

# State of Wisconsin



1999 Assembly Bill 583

Date of enactment: **April 25, 2000**

Date of publication\*: **May 8, 2000**

## 1999 WISCONSIN ACT 96

AN ACT *to repeal* 59.43 (5) (b) 2., 59.43 (10), 59.43 (11) (a), (b) and (c), 59.43 (12m) (bm), 59.43 (12m) (d) and 236.02 (10); *to renumber and amend* 59.43 (11) (intro.); *to amend* 27.065 (13) (a), 59.43 (1) (a), 59.43 (1) (c), 59.43 (1) (d), 59.43 (1) (e), 59.43 (1) (f), 59.43 (1) (k), 59.43 (2) (h), 59.43 (3), 59.43 (7) (title), 59.43 (7) (a), 59.43 (9) (title), 59.43 (9) (a) 1. (intro.), 59.43 (9) (a) 1. a., 59.43 (9) (a) 1. b., 59.43 (9) (a) 1. g., 59.43 (9) (a) 1. h., 59.43 (12m) (title) and (a) (intro.), 59.73 (1), 66.021 (1) (am) 2., 70.23 (2), 70.27 (3) (b), 75.521 (3) (am) 1., 77.16 (2), 80.38 (1), 81.11 (5), 236.34 (3), 703.28 (1m) (b), 706.05 (2m) (a) and 895.345 (2) (c); *to repeal and recreate* 59.43 (9) (a) 2., 59.43 (9) (b), 59.43 (12m) (a) 1., 59.43 (12m) (a) 2., 59.43 (12m) (a) 3. and 59.43 (12m) (c); and *to create* 59.43 (9) (c) and 236.02 (9c) of the statutes; **relating to:** changes to the treatment of documents by a register of deeds.

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

**SECTION 1.** 27.065 (13) (a) of the statutes is amended to read:

27.065 (13) (a) Whenever in any proceeding under this section, whether for acquisition of land or improvement thereof, any tract of land which at the time of filing of the final assessment of benefits and damages is in one ownership and such tract or any portion thereof shall thereafter be divided or subdivided into 2 or more lots or parcels, either by recorded and filed plat or by conveyance duly recorded, and the special assessment of benefits against the original tract shall be outstanding, in instalments or otherwise, the county highway committee, after notice and hearing as hereinafter provided, on verified written request of the owner of such original tract or the owner of any portion thereof shall apportion said assessment of benefits among the several lots or parcels into which the original tract or any portion thereof is divided or subdivided.

**SECTION 2.** 59.43 (1) (a) of the statutes is amended to read:

59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his or her office, correctly and legibly all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in his or her office and left with him or her for that purpose, provided such documents have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary. The register of deeds shall record and file or cause to be recorded and filed all plats and certified survey maps that are authorized to be accepted for recording and filing in his or her office. Any county, by a resolution duly adopted by the board, may combine the separate books or volumes for deeds, mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices, certificates of organization of corporations, plats or other recorded or filed instruments or classes of documents as long as separate indexes are maintained may be produced. Notwithstanding any other provisions of the statutes, any county adopting a system of microfilming or like process or a system of recording documents by opti-

\* Section 991.11, WISCONSIN STATUTES 1997-98: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

cal imaging or electronic formatting under ch. 228 may substitute the headings, reel, disk or electronic file name and microfilm image (frame) for volume and page where recorded and different classes of instruments may be recorded, reproduced or copied on or transferred to the same reel, disk or electronic file or part of a reel or disk. All recordings made prior to June 28, 1961, which would have been valid under this paragraph, had this paragraph then been in effect, are hereby validated. In this subsection, "book", if automated recording or indexing equipment is used, includes the meaning given under sub. (12) (d).

**SECTION 3.** 59.43 (1) (c) of the statutes is amended to read:

59.43 (1) (c) State upon the record of any instrument ~~the number and denomination of all United States internal revenue stamps that are affixed thereto and shall also state upon the record~~ conveyance of real estate the real estate transfer fee paid or, if the conveyance is not subject to a fee, the reason for the exemption, citing the relevant subsection of s. 77.25.

**SECTION 4.** 59.43 (1) (d) of the statutes is amended to read:

59.43 (1) (d) Keep ~~the books and indexes~~ safely and maintain the documents, images of recorded documents and indices mentioned in this section and in s. 84.095 in the manner required.

**SECTION 5.** 59.43 (1) (e) of the statutes is amended to read:

59.43 (1) (e) Endorse upon each instrument or writing received by the register for record a certificate of the date and time when it was received, specifying the day, hour and minute of reception ~~and the volume and page where the same is recorded~~, which shall be evidence of such facts. Instruments shall be recorded in the order in which they are received.

**SECTION 6.** 59.43 (1) (f) of the statutes is amended to read:

59.43 (1) (f) Endorse plainly on each instrument received for record, ~~or file as soon as received~~ a number consecutive to the number ~~affixed to the instrument next previously received according to the numbering now established, and to enter the same in the indexes~~ assigned to the immediately previously recorded or filed instrument, such that all numbers are unique for each instrument within a group of public records that are kept together as a unit and relate to a particular subject.

**SECTION 8.** 59.43 (1) (k) of the statutes is amended to read:

59.43 (1) (k) Keep ~~a book and record in that book~~ all certificates of organization of corporations an index of all organizational documents of corporations, fraternal societies, religious organizations, associations and other entities, and all amendments of such certificates documents, that are allowed or required by law to be filed or required ~~to be~~ recorded in the register's office, ~~and an alphabetical~~

~~index of the names of such corporations, with a reference to the number and page of the volume where such writings are recorded respectively. The index shall access the documents by the names of the corporations, fraternal societies, religious organizations, associations and other entities, and shall contain a reference to the document number or volume and page number where the documents are filed or recorded in the register's office.~~

**SECTION 9.** 59.43 (2) (h) of the statutes is amended to read:

59.43 (2) (h) For recording and filing a cemetery plat under s. 157.07, a subdivision plat under s. 236.25 or a condominium plat under s. 703.07, \$50.

**SECTION 10.** 59.43 (3) of the statutes is amended to read:

59.43 (3) REGISTER OF DEEDS; DEPUTIES. Every register of deeds shall appoint one or more deputies, who shall hold office at the register's pleasure. The appointment shall be in writing and shall be ~~filed and~~ recorded in the register's office. The deputy or deputies shall aid the register in the performance of the register's duties under the register's direction, and in case of the register's vacancy or the register's absence or inability to perform the duties of the register's office the deputy or deputies shall perform the duties of register until the vacancy is filled or during the continuance of the absence or inability.

**SECTION 11.** 59.43 (5) (b) 2. of the statutes is repealed.

**SECTION 12.** 59.43 (7) (title) of the statutes is amended to read:

59.43 (7) (title) ~~INCLUDING TAX-KEY OR PARCEL IDENTIFICATION NUMBER.~~

**SECTION 13.** 59.43 (7) (a) of the statutes is amended to read:

59.43 (7) (a) In counties with a population of 500,000 or more where ~~tax-key~~ parcel identification numbers are used in the tax roll for taxes based on the value of property in municipalities, any conveyance, as defined in s. 706.01 (4), of any interest in real estate located in such a municipality shall contain reference to the key parcel identification number affected. The ~~tax-key~~ parcel identification number shall be required for the recording of the conveyance.

**SECTION 14.** 59.43 (9) (title) of the statutes is amended to read:

59.43 (9) (title) ~~GENERAL INDEX; ELECTRONIC DATA PROCESSING~~ REAL ESTATE RECORDS INDEX.

**SECTION 15.** 59.43 (9) (a) 1. (intro.) of the statutes is amended to read:

59.43 (9) (a) 1. (intro.) A register of deeds shall keep ~~a general~~ maintain an index, each page of which shall be divided into 9 columns, with heads to the respective columns ~~as follows for the real estate record series that contains at least all of the following:~~

**SECTION 16.** 59.43 (9) (a) 1. a. of the statutes is amended to read:

59.43 (9) (a) 1. a. Number of the instrument that is consecutive and unique within the record series.

**SECTION 17.** 59.43 (9) (a) 1. b. of the statutes is amended to read:

59.43 (9) (a) 1. b. Time and date of the instrument's reception acceptance.

**SECTION 18.** 59.43 (9) (a) 1. g. of the statutes is amended to read:

59.43 (9) (a) 1. g. Volume and page where the instrument is recorded or filed.

**SECTION 19.** 59.43 (9) (a) 1. h. of the statutes is amended to read:

59.43 (9) (a) 1. h. To whom the instrument is delivered, unless the document is kept on file.

**SECTION 20.** 59.43 (9) (a) 2. of the statutes is repealed and recreated to read:

59.43 (9) (a) 2. The index shall be accessible and searchable by at least all of the following means:

- a. Name of the grantor.
- b. Name of the grantee.
- c. Document number, or volume and page where the instrument is recorded or filed.
- d. By tract of land parcel if the county has a tract index.

**SECTION 21.** 59.43 (9) (b) of the statutes is repealed and recreated to read:

59.43 (9) (b) In the case of assignments, satisfactions and partial releases of mortgages, and subordination of mortgages, the index shall also contain the document number or volume and page of the original mortgage instrument whenever that original mortgage instrument is referenced on the document.

**SECTION 22.** 59.43 (9) (c) of the statutes is created to read:

59.43 (9) (c) With regard to affidavits of corrections of filed documents, the register shall include at least one of the following notations on the filed document:

1. The document number of the affidavit of correction.
2. The volume and page number where the affidavit of correction is filed, and the date when the affidavit is filed.

**SECTION 23.** 59.43 (10) of the statutes is repealed.

**SECTION 24.** 59.43 (11) (intro.) of the statutes is renumbered 59.43 (11) and amended to read:

59.43 (11) RECORD OF ATTACHMENTS, LIS PENDENS, ETC. A register of deeds shall file or record, and index in the real estate records index, every writ of attachment or certified copy of such a writ and certificate of real estate attached, every certificate of sale of real estate, and every notice of the pendency of an action affecting real estate, which may be filed or recorded in the register's office. ~~The register of deeds shall maintain an index for these documents that provides all of the following:~~

**SECTION 25.** 59.43 (11) (a), (b) and (c) of the statutes are repealed.

**SECTION 26.** 59.43 (12m) (title) and (a) (intro.) of the statutes are amended to read:

59.43 (12m) (title) TRACT INDEX SYSTEM; ~~POWER TO ALTER.~~ (a) (intro.) The board by ordinance may require the register of deeds to keep a tract index ~~in any one of the following forms, as specified by the board such that records containing valid descriptions of land may be searched by all of the following:~~

**SECTION 27.** 59.43 (12m) (a) 1. of the statutes is repealed and recreated to read:

59.43 (12m) (a) 1. Quarter-sections of land or government lots within the county, the boundaries of which refer to the public land survey system or a recorded private claim, as defined in s. 236.02 (9m).

**SECTION 28.** 59.43 (12m) (a) 2. of the statutes is repealed and recreated to read:

59.43 (12m) (a) 2. Recorded and filed certified survey map and lot or outlot number.

**SECTION 29.** 59.43 (12m) (a) 3. of the statutes is repealed and recreated to read:

59.43 (12m) (a) 3. Recorded and filed plat, by name and lot, block, outlot or unit within the plat, according to the description of the land.

**SECTION 30.** 59.43 (12m) (bm) of the statutes is repealed.

**SECTION 31.** 59.43 (12m) (c) of the statutes is repealed and recreated to read:

59.43 (12m) (c) If the board determines that a tract index system is unfit for use, the board may, by resolution, establish a new and corrected tract index. Any person who is authorized by the board to compile the new tract index shall have access to the old tract index and any other county records that may assist the person in compiling the new tract index. Upon completion, and approval by the board, of the new tract index system, the old tract index system shall be preserved as provided in s. 59.52 (3) (b). The resolutions of the board ordering, approving and adopting the new tract index systems, certified by the clerk, shall be recorded in each volume of the new tract index system and upon the resolution of the board adopting the new system, such a system is the only lawful tract index system in the register of deeds' office.

**SECTION 32.** 59.43 (12m) (d) of the statutes is repealed.

**SECTION 33.** 59.73 (1) of the statutes is amended to read:

59.73 (1) HOW BEARINGS EXPRESSED IN SURVEYS. In all surveys the bearings shall be expressed with reference to a magnetic, true or other identifiable line of the public land survey, recorded and filed subdivision or to the Wisconsin coordinate system. In all cases the reference selected shall be so noted as set forth in s. 59.45 (1) (a) 2. and if magnetic must be retraceable and identifiable by reference to a monumented line.

**SECTION 34.** 66.021 (1) (am) 2. of the statutes is amended to read:

66.021 (1) (am) 2. If the land is located in a recorded and filed subdivision or in an area subject to a certified survey map, by reference as described in s. 236.28 or s. 236.34 (3).

**SECTION 35.** 70.23 (2) of the statutes is amended to read:

70.23 (2) When 2 or more lots or tracts owned by the same person are considered by the assessor to be so improved or occupied with buildings as to be practically incapable of separate valuation, the lots or tracts may be entered as one parcel. Whenever any tract, parcel or lot of land has been surveyed and platted and a plat of the platted ground filed or recorded according to law, the assessor shall designate the several lots and subdivisions of the platted ground as the lots and subdivisions are fixed and designated by the plat.

**SECTION 36.** 70.27 (3) (b) of the statutes is amended to read:

70.27 (3) (b) Notwithstanding par. (a), lands within an assessor's plat that are divided by a subdivision plat that is prepared, approved and recorded and filed in compliance with ch. 236 or a certified survey map that is prepared and recorded and filed in compliance with s. 236.34 shall be described for all purposes with reference to the subdivision plat or certified survey map, as provided in ss. 236.28 and 236.34 (3).

**SECTION 37.** 75.521 (3) (am) 1. of the statutes is amended to read:

75.521 (3) (am) 1. A brief description sufficient to identify each parcel affected by such tax lien. The description shall state the lot, block and section number of any parcel upon any tract, the plat or map of which is filed recorded and filed in the office of the register of deeds of such county. If the lands be unplatted an engineer's metes and bounds description shall be a sufficient description.

**SECTION 38.** 77.16 (2) of the statutes is amended to read:

77.16 (2) The owner of 10 acres or more may file with the department an application setting forth a description of the lands which the owner desires to place under the woodland tax law and on which land the owner will practice forestry. Applications received prior to May 1 each calendar year shall be processed for entry by November 20 of that calendar year. Lands which include an entire quarter-quarter section, fractional lot or government lot as determined by U.S. government survey plat, excluding public roads and railroad rights-of-way that may have been sold, are not eligible for entry. Lands within recorded and filed plats or the incorporated limits of cities or villages are not eligible for entry, but lands subject to a woodland tax law agreement located in a town which incorporates as a city after the agreement was entered into remain in effect. Lands on which an improvement is located having an assessed value in itself are not eligible for entry.

**SECTION 39.** 80.38 (1) of the statutes is amended to read:

80.38 (1) The town board of any town within which is situated any village or other plat duly certified and recorded and filed and not included within the limits of any incorporated village may make an order to be recorded by the town clerk declaring such streets and alleys in the village or other plat as they deem necessary for the public use to be public highways, without any other survey or description than that made in the recorded and filed plat.

**SECTION 40.** 81.11 (5) of the statutes is amended to read:

81.11 (5) The town board, upon its own authority and without direction from the annual town meeting, may levy and collect a tax on property located in a recorded and filed plat situated in a town requiring the approval of such town board, and adjoining a private road used by the public located therein, and on property adjoining, where the owner regularly uses such road which is not a portion of any town, county, state or federal highway system, not exceeding 3 mills for each dollar of assessed valuation thereof. The proceeds of such tax shall be expended for the improvement and maintenance of any private roads used by the public located within such recorded and filed plat. The town board shall not expend any of such funds upon a private driveway.

**SECTION 41.** 236.02 (9c) of the statutes is created to read:

236.02 (9c) "Record" means, with respect to a final plat or a certified survey map, to record and file the document with the register of deeds.

**SECTION 42.** 236.02 (10) of the statutes is repealed.

**SECTION 43.** 236.34 (3) of the statutes is amended to read:

236.34 (3) **USE IN CONVEYANCING.** When a certified survey map has been recorded in accordance with this section, the parcels of land in the map shall be, for all purposes, including assessment, taxation, devise, descent and conveyance, as defined in s. 706.01 (4), described by reference to the number of the survey, lot or outlot number, the volume and page where recorded, and the name of the county, ~~for all purposes, including assessment, taxation, devise, descent and conveyance as defined in s. 706.01 (4).~~

**SECTION 44.** 703.28 (1m) (b) of the statutes is amended to read:

703.28 (1m) (b) Before a certified survey map, condominium plat, subdivision plat or other plat may be recorded and filed for the same property, the condominium shall first be removed from the provisions of this chapter by recording a removal instrument.

**SECTION 45.** 706.05 (2m) (a) of the statutes is amended to read:

706.05 (2m) (a) Except as provided in par. (b), any document submitted for recording or filing that is to be

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indexed in the real estate records, any document submitted for recording or filing that modifies an original mortgage or land contract and any subordination agreement submitted for recording or filing shall contain the full legal description of the property to which it relates if the document or subordination agreement is intended to relate to a particular parcel of land. The legal description may be included on the document or may be attached to the document. Any such document shall also contain the ~~volume number and page~~ document number of any original mortgage or land contract that the document affects and, if given on the original mortgage or land contract,

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the volume and page numbers of the original mortgage or land contract.

**SECTION 46.** 895.345 (2) (c) of the statutes is amended to read:

895.345 (2) (c) An accurate description by lot and block number, if part of a recorded and filed plat, or by metes and bounds of the real estate offered as security.

**SECTION 47. Initial applicability.**

(1) This act first applies to documents that are recorded, filed or indexed on the effective date of this subsection.