

1985 Senate Bill 473

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1985 Wisconsin Act 247

AN ACT to create 75.144 and 893.24 of the statutes, relating to adverse possession of real property that is subject to tax sale and boundaries of real estate that is adversely possessed.

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

SECTION 1. 75.144 of the statutes is created to read:

75.144 Rights of persons claiming adverse possession. (1) TITLES SUBJECT TO CLAIM OF OWNERSHIP BY ADVERSE POSSESSION. Subject to subs. (2) to (4), titles that are obtained under this chapter are subject to claims of ownership by adverse possession under s. 893.25.

(2) CLAIMS OF OWNERSHIP BY ADVERSE POSSESSION BARRED. (a) If a city, village or county obtains a survey of property complying with par. (b) and mails notice concerning the property complying with par. (c) and if no action concerning the property is commenced under sub. (3) on or before the date set forth

in the notice, any claim to ownership of the property by adverse possession under s. 893.25 is barred.

(b) The survey under par. (a) shall show all of the following:

1. The size and location of the property.
2. The exterior boundaries of the property.
3. The locations of any visible structures and the dimensions of any principal buildings on the property.
4. Any boundary fences, apparent easements, roadways and visible encroachments on the property.

(c) The treasurer of the city, village or county seeking to transfer title to property under this chapter shall mail the notice under par. (a), at least 8 weeks before the date that title to the property will be transferred, to the last-known address of each owner of an interest in other real property that has a common boundary with the property. The treasurer shall attach a list contain-

ing the legal description of the property to the notice. The notice shall appear in at least 10-point boldface type or its equivalent and shall read as follows:

**NOTICE REGARDING TRANSFER
OF ADJACENT PROPERTY**

TAKE NOTICE THAT ANY PERSON THAT HAS OR CLAIMS TO HAVE A RIGHT, TITLE OR INTEREST IN ANY REAL PROPERTY THAT IS DESCRIBED IN THE ATTACHED LIST IS HEREBY NOTIFIED THAT (name of the city, village or county) WILL TRANSFER TITLE TO THE REAL PROPERTY DESCRIBED IN THE ATTACHED LIST ON (date of transfer of title).

TAKE FURTHER NOTICE THAT YOU ARE RECEIVING THIS NOTICE BECAUSE YOU HAVE AN INTEREST IN REAL PROPERTY THAT BORDERS ON A PIECE OF REAL PROPERTY DESCRIBED IN THE ATTACHED LIST. THE TREASURER OF (name of the city, village or county) HAS A COPY OF A SURVEY OF ALL REAL PROPERTY THAT IS DESCRIBED IN THE ATTACHED LIST. THE SURVEY SHOWS THE SIZE AND LOCATION OF THE REAL PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ANY VISIBLE STRUCTURES ON THE PROPERTY, THE DIMENSIONS OF ANY PRINCIPAL BUILDINGS ON THE PROPERTY AND ANY BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS. YOU MAY WISH TO LOOK AT THE SURVEY TO MAKE SURE THAT YOU DO NOT CLAIM ANY RIGHT, TITLE OR INTEREST IN THE REAL PROPERTY. IF YOU BELIEVE THAT THE SURVEY SHOWS THAT SOME OF THE REAL PROPERTY TO BE TRANSFERRED BELONGS TO YOU, YOU HAVE THE RIGHT TO ATTEMPT TO PROVE THAT THE REAL PROPERTY BELONGS TO YOU UNDER THE WISCONSIN LAW AND YOU MAY WISH TO CONSULT AN ATTORNEY.

(3) ASSERTING CLAIM OF OWNERSHIP BY ADVERSE POSSESSION. (a) Except as provided in par. (b), any person claiming ownership by adverse possession

under s. 893.25 of property whose title will be or has been transferred under this chapter may commence an action to establish title as provided in s. 893.25.

(b) Any person claiming ownership by adverse possession under s. 893.25 of property for which a survey has been obtained and notice mailed in compliance with sub. (2) may commence an action to establish title as provided in s. 893.25, but the action is barred if not commenced on or before the date of transfer of title that is set forth in the notice.

(4) REIMBURSEMENTS UPON ESTABLISHING TITLE BY ADVERSE POSSESSION. Any person who establishes title by adverse possession as provided in s. 893.25 to property whose title would have been or was transferred under this chapter shall reimburse the city, village or county for the actual costs of any survey of the property obtained under sub. (2) and shall reimburse any former title holders for any amount of real estate taxes paid by the title holders on the property for any part of the 5 years preceding the date of entry of the judgment that establishes title by adverse possession.

SECTION 2. 893.24 of the statutes is created to read:

893.24 Adverse possession; section lines. (1) A written instrument or judgment that declares the boundaries of real estate adversely possessed under s. 893.25, 893.26, 893.27 or 893.29 does not affect any section line or any section subdivision line established by the United States public land survey or any section or section subdivision line based upon it.

(2) Occupation lines that the court declares to be property lines by adverse possession under s. 893.25, 893.26, 893.27 or 893.29 shall, by order of the court, be described by a retraceable description providing definite and unequivocal identification of the lines or boundaries. The description shall contain data of dimensions sufficient to enable the description to be mapped and retraced and shall describe the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county, and by metes and bounds commencing with a corner marked and established by the United States public land survey or a corner of the private claim.