



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-2354/1
CMH:amn

2017 SENATE BILL 131

1 **AN ACT** *to repeal* 59.76 (2); *to renumber* 59.76 (1); *to renumber and amend*
2 236.34 (3); *to consolidate, renumber and amend* 59.43 (9) (a) 1. a. and g. and
3 59.43 (9) (c) (intro.), 1. and 2.; *to amend* 59.43 (1c) (k), 59.43 (9) (a) 2. c., 59.43
4 (9) (b), 59.71 (3), 61.187 (2) (d), 69.64 (2), 70.25, 70.27 (5), 75.28 (2) (a), 84.095
5 (3) (a), 84.095 (7) (a), 84.095 (8) (b), 185.82 (2) (c), 186.315, 228.05, 236.295 (2)
6 (a), 321.61 (1) (f), 703.11 (2) (am), 703.275 (5), 706.05 (2) (c), 706.05 (2m) (a),
7 706.085 (2) (a), 708.15 (1) (L) and 893.33 (2); and *to create* 236.34 (3) (c) of the
8 statutes; **relating to:** identification and location information assigned to
9 documents filed or recorded in the county register of deeds offices and
10 registration of farm names by recording in the register of deeds office.

Analysis by the Legislative Reference Bureau

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

SENATE BILL 131**SECTION 1**

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

2 59.43 **(1c)** (k) Keep an index of all organizational documents of corporations,
3 fraternal societies, religious organizations, associations, and other entities, and all
4 amendments of such ~~the~~ documents, that are allowed or required by law to be filed
5 or recorded in the register's office. The index shall ~~access the documents be~~
6 accessible and searchable by the names name of the corporations corporation,
7 fraternal societies society, religious organizations, associations and organization,
8 association, or other entities, entity and shall contain a reference to the document
9 number of the organizational document or amendment and, if given on the
10 document, the volume and page number where the documents are organizational
11 document or amendment is filed or recorded in the register's office.

12 **SECTION 2.** 59.43 (9) (a) 1. a. and g. of the statutes are consolidated, renumbered
13 59.43 (9) (a) 1. am. and amended to read:

14 59.43 **(9)** (a) 1. am. ~~Number of~~ Document number assigned under sub. (1c) (f)
15 to the instrument that is consecutive and unique within the record series. ~~g. The~~
16 ~~document number, and, if given on the instrument, the volume and page where the~~
17 instrument is recorded or filed.

18 **SECTION 3.** 59.43 (9) (a) 2. c. of the statutes is amended to read:

19 59.43 **(9)** (a) 2. c. Document number, ~~or~~ assigned to the instrument under sub.
20 (1c) (f) and, if given on the instrument, the volume and page where the instrument
21 is recorded or filed.

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

23 59.43 **(9)** (b) ~~In the case of~~ With regard to assignments, satisfactions and,
24 partial releases of mortgages, and subordination subordinations of mortgages, the
25 index under par. (a) shall also contain the document number ~~or~~ of the original

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1 mortgage instrument and, if given on the original mortgage instrument, the volume
2 and page of where the original mortgage instrument is recorded or filed whenever
3 that the original mortgage instrument is referenced on the document assignment,
4 satisfaction, partial release, or subordination.

5 **SECTION 5.** 59.43 (9) (c) (intro.), 1. and 2. of the statutes are consolidated,
6 renumbered 59.43 (9) (c) and amended to read:

7 59.43 (9) (c) With regard to affidavits of ~~corrections~~ correction of previously
8 filed or recorded documents, the register of deeds shall include ~~at least one of the~~
9 ~~following notations on the previously filed or recorded document:~~ 1. The a notation
10 of the document number of the affidavit of correction. 2. The, the date when the
11 affidavit of correction is filed or recorded, and, if the affidavit of correction is assigned
12 a volume and page number, the volume and page number where the affidavit of
13 correction is filed, ~~and the date when the affidavit is filed or recorded.~~

14 **SECTION 6.** 59.71 (3) of the statutes is amended to read:

15 59.71 (3) The register of deeds shall enter an abstract of all eminent domain
16 proceedings in the record maintained under sub. (2). The abstract shall
17 substantially contain the facts as to the filing of a notice of lis pendens, the date of
18 filing, the description, the court in which or the body before whom the proceeding is
19 pending, the result of the proceedings, the action taken, and the date ~~thereof~~ of the
20 action and shall briefly state all of the essential facts of the proceeding. The index
21 to the record shall be a practical index, with reference to the ~~number~~ document
22 numbers assigned and page of, if volume and page numbers are assigned, the volume
23 and page where such ~~the~~ abstracts are entered respectively filed or recorded.

24 **SECTION 7.** 59.76 (1) of the statutes is renumbered 59.76.

25 **SECTION 8.** 59.76 (2) of the statutes is repealed.

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1 **SECTION 9.** 61.187 (2) (d) of the statutes is amended to read:

2 61.187 (2) (d) If, in accordance with par. (a), the results of the election under
3 sub. (1) provide for dissolution, the village clerk shall, within 10 days after the
4 election, record the petition and determination of the village board of canvassers in
5 the office of the register of deeds of the county or counties in which the village is
6 located and file with the secretary of administration certified copies of the petition
7 and the determination of inspectors of election. The village clerk shall also record
8 in the office of the register of deeds a certificate by the village clerk showing the date
9 on which the dissolution takes effect and file with the secretary of administration 4
10 copies of the certificate. These documents shall be recorded and indexed by the
11 register of deeds. The index shall include the document number of the original
12 documents and, if given on the original documents, the volume or reel number and
13 the page or image number of where the original documents are filed or recorded. The
14 secretary of administration shall forward 2 copies of the certificate to the department
15 of transportation and one to the department of revenue.

16 **SECTION 10.** 69.64 (2) of the statutes is amended to read:

17 69.64 (2) The date, the document number, and, if given, the volume and page
18 number of the record thereof of the instrument of conveyance or sale.

19 **SECTION 11.** 70.25 of the statutes is amended to read:

20 **70.25 Lands, described on rolls.** In all assessments and tax rolls in all
21 advertisements, certificates, papers, conveyances, or proceedings for the assessment
22 and collection of taxes and in all related proceedings, except in tax bills, any
23 descriptions of land ~~which~~ that indicate the land intended with ordinary and
24 reasonable certainty and ~~which~~ that would be sufficient between grantor and
25 grantee in an ordinary conveyance are sufficient. No description of land according

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1 to the United States survey is insufficient by reason of the omission of the word
2 quarter or the figures or signs representing it in connection with the words or initial
3 letters indicating any legal subdivision of lands according to government survey.
4 Where a more complete description may not be practicable, and the deed or a
5 mortgage describing any piece of real property is recorded in the office of the register
6 of deeds for the county, an abbreviated description including the document number
7 of the deed or mortgage or the volume and page where the deed or mortgage is
8 recorded, and the section, village, or city where the property is situated, is sufficient.
9 Where a more complete description may not be practicable, and the piece of property
10 is described in any certificate, order, or judgment of a court of record in the county,
11 an abbreviated description including the document number of the court record or the
12 volume and page of where the court record where is recorded, and the section, village,
13 or city where the property is situated, is sufficient. Descriptions in property tax bills
14 shall be as provided under s. 74.09 (3) (a).

15 **SECTION 12.** 70.27 (5) of the statutes is amended to read:

16 70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a
17 professional land surveyor licensed under ch. 443 and shall survey and lay out the
18 boundaries of each parcel, street, alley, lane, roadway, or dedication to public or
19 private use, according to the records of the register of deeds, and whatever evidence
20 that may be available to show the intent of the buyer and seller, in the chronological
21 order of their conveyance or dedication, and set temporary monuments to show the
22 results of such survey which shall be made permanent upon recording of the plat as
23 provided for in this section. The map shall be at a scale of not more than 100 feet per
24 inch, unless waived in writing by the department of administration under s. 236.20
25 (2) (L). The owners of record of lands in the plat shall be notified by certified letter

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1 mailed to their last-known address addresses, in order that they shall have
2 opportunity to examine the map, view the temporary monuments, and make known
3 any disagreement with the boundaries as shown by the temporary monuments. It
4 is the duty of the professional land surveyor making the plat to reconcile any
5 discrepancies that may be revealed, so that the plat as certified to the governing body
6 is in conformity with the records of the register of deeds as nearly as is practicable.
7 When boundary lines between adjacent parcels, as evidenced on the ground, are
8 mutually agreed to in writing by the owners of record, ~~such~~ those lines shall be the
9 true boundaries for all purposes thereafter, even though they may vary from the
10 metes and bounds descriptions previously of record. Such written agreements shall
11 be recorded in the office of the register of deeds. On every assessor's plat, as certified
12 to the governing body, shall appear the ~~volume, page, and document number of the~~
13 record and, if given on the record, the volume and page where the record is recorded
14 for the record that contains the metes and bounds description of each parcel, as
15 recorded in the office of the register of deeds, which shall be identified with the
16 number by which such parcel is designated on the plat, except that ~~lots which have~~
17 a lot that has been conveyed or otherwise acquired but upon which no deed is
18 recorded in the office of register of deeds may be shown on an assessor's plat and
19 when so shown shall contain a full metes and bounds description.

20 **SECTION 13.** 75.28 (2) (a) of the statutes is amended to read:

21 75.28 (2) (a) The tax deed grantee or the assigns of the tax deed grantee may,
22 at any time after the tax deed is issued and recorded, serve a notice on the owner of
23 record of the original title, stating that ~~he, she or they~~ the grantee or assigns hold a
24 tax deed on the land of the original owner and giving a description of the land so
25 deeded and a reference to the document number of the tax deed and, if a volume and

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1 page number is assigned, the volume and page where the tax deed is recorded. The
2 notice shall be served in the same manner as a summons in a court of record or by
3 registered mail, addressed to the owner of record. Proof of service of the notice shall
4 be filed in the office of the clerk of the county in which the lands are situated.

5 **SECTION 14.** 84.095 (3) (a) of the statutes is amended to read:

6 84.095 (3) (a) An order, resolution, or plat filed or recorded under this section
7 may be amended or vacated only by the entity that submitted the order, resolution,
8 or plat for filing or recording. Any amendment or vacation of an order, resolution,
9 or plat filed or recorded under this section may be filed or recorded. The office of the
10 register of deeds shall make suitable notations on the plat affected by an amendment
11 or vacation that is filed or recorded. The register of deeds shall number any
12 amendments to a plat consecutively in the order filed or recorded and shall describe
13 each amendment as follows using the following information to the extent the
14 information applies:

15 Amendment (number) of transportation project plat (project number),
16 recorded in volume (number) of transportation project plats, page (number),
17 as document (number), on (date), (county name) register of deeds, and
18 located in (quarter section, section, township and range; recorded private claim;
19 or federal reservation).

20 **SECTION 15.** 84.095 (7) (a) of the statutes is amended to read:

21 84.095 (7) (a) Whenever a plat has been filed or recorded under this section,
22 any parcel depicted in the plat that is required for a project by conveyance or eminent
23 domain proceedings shall be described as follows using the following information to
24 the extent the information applies:

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1 Parcel (number) of transportation project plat (project number), recorded
2 in volume (number) of transportation project plats, page (number), as
3 document (number), recorded in (county name), Wisconsin.

4 **SECTION 16.** 84.095 (8) (b) of the statutes is amended to read:

5 84.095 (8) (b) Within 3 working days after the date on which a plat is submitted
6 for recording under this section, the register of deeds shall assign a document
7 number and, at the option of the register of deeds, a volume and page of recording
8 ~~for~~ where the plat is recorded, and the register of deeds shall provide written notice
9 of the recording information to the agency that submitted the plat.

10 **SECTION 17.** 185.82 (2) (c) of the statutes is amended to read:

11 185.82 (2) (c) A register of deeds receiving a check and document forwarded
12 under par. (b) shall record the document. If the document is not articles, the register
13 of deeds shall note on the margin of the record of the articles the document number
14 and, if the document is assigned a volume and page number, the volume and page
15 where the document is recorded.

16 **SECTION 18.** 186.315 of the statutes is amended to read:

17 **186.315 Charter cancellation.** Upon completion of a voluntary liquidation
18 as provided in s. 186.18, or upon completion of the liquidation in cases under s.
19 186.235 (11), or after the assets and liabilities of a credit union are transferred to
20 another credit union for the purpose of merger as provided in s. 186.31 (3), the office
21 of credit unions shall cancel the charter of the credit union liquidated or merged
22 without any other or further notice to the credit union or to any person. A certified
23 copy of the order or certificate of the office of credit unions shall be recorded with the
24 register of deeds of the county in which the credit union is located. The register of
25 deeds shall note on the margin of the record of the articles of incorporation of the

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1 credit union the document number and, if the order or certificate is assigned a
2 volume and page number, the volume and page where the order or certificate
3 canceling its the credit union's charter is recorded. In case of voluntary liquidation
4 under s. 186.18 or merger under s. 186.31, the credit union shall record the order or
5 certificate of the office of credit unions and pay the fee. In case of liquidation under
6 s. 186.235 (11), the office of credit unions or special deputy shall record the order or
7 certificate of the office of credit unions and pay the fee out of the assets of the credit
8 union as an expense of liquidation.

9 **SECTION 19.** 228.05 of the statutes is amended to read:

10 **228.05 Marginal references.** The register of deeds of any county having a
11 population of 500,000 or more who has copied a document by microphotography,
12 microfilm, optical imaging, or electronic formatting that is accepted by him or her for
13 recording or filing shall also, as a substitute for marginal references required,
14 prepare an index for documents of ancillary nature for which marginal references are
15 required. ~~Sueh~~ The register of deeds shall prepare and maintain the index for
16 ancillary documents ~~shall be prepared and maintained~~ to show the document
17 number ~~or~~ and, if given, the volume and page of the original recording or filing plus
18 a record of any recordings or filings affecting or pertinent to ~~sueh~~ the original
19 recording or filing requiring marginal references subsequent to the date on which the
20 county begins ~~sueh~~ recording or recopying by microphotography, microfilm, optical
21 imaging, or electronic formatting.

22 **SECTION 20.** 236.295 (2) (a) of the statutes is amended to read:

23 236.295 (2) (a) Each affidavit in sub. (1) (a) correcting a plat or certified survey
24 map that changes areas dedicated to the public or restrictions for the public benefit
25 must be approved prior to recording by the governing body of the municipality or

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1 town in which the subdivision is located. The register of deeds shall ~~note~~ include on
2 the plat or certified survey map ~~a reference to~~ a notation of the document number
3 of the affidavit or instrument and, if the affidavit or instrument is assigned a volume
4 and page number, the ~~page and volume in which~~ and page where the affidavit or
5 instrument is recorded. The record of the affidavit or instrument, or a certified copy
6 of the record, is prima facie evidence of the facts stated in the affidavit or instrument.

7 **SECTION 21.** 236.34 (3) of the statutes is renumbered 236.34 (3) (intro.) and
8 amended to read:

9 236.34 (3) USE IN CONVEYANCING. (intro.) When a certified survey map has been
10 recorded in accordance with this section, the parcels of land in the map shall be, for
11 all purposes, including assessment, taxation, devise, descent, and conveyance, as
12 defined in s. 706.01 (4), described by reference to the all of the following:

13 (a) The number of the survey, map.

14 (b) The lot or outlot number, of the parcel.

15 (d) If the map is assigned a volume and page number, the volume and page
16 where the map is recorded, ~~and the~~.

17 (e) The name of the county.

18 **SECTION 22.** 236.34 (3) (c) of the statutes is created to read:

19 236.34 (3) (c) If the map is assigned a document number, the document number
20 assigned to the map.

21 **SECTION 23.** 321.61 (1) (f) of the statutes is amended to read:

22 321.61 (1) (f) The person owning or having an interest in any property in
23 respect to which the order under par. (c) is made, or the person's agent or attorney,
24 may file a certified copy of the order of suspension with the county treasurer or with
25 the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes

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1 as to the taxes and assessments. The person shall file with the order an affidavit in
2 triplicate, sworn to by the person or agent or attorney, setting forth the name of the
3 owner, the legal description of the property, the type of property, when acquired, the
4 document number of the deed and, if given on the deed, the volume and page number
5 where the deed was is recorded if acquired by deed, and the name of the estate if
6 acquired by descent, amount of delinquent taxes, if any, and the names of the holders
7 of any outstanding mortgage, lien, or other encumbrance. Upon receipt of the filing,
8 the county treasurer or city treasurer shall record the order in the office of the
9 register of deeds of the county and file a copy in the office of the treasurer, who shall
10 make proper notation that a person in federal active duty is the holder of the legal
11 title and has made application for special relief. The county treasurer or city
12 treasurer shall immediately forward an additional copy of the order and affidavit to
13 the office of the clerk of the town, city, or village where the property is located, or, if
14 it is located in a city, authorized to sell lands for nonpayment of its taxes, to the
15 commissioner of assessments, who shall make an appropriate notation in the
16 records.

17 **SECTION 24.** 703.11 (2) (am) of the statutes is amended to read:

18 703.11 (2) (am) A blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size in the
19 upper right corner on the first sheet for recording use by the register of deeds.

20 **SECTION 25.** 703.275 (5) of the statutes is amended to read:

21 703.275 (5) RECORDING. Both a restatement of the declaration of the resultant
22 condominium that includes the merger agreement and an addendum to the
23 condominium plat of the resultant condominium shall be recorded as provided in s.
24 703.07. The On the plat of the preexisting condominium, the register of deeds shall
25 reference the document number, assigned to the plat of the resultant condominium

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1 and, if the plat of the resultant condominium is assigned a volume and page number,
2 the volume and page of where the plat of the resultant condominium on the plat of
3 the preexisting condominium is recorded and shall note that the preexisting
4 condominium has been merged.

5 **SECTION 26.** 706.05 (2) (c) of the statutes is amended to read:

6 706.05 (2) (c) Identify, to the extent that the nature of the instrument permits,
7 and in form and terms ~~which~~ that permit ready entry upon the various books and
8 indexes publicly maintained as land records of such county, the land to which such
9 instrument relates and the parties or other persons whose interests in such land are
10 affected. Except as provided in sub. (2m), identification may be either by the terms
11 of the instrument or by reference to an instrument of record in the same office,
12 naming the place document number of the record and, if the record is assigned a
13 volume and page number, the volume and page where such ~~the~~ record ~~may be found~~
14 is recorded.

15 **SECTION 27.** 706.05 (2m) (a) of the statutes is amended to read:

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

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1 contract, the volume and page numbers of where the original mortgage or land
2 contract is recorded or filed.

3 **SECTION 28.** 706.085 (2) (a) of the statutes is amended to read:

4 706.085 (2) (a) A correction instrument shall be acknowledged or
5 authenticated in accordance with s. 706.06 or 706.07. It shall recite the document
6 number of the conveyance, the names of the grantor and grantee, and, if given on the
7 conveyance, the volume and page numbers where the conveyance is filed or recorded.

8 **SECTION 29.** 708.15 (1) (L) of the statutes is amended to read:

9 708.15 (1) (L) "Recording data" means the date, of recording, the document
10 number, and, if given on the document, the volume and page number, if any, that
11 indicate where a the document is recorded in the office of the register of deeds under
12 s. 59.43.

13 **SECTION 30.** 893.33 (2) of the statutes is amended to read:

14 893.33 (2) Except as provided in subs. (5) to (9), no action affecting the
15 possession or title of any real estate may be commenced, and no defense or
16 counterclaim may be asserted, by any person, the state, or a political subdivision or
17 municipal corporation of the state after January 1, 1943, ~~which~~ that is founded upon
18 any unrecorded instrument executed more than 30 years prior to the date of
19 commencement of the action, or upon any instrument recorded more than 30 years
20 prior to the date of commencement of the action, or upon any transaction or event
21 occurring more than 30 years prior to the date of commencement of the action, unless
22 within 30 years after the execution of the unrecorded instrument or within 30 years
23 after the date of recording of the recorded instrument, or within 30 years after the
24 date of the transaction or event, there is recorded in the office of the register of deeds
25 of the county in which the real estate is located, some instrument expressly referring

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1 to the existence of the claim or defense, or a notice setting forth the name of the
2 claimant, a statement of the claims made, a description of the real estate affected and
3 of the instrument or transaction or event on which the claim or defense is founded,
4 with its and, if the claim or defense is founded on a recorded instrument, the date the
5 instrument was recorded, the document number of the instrument, and, if the
6 instrument is assigned a volume and page number, the volume and page of its
7 recording, ~~if it is recorded, and a statement of the claims made~~ where the instrument
8 is recorded. This notice may be discharged the same as a notice of pendency of action.
9 Such notice or instrument recorded after the expiration of 30 years shall be likewise
10 effective, except as to the rights of a purchaser of the real estate or any interest in
11 the real estate ~~which~~ that may have arisen after the expiration of the 30 years and
12 prior to the recording.

13

(END)