

# State of Wisconsin



2021 Senate Bill 829

Date of enactment: **March 31, 2022**

Date of publication\*: **April 1, 2022**

## 2021 WISCONSIN ACT 216

AN ACT *to repeal* 75.36 (2m) (a) and 75.36 (4); *to consolidate, renumber and amend* 75.36 (2m) (intro.) and (b); *to amend* 75.36 (3) (c); and *to create* 75.36 (3) (bm) of the statutes; **relating to:** distributing the proceeds from the sale of tax delinquent property to the former owner.

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

**SECTION 1.** 75.36 (2m) (intro.) and (b) of the statutes are consolidated, renumbered 75.36 (2m) and amended to read:

75.36 (2m) NOTICE; PROCEEDS. Upon acquisition of a tax deed under this chapter ~~if sub. (4) applies~~, the county treasurer shall notify the former owner, by registered mail or certified mail sent to the former owner's mailing address on the tax bill, that the former owner may be entitled to a share of the proceeds of a future sale. ~~If the former owner does not request, in writing, payment within 60 days after receipt of that notice, the former owner forfeits all claim to those proceeds. If the former owner timely requests payment, the~~ The county shall send to the former owner the proceeds identified in sub. (3) (c) minus any delinquent taxes, interest, and penalties owed by the former owner to the county in regard to other property and minus the ~~greater of the following amounts:~~ (b) The actual costs of the sale as specified under sub. (3) (a) plus 2 percent of the sale price plus all amounts disbursed under sub. (3) (b) ~~and (bm)~~ and plus the amount of property taxes that would have been owed on the property for the year during which the sale occurs if the county had not

acquired the property. If the county is unable to locate the former owner within 5 years following the mailing of the notice under this subsection, the former owner forfeits the right to any remaining equity in the property.

**SECTION 2.** 75.36 (2m) (a) of the statutes is repealed.

**SECTION 3.** 75.36 (3) (bm) of the statutes is created to read:

75.36 (3) (bm) From the net proceeds of the sale of the property, as determined under par. (a), pay off any lien placed on the property at the time of the foreclosure sale in accordance with the contract or law giving rise to the lien. If the net proceeds are not sufficient to pay all outstanding amounts due, the net proceeds shall be distributed to such lienholders in priority based upon the date of the lien, as determined by the circuit court for the county in which the property is located.

**SECTION 4.** 75.36 (3) (c) of the statutes is amended to read:

75.36 (3) (c) Distribute any remaining net proceeds ~~that are subject to sub. (4) to the former owner, as provided under sub. (2m).~~

**SECTION 5.** 75.36 (4) of the statutes is repealed.

**SECTION 6. Initial applicability.**

(1) This act first applies to tax deeds acquired on the effective date of this subsection.

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."