

State of Wisconsin



2017 Senate Bill 131

Date of enactment: **November 30, 2017**

Date of publication*: **December 1, 2017**

2017 WISCONSIN ACT 102

AN ACT to repeal 59.76 (2); to renumber 59.76 (1); to renumber and amend 236.34 (3); to consolidate, renumber and amend 59.43 (9) (a) 1. a. and g. and 59.43 (9) (c) (intro.), 1. and 2.; to amend 59.43 (1c) (k), 59.43 (9) (a) 2. c., 59.43 (9) (b), 59.71 (3), 61.187 (2) (d), 69.64 (2), 70.25, 70.27 (5), 75.28 (2) (a), 84.095 (3) (a), 84.095 (7) (a), 84.095 (8) (b), 185.82 (2) (c), 186.315, 228.05, 236.295 (2) (a), 321.61 (1) (f), 703.11 (2) (am), 703.275 (5), 706.05 (2) (c), 706.05 (2m) (a), 706.085 (2) (a), 708.15 (1) (L) and 893.33 (2); and to create 236.34 (3) (c) of the statutes; relating to: identification and location information assigned to documents filed or recorded in the county register of deeds offices and registration of farm names by recording in the register of deeds office.

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

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

59.43 (1c) (k) Keep an index of all organizational documents of corporations, fraternal societies, religious organizations, associations, and other entities, and all amendments of such the documents, that are allowed or required by law to be filed or recorded in the register's office. The index shall access the documents be accessible and searchable by the names name of the corporations corporation, fraternal societies society, religious organizations, associations and organization, association, or other entities, entity and shall contain a reference to the document number of the organizational document or amendment and, if given on the document, the volume and page number where the documents are organizational document or amendment is filed or recorded in the register's office.

SECTION 2. 59.43 (9) (a) 1. a. and g. of the statutes are consolidated, renumbered 59.43 (9) (a) 1. am. and amended to read:

59.43 (9) (a) 1. am. Number of Document number assigned under sub. (1c) (f) to the instrument that is consecutive and unique within the record series. g. The document number, and, if given on the instrument, the volume and page where the instrument is recorded or filed.

SECTION 3. 59.43 (9) (a) 2. c. of the statutes is amended to read:

59.43 (9) (a) 2. c. Document number, or assigned to the instrument under sub. (1c) (f) and, if given on the instrument, the volume and page where the instrument is recorded or filed.

SECTION 4. 59.43 (9) (b) of the statutes is amended to read:

59.43 (9) (b) In the case of With regard to assignments, satisfactions and, partial releases of mortgages, and subordination subordinations of mortgages, the index under par. (a) shall also contain the document number or of the original mortgage instrument and, if given on the original mortgage instrument, the volume and page of where the original mortgage instrument is recorded or filed whenever that the original mortgage

* 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."

instrument is referenced on the document assignment, satisfaction, partial release, or subordination.

SECTION 5. 59.43 (9) (c) (intro.), 1. and 2. of the statutes are consolidated, renumbered 59.43 (9) (c) and amended to read:

59.43 (9) (c) With regard to affidavits of ~~corrections~~ correction of previously filed or recorded documents, the register of deeds shall include ~~at least one of the following notations on the previously filed or recorded document:~~ 1. The a notation of the document number of the affidavit of correction. ~~2. The, the date when the affidavit of correction is filed or recorded, and, if the affidavit of correction is assigned a volume and page number, the volume and page number where the affidavit of correction is filed, and the date when the affidavit is filed or recorded.~~

SECTION 6. 59.71 (3) of the statutes is amended to read:

59.71 (3) The register of deeds shall enter an abstract of all eminent domain proceedings in the record maintained under sub. (2). The abstract shall substantially contain the facts as to the filing of a notice of lis pendens, the date of filing, the description, the court in which or the body before whom the proceeding is pending, the result of the proceedings, the action taken, and the date ~~thereof~~ of the action and shall briefly state all of the essential facts of the proceeding. The index to the record shall be a practical index, with reference to the ~~number document numbers assigned and page of, if volume and page numbers are assigned,~~ the volume and page where such the abstracts are entered respectively filed or recorded.

SECTION 7. 59.76 (1) of the statutes is renumbered 59.76.

SECTION 8. 59.76 (2) of the statutes is repealed.

SECTION 9. 61.187 (2) (d) of the statutes is amended to read:

61.187 (2) (d) If, in accordance with par. (a), the results of the election under sub. (1) provide for dissolution, the village clerk shall, within 10 days after the election, record the petition and determination of the village board of canvassers in the office of the register of deeds of the county or counties in which the village is located and file with the secretary of administration certified copies of the petition and the determination of inspectors of election. The village clerk shall also record in the office of the register of deeds a certificate by the village clerk showing the date on which the dissolution takes effect and file with the secretary of administration 4 copies of the certificate. These documents shall be recorded and indexed by the register of deeds. The index shall include the document number of the original documents and, if given on the original documents, the volume or reel ~~number~~ and the page or image number of where the original documents are filed or recorded. The secretary of administration shall forward 2 copies of the

certificate to the department of transportation and one to the department of revenue.

SECTION 10. 69.64 (2) of the statutes is amended to read:

69.64 (2) The date, the document number, and, if given, the volume and page number of the record ~~thereof~~ of the instrument of conveyance or sale.

SECTION 11. 70.25 of the statutes is amended to read:

70.25 Lands, described on rolls. In all assessments and tax rolls in all advertisements, certificates, papers, conveyances, or proceedings for the assessment and collection of taxes and in all related proceedings, except in tax bills, any descriptions of land ~~which that~~ indicate the land intended with ordinary and reasonable certainty and ~~which that~~ would be sufficient between grantor and grantee in an ordinary conveyance are sufficient. No description of land according to the United States survey is insufficient by reason of the omission of the word quarter or the figures or signs representing it in connection with the words or initial letters indicating any legal subdivision of lands according to government survey. Where a more complete description may not be practicable, and the deed or a mortgage describing any piece of real property is recorded in the office of the register of deeds for the county, an abbreviated description including the document number of the deed or mortgage or the volume and page where the deed or mortgage is recorded, and the section, village, or city where the property is situated, is sufficient. Where a more complete description may not be practicable, and the piece of property is described in any certificate, order, or judgment of a court of record in the county, an abbreviated description including the document number of the court record or the volume and page of where the court record where is recorded, and the section, village, or city where the property is situated, is sufficient. Descriptions in property tax bills shall be as provided under s. 74.09 (3) (a).

SECTION 12. 70.27 (5) of the statutes is amended to read:

70.27 (5) SURVEYS, RECONCILIATIONS. The surveyor making the plat shall be a professional land surveyor licensed under ch. 443 and shall survey and lay out the boundaries of each parcel, street, alley, lane, roadway, or dedication to public or private use, according to the records of the register of deeds, and whatever evidence that may be available to show the intent of the buyer and seller, in the chronological order of their conveyance or dedication, and set temporary monuments to show the results of such survey which shall be made permanent upon recording of the plat as provided for in this section. The map shall be at a scale of not more than 100 feet per inch, unless waived in writing by the department of administration under s. 236.20 (2) (L). The owners of record of lands in the plat shall be notified by certified letter mailed to their last-known ~~address~~ addresses, in order

that they shall have opportunity to examine the map, view the temporary monuments, and make known any disagreement with the boundaries as shown by the temporary monuments. It is the duty of the professional land surveyor making the plat to reconcile any discrepancies that may be revealed, so that the plat as certified to the governing body is in conformity with the records of the register of deeds as nearly as is practicable. When boundary lines between adjacent parcels, as evidenced on the ground, are mutually agreed to in writing by the owners of record, ~~such~~ those lines shall be the true boundaries for all purposes thereafter, even though they may vary from the metes and bounds descriptions previously of record. Such written agreements shall be recorded in the office of the register of deeds. On every assessor's plat, as certified to the governing body, shall appear the volume, page, and document number of the record and, if given on the record, the volume and page where the record is recorded for the record that contains the metes and bounds description of each parcel, as recorded in the office of the register of deeds, which shall be identified with the number by which such parcel is designated on the plat, except that ~~lots which have a lot that has~~ been conveyed or otherwise acquired but upon which no deed is recorded in the office of register of deeds may be shown on an assessor's plat and when so shown shall contain a full metes and bounds description.

SECTION 13. 75.28 (2) (a) of the statutes is amended to read:

75.28 (2) (a) The tax deed grantee or the assigns of the tax deed grantee may, at any time after the tax deed is issued and recorded, serve a notice on the owner of record of the original title, stating that ~~he, she or they~~ the grantee or assigns hold a tax deed on the land of the original owner and giving a description of the land so deeded and a reference to the document number of the tax deed and, if a volume and page number is assigned, the volume and page where the tax deed is recorded. The notice shall be served in the same manner as a summons in a court of record or by registered mail, addressed to the owner of record. Proof of service of the notice shall be filed in the office of the clerk of the county in which the lands are situated.

SECTION 14. 84.095 (3) (a) of the statutes is amended to read:

84.095 (3) (a) An order, resolution, or plat filed or recorded under this section may be amended or vacated only by the entity that submitted the order, resolution, or plat for filing or recording. Any amendment or vacation of an order, resolution, or plat filed or recorded under this section may be filed or recorded. The office of the register of deeds shall make suitable notations on the plat affected by an amendment or vacation that is filed or recorded. The register of deeds shall number any amendments to a plat consecutively in the order filed or recorded and shall describe each amendment as follows

using the following information to the extent the information applies:

Amendment (number) of transportation project plat (project number), recorded in volume (number) of transportation project plats, page (number), as document (number), on (date), (county name) register of deeds, and located in (quarter section, section, township and range; recorded private claim; or federal reservation).

SECTION 15. 84.095 (7) (a) of the statutes is amended to read:

84.095 (7) (a) Whenever a plat has been filed or recorded under this section, any parcel depicted in the plat that is required for a project by conveyance or eminent domain proceedings shall be described as follows using the following information to the extent the information applies:

Parcel (number) of transportation project plat (project number), recorded in volume (number) of transportation project plats, page (number), as document (number), recorded in (county name), Wisconsin.

SECTION 16. 84.095 (8) (b) of the statutes is amended to read:

84.095 (8) (b) Within 3 working days after the date on which a plat is submitted for recording under this section, the register of deeds shall assign a document number and, at the option of the register of deeds, a volume and page of recording for where the plat is recorded, and the register of deeds shall provide written notice of the recording information to the agency that submitted the plat.

SECTION 17. 185.82 (2) (c) of the statutes is amended to read:

185.82 (2) (c) A register of deeds receiving a check and document forwarded under par. (b) shall record the document. If the document is not articles, the register of deeds shall note on the margin of the record of the articles the document number and, if the document is assigned a volume and page number, the volume and page where the document is recorded.

SECTION 18. 186.315 of the statutes is amended to read:

186.315 Charter cancellation. Upon completion of a voluntary liquidation as provided in s. 186.18, or upon completion of the liquidation in cases under s. 186.235 (11), or after the assets and liabilities of a credit union are transferred to another credit union for the purpose of merger as provided in s. 186.31 (3), the office of credit unions shall cancel the charter of the credit union liquidated or merged without any other or further notice to the credit union or to any person. A certified copy of the order or certificate of the office of credit unions shall be recorded with the register of deeds of the county in which the credit union is located. The register of deeds shall note on the margin of the record of the articles of incorpo-

ration of the credit union ~~the document number and, if the order or certificate is assigned a volume and page number,~~ the volume and page where the order or certificate canceling its ~~the credit union's~~ charter is recorded. In case of voluntary liquidation under s. 186.18 or merger under s. 186.31, the credit union shall record the order or certificate of the office of credit unions and pay the fee. In case of liquidation under s. 186.235 (11), the office of credit unions or special deputy shall record the order or certificate of the office of credit unions and pay the fee out of the assets of the credit union as an expense of liquidation.

SECTION 19. 228.05 of the statutes is amended to read:

228.05 Marginal references. The register of deeds of any county having a population of 500,000 or more who has copied a document by microphotography, microfilm, optical imaging, or electronic formatting that is accepted by him or her for recording or filing shall also, as a substitute for marginal references required, prepare an index for documents of ancillary nature for which marginal references are required. ~~Such~~ The register of deeds shall prepare and maintain the index for ancillary documents ~~shall be prepared and maintained~~ to show the document number ~~or~~ and, if given, the volume and page of the original recording or filing plus a record of any recordings or filings affecting or pertinent to ~~such~~ the original recording or filing requiring marginal references subsequent to the date on which the county begins ~~such~~ recording or recopying by microphotography, microfilm, optical imaging, or electronic formatting.

SECTION 20. 236.295 (2) (a) of the statutes is amended to read:

236.295 (2) (a) Each affidavit in sub. (1) (a) correcting a plat or certified survey map that changes areas dedicated to the public or restrictions for the public benefit must be approved prior to recording by the governing body of the municipality or town in which the subdivision is located. The register of deeds shall ~~note~~ include on the plat or certified survey map ~~a reference to a notation of the document number of the affidavit or instrument and, if the affidavit or instrument is assigned a volume and page number, the page and volume in which and page where~~ the affidavit or instrument is recorded. The record of the affidavit or instrument, or a certified copy of the record, is prima facie evidence of the facts stated in the affidavit or instrument.

SECTION 21. 236.34 (3) of the statutes is renumbered 236.34 (3) (intro.) and amended to read:

236.34 (3) **USE IN CONVEYANCING.** (intro.) 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~~ all of the following:

(a) The number of the survey, map,

(b) The lot or outlot number, of the parcel.

(d) If the map is assigned a volume and page number, the volume and page where the map is recorded, ~~and the,~~
(e) The name of the county.

SECTION 22. 236.34 (3) (c) of the statutes is created to read:

236.34 (3) (c) If the map is assigned a document number, the document number assigned to the map.

SECTION 23. 321.61 (1) (f) of the statutes is amended to read:

321.61 (1) (f) The person owning or having an interest in any property in respect to which the order under par. (c) is made, or the person's agent or attorney, may file a certified copy of the order of suspension with the county treasurer or with the city treasurer of cities authorized by law to sell lands for the nonpayment of taxes as to the taxes and assessments. The person shall file with the order an affidavit in triplicate, sworn to by the person or agent or attorney, setting forth the name of the owner, the legal description of the property, the type of property, when acquired, the document number of the deed and, if given on the deed, the volume and page number where the deed was ~~is~~ recorded if acquired by deed, and the name of the estate if acquired by descent, amount of delinquent taxes, if any, and the names of the holders of any outstanding mortgage, lien, or other encumbrance. Upon receipt of the filing, the county treasurer or city treasurer shall record the order in the office of the register of deeds of the county and file a copy in the office of the treasurer, who shall make proper notation that a person in federal active duty is the holder of the legal title and has made application for special relief. The county treasurer or city treasurer shall immediately forward an additional copy of the order and affidavit to the office of the clerk of the town, city, or village where the property is located, or, if it is located in a city, authorized to sell lands for nonpayment of its taxes, to the commissioner of assessments, who shall make an appropriate notation in the records.

SECTION 24. 703.11 (2) (am) of the statutes is amended to read:

703.11 (2) (am) A blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size in the upper right corner on the first sheet for recording use by the register of deeds.

SECTION 25. 703.275 (5) of the statutes is amended to read:

703.275 (5) **RECORDING.** Both a restatement of the declaration of the resultant condominium that includes the merger agreement and an addendum to the condominium plat of the resultant condominium shall be recorded as provided in s. 703.07. ~~The~~ On the plat of the preexisting condominium, the register of deeds shall reference the document number, assigned to the plat of the resultant condominium and, if the plat of the resultant condominium is assigned a volume and page number, the volume and page ~~of where~~ the plat of the resultant condominium ~~on the plat of the preexisting condominium is~~

recorded and shall note that the preexisting condominium has been merged.

SECTION 26. 706.05 (2) (c) of the statutes is amended to read:

706.05 (2) (c) Identify, to the extent that the nature of the instrument permits, and in form and terms ~~which that~~ permit ready entry upon the various books and indexes publicly maintained as land records of such county, the land to which such instrument relates and the parties or other persons whose interests in such land are affected. Except as provided in sub. (2m), identification may be either by the terms of the instrument or by reference to an instrument of record in the same office, naming the ~~place~~ document number of the record and, if the record is assigned a volume and page number, the volume and page where such ~~the~~ record ~~may be found~~ is recorded.

SECTION 27. 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 indexed in the real estate records, any document submitted for recording or filing that modifies an original mortgage or land contract, and any document submitted for recording or filing that is a subordination agreement submitted for recording or filing shall contain the full legal description of the property to which it ~~the document~~ 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~~ The document shall also contain the document number of any original mortgage or land contract that the document affects and, if given on the original mortgage or land contract, the volume and page numbers of where the original mortgage or land contract is recorded or filed.

SECTION 28. 706.085 (2) (a) of the statutes is amended to read:

706.085 (2) (a) A correction instrument shall be acknowledged or authenticated in accordance with s. 706.06 or 706.07. It shall recite the document number of the conveyance, the names of the grantor and grantee, and, if given on the conveyance, the volume and page ~~numbers~~ where the conveyance is filed or recorded.

SECTION 29. 708.15 (1) (L) of the statutes is amended to read:

708.15 (1) (L) "Recording data" means the date, of recording, the document number, and, if given on the document, the volume and page number, if any, that indicate where ~~a~~ the document is recorded in the office of the register of deeds under s. 59.43.

SECTION 30. 893.33 (2) of the statutes is amended to read:

893.33 (2) Except as provided in subs. (5) to (9), no action affecting the possession or title of any real estate may be commenced, and no defense or counterclaim may be asserted, by any person, the state, or a political subdivision or municipal corporation of the state after January 1, 1943, ~~which that~~ is founded upon any unrecorded instrument executed more than 30 years prior to the date of commencement of the action, or upon any instrument recorded more than 30 years prior to the date of commencement of the action, or upon any transaction or event occurring more than 30 years prior to the date of commencement of the action, unless within 30 years after the execution of the unrecorded instrument or within 30 years after the date of recording of the recorded instrument, or within 30 years after the date of the transaction or event, there is recorded in the office of the register of deeds of the county in which the real estate is located, some instrument expressly referring to the existence of the claim or defense, or a notice setting forth the name of the claimant, a statement of the claims made, a description of the real estate affected and of the instrument or transaction or event on which the claim or defense is founded, with its and, if the claim or defense is founded on a recorded instrument, the date the instrument was recorded, the document number of the instrument, and, if the instrument is assigned a volume and page number, the volume and page of its recording, if it is recorded, and a statement of the claims made where the instrument is recorded. This notice may be discharged the same as a notice of pendency of action. Such notice or instrument recorded after the expiration of 30 years shall be likewise effective, except as to the rights of a purchaser of the real estate or any interest in the real estate ~~which that~~ may have arisen after the expiration of the 30 years and prior to the recording.