

**2015 DRAFTING REQUEST**

**Bill**

Received: 1/22/2015 Received By: emueller  
Wanted: As time permits Same as LRB:  
For: Mark Born (608) 266-2540 By/Representing: John Cronin  
May Contact: Drafter: emueller  
Subject: Local Gov't - counties Addl. Drafters: fknepp  
tkuczens  
Extra Copies: MES, PJK, PJH

Submit via email: YES  
Requester's email: Rep.Born@legis.wisconsin.gov  
Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Various register of deeds changes

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**Instructions:**

See attached

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**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> |
|--------------|-----------------------|------------------|----------------------|----------------|----------------------|-----------------|-----------------|
| /?           | emueller<br>2/4/2015  | jdye<br>2/5/2015 | rschluet<br>2/5/2015 | _____          |                      |                 |                 |
| /P1          | emueller<br>2/10/2015 |                  |                      | _____          | sbasford<br>2/5/2015 |                 | Local           |
| /P2          | emueller              | kfollett         | jmurphy              | _____          | rose                 |                 | Local           |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u>       | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>     | <u>Jacketed</u>       | <u>Required</u> |
|--------------|----------------|-----------------------|-----------------------|----------------|----------------------|-----------------------|-----------------|
| /1           | 2/17/2015      | 2/12/2015<br>kfollett | 2/13/2015<br>rschluet | _____          | 2/13/2015<br>lparisi | sbasford<br>2/17/2015 | Local           |

FE Sent For:

*atw  
3/5/15*

<END>

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| /P1          | emueller<br>2/10/2015 |                  |                      | _____          | sbasford<br>2/5/2015 |                 | Local           |
| /P2          | emueller              | kfollett         | jmurphy              | _____          | srose                |                 | Local           |

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|--------------|----------------|-----------------------|-----------------------|----------------|----------------------|-----------------|-----------------|
|              | 2/17/2015      | 2/12/2015             | 2/13/2015             | _____          | 2/13/2015            |                 |                 |
| /1           |                | kfollett<br>2/17/2015 | rschluet<br>2/17/2015 | _____          | lparisi<br>2/17/2015 |                 | Local           |

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| /P1          | emueller<br>2/10/2015 |                   |                      | _____          | sbasford<br>2/5/2015 |                 | Local           |
| /P2          |                       | kfollett          | jmurphy              | _____          | srose                |                 | Local           |

Vers. Drafted

Reviewed  
2/12/2015

Typed  
2/13/2015

Proofed  
\_\_\_\_\_

Submitted  
2/13/2015

Jacketed

Required

11 EOM  
2/17/15

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| /P1          |                      | 1/2/12<br>2/12    | 1/2/12<br>2/12       | <br>2/12 | sbasford<br>2/5/2015 |                 | Local           |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/2          | emueller       | 1 2/5 jld       | 8            | ==             |                  |                 |                 |
| 1/1          | EVM<br>2/4/15  |                 | 2/3/13       | ==             |                  |                 |                 |

FE Sent For:

<END>

59.43(1)(a) – Please add “or” wherever there is a reference to file in this section.

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 or file or cause to be recorded and or filed all plats and certified survey maps that are authorized to be accepted for recording and or filing in his or her office.

59.43(1)(L) – Please replace the words “file” or “filed” with “record” or “recorded” in this section.

59.43(1)(L) ~~File~~ Record all documents pertaining to security interests, as defined in s. 401.201 (2) (t), that are required or authorized by law to be ~~filed~~ recorded with the register. Except as otherwise prescribed by the department of financial institutions under subch. V of ch. 409, these documents shall be executed in a manner that satisfies the requirements set forth in sub. (2m) (b) 1. to 5.

59.43(1)(n) – Replace “filing” with “recording”.

59.43(1)(n) Upon the ~~filing~~ recording of a financing statement or other document evidencing the creation of a security interest, as defined in s. 401.201 (2) (t), required to be filed or recorded with the register under s. 409.501 (1) (a), index the statement or document in the real estate records index under sub. (9).

59.43(2)(a)2. – Change the blank space measurements to match those specified in 59.43(2m)(a)3.

59.43(2)(a)2. Any instrument that is submitted for recording shall contain a blank space at least ~~2.5 inches by 2.5 inches~~ 3 inches by 3 inches in size for use by the register of deeds. If the space is not provided, the register of deeds may add a page for his or her use and charge for the page a fee that is established by the county board not to exceed an amount reasonably related to the actual and necessary cost of adding the page.

59.43(2)(i) – Eliminate this provision so the recording fees for HT110 and TOD110 default to \$30, like all other recordings, except plats.

~~(i) For recording certificates and for preparing and mailing documents under s. 867.045 or 867.046, \$25.~~

59.43(2m)(b)5. – Change this provision to allow blue ink.

5. The ink is black, blue, or red, except that signatures and coded notations on maps may be other colors.

59.43(2m)(d)2. – Eliminate this provision.

~~2. Rerecorded documents.~~

59.43(2m)(d)3. – Add “or recorded” to this provision to allow for eRecordings.

3. Filed or recorded documents

59.43(9)(a)1.g. – Add “document number or” to allow for instances where there is no longer a volume and page to reference.

g. Document number or volume and page if applicable where the instrument is recorded or filed.

236.25(4), 236.34(2), 236.45(2)(am), 703.11(1) – Add “or stored electronically” to each item to allow for the electronic storage of eRecorded documents.

236.25(4) Every final plat entitled to be recorded under this section shall be bound, filed or stored electronically by the register of deeds into ~~properly indexed volumes~~ the plat index.

236.34(2)(a) Certified survey maps prepared in accordance with subs. (1) and (1m) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume or stored electronically and kept in the register of deeds office.

236.45(2)(am) – ... The governing body of the municipality, town, or county shall require that a plat of such division be recorded with the register of deeds and kept in a book provided for that purpose, or stored electronically. ...

703.11(1) – When any condominium instruments are recorded, the declarant shall file for record a condominium plat in a separate plat book maintained for condominium plats, or stored electronically.

779.97(5)(b) – Replace “shall” with “may”. Register of Deeds offices no longer invoice for recording fees because the IRS uses a new system.

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

867.045(3) – Eliminate this provision. Clerk of Courts or Probate offices no longer require Register of Deeds offices to send copies of HT110 documents to them.

~~(3) The register of deeds shall then mail, or deliver, copies of such application to the circuit court for the county of residence of the decedent, unless the clerk of courts notifies the register of deeds in writing that this procedure is unnecessary.~~



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1382/P1  
EVM/FFK/TKK:kjf:jm

1383/P1

Keep

RmNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No Changes

due 2/16/15

Regen

1 AN ACT to repeal 59.43 (2) (i), 59.43 (2m) (d) 2. and 867.045 (3); and to amend

2 59.43 (1) (a), 59.43 (1) (L), 59.43 (1) (n), 59.43 (2) (a) 2., 59.43 (2m) (b) 5., 59.43

3 (2m) (d) 3., 59.43 (9) (a) 1. g., 236.25 (4), 236.34 (2) (a), 236.45 (2) (am) (intro.),

4 703.11 (1) and 779.97 (5) (a) and (b) of the statutes; relating to: instruments

5 filed or recorded with, and fees charged by, the register of deeds.

**Analysis by the Legislative Reference Bureau**

Current law requires the register of deeds to record and file plats and certified survey maps that are authorized to be filed with the register of deeds. This bill states that the register of deeds may either record or file these plats and certified survey maps.

Also under current law, the register of deeds is required to file all documents pertaining to security interests that are authorized to be filed with the register of deeds. Under this bill, the register of deeds must record these documents.

Current law requires the register of deeds to index certain statements or documents upon the filing of certain statements or documents evidencing the creation of a security interest. Under this bill, these statements and documents must be indexed upon recording.

Current law requires the register of deeds to maintain a real estate records index that contains certain specified information. One item of information required under current law is the volume and page where the recorded instrument is recorded. Under this bill, the index may, in lieu of volume and page, provide a document number where the instrument is recorded.

Current law requires the filing and indexing of notices of liens on real property for obligations payable to the United States, and certificates and notices affecting the liens, in the office of the register of deeds of the county in which real property subject to the liens is located. Under current law, the register of deeds may charge a fee for filing and indexing each notice of lien, certificate, or notice, and must bill the Internal Revenue Service (IRS) on a monthly basis for fees for documents filed by the IRS. This bill permits the register of deeds to file a fee for recording or filing each notice of lien, certificate, or notice, and permits, but does not require, the register of deeds to bill IRS on a monthly basis.

Under current law, counties collect fees for recording or filing instruments that are recorded or filed with a register of deeds. Among these fees, counties collect \$25 for recording certain certificates and for preparing and mailing to the clerk of courts certain documents related to certain survivorship interests in property. Under this bill, the fee for recording instruments related to certain survivorship interests in property is increased to \$30. A requirement that the register of deeds mail to the clerk of courts certain documents related to certain survivorship interests in property is eliminated.

Current law specifies certain standard format requirements for documents that are to be recorded with the register of deeds. Under one of these requirements, a document that is filed with the register of deeds must generally use only black or red ink. Under this bill, blue ink may also be used.

Also under current law, the standard format requirements do not apply to instruments that are filed documents. Under this bill the standard format requirement also does not apply to recorded documents.

Under current law, one provision of the statutes requires that an instrument that is submitted for recording with the register of deeds contain a blank space at least 2.5 inches by 2.5 inches for use by the register of deeds. Another provision requires a blank space at least 3 inches by 3 inches. This bill amends the former provision so that both provisions require a blank space at least 3 inches by 3 inches.

Under current law, the register of deeds is required to keep certain recorded plats and certified survey maps in volumes or books, which must be kept in the register of deeds office. Under the bill, a register of deeds may store such documents electronically.

For further information see the *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.** 59.43 (1) (a) of the statutes is amended to read:
- 2           59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his
- 3 or her office, correctly and legibly all deeds, mortgages, instruments, and writings

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

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

22 59.43 (1) (L) File Record all documents pertaining to security interests, as  
23 defined in s. 401.201 (2) (t), that are required or authorized by law to be ~~filed~~ recorded  
24 with the register. Except as otherwise prescribed by the department of financial

1 institutions under subch. V of ch. 409, these documents shall be executed in a manner  
2 that satisfies the requirements set forth in sub. (2m) (b) 1. to 5.

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

4 59.43 (1) (n) Upon the ~~filing~~ recording of a financing statement or other  
5 document evidencing the creation of a security interest, as defined in s. 401.201 (2)  
6 (t), required to be filed or recorded with the register under s. 409.501 (1) (a), index  
7 the statement or document in the real estate records index under sub. (9).

8 **SECTION 4.** 59.43 (2) (a) 2. of the statutes is amended to read:

9 59.43 (2) (a) 2. Any instrument that is submitted for recording shall contain  
10 a blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size for use by the register of  
11 deeds. If the space is not provided, the register of deeds may add a page for his or  
12 her use and charge for the page a fee that is established by the county board not to  
13 exceed an amount reasonably related to the actual and necessary cost of adding the  
14 page.

15 **SECTION 5.** 59.43 (2) (i) of the statutes is repealed.

16 **SECTION 6.** 59.43 (2m) (b) 5. of the statutes is amended to read:

17 59.43 (2m) (b) 5. The ink is black, blue, or red, except that signatures and coded  
18 notations on maps may be other colors.

19 **SECTION 7.** 59.43 (2m) (d) 2. of the statutes is repealed.

20 **SECTION 8.** 59.43 (2m) (d) 3. of the statutes is amended to read:

21 59.43 (2m) (d) 3. Filed or recorded documents.

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

23 59.43 (9) (a) 1. g. ~~Volume~~ The document number or the volume and page where  
24 the instrument is recorded or filed.

25 **SECTION 10.** 236.25 (4) of the statutes is amended to read:

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

6           **SECTION 11.** 236.34 (2) (a) of the statutes is amended to read:

7           236.34 (2) (a) Certified survey maps prepared in accordance with subs. (1) and  
8 (1m) shall be numbered consecutively by the register of deeds and shall be recorded  
9 in a bound volume ~~to be kept in the register of deeds' office, known as the "Certified~~  
10 Survey Maps of .... County" or stored electronically in the register of deeds office.

11           **SECTION 12.** 236.45 (2) (am) (intro.) of the statutes is amended to read:

12           236.45 (2) (am) (intro.) Ordinances under par. (ac) may include provisions  
13 regulating divisions of land into parcels larger than 1 1/2 acres or divisions of land  
14 into less than 5 parcels, and may prohibit the division of land in areas where such  
15 prohibition will carry out the purposes of this section. Such ordinances shall make  
16 applicable to such divisions all of the provisions of this chapter, or may provide other  
17 surveying, monumenting, mapping and approving requirements for such division.  
18 The governing body of the municipality, town, or county shall require that a plat of  
19 such division be recorded with the register of deeds and kept in a book provided for  
20 that purpose or stored electronically. "COUNTY PLAT," "MUNICIPAL PLAT," or  
21 "TOWN PLAT" shall be printed on the map in prominent letters with the location of  
22 the land by government lot, recorded private claim, quarter-quarter section, section,  
23 township, range, and county noted. When so recorded, the lots included in the plat  
24 shall be described by reference to "COUNTY PLAT," "MUNICIPAL PLAT," or  
25 "TOWN PLAT," the name of the plat and the lot and block in the plat, for all purposes,



1 including those of assessment, taxation, devise, descent, and conveyance as defined  
2 in s. 706.01 (4). Such ordinance, insofar as it may apply to divisions of less than 5  
3 parcels, shall not apply to:

4 **SECTION 13.** 703.11 (1) of the statutes is amended to read:

5 703.11 (1) TO BE FILED FOR RECORD. When any condominium instruments are  
6 recorded, the declarant shall file ~~for record~~ a condominium plat to be recorded in a  
7 separate plat book maintained for condominium plats or stored electronically in the  
8 register of deeds office.

9 **SECTION 14.** 779.97 (5) (a) and (b) of the statutes are amended to read:

10 779.97 (5) (a) The fee for recording or filing and indexing each notice of lien or  
11 certificate or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

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

14 **SECTION 15.** 867.045 (3) of the statutes is repealed.

15 (END)

## Mueller, Eric

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**From:** Cronin, John  
**Sent:** Friday, February 06, 2015 4:50 PM  
**To:** Mueller, Eric  
**Subject:** LRB 1383/P1 changes

Hi Eric,

Thank you for drafting LRB 1383/P1, relating to: instruments filed or recorded with, and fee charged by, the register of deeds. There are a few items in the language that I need changed.

On page 4, line 23, please remove the word "or" and replace it with ",and if given," – similar usage of this language is found in 706.05(2m)(a).

On page 5, lines 9 and 10, ", known as the "Certified Survey Maps of .... County"" was struck – please re-add it. That was my fault I should have been more clear in the instructions.

In the LRB analysis on page 2, paragraph 2, it says: "Under this bill, the fee for recording instruments related to certain survivorship interests in property is increased to \$30." Can you alter the analysis to remove mention of the fee increase and say something more to the effect of standardization of recording fees? The WI Register of Deeds Association believes the fees for HT110 and TOD110 should be the same as all other recorded documents (except plats). The change would make the fee structure more understandable.

Thanks for your help and let me know if you have any questions.

Have a good weekend!

**John Cronin**  
Office of Rep. Mark Born  
39<sup>th</sup> Assembly District  
(608) 266-2540



State of Wisconsin  
2015 - 2016 LEGISLATURE

In 2-10  
out 2-13

LRB-1383/PT 1P2  
EVM/FFK/TKK:kjf:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

Regen

1 AN ACT to repeal 59.43 (2) (i), 59.43 (2m) (d) 2. and 867.045 (3); and to amend  
2 59.43 (1) (a), 59.43 (1) (L), 59.43 (1) (n), 59.43 (2) (a) 2., 59.43 (2m) (b) 5., 59.43  
3 (2m) (d) 3., 59.43 (9) (a) 1. g., 236.25 (4), 236.34 (2) (a), 236.45 (2) (am) (intro.),  
4 703.11 (1) and 779.97 (5) (a) and (b) of the statutes; relating to: instruments  
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Current law requires the register of deeds to maintain a real estate records index that contains certain specified information. One item of information required under current law is the volume and page where the recorded instrument is recorded. Under this bill, the index may, in lieu of volume and page, provide a document number where the instrument is recorded.

and the volume and page only in certain situations. must

The general fee for filing or recording instruments is \$30.  
Among the

Current law requires the filing and indexing of notices of liens on real property for obligations payable to the United States, and certificates and notices affecting the liens, in the office of the register of deeds of the county in which real property subject to the liens is located. Under current law, the register of deeds may charge a fee for filing and indexing each notice of lien, certificate, or notice, and must bill the Internal Revenue Service (IRS) on a monthly basis for fees for documents filed by the IRS. This bill permits the register of deeds to file a fee for recording or filing each notice of lien, certificate, or notice, and permits, but does not require, the register of deeds to bill IRS on a monthly basis.

Under current law, counties collect fees for recording or filing instruments that are recorded or filed with a register of deeds. Among these fees, counties collect \$25 for recording certain certificates and for preparing and mailing to the clerk of courts certain documents related to certain survivorship interests in property. Under this bill, the fee for recording instruments related to certain survivorship interests in property is increased to \$30. A requirement that the register of deeds mail to the clerk of courts certain documents related to certain survivorship interests in property is eliminated.

Current law specifies certain standard format requirements for documents that are to be recorded with the register of deeds. Under one of these requirements, a document that is filed with the register of deeds must generally use only black or red ink. Under this bill, blue ink may also be used.

Also under current law, the standard format requirements do not apply to instruments that are filed documents. Under this bill the standard format requirement also does not apply to recorded documents.

Under current law, one provision of the statutes requires that an instrument that is submitted for recording with the register of deeds contain a blank space at least 2.5 inches by 2.5 inches for use by the register of deeds. Another provision requires a blank space at least 3 inches by 3 inches. This bill amends the former provision so that both provisions require a blank space at least 3 inches by 3 inches.

Under current law, the register of deeds is required to keep certain recorded plats and certified survey maps in volumes or books, which must be kept in the register of deeds office. Under the bill, a register of deeds may store such documents electronically.

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. 59.43 (1) (a) of the statutes is amended to read:
- 2 59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his
- 3 or her office, correctly and legibly all deeds, mortgages, instruments, and writings

specification  
of a  
different

eliminated  
and the  
general  
fee for  
filing or  
recording  
instruments  
applies

for which  
a different  
amount  
is  
specified

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

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

22 59.43 (1) (L) File Record all documents pertaining to security interests, as  
23 defined in s. 401.201 (2) (t), that are required or authorized by law to be filed recorded  
24 with the register. Except as otherwise prescribed by the department of financial

1 institutions under subch. V of ch. 409, these documents shall be executed in a manner  
2 that satisfies the requirements set forth in sub. (2m) (b) 1. to 5.

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

4 59.43 (1) (n) Upon the filing recording of a financing statement or other  
5 document evidencing the creation of a security interest, as defined in s. 401.201 (2)  
6 (t), required to be filed or recorded with the register under s. 409.501 (1) (a), index  
7 the statement or document in the real estate records index under sub. (9).

8 **SECTION 4.** 59.43 (2) (a) 2. of the statutes is amended to read:

9 59.43 (2) (a) 2. Any instrument that is submitted for recording shall contain  
10 a blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size for use by the register of  
11 deeds. If the space is not provided, the register of deeds may add a page for his or  
12 her use and charge for the page a fee that is established by the county board not to  
13 exceed an amount reasonably related to the actual and necessary cost of adding the  
14 page.

15 **SECTION 5.** 59.43 (2) (i) of the statutes is repealed.

16 **SECTION 6.** 59.43 (2m) (b) 5. of the statutes is amended to read:

17 59.43 (2m) (b) 5. The ink is black, blue, or red, except that signatures and coded  
18 notations on maps may be other colors.

19 **SECTION 7.** 59.43 (2m) (d) 2. of the statutes is repealed.

20 **SECTION 8.** 59.43 (2m) (d) 3. of the statutes is amended to read:

21 59.43 (2m) (d) 3. Filed or recorded documents.

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

23 59.43 (9) (a) 1. g. ~~Volume~~ The document number or the volume and page where  
24 the instrument is recorded or filed.

25 **SECTION 10.** 236.25 (4) of the statutes is amended to read:

*and if given on  
the instrument,*

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

6           **SECTION 11.** 236.34 (2) (a) of the statutes is amended to read:

7           236.34 (2) (a) Certified survey maps prepared in accordance with subs. (1) and  
8 (1m) shall be numbered consecutively by the register of deeds and shall be recorded  
9 in a bound volume ~~to be kept in the register of deeds' office, known as the "Certified~~  
10 ~~Survey Maps of .... County"~~ or stored electronically in the register of deeds office.

*no strike* (circled) *no strike*

11           **SECTION 12.** 236.45 (2) (am) (intro.) of the statutes is amended to read:

12           236.45 (2) (am) (intro.) Ordinances under par. (ac) may include provisions  
13 regulating divisions of land into parcels larger than 1 1/2 acres or divisions of land  
14 into less than 5 parcels, and may prohibit the division of land in areas where such  
15 prohibition will carry out the purposes of this section. Such ordinances shall make  
16 applicable to such divisions all of the provisions of this chapter, or may provide other  
17 surveying, monumenting, mapping and approving requirements for such division.  
18 The governing body of the municipality, town, or county shall require that a plat of  
19 such division be recorded with the register of deeds and kept in a book provided for  
20 that purpose or stored electronically. "COUNTY PLAT," "MUNICIPAL PLAT," or  
21 "TOWN PLAT" shall be printed on the map in prominent letters with the location of  
22 the land by government lot, recorded private claim, quarter-quarter section, section,  
23 township, range, and county noted. When so recorded, the lots included in the plat  
24 shall be described by reference to "COUNTY PLAT," "MUNICIPAL PLAT," or  
25 "TOWN PLAT," the name of the plat and the lot and block in the plat, for all purposes,

1 including those of assessment, taxation, devise, descent, and conveyance as defined  
2 in s. 706.01 (4). Such ordinance, insofar as it may apply to divisions of less than 5  
3 parcels, shall not apply to:

4 **SECTION 13.** 703.11 (1) of the statutes is amended to read:

5 703.11 (1) TO BE FILED FOR RECORD. When any condominium instruments are  
6 recorded, the declarant shall file ~~for record~~ a condominium plat to be recorded in a  
7 separate plat book maintained for condominium plats or stored electronically in the  
8 register of deeds office.

9 **SECTION 14.** 779.97 (5) (a) and (b) of the statutes are amended to read:

10 779.97 (5) (a) The fee for recording or filing and indexing each notice of lien or  
11 certificate or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

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

14 **SECTION 15.** 867.045 (3) of the statutes is repealed.

15 (END)





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1383/P2 11  
EVM/FFK/TKK:kjf:jm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

RMP

No changes

2/17/15

Today

Regen

1 **AN ACT to repeal** 59.43 (2) (i), 59.43 (2m) (d) 2. and 867.045 (3); and **to amend**  
2 59.43 (1) (a), 59.43 (1) (L), 59.43 (1) (n), 59.43 (2) (a) 2., 59.43 (2m) (b) 5., 59.43  
3 (2m) (d) 3., 59.43 (9) (a) 1. g., 236.25 (4), 236.34 (2) (a), 236.45 (2) (am) (intro.),  
4 703.11 (1) and 779.97 (5) (a) and (b) of the statutes; **relating to:** instruments  
5 filed or recorded with, and fees charged by, the register of deeds.

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

Current law requires the register of deeds to record and file plats and certified survey maps that are authorized to be filed with the register of deeds. This bill states that the register of deeds may either record or file these plats and certified survey maps.

Also under current law, the register of deeds is required to file all documents pertaining to security interests that are authorized to be filed with the register of deeds. Under this bill, the register of deeds must record these documents.

Current law requires the register of deeds to index certain statements or documents upon the filing of certain statements or documents evidencing the creation of a security interest. Under this bill, these statements and documents must be indexed upon recording.

Current law requires the register of deeds to maintain a real estate records index that contains certain specified information. One item of information required under current law is the volume and page where the recorded instrument is recorded. Under this bill, the index must provide a document number where the instrument is recorded and the volume and page only in certain situations.

Current law requires the filing and indexing of notices of liens on real property for obligations payable to the United States, and certificates and notices affecting the liens, in the office of the register of deeds of the county in which real property subject to the liens is located. Under current law, the register of deeds may charge a fee for filing and indexing each notice of lien, certificate, or notice, and must bill the Internal Revenue Service (IRS) on a monthly basis for fees for documents filed by the IRS. This bill permits the register of deeds to file a fee for recording or filing each notice of lien, certificate, or notice, and permits, but does not require, the register of deeds to bill IRS on a monthly basis.

Under current law, counties collect fees for recording or filing instruments that are recorded or filed with a register of deeds. The general fee for filing or recording instruments is \$30. Among the fees for which a different amount is specified, counties collect \$25 for recording certain certificates and for preparing and mailing to the clerk of courts certain documents related to certain survivorship interests in property. Under this bill, the specification of a different fee for recording instruments related to certain survivorship interests in property is eliminated and the general fee for filing or recording instruments applies. A requirement that the register of deeds mail to the clerk of courts certain documents related to certain survivorship interests in property is eliminated.

Current law specifies certain standard format requirements for documents that are to be recorded with the register of deeds. Under one of these requirements, a document that is filed with the register of deeds must generally use only black or red ink. Under this bill, blue ink may also be used.

Also under current law, the standard format requirements do not apply to instruments that are filed documents. Under this bill the standard format requirement also does not apply to recorded documents.

Under current law, one provision of the statutes requires that an instrument that is submitted for recording with the register of deeds contain a blank space at least 2.5 inches by 2.5 inches for use by the register of deeds. Another provision requires a blank space at least 3 inches by 3 inches. This bill amends the former provision so that both provisions require a blank space at least 3 inches by 3 inches.

Under current law, the register of deeds is required to keep certain recorded plats and certified survey maps in volumes or books, which must be kept in the register of deeds office. Under the bill, a register of deeds may store such documents electronically.

For further information see the *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.** 59.43 (1) (a) of the statutes is amended to read:

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

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

24           59.43 (1) (L) File Record all documents pertaining to security interests, as  
25 defined in s. 401.201 (2) (t), that are required or authorized by law to be ~~filed~~ recorded

1 with the register. Except as otherwise prescribed by the department of financial  
2 institutions under subch. V of ch. 409, these documents shall be executed in a manner  
3 that satisfies the requirements set forth in sub. (2m) (b) 1. to 5.

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

5 59.43 (1) (n) Upon the ~~file~~ recording of a financing statement or other  
6 document evidencing the creation of a security interest, as defined in s. 401.201 (2)  
7 (t), required to be filed or recorded with the register under s. 409.501 (1) (a), index  
8 the statement or document in the real estate records index under sub. (9).

9 **SECTION 4.** 59.43 (2) (a) 2. of the statutes is amended to read:

10 59.43 (2) (a) 2. Any instrument that is submitted for recording shall contain  
11 a blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size for use by the register of  
12 deeds. If the space is not provided, the register of deeds may add a page for his or  
13 her use and charge for the page a fee that is established by the county board not to  
14 exceed an amount reasonably related to the actual and necessary cost of adding the  
15 page.

16 **SECTION 5.** 59.43 (2) (i) of the statutes is repealed.

17 **SECTION 6.** 59.43 (2m) (b) 5. of the statutes is amended to read:

18 59.43 (2m) (b) 5. The ink is black, blue, or red, except that signatures and coded  
19 notations on maps may be other colors.

20 **SECTION 7.** 59.43 (2m) (d) 2. of the statutes is repealed.

21 **SECTION 8.** 59.43 (2m) (d) 3. of the statutes is amended to read:

22 59.43 (2m) (d) 3. Filed or recorded documents.

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

24 59.43 (9) (a) 1. g. ~~Volume~~ The document number, and if given on the  
25 instrument, the volume and page where the instrument is recorded or filed.

1           **SECTION 10.** 236.25 (4) of the statutes is amended to read:

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

7           **SECTION 11.** 236.34 (2) (a) of the statutes is amended to read:

8           236.34 (2) (a) Certified survey maps prepared in accordance with subs. (1) and  
9           (1m) shall be numbered consecutively by the register of deeds and shall be recorded  
10          in a bound volume ~~to be kept in the register of deeds' office, known as the "Certified~~  
11          Survey Maps of .... County", or stored electronically in the register of deeds office.

12          **SECTION 12.** 236.45 (2) (am) (intro.) of the statutes is amended to read:

13          236.45 (2) (am) (intro.) Ordinances under par. (ac) may include provisions  
14          regulating divisions of land into parcels larger than 1 1/2 acres or divisions of land  
15          into less than 5 parcels, and may prohibit the division of land in areas where such  
16          prohibition will carry out the purposes of this section. Such ordinances shall make  
17          applicable to such divisions all of the provisions of this chapter, or may provide other  
18          surveying, monumenting, mapping and approving requirements for such division.  
19          The governing body of the municipality, town, or county shall require that a plat of  
20          such division be recorded with the register of deeds and kept in a book provided for  
21          that purpose or stored electronically. "COUNTY PLAT," "MUNICIPAL PLAT," or  
22          "TOWN PLAT" shall be printed on the map in prominent letters with the location of  
23          the land by government lot, recorded private claim, quarter-quarter section, section,  
24          township, range, and county noted. When so recorded, the lots included in the plat  
25          shall be described by reference to "COUNTY PLAT," "MUNICIPAL PLAT," or

**SECTION 12**

1 “TOWN PLAT,” the name of the plat and the lot and block in the plat, for all purposes,  
2 including those of assessment, taxation, devise, descent, and conveyance as defined  
3 in s. 706.01 (4). Such ordinance, insofar as it may apply to divisions of less than 5  
4 parcels, shall not apply to:

5 **SECTION 13.** 703.11 (1) of the statutes is amended to read:

6 703.11 (1) TO BE FILED FOR RECORD. When any condominium instruments are  
7 recorded, the declarant shall file ~~for record~~ a condominium plat to be recorded in a  
8 separate plat book maintained for condominium plats or stored electronically in the  
9 register of deeds office.

10 **SECTION 14.** 779.97 (5) (a) and (b) of the statutes are amended to read:

11 779.97 (5) (a) The fee for recording or filing and indexing each notice of lien or  
12 certificate or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

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

15 **SECTION 15.** 867.045 (3) of the statutes is repealed.

16 (END)

**Basford, Sarah**

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**From:** Cronin, John  
**Sent:** Tuesday, February 17, 2015 3:13 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1383/1 Topic: Various register of deeds changes

Please Jacket LRB -1383/1 for the ASSEMBLY.