup> 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 or recording, or~~  
8 ~~filing and recording a subdivision plat under s. 236.25~~, \$50.

Plain

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

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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.

**BILL**

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.

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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) (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



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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 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, recorded or filed subdivision or to the Wisconsin coordinate system. In  
8 all cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2. and  
9 if magnetic must be retracable 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 recorded or filed subdivision or in  
12 an 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 recorded or filed in  
25 compliance with ch. 236 or a certified survey map that is prepared and recorded or

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

4 **SECTION 38.** 75.521 (3) (am) 1. of the statutes is amended to read:

5 75.521 (3) (am) 1. A brief description sufficient to identify each parcel affected  
6 by such tax lien. The description shall state the lot, block and section number of any  
7 parcel upon any tract, the plat or map of which is filed or recorded in the office of the  
8 register of deeds of such county. If the lands be unplatted an engineer's metes and  
9 bounds description shall be a sufficient description.

10 **SECTION 39.** 77.16 (2) of the statutes is amended to read;

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

23 **SECTION 40.** 80.38 (1) of the statutes is amended to read:

24 80.38 (1) The town board of any town within which is situated any village or  
25 other plat duly certified and filed or recorded and not included within the limits of

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1 any incorporated village may make an order to be recorded by the town clerk  
2 declaring such streets and alleys in the village or other plat as they deem necessary  
3 for the public use to be public highways, without any other survey or description than  
4 that made in the filed or recorded plat.

5 **SECTION 41.** 81.11 (5) of the statutes is amended to read:

6 81.11 (5) The town board, upon its own authority and without direction from  
7 the annual town meeting, may levy and collect a tax on property located in a filed or  
8 recorded plat situated in a town requiring the approval of such town board, and  
9 adjoining a private road used by the public located therein, and on property  
10 adjoining, where the owner regularly uses such road which is not a portion of any  
11 town, county, state or federal highway system, not exceeding 3 mills for each dollar  
12 of assessed valuation thereof. The proceeds of such tax shall be expended for the  
13 improvement and maintenance of any private roads used by the public located within  
14 such filed or recorded plat. The town board shall not expend any of such funds upon  
15 a private driveway.

16 **SECTION 42.** 236.02 (9c) of the statutes is created to read:

17 236.02 (9c) "Record" means, with respect to a final plat or a certified survey  
18 map, to record or file the document with the register of deeds.

19 **SECTION 43.** 236.02 (10) of the statutes is repealed.

20 **SECTION 44.** 236.34 (3) of the statutes is amended to read:

21 236.34 (3) USE IN CONVEYANCING. When a certified survey map has been  
22 recorded in accordance with this section, the parcels of land in the map shall be for  
23 all purposes, including assessment, taxation, devise, descent and conveyance, as  
24 defined in s. 706.01 (4), described by reference to the number of the survey, lot  
25 number, the volume and page where recorded, and the name of the county, for all

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1 ~~purposes, including assessment, taxation, devise, descent and conveyance as defined~~  
2 ~~in s. 706.01 (4) and identified according to the town, range, section and~~  
3 ~~quarter-section, or plat name and lot, block or unit, government lot or private claims~~  
4 ~~from which the certified survey map was made.~~

5 **SECTION 45.** 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 or filed, whichever is appropriate, for the same  
8 property, the condominium shall first be removed from the provisions of this chapter  
9 by recording a removal instrument.

10 **SECTION 46.** 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 document number or the  
19 volume number and page number numbers of any original mortgage or land contract  
20 that the document affects.

21 **SECTION 47.** 895.345 (2) (c) of the statutes is amended to read:

22 895.345 (2) (c) An accurate description by lot and block number, if part of a filed  
23 or recorded plat, or by metes and bounds of the real estate offered as security.

24 **SECTION 48. Initial applicability.**



**VITTAL  
FORM**

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

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

**Date:** 09/27/1999

**To:** Representative Hebl

**Relating to LRB drafting number:** LRB-0867

**Topic**

Changes to the treatment of documents by a register of deeds

**Subject(s)**

Counties

1. **JACKET** the draft for introduction Tom Hebl

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

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

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

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

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

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

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