



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 4
[2009 Senate Bill 9]

**Residential Real Estate
Transactions**

2009 Wisconsin Act 4 clarifies the applicability of tort law in certain residential real estate transactions.

In *Below v. Norton*, 2008 W.I. 77, the Wisconsin Supreme Court held that when a home seller makes an intentional misrepresentation to a home buyer, the home buyer is limited to contract and statutory remedies and may not begin a tort action seeking damages for intentional misrepresentation.

Wisconsin Act 4 reverses the *Below* decision and creates s. 895.10, Stats., to provide that in addition to any other remedies available under law, a buyer in a residential real estate transaction may bring a tort action against the seller for fraud committed, or an intentional misrepresentation made, by the seller.

Effective Date: The Act took effect on April 9, 2009.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.