



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 537**

February 4, 1998 - Offered by COMMITTEE ON HOUSING.

1     **AN ACT** *to renumber* 703.02 (1); *to amend* 703.02 (16), 703.07 (1), 703.07 (2),  
2           703.11 (2) (a), 703.11 (3), 703.13 (4), 703.26 (3) (a), 703.26 (3) (b), 703.275 (1),  
3           703.275 (4) and 703.28 (1); *to repeal and recreate* 703.275 (5); and *to create*  
4           703.02 (1b), 703.02 (1h), 703.02 (6m), 703.02 (14g), 703.095, 703.11 (2) (am),  
5           703.115 and 703.28 (1m) of the statutes; **relating to:** recording requirements  
6           for condominium instruments.

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

7           **SECTION 1.** 703.02 (1) of the statutes is renumbered 703.02 (1d).

8           **SECTION 2.** 703.02 (1b) of the statutes is created to read:

9           703.02 (1b) "Addendum" means a condominium instrument that modifies a  
10          recorded condominium plat.

11          **SECTION 3.** 703.02 (1h) of the statutes is created to read:

1           703.02 (1h) "Amendment" means a condominium instrument that modifies a  
2 recorded condominium declaration.

3           **SECTION 4.** 703.02 (6m) of the statutes is created to read:

4           703.02 (6m) "Correction instrument" means an instrument drafted by a  
5 licensed land surveyor that complies with the requirements of s. 59.43 (2m) and that,  
6 upon recording, corrects an error in a condominium plat. "Correction instrument"  
7 does not include an instrument of conveyance.

8           **SECTION 5.** 703.02 (14g) of the statutes is created to read:

9           703.02 (14g) "Removal instrument" means an instrument that complies with  
10 the requirements of s. 59.43 (2m) and that removes property from the provisions of  
11 this chapter upon recording. "Removal instrument" does not include an instrument  
12 of conveyance.

13           **SECTION 6.** 703.02 (16) of the statutes is amended to read:

14           703.02 (16) "Unit number" means the number, ~~letter or combination thereof,~~  
15 identifying a unit in a declaration.

16           **SECTION 7.** 703.07 (1) of the statutes is amended to read:

17           703.07 (1) A condominium may only be created by recording condominium  
18 instruments with the register of deeds of the county where the property is located.  
19 A condominium declaration and plat shall be presented together to the register of  
20 deeds for recording.

21           **SECTION 8.** 703.07 (2) of the statutes is amended to read:

22           703.07 (2) A condominium instrument, and all amendments, addenda and  
23 certifications of a condominium instrument, shall be recorded in every county in  
24 which any portion of the condominium is located, and shall be indexed in the name  
25 of the declarant and the name of the condominium. Subsequent instruments

1 affecting the title to a unit which is physically located entirely within a single county  
2 shall be recorded only in that county, notwithstanding the fact that the common  
3 elements are not physically located entirely within that county. Subsequent  
4 amendments and addenda shall be indexed under the name of the condominium.

5 **SECTION 9.** 703.095 of the statutes is created to read:

6 **703.095 Modification and correction of recorded condominium**  
7 **instruments, amendments and addenda.** A recorded condominium instrument,  
8 amendment or addendum may only be modified by recording an amendment,  
9 addendum or correction instrument, or by removal from the provisions of this  
10 chapter under s. 703.28 (1). The register of deeds may not record a correction  
11 instrument if it does not refer to the instrument being corrected and may not record  
12 amendments and addenda unless they are numbered consecutively and bear the  
13 name of the condominium as it appears in the declaration.

14 **SECTION 10.** 703.11 (2) (a) of the statutes is amended to read:

15 703.11 (2) (a) The name of the condominium and county in which the property  
16 is located on each sheet of the plat. The name of the condominium must be unique  
17 in the county in which the condominium is located. If there is more than one sheet,  
18 each sheet shall be consecutively numbered and show the relation of that sheet  
19 number to the total number of sheets.

20 **SECTION 11.** 703.11 (2) (am) of the statutes is created to read:

21 703.11 (2) (am) A blank space at least 2.5 inches by 2.5 inches in size on the  
22 first sheet for recording use by the register of deeds.

23 **SECTION 12.** 703.11 (3) of the statutes is amended to read:

24 703.11 (3) DESIGNATION OF UNITS. Every unit shall be designated on the  
25 condominium plat by the unit number ~~or other appropriate designation.~~ Unit

1 numbers may not contain more than 8 numerals and must be unique throughout the  
2 condominium.

3 **SECTION 13.** 703.115 of the statutes is created to read:

4 **703.115 Local review of condominium instruments.** (1) A county may  
5 adopt an ordinance to require the review of condominium instruments before  
6 recording by persons employed by the county of recording or by a city, village or town  
7 that is located in whole or in part in the county of recording if the ordinance does all  
8 of the following:

9 (a) Requires the review to be completed within 10 working days after  
10 submission of the condominium instrument and provides that, if the review is not  
11 completed within this period, the condominium instrument is approved for  
12 recording.

13 (b) Provides that a condominium instrument may be rejected only if it fails to  
14 comply with the applicable requirements of ss. 703.095, 703.11 (2) (a), (c) and (d) and  
15 (3), 703.275 (5) and 703.28 (1m) or if the surveyor's certificate under s. 703.11 (4) is  
16 not attached to or included in the condominium plat.

17 (c) If the person performing the review approves the condominium instrument,  
18 requires the person to certify approval in writing, accompanied by his or her  
19 signature and title.

20 (2) An ordinance adopted under this section may authorize the county to  
21 charge a fee that reflects the actual cost of performing the review.

22 **SECTION 14.** 703.13 (4) of the statutes is amended to read:

23 **703.13 (4) CHANGE IN PERCENTAGE INTEREST.** The percentage interests shall have  
24 a permanent character and, except as specifically provided by this chapter, may not  
25 be changed without the written consent of ~~all of~~ at least 75% of both the unit owners

1 and their mortgagees. Any change shall be evidenced by an amendment to the  
2 declaration and recorded among the appropriate land records. The percentage  
3 interests may not be separated from the unit to which they appertain. Any  
4 instrument, matter, circumstance, action, occurrence or proceeding in any manner  
5 affecting a unit also shall affect, in like manner, the percentage interests  
6 appurtenant to the unit.

7 **SECTION 15.** 703.26 (3) (a) of the statutes is amended to read:

8 703.26 (3) (a) If the conditions of sub. (2) are complied with, property may be  
9 added to a condominium if the declarant records an amendment to the declaration,  
10 showing the new percentage interests of the unit owners, and the votes which each  
11 unit owner may cast in the condominium as expanded, and records an amendment  
12 addendum to the condominium plat that includes the detail and information  
13 concerning the new property as required in the original condominium plat.

14 **SECTION 16.** 703.26 (3) (b) of the statutes is amended to read:

15 703.26 (3) (b) On recording of an amendment of a declaration and an addendum  
16 to a plat, each unit owner, by operation of law, has the percentage interests in the  
17 common elements, liabilities in the common expenses, rights to common surpluses,  
18 and shall have the number of votes, set forth in the amendment to the declaration.  
19 Following any expansion, the interest of any mortgagee shall attach, by operation of  
20 law, to the new percentage interests in the common elements appurtenant to the unit  
21 on which it is a lien.

22 **SECTION 17.** 703.275 (1) of the statutes is amended to read:

23 703.275 (1) AGREEMENT; LEGAL EFFECT. Any 2 or more condominiums, by  
24 agreement of the unit owners as provided in this section, may be merged or  
25 consolidated into a single condominium. Unless the agreement otherwise provides,

1 the condominium resulting from a merger or consolidation is, for all purposes, the  
2 legal successor of all of the preexisting condominiums and the operations and  
3 activities of all associations of the preexisting condominiums shall be merged or  
4 consolidated into a single association which shall hold all powers, rights, obligations,  
5 assets and liabilities of the preexisting associations. The resultant condominium  
6 must bear the name of one of the preexisting condominiums.

7 **SECTION 18.** 703.275 (4) of the statutes is amended to read:

8 703.275 (4) VOTES. The merger or consolidation agreement is effective if the  
9 agreement is approved by the unit owners of units to which at least ~~80%~~ 75% of the  
10 votes in each preexisting association are allocated. If the declaration of a preexisting  
11 association specifies that a percentage greater than ~~80%~~ 75% of the votes in that  
12 association is required to approve a merger or consolidation agreement, the greater  
13 percentage applies to the vote of that association. A declaration of a preexisting  
14 association may specify a smaller percentage and the smaller percentage applies to  
15 the vote of that association only if all of the units in the preexisting condominium are  
16 restricted exclusively to nonresidential uses.

17 **SECTION 19.** 703.275 (5) of the statutes is repealed and recreated to read:

18 703.275 (5) RECORDING. Both a restatement of the declaration of the resultant  
19 condominium that includes the merger agreement and an addendum to the  
20 condominium plat of the resultant condominium shall be recorded as provided in s.  
21 703.07. The register of deeds shall reference the document number, volume and page  
22 of the plat of the resultant condominium on the plat of the preexisting condominium  
23 and shall note that the preexisting condominium has been merged.

24 **SECTION 20.** 703.28 (1) of the statutes is amended to read:

