

2003 DRAFTING REQUEST

Bill

Received: 03/10/2003

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Cathy Stepp (608) 266-1832

By/Representing: Scott

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters: mlief  
rmarchan

Subject: Counties - miscellaneous  
Real Estate - miscellaneous  
Probate - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Stepp@legis.state.wi.us

Carbon copy (CC:) to: robert.marchant@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Filing and recording items with a register of deeds; real estate descriptions; tax liens

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers	kfollett		_____			Local
	03/31/2003	04/17/2003		_____			
	mlief	kfollett		_____			
	04/03/2003	04/22/2003		_____			
	rmarchan			_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	04/04/2003						
/1			pgreensl 04/22/2003		lemery 04/22/2003		Local
/2	mshovers 05/13/2003 rmarchan 05/13/2003 mlief 05/14/2003 rmarchan 09/18/2003 mlief 09/22/2003 mshovers 09/22/2003	kfollett 05/14/2003 kfollett 09/23/2003 kfollett 09/24/2003	chaskett 05/14/2003		lemery 05/14/2003		Local
/3	rmarchan 09/30/2003 mlief 10/01/2003	kfollett 10/10/2003 kfollett 10/21/2003	pgreensl 09/25/2003		lnorthro 09/25/2003		Local
/4			jfrantze 10/22/2003		sbasford 10/22/2003	lnorthro 11/03/2003	

FE Sent For:

→ At Intro.

<END>

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		14 klf 10/21		_____			
			10/22	_____			
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	rmarchan	13 k/f 9/24	Pr	Pr			

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MJL 9/22/03

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	rmarchan		12 kyt 5/14	2 cph 5/14			
				ps/cph 5/14			

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1?	mshovers	11 kjf		==			
MES	3/31/03	4/22		==			

MES 3/31/03

11 kjf  
4/22

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FE Sent For:

<END>

# Register of Deed Omnibus Bill

Below are the changes to law requested by Mark Ladd, Register of Deeds for Racine County. Any questions that may arise during the process of drafting these provisions may be directed to Mark, as he would be in the best position to provide an answer that comports with the intent of the Wisconsin Register of Deeds Association. Mark can be reached by phone at (262) 636-3709 or by email at [markladd@racineco.com](mailto:markladd@racineco.com)

*ME* **1-Hour Cut-off Time:** WI Stats. 59.20(3)(c) provides that "Any board may by ordinance provide that the cut-off reception time for the filing and recording of documents shall be advanced by one-half hour in any official business day during which time the register of deeds office is open to the public, in order to complete the processing, recording and indexing to conform to the day of reception". Due to the dramatic increase in the number of documents being presented and the composition of those documents, we are requesting that this cut-off be increased to one hour.

*MJL* **Termination of Decedents Property Interest:** WI Stats. 867.045(1)(j) & 867.046(2)(i) provides that "In the case of real property, a copy of the property tax bill for the year preceding the year of the decedent's death and a legal description of the property, which description shall be imprinted on or attached to the application. The register of deeds shall record the bill." In several counties neither the Register of Deeds nor the Real Property Lister uses the tax bill in processing these transactions. We are requesting that this requirement can be waived upon agreement between the Register and the Lister.

*MJL* **Media for Recording Plat Documents:** WI Stats. 236.25(2)(a), 236.34(1)(c), and 703.11(2)(d) specify media that is no longer available (muslin-backed white paper or photographic silver haloid mylar) or is unclear in its definition (durable white paper). We are requesting that the statutes specify a mylar that is currently available and archival in quality. Specifically, we request "mylar produced with copy press technology" as the media for recording plat documents. We are further requesting that the statute allow counties to establish procedures for electronic filing of plats.

*RJM* **Fee for Filing Federal Tax Liens & Releases:** WI Stats. 779.97(5) establishes a \$10 fee for filing these documents with the Register of Deeds office. All other similar documents carry an \$11 filing fee. We are requesting this fee be increased to \$11.

*MJL* **Statutory Definition for Legal Description of Real Estate:** Following is suggested language for a definition in Chapter 706: Legal description means a description of a specific parcel of real estate complete enough for a registered land surveyor to locate and identify it. The description is by (a) subdivision name, lot, outlot and block identifiers in a platted subdivision; (b) by condominium name, unit number and appurtenance number in a platted condominium development or (c) by certified survey map number, volume & page where recorded and lot or outlot numbers when such a certified survey map has been recorded. In unplatted lands, it is identified according to the section, township, range and meridian, if applicable; and quarter section and metes and bounds descriptors associated with the Public Lands Survey System or Private Claims or Government Lots.

**Shovers, Marc**

---

**From:** Manley, Scott  
**Sent:** Monday, March 10, 2003 11:12 AM  
**To:** Shovers, Marc  
**Subject:** Omnibus WRDA Draft

Marc,

Attached is a file with a summary of the provisions Senator Stepp would like to have drafted on behalf of the WRDA. The document has contact information for Mark Ladd, in the event there are any specific questions that need to be answered.

Thank you,

Scott



State of Wisconsin  
2003-2004 LEGISLATURE

LRB-2423  
MES&MJL&RJM:ljf

TW: 4-3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PMNR

Currently, the fee for filing and indexing federal liens and related documents is \$10. This bill increases the fee to \$11.

Fix request sheet please

D-W

Gen

and fees relating to federal tax lien filings

- 1 AN ACT ...; relating to: the cut-off time for receipt of documents for filing and
- 2 recording with a register of deeds

**Analysis by the Legislative Reference Bureau**

Under current law, a county board may enact an ordinance providing that the cut-off time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public. Current law provides that this cut-off time may be set to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cut-off time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

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

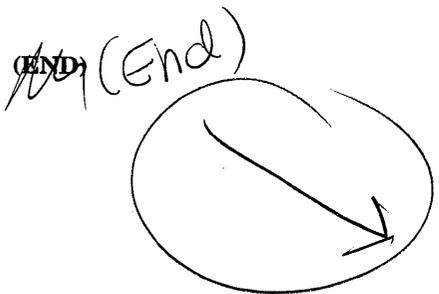
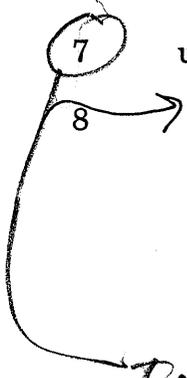
**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

- 3 SECTION 1. 59.20 (3) (c) of the statutes is amended to read:
- 4 59.20 (3) (c) Any board may, by ordinance, provide that the cut-off reception
- 5 time for the filing and recording of documents shall be advanced by ~~one-half~~ one hour

The bill also makes technical changes to the recording of certain real estate and probate documents to facilitate and modernize recording.

**SECTION 1**

1 in any official business day during which time the register of deeds office is open to  
2 the public, in order to complete the processing, recording, and indexing to conform  
3 to the day of reception. Any register of deeds may provide in his or her notice under  
4 s. 19.34 (1) that requests for inspection or copying of the records of his or her office  
5 may be made only during a specified period of not less than 35 hours per week. For  
6 all other purposes, the register of deeds office shall remain open to the public during  
7 usual business hours.



INS 2-7

D-Note

Section #. 59.43 (1) (a) of the statutes is amended to read:

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

History: 1995 a. 201 ss. 326, 327, 335, 338 to 353, 355, 361, 367, 369, 375, 377 to 380, 382 to 384; 1995 a. 225 ss. 159, 160, 162; 1995 a. 227; 1997 a. 27, 35, 79, 140, 252, 282, 303, 304; 1999 a. 96; 2001 a. 10, 16 ss. 1999m to 2001m, 4041b.

and may establish procedures  
for the electronic filing of  
plats



IN/SCRT 2-7

Section #. 236.25 (2) (a) of the statutes is amended to read:

236.25 (2) (a) It is on ~~muslin-backed white paper 22 inches wide by 30 inches long and bears a department certification of no objection or it is reproduced with photographic silver haloid image on double matt polyester film of not less than 4 mil thickness,~~ 22 inches wide by 30 inches long. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals;

History: 1979 c. 248 ss. 19, 25 (5); 1983 a. 473; 1997 a. 332; 2001 a. 16.

mylar, produced with copy press  
technology, that is



Section #. 236.34 (1) (c) of the statutes is amended to read:

236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features. The map shall be prepared with a binding margin 1.5 inches wide and a 0.5 inch margin on all other sides on  ~~durable white paper 8 1/2 inches wide by 14 inches long with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 mil thickness which~~ is 8 1/2 inches wide by 14 inches long. When more than one sheet is used for any map, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the map and showing the relationship of that sheet to the other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

History: 1979 c. 248 ss. 22, 25 (3); 1983 a. 189 s. 329 (26); 1983 a. 473; 1987 a. 390; 1997 a. 99; 1999 a. 96; 2001 a. 16.

~~on~~ mylar, produced with  
copy press technology that



Section #. 703.11 (2) (d) of the statutes is amended to read:

703.11 (2) (d) All survey maps and floor plans submitted for filing shall be legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch margin on all other sides on ~~white paper 14 inches in length and 22 inches in width with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 millimeter thickness and~~ 14 inches long by 22 inches wide. The maps and plans shall be drawn to a convenient scale.

History: 1977 c. 407; 1983 a. 497; 1993 a. 463, 465, 491; 1997 a. 300, 333.

mylar produced with  
copy press technology that is

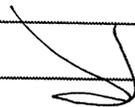
SECT CR; 706.01 (7r)

③  
706.01(7r) "Legal description" means a description of a specific parcel of real estate that is complete enough for a registered land surveyor to locate and identify it and that is described in one of the following ways, whichever is appropriate:

(a) By one of the ways under s. 66.0217(1)(c).

(b) By condominium name, unit number, and appurtenance number in a platted condominium development.

end insert 2-7



(a) 1. to 4.

are

Section #. 779.97 (5) of the statutes is amended to read:

779.97 (5) FEES. (a) ~~The fee for filing and indexing each notice of lien or certificate or notice affecting the lien is one of the following:~~

- no #
1. For a lien on real estate, ~~\$10~~ \$11
  2. For a lien on tangible and intangible personal property, ~~\$10~~ \$11
  3. For a certificate of discharge or subordination, ~~\$10~~ \$11
  4. For all other notices, including a certificate of release or nonattachment, ~~\$10~~ \$11

(b) The officer shall bill the district directors of internal revenue on a monthly basis for fees for documents filed by them.

History: 1977 c. 29, 418; 1979 c. 89, 177, 223, 312, 355; Stats. 1979 s. 779.97; 1991 a. 39, 148, 304, 315; 1993 a. 70, 172, 214; 1995 a. 27, 201, 417; 2001 a. 10.



✓  
Section #. 867.045 (1) (j) of the statutes is amended to read:

867.045 (1) (j) In the case of real property, a copy of the property tax bill for the year preceding the year of the decedent's death and a legal description of the property, which description shall be imprinted on or attached to the application. The register of deeds shall record the bill. ✓

History: 1973 c. 41, 84, 90; 1975 c. 127, 200, 262, 421; 1977 c. 449 ss. 422, 497; 1981 c. 299, 376, 391; 1987 a. 27; 1991 a. 133; 1995 a. 182.

The requirements under this paragraph  
may be waived by agreement between  
the register of deeds and the surviving  
joint tenant or remainderman.

Section #. 867.046 (2) (i) of the statutes is amended to read:

867.046 (2) (i) In the case of real property, a copy of the property tax bill for the year preceding the year of the decedent's death and a legal description of the property, which description shall be imprinted on or attached to the application. The register of deeds shall record the bill.

History: 1983 a. 186; 1985 a. 37; 1991 a. 133, 301; 1995 a. 182, 355.

The requirements of this paragraph may be waived by agreement between the register of deeds and the decedent's spouse or beneficiary.

~~END~~  
2-7

end insert

2

MJL:kjf

D-N Date

Q1 Please note that I created a ~~draft~~ definition of "legal description" that cross-references, in part, current law. I included Mark Ludd's language about ~~the~~ an "appurtenance number" in created s. 706.01(7r)(b), but this term does not appear in current law, and its meaning is unclear.

MJL

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

LRB-2423/1dn  
MJL:kjf:pg

April 22, 2003

Please note that I created a definition of "legal description" that cross-references, in part, current law. I included Mark Ludd's language about an "appurtenance number" in created s. 706.01 (7r) (b), but this term does not appear in current law, and its meaning is unclear.

Madelon J. Lief  
Senior Legislative Attorney  
Phone: (608) 267-7380

## Shovers, Marc

---

**From:** Manley, Scott  
**Sent:** Thursday, May 08, 2003 3:08 PM  
**To:** Shovers, Marc  
**Subject:** LRB 2423/1 - Register of Deeds Bill

MES ✓  
MJL ✓  
RJM ✓

Marc,

I have shared the draft LRB 2423/1 with Register of Deeds Mark Ladd, and I have copied his suggested changes to the bill below. Could you please incorporate his suggestions into the bill for us?

Thank you, and please let me know if you have any questions.

Scott Manley  
Chief of Staff  
Senator Cathy Stepp  
State Capitol, Room 7 South  
(608) 266-1832

✓ Page 5, lines 13-15 & lines 20-22 need to be corrected so that only the requirement of recording the tax bill can be waived -and- that the parties who need to agree to this waiver are the ROD and the Property Lister, not the surviving parties.

✓ Also, regarding the drafter's note on "appurtenances" in condominiums, we are looking at things like garage units, parking spaces, boat slips, etc. that are not part of the common elements, but may be sold by unit owners separate from the unit itself. (This ability varies from condo to condo and is specified in the condominium declaration filed with our offices.)

✓ Section 7 - page 5 lines 4-8 It would be better from our point of view to reference 59.43(2)(ag) instead of trying to remember this obscure statute each time recording fees are changed. Can this be moved with a reference to 59.43 in 779.97?

✓ Regarding the tax bill issue, it was pointed out that it's not always the real property lister that does this function, so language should probably be included to the effect of "county real property lister or county official who performs such duties".



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2423/2  
MES&MJL&RJM:kjf:pg

RMP

NOTE

2003 BILL

Regen

1 AN ACT *to amend* 59.20 (3) (c), 59.43 (1) (a), 236.25 (2), 236.34 (1) (c), 703.11 (2)  
2 (d), 779.97 (5) (a) 1. to 4., 867.045 (1) (j) and 867.046 (2) (i); and *to create* 706.01  
3 (7r) of the statutes; **relating to:** the cutoff time for receipt of documents for  
4 filing and recording with a register of deeds and fees relating to federal tax lien  
5 filings.

---

*Analysis by the Legislative Reference Bureau*

Under current law, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public. Current law provides that this cutoff time may be set to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

The bill also makes technical changes to the recording of certain real estate and probate documents to facilitate and modernize recording.

Currently, the fee for filing and indexing federal liens and related documents is \$10. This bill increases the fee to \$11.

**BILL**

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

---

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

✓  
1           **SECTION 1.** 59.20 (3) (c) of the statutes is amended to read:

2           59.20 (3) (c) Any board may, by ordinance, provide that the cut-off reception  
3 time for the filing and recording of documents shall be advanced by ~~one-half~~ one hour  
4 in any official business day during which time the register of deeds office is open to  
5 the public, in order to complete the processing, recording, and indexing to conform  
6 to the day of reception. Any register of deeds may provide in his or her notice under  
7 s. 19.34 (1) that requests for inspection or copying of the records of his or her office  
8 may be made only during a specified period of not less than 35 hours per week. For  
9 all other purposes, the register of deeds office shall remain open to the public during  
10 usual business hours.

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

12           59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his  
13 or her office, correctly and legibly all deeds, mortgages, instruments and writings  
14 authorized by law to be recorded in his or her office and left with him or her for that  
15 purpose, provided such documents have plainly printed or typewritten thereon the  
16 names of the grantors, grantees, witnesses and notary. The register of deeds shall  
17 record and file or cause to be recorded and filed all plats and certified survey maps  
18 that are authorized to be accepted for recording and filing in his or her office, and may  
19 establish procedures for the electronic filing of plats. Any county, by a resolution duly  
20 adopted by the board, may combine the separate books or volumes for deeds,  
21 mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices,

**BILL**

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

13 **SECTION 3.** 236.25<sup>✓</sup> (2) of the statutes is amended to read:

14 236.25 (2) (a) It is on ~~muslin-backed white paper 22 inches wide by 30 inches~~  
15 ~~long and bears a department certification of no objection or it is reproduced with~~  
16 ~~photographic silver haloid image on double matt polyester film of not less than 4 mil~~  
17 ~~thickness, Mylar, produced with copy press technology, that is 22 inches wide by 30~~  
18 inches long. Seals or signatures reproduced on images complying with this  
19 paragraph shall be given the force and effect of original signatures and seals;

20 **SECTION 4.** 236.34<sup>✓</sup> (1) (c) of the statutes is amended to read:

21 236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
22 (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of  
23 not more than 500 feet to an inch, which shall be shown on each sheet showing layout  
24 features. The map shall be prepared with a binding margin 1.5 inches wide and a  
25 0.5 inch margin on all other sides on durable white paper ~~8 1/2 inches wide by 14~~

**BILL**

1 ~~inches long with nonfading black image or reproduced with photographic silver~~  
2 ~~haloid image on double matt polyester film of not less than 4 mil thickness which~~  
3 Mylar, produced with copy press technology, that is 8 1/2 inches wide by 14 inches  
4 long. When more than one sheet is used for any map, each sheet shall be numbered  
5 consecutively and shall contain a notation giving the total number of sheets in the  
6 map and showing the relationship of that sheet to the other sheets. “CERTIFIED  
7 SURVEY MAP” shall be printed on the map in prominent letters with the location  
8 of the land by government lot, recorded private claim, quarter-quarter section,  
9 section, township, range and county noted. Seals or signatures reproduced on  
10 images complying with this paragraph shall be given the force and effect of original  
11 signatures and seals.

12 **SECTION 5.** 703.11 (2) (d) of the statutes is amended to read:

13 703.11 (2) (d) All survey maps and floor plans submitted for filing shall be  
14 legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch  
15 margin on all other sides on ~~durable white paper 14 inches in length and 22 inches~~  
16 ~~in width with nonfading black image or reproduced with photographic silver haloid~~  
17 ~~image on double matt polyester film of not less than 4 millimeter thickness and~~  
18 Mylar, produced with copy press technology, that is 14 inches long by 22 inches wide.

19 The maps and plans shall be drawn to a convenient scale.

20 **SECTION 6.** 706.01 (7r) of the statutes is created to read:

21 706.01 (7r) “Legal description” means a description of a specific parcel of real  
22 estate that is complete enough for a registered land surveyor to locate and identify  
23 it and that is described in one of the following ways, whichever is appropriate:

24 (a) By one of the ways under s. 66.0217 (1) (c).

**BILL**

(b) By condominium name, unit number, and appurtenance number in a  
platted condominium development.

SECTION 7. 779.97 (5) (a) 1. to 4. of the statutes are amended to read:

779.97 (5) FEES (a) 1. For a lien on real estate, \$10 \$11.

2. For a lien on tangible and intangible personal property, \$10 \$11.

3. For a certificate of discharge or subordination, \$10 \$11.

4. For all other notices, including a certificate of release or nonattachment, \$10  
\$11.

SECTION 8. 867.045 (1) (j) of the statutes is amended to read:

867.045 (1) (j) In the case of real property, a copy of the property tax bill for the  
year preceding the year of the decedent's death and a legal description of the  
property, which description shall be imprinted on or attached to the application. The  
register of deeds shall record the bill. The requirements under this paragraph may

be waived by an agreement between the register of deeds and the county real property  
owner or remainderman. lister

SECTION 9. 867.046 (2) (i) of the statutes is amended to read:

867.046 (2) (i) In the case of real property, a copy of the property tax bill for the  
year preceding the year of the decedent's death and a legal description of the  
property, which description shall be imprinted on or attached to the application. The  
register of deeds shall record the bill. The requirements of this paragraph may be

waived by an agreement between the register of deeds and the county real property  
beneficiary. lister

(END)

O-Note

use twice

13  
14  
15  
21  
22

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

LRB-2423/2dnRM

RJM: *[Signature]*

*Date*

Senator Stepp:

Attached is the redraft of LRB-2423. Please note that, per my discussion with your staff, I did not move the lien filing fees specified in s. 779.97 (5), stats., to ch. 59. These fees are properly located in s. 779.97 (5), stats. It seems unlikely that a register of deeds will need to consult the statutes each time a covered lien is filed—I am not aware of any proposals to move the current \$10 fee to ch. 59. However, if a person does need to locate the statutory fee, ch. 779, stats., would be a reasonable place to look. Chapter 779, stats., is entitled “Liens” and Subch. XI of that chapter, which contains s. 779.97, stats., is entitled “Federal Lien Registration.”

If you would like to discuss this issue any further, please feel free to call.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us

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

LRB-2423/2dn  
RJM:kjf:cph

May 14, 2003

Senator Stepp:

Attached is the redraft of LRB-2423. Please note that, per my discussion with your staff, I did not move the lien filing fees specified in s. 779.97 (5), stats., to ch. 59. These fees are properly located in s. 779.97 (5), stats. It seems unlikely that a register of deeds will need to consult the statutes each time a covered lien is filed—I am not aware of any proposals to move the current \$10 fee to ch. 59. However, if a person does need to locate the statutory fee, ch. 779, stats., would be a reasonable place to look. Chapter 779, stats., is entitled “Liens” and subch. XI of that chapter, which contains s. 779.97, stats., is entitled “Federal Lien Registration.”

If you would like to discuss this issue any further, please feel free to call.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 261-4454  
E-mail: robert.marchant@legis.state.wi.us

## Marchant, Robert

---

**From:** Manley, Scott  
**Sent:** Thursday, September 18, 2003 8:56 AM  
**To:** Marchant, Robert  
**Subject:** FW: LRB 2423



LRB2423-2  
revisions.doc

Rob,

I am resending to you an email that I sent on August 13 with the final changes to the draft that resulted from a meeting of the Wisconsin Register of Deeds Association. Please let me know if you have trouble opening the attachment. I don't think these are major changes to the bill, but the WRDA wanted them for purposes of clarification.

The WRDA is meeting soon, and they would like to give a status report of this legislation, so if you can give me some indication of when the changes could be made it would be greatly appreciated.

Thanks Rob!

Scott

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

**From:** Manley, Scott  
**Sent:** Wednesday, August 13, 2003 3:06 PM  
**To:** Marchant, Robert  
**Subject:** LRB 2423

Robert,

Attached below are changes to LRB 2423/2 from Racine County Register of Deeds Mark Ladd. We would like to incorporate those changes into our draft, and I believe it will be ready for introduction at that time.

Thank you!

Scott Manley  
Chief of Staff  
Office of Senator Cathy Stepp

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

**From:** markladd@racineco.com [mailto:markladd@racineco.com]  
**Sent:** Thursday, July 24, 2003 11:44 AM  
**To:** Scott.Manley@legis.state.wi.us  
**Subject:** RE: Deeds Draft

Scott,

At long last, the WRDA has met with the Surveyors Assoc and the folks at Plat Review. The meeting was very productive! Believe me, it was worth the wait.

Attached are the revisions to LRB2423/2 that were developed from that meeting. While these changes may seem to be a departure from the original proposal, they represent a much better long-term solution than what was originally proposed by the WRDA.

Please give me a call when you get the chance to look this over, just to be sure we are on the same page on each of these.

Thanks for your patience and thanks for your assistance on this bill.

Mark A. Ladd  
Racine County Register of Deeds

markladd@racineco.com  
(262) 636-3709

"At first, people refuse to believe that a strange new thing can be done, then they begin to hope that it can be done, then they see it can be done. Then it is done and all the world wonders why it was not done centuries ago."

-Frances Hodgson Burnett

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

From: Manley, Scott [mailto:Scott.Manley@legis.state.wi.us]  
Sent: Monday, June 02, 2003 10:09 AM  
To: markladd@racineco.com  
Subject: Deeds Draft

eSafe Gateway(tm) has scanned this mail for viruses, vandals and suspicious attachments and has found it to be CLEAN.

File: 03-24232.pdf (17,138 bytes)  
Encoding: Base64  
Result: Clean.

~~~~~  
Mark,

Attached below is what I hope will be the final iteration of our Register of Deeds draft. We did not move the lien filing fees from 779.97(5) to Chapter 59. The drafter had strong feelings against doing this. Can you check the draft over one more time and make sure everything looks good?

Thanks Mark!

Scott

<<03-24232.pdf>>

Changes to the Register of Deeds bill (LRB2423/2)

✓ 1) Page 2, lines 18 & 19: remove ~~“and may establish procedures for the electronic filing of plats.”~~

MJL ✓ 2) Page 3, lines 14 through 18: replace existing language with the following:  
“236.25(2)(a) It is a permanent non-fading black image on durable white media that is 22 inches wide by 30 inches long and complies with the requirements of 59.43(2m)(4) and bears a department certification of no objection.” ✓

MJL ✓ 3) Page 3, line 25 through Page 4 line 3: replace existing language with the following: “0.5 inch margin on all other sides on durable white media 8 ½ inches wide by 14 inches long with a permanent non-fading black image.” ✓

MJL ✓ 4) Page 4, lines 15 through 18: replace existing language with the following:  
“margin on all other sides on durable white media 14 inches long by 22 inches wide with a permanent non-fading black image.”

MJL ✓ 5) Page 4, Section 6. lines 21 through 23: replace existing language with the following: “706.01(7r) “Legal description” means a description of a specific parcel of real estate that is described in one of the following ways, whichever is appropriate:”

MJL ✓ 6) New item:

236.925(2)(a) In counties that maintain a tract index pursuant to 59.43(12m), a reference in the tract index to the plat or certified survey map being corrected fulfills the requirement of making a notation on the map.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2423/3  
MES&MJL&RJM:kjft

Soon

DM NR

2003 BILL

D-N

Regen

1 AN ACT *to amend* 59.20 (3) (c), 59.43 (1) (a), 236.25 (2), 236.34 (1) (c), 703.11 (2)  
2 (d), 779.97 (5) (a) 1. to 4., 867.045 (1) (j) and 867.046 (2) (i); and *to create* 706.01  
3 (7r) of the statutes; **relating to:** the cutoff time for receipt of documents for  
4 filing and recording with a register of deeds and fees relating to federal tax lien  
5 filings.

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

Under current law, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public. Current law provides that this cutoff time may be set to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

The bill also makes technical changes to the recording of certain real estate and probate documents to facilitate and modernize recording.

Currently, the fee for filing and indexing federal liens and related documents is \$10. This bill increases the fee to \$11.

**BILL**

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

---

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

1           **SECTION 1.** 59.20 (3) (c) of the statutes is amended to read:

2           59.20 (3) (c) Any board may, by ordinance, provide that the cut-off reception  
3 time for the filing and recording of documents shall be advanced by ~~one-half~~ one hour  
4 in any official business day during which time the register of deeds office is open to  
5 the public, in order to complete the processing, recording, and indexing to conform  
6 to the day of reception. Any register of deeds may provide in his or her notice under  
7 s. 19.34 (1) that requests for inspection or copying of the records of his or her office  
8 may be made only during a specified period of not less than 35 hours per week. For  
9 all other purposes, the register of deeds office shall remain open to the public during  
10 usual business hours.

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

12           59.43 (1) (a) ~~Record or cause to be recorded in suitable books to be kept in his~~  
13 ~~or her office, correctly and legibly all deeds, mortgages, instruments and writings~~  
14 ~~authorized by law to be recorded in his or her office and left with him or her for that~~  
15 ~~purpose, provided such documents have plainly printed or typewritten thereon the~~  
16 ~~names of the grantors, grantees, witnesses and notary. The register of deeds shall~~  
17 ~~record and file or cause to be recorded and filed all plats and certified survey maps~~  
18 ~~that are authorized to be accepted for recording and filing in his or her office, and may~~  
19 ~~establish procedures for the electronic filing of plats.~~ Any county, by a resolution duly  
20 adopted by the board, may combine the separate books or volumes for deeds,  
21 mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices,

**BILL**

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

13 SECTION ~~9.~~ <sup>#</sup> 236.25 (2) <sup>(a)</sup> of the statutes is amended to read:

14 236.25 (2) (a) It is ~~on muslin-backed white paper 22 inches wide by 30 inches~~  
 15 ~~long and bears a department certification of no objection or it is reproduced with~~  
 16 ~~photographic silver haloid image on double matt polyester film of not less than 4 mil~~  
 17 ~~thickness, ~~When produced with copy press technology that is~~ 22 inches wide by 30~~

18 inches long. Seals or signatures reproduced on images complying with this <sup>complies with the requirements of s. 59.43(2m)(a)4, and</sup> <sub>bears a</sub>  
 19 paragraph shall be given the force and effect of original signatures and seals; <sub>department</sub>

20 SECTION ~~4.~~ <sup>#</sup> 236.34 (1) (c) of the statutes is amended to read:

21 236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a),  
 22 (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of  
 23 not more than 500 feet to an inch, which shall be shown on each sheet showing layout  
 24 features. The map shall be prepared with a binding margin 1.5 inches wide and a  
 25 0.5 inch margin on all other sides on durable white ~~paper 8 1/2 inches wide by 14~~

a permanent nonfading black image on durable white media that is

INS  
3-19

department  
certification  
of no  
objection

**BILL**

**SECTION 4**

1 inches long with nonfading black image or reproduced with photographic silver  
 2 haloid image on double matt polyester film of not less than 4 mil thickness which  
 3 ~~media & Mylar produced with copy press technology~~ <sup>media</sup> that is 8 1/2 inches wide by 14 inches  
 4 long. <sup>with a permanent nonfading black image</sup> When more than one sheet is used for any map, each sheet shall be numbered  
 5 consecutively and shall contain a notation giving the total number of sheets in the  
 6 map and showing the relationship of that sheet to the other sheets. "CERTIFIED  
 7 SURVEY MAP" shall be printed on the map in prominent letters with the location  
 8 of the land by government lot, recorded private claim, quarter-quarter section,  
 9 section, township, range and county noted. Seals or signatures reproduced on  
 10 images complying with this paragraph shall be given the force and effect of original  
 11 signatures and seals.

12 SECTION ~~5~~ <sup>#</sup> 703.11 (2) (d) of the statutes is amended to read:

13 703.11 (2) (d) All survey maps and floor plans submitted for filing shall be  
 14 legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch  
 15 margin on all other sides on <sup>↓ sheet</sup> ~~durable white~~ <sup>no strike</sup> paper 14 inches in length and 22 inches  
 16 in width with nonfading black image or reproduced with photographic silver haloid  
 17 image on double matt polyester film of not less than 4 millimeter thickness and  
 18 ~~Mylar produced with copy press technology~~ <sup>media that is</sup> that is 14 inches long by 22 inches wide.

19 The maps and plans shall be drawn to a convenient scale.

20 SECTION ~~6~~ <sup>#</sup> 706.01 (7r) of the statutes is created to read:

21 706.01 (7r) "Legal description" means a description of a specific parcel of real  
 22 estate that is ~~complete enough for a registered land surveyor to locate and identify~~  
 23 ~~it and that is~~ described in one of the following ways, whichever is appropriate:

24 (a) By one of the ways under s. 66.0217 (1) (c).

*with a permanent nonfading black image*

**BILL**

1 (b) By condominium name, unit number, and appurtenance number in a  
2 platted condominium development.

3 SECTION ~~§~~ 779.97 (5) (a) 1. to 4. of the statutes are amended to read:

4 779.97 (5) FEES. (a) 1. For a lien on real estate, \$10 \$11.

5 2. For a lien on tangible and intangible personal property, \$10 \$11.

6 3. For a certificate of discharge or subordination, \$10 \$11.

7 4. For all other notices, including a certificate of release or nonattachment, \$10  
8 \$11.

9 SECTION ~~§~~ 867.045 (1) (j) of the statutes is amended to read:

10 867.045 (1) (j) In the case of real property, a copy of the property tax bill for the  
11 year preceding the year of the decedent's death and a legal description of the  
12 property, which description shall be imprinted on or attached to the application. The  
13 register of deeds shall record the bill. The required recording of the tax bill may be  
14 waived by an agreement between the register of deeds and the county real property  
15 lister.

16 SECTION ~~§~~ 867.046 (2) (i) of the statutes is amended to read:

17 867.046 (2) (i) In the case of real property, a copy of the property tax bill for the  
18 year preceding the year of the decedent's death and a legal description of the  
19 property, which description shall be imprinted on or attached to the application. The  
20 register of deeds shall record the bill. The required recording of the tax bill may be  
21 waived by an agreement between the register of deeds and the county real property  
22 lister.

23 (END)

MJL:lgf

D-N Date

Q It is not clear what a "department certification of no objection" means. ~~What~~

<sup>(CS)</sup>  
~~department~~ in Section 3 of the bill.

Q Also, I created the new item as

s. 236.295(1m) ~~and~~ ~~since~~ because there is

~~no~~ ~~section~~ no section 236.925 in

the current statutes, <sup>ok</sup> ok?

MJL

✓  
SECT# CR; 236.295(1m) ✓

(B) Notwithstanding sub. (1), in  
236.295(1m) ~~in~~ a county that maintains a

tract index pursuant to s. 59.43(12m), ~~in~~ a correction  
may be made by reference

~~reference~~ in the tract index to the plat or

certified survey ~~map~~ <sup>map</sup> ~~being corrected~~

is not ~~to be~~ ~~subjected to~~

INS 3-19

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

LRB-2423/3dn  
MJL:kjf:pg

September 24, 2003

It is not clear what a "department certification of no objection" means in SECTION 3 of the bill.

Also, I created the new item as s. 236.295 (1m) because there is no section 236.925 in the current statutes, OK?

Madelon J. Lief  
Senior Legislative Attorney  
Phone: (608) 267-7380

**Marchant, Robert**

---

**From:** Manley, Scott  
**Sent:** Tuesday, September 30, 2003 10:32 AM  
**To:** Marchant, Robert  
**Subject:** FW: We have the draft!!

Rob,

Below are changes from Mark Ladd to LRB 2423 which we would like to incorporate into the draft.

Thank you!

Scott Manley  
Chief of Staff  
Senator Cathy Stepp  
State Capitol, Room 7 South  
(608) 266-1832

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

**From:** Ladd, Mark [mailto:Mark.Ladd@goRacine.org]  
**Sent:** Tuesday, September 30, 2003 9:43 AM  
**To:** Manley, Scott  
**Subject:** RE: We have the draft!!

Scott,

Here are the comments I received from the WRDA Legislative Committee.

*MJL* \*\* The "department certification of no objection" refers to Plat Review in the DOA. It was part of 236.25(2)(a). This was existing language which needs to be retained.

*MJL* \*\* Page 2, lines 16&17 contain a miss-reference - it actually should reflect 59.43(2m)(b) 4.

*MJL* \*\* Page 2, line 20 continuing to Page 3, line 1, the drafter has numbered this new section as 236.295(1m). We think it would make more sense if it were 236.295(2)(a). This is one of the items in the drafter's notes and it looks to me like I transposed a statute number in my original notes to you.

*RJM* \*\* Page 4, Lines 10-15 contains language relating to fees under 779.97(5)(a). We discovered that there is another bill (LRB 2983/1) that contains language relating to the same fees - and we like that language better. Can we substitute the language in LRB 2983/1 Page 9, Lines 21-23 for the language we currently have?

Thanks for all your work on this.

-Mark

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

**From:** Manley, Scott [mailto:Scott.Manley@legis.state.wi.us]  
**Sent:** Thursday, September 25, 2003 11:19 AM  
**To:** Ladd, Mark  
**Subject:** We have the draft!!

Mark,

Attached below are the new draft and drafter's notes for the Register of Deeds bill. Please look it over, and make sure the questions posed in the drafter's note are OK.

Thanks for your patience Mark!

Scott

<<03-24233.pdf>> <<03-24233dn.pdf>>



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2423/8 4  
MES&MJL&RJM:kjf/

OTHER

*RM MR*

2003 BILL

*Regen*

1 AN ACT to amend 59.20 (3) (c), 236.25 (2) (a), 236.34 (1) (c), 703.11 (2) (d), 779.97  
2 (5) (a) 1. to 4., 867.045 (1) (j) and 867.046 (2) (i); and to create 236.295 (1m) and  
3 706.01 (7r) of the statutes; relating to: the cutoff time for receipt of documents  
4 for filing and recording with a register of deeds and fees relating to federal tax  
5 lien filings.

**Analysis by the Legislative Reference Bureau**

Under current law, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one-half hour before the close of an official business day during which a register of deeds office is open to the public. Current law provides that this cutoff time may be set to allow a register of deeds to complete the processing, recording, and indexing of documents to conform to the day of reception.

Under this bill, a county board may enact an ordinance providing that the cutoff time for a register of deeds to receive documents for filing and recording may be one hour before the close of an official business day during which a register of deeds office is open to the public.

The bill also makes technical changes to the recording of certain real estate and probate documents to facilitate and modernize recording *and makes changes regarding*  
*Currently* the fee for filing and indexing federal liens and related documents is \$10. This bill increases the fee to \$11.

*to make the fee more uniform*

**BILL**

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

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

1 SECTION 1. 59.20 (3) (c) of the statutes is amended to read:

2 59.20 (3) (c) Any board may, by ordinance, provide that the cut-off reception  
3 time for the filing and recording of documents shall be advanced by ~~one-half~~ one hour  
4 in any official business day during which time the register of deeds office is open to  
5 the public, in order to complete the processing, recording, and indexing to conform  
6 to the day of reception. Any register of deeds may provide in his or her notice under  
7 s. 19.34 (1) that requests for inspection or copying of the records of his or her office  
8 may be made only during a specified period of not less than 35 hours per week. For  
9 all other purposes, the register of deeds office shall remain open to the public during  
10 usual business hours.

Insert  
2-10

11 SECTION ~~2~~ 236.25 (2) (a) of the statutes is amended to read:

12 236.25 (2) (a) It is on ~~muslin-backed white paper 22 inches wide by 30 inches~~  
13 ~~long and bears a department certification of no objection or it is reproduced with~~  
14 ~~photographic silver haloid image on double matt polyester film of not less than 4 mil~~  
15 ~~thickness, a permanent nonfading black image on durable white media that is 22~~  
16 ~~inches wide by 30 inches long, complies with the requirements of s. 59.43 (2m) (a) 4.,~~  
17 ~~and bears a department certification of no objection.~~ Seals or signatures reproduced  
18 on images complying with this paragraph shall be given the force and effect of

16

19 original signatures and seals; <sup>x</sup>  
20 #. RN; 236.295(2); 236.295(2)(a)  
SECTION 3. 236.295 (~~1~~) of the statutes is created to read:

2 (2) (b)

A  
20

**BILL**

①

236.295 <sup>(2)(b)</sup> ~~(1)(a)~~ Notwithstanding ~~sub (1)~~ <sup>par. (a)</sup>, in a county that maintains a tract index pursuant to s. 59.43 (12m), a correction may be made by reference in the tract index to the plat or certified survey map.

~~SECTION 4.~~ <sup>✓</sup> 236.34 (1) (c) of the statutes is amended to read:

236.34 (1) (c) The map shall be prepared in accordance with s. 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features. The map shall be prepared with a binding margin 1.5 inches wide and a 0.5 inch margin on all other sides on durable white paper ~~8 1/2 inches wide by 14 inches long with nonfading black image or reproduced with photographic silver haloid image on double matt polyester film of not less than 4 mil thickness which media that is 8 1/2 inches wide by 14 inches long with a permanent nonfading black image.~~ When more than one sheet is used for any map, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the map and showing the relationship of that sheet to the other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

~~SECTION 5.~~ <sup>✓</sup> 703.11 (2) (d) of the statutes is amended to read:

703.11 (2) (d) All survey maps and floor plans submitted for filing shall be legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch margin on all other sides on durable white paper ~~14 inches in length and 22 inches in width with nonfading black image or reproduced with photographic silver haloid~~

BILL

INSERT 4-10

1 image on double matt polyester film of not less than 4 millimeter thickness and  
2 media that is 14 inches long by 22 inches wide with a permanent nonfading black  
3 image. The maps and plans shall be drawn to a convenient scale.

4 SECTION ~~6~~ 706.01 (7r) of the statutes is created to read:

5 706.01 (7r) "Legal description" means a description of a specific parcel of real  
6 estate that is described in one of the following ways, whichever is appropriate:

7 (a) By one of the ways under s. 66.0217 (1) (c).

8 (b) By condominium name, unit number, and appurtenance number in a  
9 platted condominium development.

10 SECTION 7. 779.97 (5) (a) 1. to 4. of the statutes are amended to read:

11 779.97 (5) FEES. (a) 1. For a lien on real estate, \$10 \$11.

12 2. For a lien on tangible and intangible personal property, \$10 \$11.

13 3. For a certificate of discharge or subordination, \$10 \$11.

14 4. For all other notices, including a certificate of release or nonattachment, \$10  
15 \$11.

16 SECTION ~~8~~ 867.045 (1) (j) of the statutes is amended to read:

17 867.045 (1) (j) In the case of real property, a copy of the property tax bill for the  
18 year preceding the year of the decedent's death and a legal description of the  
19 property, which description shall be imprinted on or attached to the application. The  
20 register of deeds shall record the bill. The required recording of the tax bill may be  
21 waived by an agreement between the register of deeds and the county real property  
22 lister.

23 SECTION ~~9~~ 867.046 (2) (i) of the statutes is amended to read:

24 867.046 (2) (i) In the case of real property, a copy of the property tax bill for the  
25 year preceding the year of the decedent's death and a legal description of the

**BILL**

1 property, which description shall be imprinted on or attached to the application. The  
2 register of deeds shall record the bill. The required recording of the tax bill may be  
3 waived by an agreement between the register of deeds and the county real property  
4 lister.

4  
5

(END)

INSERT  
5-4

BILL

INSEA 2-10

~~1 termination statements, foreclosure affidavits, extensions and releases pertaining  
2 to such financing statements or chattel security documents. If the financing  
3 statement evidences the creation of a security interest in fixtures, it also shall be  
4 entered in the tract index if one is kept in the county index the statement or document  
5 in the real estate records index under sub. (9).~~

~~6 (o) ~~Except as otherwise provided in subch. V of ch. 409, upon~~ Upon the filing  
7 of an assignment, continuation statement, termination statement, foreclosure  
8 affidavit, extension, or release pertaining to a filed financing statement or other  
9 chattel security document, ~~enter the document number and the date and time of~~  
10 ~~filing in the appropriate column of the indexes referred to in par. (n) and on the same~~  
11 ~~line as that on which the entry of the filed financing statement or other chattel~~  
12 ~~security document appears~~ index the document in the real estate records index under  
13 sub. (9).~~

14 SECTION 3. 59.43 (1) (um) of the statutes is created to read:

15 59.43 (1) (um) Submit that portion of recording and filing fees collected under  
16 sub. (2) (ag) 1. or (e) and not retained by the county to the land information board  
17 under s. 59.72 (5).

18 SECTION 4. 59.43 (1) (um) of the statutes, as created by 2003 Wisconsin Act ....  
19 (this act), is repealed.

20 SECTION ~~3~~ 59.43 (2) (ag) of the statutes is repealed and recreated to read:

21 59.43 (2) (ag) 1. Subject to s. 59.72 (5), for recording any instrument entitled  
22 to be recorded in the office of register of deeds, \$11 for the first page and \$2 for each  
23 additional page, except that no fee may be collected for recording a change of address  
24 that is exempt from a filing fee under s. 185.83 (1) (b).

**BILL**

1           2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall  
2 control.

*Create Auto Ref A*

3           **SECTION 6.** 59.43 (2) (ag) of the statutes, as affected by 2003 Wisconsin Act ....  
4 (this act), is repealed and recreated to read:

5           59.43 (2) (ag) 1. For recording any instrument entitled to be recorded in the  
6 office of register of deeds, \$8 for the first page if the county maintains a land  
7 information office under s. 59.72 (3) and \$4 for the first page if the county does not  
8 maintain such an office, and \$2 for each additional page, except that no fee may be  
9 collected for recording a change of address that is exempt from a filing fee under s.  
10 185.83 (1) (b).

11           2. In the event of conflict in the statutes regarding recording fees, subd. 1. shall  
12 control.

13           ~~**SECTION 7.** 59.43 (2) (e) of the statutes is repealed and recreated to read:~~

14           ~~59.43 (2) (e) Subject to s. 59.72 (5), for filing any instrument which is entitled  
15 to be filed in the office of register of deeds and for which no other specific fee is  
16 specified, \$11 for the first page and \$2 for each additional page.~~

17           ~~**SECTION 8.** 59.43 (2) (e) of the statutes, as affected by 2003 Wisconsin Act ....  
18 (this act), is repealed and recreated to read:~~

19           ~~59.43 (2) (e) For filing any instrument which is entitled to be filed in the office  
20 of register of deeds and for which no other specific fee is specified, \$8 for the first page  
21 if the county maintains a land information office under s. 59.72 (3) and \$4 for the first  
22 page if the county does not maintain such an office, and \$2 for each additional page.~~

23           ~~**SECTION 9.** 59.72 (5) of the statutes, as affected by 1997 Wisconsin Act 27, is  
24 repealed and recreated to read:~~

## BILL

1 ~~record or optical disk or electronic record, of the certificate of release in a file,~~  
2 ~~separate from those containing currently effective notices of federal liens, for a~~  
3 ~~period of 30 years after the date of filing of the certificate of release treat the~~  
4 ~~certificate or document in the same manner as a notice filed or recorded under par.~~  
5 ~~(a) 2. The officer shall also reference the certificate or document to the recorded~~  
6 ~~notice of federal lien by document number in the index maintained under s. 59.43 (9).~~

7 SECTION 22. 779.97 (4) (d) of the statutes is repealed.

8 SECTION 23. 779.97 (4) (e) of the statutes is amended to read:

9 779.97 (4) (e) Upon request of any person, the filing officer shall issue a  
10 ~~certificate showing whether there is on file, on the date and hour stated therein,~~  
11 ~~certified copy of any notice of federal lien or any related refiling of a notice of lien,~~  
12 ~~certificate of nonattachment, discharge or subordination filed on or after~~  
13 ~~February 1, 1968, naming a particular person, and if a notice or certificate is on file,~~  
14 ~~giving the date and hour of filing of each notice or certificate. The officer may charge~~  
15 ~~the fee specified under s. 59.43 (2) (b) for the copy.~~ If the filing officer is the  
16 department of financial institutions, the filing officer shall include the information  
17 concerning the notice of federal lien, or notice or certificate affecting a federal lien,  
18 in the information communicated or otherwise made available in response to a  
19 request under s. 409.523 (3), and the fee charged shall be that charged in accordance  
20 with s. 409.525.

21 SECTION 24. 779.97 (5) (a) of the statutes is repealed and recreated to read:

22 779.97 (5) (a) The fee for filing and indexing each notice of lien or certificate  
23 or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

24 SECTION 25. 1997 Wisconsin Act 27, section 9456 (3m), as last amended by 2003  
25 Wisconsin Act 33, is amended to read:

INSERT 4-10

BILL

*INSERT 5-4*

1 [1997 Wisconsin Act 27] Section 9456 (3m) ELIMINATION OF LAND INFORMATION  
 2 BOARD AND WISCONSIN LAND COUNCIL. The treatment of sections 15.07 (1) (b) 16.,  
 3 15.105 (16), 16.968 (by SECTION 142am), 20.505 (1) (title) (by SECTION 666h), 20.505  
 4 (1) (ka) (by SECTION 669am), 23.27 (3) (a) (by SECTION 769ad), 23.325 (1) (a), 36.09 (1)  
 5 (e), 36.25 (12m) (intro.), 59.72 (1) (a) and (b), and (3) (intro.), (a) and (b) and (5) and  
 6 92.10 (4) (a) of the statutes, the repeal of sections 16.966 (1), (2) and (4), 16.967,  
 7 20.505 (1) (ie), (ig), (ij) and (ks), 23.32 (2) (d), 59.43 (1) (u) and 59.72 (1) (am), (3) (c)  
 8 and (4) of the statutes and SECTION 9101 (1) of this act take effect on September 1,  
 9 2005.

10 ~~SECTION 26~~ **Effective dates.** This act takes effect on the day after publication,  
 11 except as follows:

12 (1) FILING FEES. The repeal of section 59.43 (1) (um) of the statutes and the  
 13 repeal and recreation of sections 59.43 (2) (ag) (by SECTION 6) and (a) (by SECTION 8)  
 14 and 59.72 (5) (by SECTION 10) of the statutes take effect on September 1, 2005.

*Auto Ref A*

15 (2) STATEWIDE LIEN REGISTRATION SYSTEM. The repeal of section 409.528 (by  
 16 SECTION 15) of the statutes takes effect on July 1, 2010.

(END)

**Northrop, Lori**

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**From:** Manley, Scott  
**Sent:** Monday, November 03, 2003 11:59 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2423/4 Topic: Filing and recording items with a register of deeds; real estate descriptions; tax liens

It has been requested by <Manley, Scott> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2423/4 Topic: Filing and recording items with a register of deeds; real estate descriptions; tax liens