

CHAPTER 399

AN ACT to renumber 49.08; to amend 230.47 (2) and 230.48 (2); and to create 49.08 (2), 230.47 (1m) and 230.48 (1m) of the statutes, relating to liability of joint tenancy interests for poor relief.

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

SECTION 1. 49.08 of the statutes is renumbered 49.08 (1).

SECTION 2. 49.08 (2) of the statutes is created to read:

49.08 (2) If upon the death of any person any property prior to death was held in joint tenancy, then ss. 230.47 (1m) and (2) and 230.48 (1m) and (2) shall apply and the liability and recovery shall be the same as provided in sub. (1) except that if real property is involved the court shall enter judgment which shall constitute a prior lien as hereafter provided and remain a prior lien until satisfied or until the death of the surviving joint tenant at which time recovery may be had. The authorities or board shall file a copy of the judgment with a description of the property in the office of the register of deeds of every county in which real property of the joint tenant is located.

SECTION 3. 230.47 (1m) of the statutes is created to read:

230.47 (1m) (a) In proceedings had to terminate joint tenancy the assets of the deceased joint tenant shall be subject to the payment of debts and obligations as provided in s. 49.08 (2).

(b) No certificate terminating joint tenancy shall be issued or adjudication in a final judgment or order for assignment regarding the termination of such joint tenancy shall be made or given until the debts and obligations of the deceased joint tenant as described in s. 49.08 are paid or otherwise protected by lien and the court is satisfied that there has been compliance with this section and so finds.

SECTION 4. 230.47 (2) of the statutes is amended to read:

230.47 (2) An administrator or executor shall include in his inventory the interest which the decedent owned as such joint tenant or life tenant before his death. The county court shall adjudicate in the final judgment or order for assignment regarding the termination of such joint tenancy or life estate and regarding such other facts as are essential to a full and final determination of the rights of the parties interested; *and the provisions of sub. (1m) shall apply. The debts and obligations to be paid as provided in s. 49.08 shall be paid either from the assets of the estate, if any, or the property, real or personal or both, held in joint tenancy; except that if real property only is involved a lien under s. 49.08 (2) shall be created unless otherwise satisfied.*

SECTION 5. 230.48 (1m) of the statutes is created to read:

230.48 (1m) (a) In proceedings had to terminate joint tenancy the assets of the deceased joint tenant shall be subject to the payment of debts and obligations as provided in s. 49.08 (2).

(b) No certificate terminating joint tenancy shall be issued or adjudication in a final judgment or order for assignment regarding the termination of such joint tenancy shall be made or given until the debts and obligations of the deceased joint tenant as described in s. 49.08 are paid and the court is satisfied that there has been compliance with this section and so finds.

SECTION 6. 230.48 (2) of the statutes is amended to read:

230.48 (2) An administrator or executor shall include in his inventory the interest which the decedent owned as such joint tenant in any real estate mortgage note, bank account, stock, bond, chose in action or other personal property before his death. The county court shall adjudicate in the final judgment or order for assignment regarding the termination of such joint tenancy and regarding such other facts as are essential to a full determination of the rights of the parties interested; *and the provisions of sub. (1m) shall apply. The debts and obligations to be paid as provided in s. 49.08 shall be paid either from the assets of the estate, if any, or the property, real or personal or both, held in joint tenancy; except that if real property only is involved a lien under s. 49.08 (2) shall be created unless otherwise satisfied.*

Approved July 20, 1957.
