

CHAPTER 376 , Laws of 1981

AN ACT to amend 865.20 and 867.045 (title), (1) (intro.), (a), (d), (e) and (h), (2) and (4) of the statutes, relating to summary and administrative terminations of life estates.

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

SECTION 1. 865.20 of the statutes is amended to read:

**865.20 (title) Termination of joint tenancy or life estate.** (1) As an alternative to ss. 867.04 and 867.045, the personal representative may file with the probate registrar a verified statement describing property in which the decedent had an interest as joint tenant or life tenant, including the recording data, if any, of the document creating the joint tenancy or life estate. Valuations need not be set forth in the statement.

(2) Upon being filed with the probate registrar, the statement shall constitute prima facie evidence of the facts recited and shall evidence the termination of the decedent's interest in the property listed thereon, with the same effect as if a certificate terminating joint tenancy or life estate had been issued by the court under s. 867.04. If the statement describes an interest in real property or a debt which is secured by an interest in real property a certified copy or duplicate original of the statement may be recorded in the office of the register of deeds in each county in this state in which real property is located. This statement shall not constitute a release of any inheritance tax lien.

SECTION 2. 867.045 (title), (1) (intro.), (a), (d), (e) and (h), (2) and (4) of the statutes are amended to read:

**867.045 (title) Administrative joint tenancy or life estate termination for real property, savings accounts, checking accounts, and stocks and bonds.** (1) (intro.) As an alternative to s. 867.04, applicable to real property, savings and checking accounts and stocks and bonds, upon the death of any person having an interest as a joint tenant or life tenant in any real property or in any savings or checking account or any stock certificates or bonds, the surviving joint tenant or remainderman may obtain evidence of the termination of such joint tenancy or life estate interest of the decedent by providing to the register of deeds of the county in which such property is located a certified copy of the death certificate for the decedent and by providing, in triplicate, on applications supplied by the register of deeds for that purpose, the following information:

(a) Name, residence and post-office address of the decedent and surviving joint tenant or remainderman;

(d) The name and post-office address of the banks, savings and loan associations and credit unions in which the joint tenants or the life tenant and remainderman had savings accounts, the numbers thereof, and the respective balances therein on the date of decedent's death;

(e) The name and post-office address of the banks in which the joint tenants or the life tenant and remainderman had checking accounts, the numbers thereof, and the respective balances therein on the date of decedent's death;

(h) 1. Recording data from the deed creating the joint tenancy or life estate and remainder interest; or

2. The deed creating the joint tenancy or life estate and remainder interest from which the register of deeds shall copy the recording data onto the application.

(2) The register of deeds shall complete the application by entering the full value of the real property as determined from sub. (1) (g) or other records. The register of deeds or a notary public shall then complete a statement at the foot of the application, declaring that the surviving joint tenant or remainderman appeared before him or her and verified, under oath, the correctness of the information required by sub. (1).

(4) Upon the recording, the application shall constitute prima facie evidence of the facts recited and shall constitute the termination of the joint tenancy or life estate, all with the same force and effect as if issued by the court assigned to exercise probate jurisdiction for the county of domicile of the decedent under s. 867.04. This application shall not constitute evidence of payment of any inheritance tax which may be due, the payment for which shall remain an obligation of the surviving joint tenant or remainderman.

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