

No. 666, S.]

[Published November 9, 1957.]

CHAPTER 664

AN ACT to amend 49.08 (2), 230.47 (1m) (b) and 230.48 (1m) (b), as created by chapter 399, laws of 1957, and 230.47 (2) and 230.48 (2), as amended by chapter 399, laws of 1957; and to create 230.47 (1m) (c) and (3) and 230.48 (1m) (c) and (3) of the statutes, relating to liability of joint tenancy interests for poor relief.

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

SECTION 1. 49.08 (2) of the statutes, as created by chapter 399, laws of 1957, is amended to read:

49.08 (2) If upon the death of any person any property prior to death was held in joint tenancy, then ss. 230.47 (1m) and * * * (3) and 230.48 (1m) and * * * (3) shall apply and the liability and recovery shall be the same as provided in sub. (1) except that *it shall only be for relief furnished under ss. 49.01 to 49.17 and the judge so finds, and if * * * there is no personal property or the personal property is insufficient to pay the debt and obligation and real property remains, the court shall enter judgment which shall constitute a prior lien for the unsatisfied amount as hereafter provided and remain a prior lien until satisfied or until the death of the surviving joint tenant at which time recovery may be had. The authorities or board shall file a copy of the judgment with a description of the property in the office of the register of deeds of every county in which real property of the joint tenant is located. This subsection is authority only to counties having a population of 500,000 or more for relief furnished by such counties and shall apply only to persons resident of such counties at the time of death.*

SECTION 2. 230.47 (1m) (b) of the statutes, as created by chapter 399, laws of 1957, is amended to read:

230.47 (1m) (b) No certificate terminating joint tenancy shall be issued or adjudication in a final judgment or order for assignment regarding the termination of such joint tenancy shall be made or given until the debts and obligations of the deceased joint tenant as described in s. 49.08 are paid or otherwise protected by lien and the * * * judge is satisfied that there has been compliance with this section and so finds.

SECTION 3. 230.47 (1m) (c) of the statutes is created to read:

230.47 (1m) (c) This subsection applies only to counties having a population of 500,000 or more.

SECTION 4. 230.47 (2) of the statutes, as amended by chapter 399, laws of 1957, is amended to read:

230.47 (2) An administrator or executor shall include in his inventory the interest which the decedent owned as such joint tenant or life tenant before his death. The county court shall adjudicate in the final judgment or order for assignment regarding the termination of such joint tenancy or life estate and regarding such other facts as are essential to a full and final determination of the rights of the parties interested * * *.

SECTION 5. 230.47 (3) of the statutes is created to read:

230.47 (3) An administrator or executor shall include in his inventory the interest which the decedent owned as such joint tenant or life tenant before his death. The county court shall adjudicate in the final judgment or order for assignment regarding the termination of such joint tenancy or life estate and regarding such other facts as are essential to a full and final determination of the rights of the parties interested; and the provisions of sub. (1m) shall apply. The debts and obligations to be paid as provided in s. 49.08 shall be paid either from the assets of the estate, if any, or the property, real or personal or both, held in joint tenancy; except that if there is no personal property or the personal property is insufficient to pay the debt and obligation then a lien under s. 49.08 against the real property is created for any unsatisfied amount involved. This subsection is authority only to counties having a population of 500,000 or more.

SECTION 6. 230.48 (1m) (b) of the statutes, as created by chapter 399, laws of 1957, is amended to read:

230.48 (1m) (b) No certificate terminating joint tenancy shall be issued or adjudication in a final judgment or order for assignment regarding the termination of such joint tenancy shall be made or given until the debts and obligations of the deceased joint tenant as described in s. 49.08 are paid and the * * * judge is satisfied that there has been compliance with this section and so finds.

SECTION 7. 230.48 (1m) (c) of the statutes is created to read:

230.48 (1m) (c) This subsection applies only to counties having a population of 500,000 or more.

SECTION 8. 230.48 (2) of the statutes, as amended by chapter 399, laws of 1957, is amended to read:

230.48 (2) An administrator or executor shall include in his inventory the interest which the decedent owned as such joint tenant in any real estate mortgage note, bank account, stock, bond, chose in action or other personal property before his death. The county court shall adjudicate in the final judgment or order for assignment regarding the termination of such joint tenancy and regarding such other facts as are essential to a full determination of the rights of the parties interested * * *.

SECTION 9. 230.48 (3) of the statutes is created to read:

230.48 (3) An administrator or executor shall include in his inventory the interest which the decedent owned as such joint tenant in any real estate mortgage note, bank account, stock, bond, chose in action or other personal property before his death. The county court shall adjudicate in the final judgment or order for assignment regarding the termination of such joint tenancy and regarding such other facts as are essential to a full determination of the rights of the parties interested; and the provisions of sub. (1m) shall apply. The debts and obligations to be paid as provided in s. 49.08 shall be paid either from the assets of the estate, if

any, or the property, real or personal or both, held in joint tenancy; except that if there is no personal property or the personal property is insufficient to pay the debt and obligation then a lien under s. 49.08 against the real property is created for any unsatisfied amount involved. This subsection is authority only to counties having a population of 500,000 or more.

SECTION 10. This act is retroactive to July 26, 1957, except as to any joint tenancies terminated under the provisions added by chapter 399, laws of 1957, whereupon payments were made or liens recorded. Such liens or payments shall not be affected by this act. Any joint tenant who died between July 26, 1957, and the effective date of this act, and where a certificate of termination of the joint tenancy has not been issued, shall not be affected by said chapter 399, except as otherwise provided by this act.

Approved November 6, 1957.