

No. 253, A.]

[Published May 17, 1949.

CHAPTER 114.

AN ACT to amend 235.01 of the statutes, relating to conveyance of jointly owned homesteads.

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

235.01 of the statutes is amended to read:

235.01 (1) Conveyances of land or any estate or interest therein may be made by deed signed and sealed by the person from whom the estate or interest is intended to pass, being of lawful age, or by his lawful agent or attorney, and acknowledged or proved as directed in this chapter, without any other act or ceremony whatever. * * *

(2) No mortgage or other alienation by a married man of his homestead, exempt by law from execution, or any interest therein, legal or equitable, present or future, by deed or otherwise, shall be valid without his wife's consent, evidenced by her act of joining in the same deed, mortgage or other conveyance, or by her act of executing a separate deed, mortgage or conveyance of the same nature as her husband's, except a conveyance from husband to wife. When separate deeds, mortgages or conveyances are executed by the husband and wife, each such instrument shall contain a statement that it is executed and delivered on condition that an instrument of similar import be executed and delivered by the other and that neither of such instruments shall be effective until both are so executed and delivered. Such statement shall appear in bold face type and with greater prominence than any other portion of the text of the instrument.

(3) No mortgage or other alienation by a married woman of any interest, legal or equitable, present or future, by deed or otherwise, in a homestead held by her and her husband as joint tenants, shall be valid without her husband's consent, evidenced by his act of joining in the same conveyance or mortgage or executing a separate conveyance or mortgage of the same nature as the wife's except a conveyance from wife to husband.

(4) When a mistake is made in the description of land occupied as a homestead, the attempted conveyance shall be construed as an executory contract to convey said homestead by said husband and wife, and the description of said land may at any time be corrected as other conveyances are corrected, and shall bind said parties as fully as though it were correctly described.

Approved May 13, 1949.