



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 102
[2011 Senate Bill 241]

**Foreclosure of Time-Share Estates
and Licenses**

Under ch. 707, Stats., time-shares in Wisconsin may be held in the form of time-share easements, time-share estates, or time-share licenses, all as defined by the chapter.

Foreclosure of Time-Share Estates

2011 Wisconsin Act 102 creates procedures for the non-judicial foreclosure of time-share estates. The Act specifies that a mortgage or lien for assessments on a time-share estate may be foreclosed in the same manner as a foreclosure of a mortgage on real property or in the manner prescribed by the Act. Under Act 102, the procedures for non-judicial foreclosure include provisions relating to: notice of default and right to cure; the ability for a time-share estate owner to object to the non-judicial foreclosure; and notice requirements for sale of property foreclosed under Act 102. Additionally, the Act describes the procedures for a non-judicial foreclosure sale of a time-share estate and prescribes the manner in which sale proceeds are to be dispersed.

Under a non-judicial foreclosure of a time-share estate, the foreclosing entity must waive the right to bring an action for any deficiency that may remain due after the sale of the time-share estate.

Foreclosure of Time-Share Licenses

Under 2011 Wisconsin Act 102, a security interest in a time-share license, or a lien for assessments on a time-share license, may be foreclosed under chs. 401 to 411, Stats., the Wisconsin Uniform Commercial Code.

Initial Applicability

2011 Wisconsin Act 102 first applies to the foreclosures of mortgages or assessment liens on time-share estates that are commenced on the effective date of the Act.

Effective date: December 21, 2011

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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/>.