



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 1997 ASSEMBLY BILL 651**

March 18, 1998 - Offered by Representative HUEBSCH.

1           At the locations indicated, amend the substitute amendment as follows:

2           **1.** Page 51, line 17: delete lines 17 and 18 and substitute “a notice to the obligor  
3           stating that the department intends to issue an execution requiring the sheriff to  
4           seize and sell the property within 90 days of the date of the execution. The final  
5           notice shall include a notice of the obligor’s right to redeem the property under par.  
6           (e) 8.”.

7           **2.** Page 51, line 19: delete the material beginning with that line and ending  
8           with page 52, line 6, and substitute:

9           “(e) *Execution and sale.* After the department has sent the notice under par.  
10          (d), the department may issue an execution on any personal property identified in  
11          the notice to enforce a lien contained in the statewide support lien docket. The  
12          department shall provide a copy of an execution under this paragraph to the obligor

1 and to any other person having an interest in the property. The provisions of ch. 815  
2 apply to the executions issued by the department, except as follows:

3 1. References to judgments shall be read as references to liens entered in the  
4 statewide support lien docket, references to debtors shall be read as references to  
5 obligors and references to the court or a judge shall be read as references to the  
6 department.

7 2. Sections 815.01 to 815.04 do not apply. The department may not issue an  
8 execution more than 5 years after the date on which the lien was entered in the  
9 statewide support lien docket.

10 3. Section 815.05 does not apply. If the department has delegated under sub.  
11 (17) its authority under this subsection, the execution shall be signed by the director  
12 of the child support agency that is initiating the real property seizure on behalf of the  
13 department. The execution shall include all of the following information:

14 a. The date that a lien against the obligor was first entered on the child support  
15 lien docket.

16 b. The amount of past due child support that is owed at the time the execution  
17 is issued.

18 c. A description of the personal property.

19 d. A directive to the officer to whom the execution is addressed to seize and sell  
20 the property within 90 days of the date of the execution.

21 4. The execution shall be made returnable under s. 815.06 to the department  
22 within 90 days, rather than 60 days, after its receipt by the officer.

23 5. Sections 815.07, 815.09 to 815.12, 815.14, 815.15, 815.18 to 815.21, 815.25  
24 and 815.26 do not apply.

1           6. Notwithstanding s. 815.29, the officer may not sell the personal property  
2 without 20 days advance notice. In addition to the notice required under s. 815.29,  
3 the officer to whom the execution is issued shall notify the obligor of the time and  
4 place of the sale of the personal property.

5           7. If, prior to the sale of the personal property, the department or child support  
6 agency notifies the officer that the obligor has paid the amount owed together with  
7 any levy fees and costs under sub. (11) or that the custodial parent to whom the  
8 support is owed has died, the officer shall discontinue the execution.

9           8. Sections 815.52 to 815.55 do not apply. The obligor may redeem the property  
10 prior to the date of the sale by payment of the full amount of support owed together  
11 with any levy fees and costs under sub. (11). The property may not be redeemed after  
12 it is sold. If the property is redeemed, the county child support agency shall issue a  
13 certificate upon redemption that includes the date of redemption, the amount of  
14 money paid and a description of the property redeemed. The certificate of  
15 redemption may be recorded in the office of the register of deeds. If titled property  
16 is redeemed, the department shall instruct the titling agency that the agency may  
17 transfer title to the property without receiving instructions from a court or the  
18 department under par. (a). Upon the sale of personal property on execution, the  
19 officer shall issue a certificate of sale to the purchaser within 10 days of the sale. If  
20 titled property is sold, the department shall instruct the titling agency to transfer  
21 title of the sold property to the purchaser.

22           (f) *Updating the lien docket.* The department shall update the statewide  
23 support lien docket to remove a lien that is satisfied by an execution or sale under  
24 this subsection.”.

1           **3.** Page 54, line 13: delete lines 13 to 17 and substitute “state that the  
2 department intends to issue an execution requiring the sheriff to seize and sell the  
3 property within 90 days of the date of the execution and that the obligor must vacate  
4 the property by the time of sale. The final notice shall include a notice of the obligor’s  
5 right to redeem the property under par. (e) 8.”.

6           **4.** Page 54, line 21: delete the material beginning with that line and ending  
7 with page 55, line 5, and substitute:

8           “(e) *Execution and sale.* After the department has sent the final notice under  
9 par. (d), the department may issue an execution on any real property identified in the  
10 notice to enforce a lien contained in the statewide support lien docket. The  
11 department shall provide a copy of an execution under this paragraph to the obligor  
12 and to any other person having an interest in the property. The provisions of ch. 815  
13 apply to the executions issued by the department, except as follows:

14           1. References to judgments shall be read as references to liens entered in the  
15 statewide support lien docket, references to debtors shall be read as references to  
16 obligors and references to the court or a judge shall be read as references to the  
17 department.

18           2. Sections 815.01 to 815.04 do not apply. The department may not issue an  
19 execution more than 5 years after the date on which the lien was entered in the  
20 statewide support lien docket.

21           3. Section 815.05 does not apply. If the department has delegated under sub.  
22 (17) its authority under this subsection, the execution shall be signed by the director  
23 of the child support agency that is initiating the real property seizure on behalf of the  
24 department. The execution shall include all of the following information:

1           a. The date that a lien against the obligor was first entered on the child support  
2     lien docket.

3           b. The amount of past due child support that is owed at the time the execution  
4     is issued.

5           c. A legal description of the property against which the lien is to be executed.  
6     Including the location, of the property against which the lien is to be executed.

7           d. The street address or location of the property against which the lien is to be  
8     executed.

9           e. A directive to the officer to whom the execution is addressed to seize and sell  
10    the property within 90 days of the date of the execution.

11          4. The execution shall be made returnable under s. 815.06 to the department  
12    within 90 days, rather than 60 days, after its receipt by the officer.

13          5. Sections 815.07, 815.09 to 815.12, 815.14, 815.15, 815.18 to 815.21, 815.25  
14    and 815.26 do not apply.

15          6. In addition to the notice required under s. 815.31, the officer to whom the  
16    execution is issued shall notify the obligor of the time and place of the sale of the real  
17    property.

18          7. If, prior to the sale of the real property, the department or child support  
19    agency notifies the officer that the obligor has paid the amount owed together with  
20    any levy fees and costs under sub. (11) or that the custodial parent to whom the  
21    support is owed has died, the officer shall discontinue the execution.

22          8. Sections 815.38 to 815.55 do not apply. The obligor may redeem the property  
23    prior to the date of the sale by payment of the full amount of support owed together  
24    with any levy fees and costs under sub. (11). The property may not be redeemed after  
25    it is sold. If the property is redeemed, the county child support agency shall issue a

1 certificate upon redemption that includes the date of redemption, the amount of  
2 money paid and a description of the property redeemed. The certificate of  
3 redemption may be recorded in the office of the register of deeds. Upon the sale of  
4 the real estate on execution, the officer shall issue a deed and a certificate of sale to  
5 the purchaser within 10 days of the sale.

6 9. The department may issue an administrative order directing a local law  
7 official to remove the obligor from the property if property is not vacated before the  
8 time of sale. A person occupying the property under claim of ownership, lease or  
9 month-to-month tenancy may not be removed except by proceedings under ch. 799  
10 or 843.

11 10. Sections 815.59 to 815.64 do not apply.

12 (f) *Updating the lien docket.* The department shall update the statewide  
13 support lien docket to remove a lien that is satisfied by an execution or sale under  
14 this subsection.”.

15 **5.** Page 228, line 10: delete the material beginning with that line and ending  
16 with page 229, line 11.

17 **6.** Page 259, line 13: delete “224.093,” and substitute “224.093 and”.

18 **7.** Page 259, line 14: delete “, 815.19 (2) and 815.20 (1)”.

19 (END)