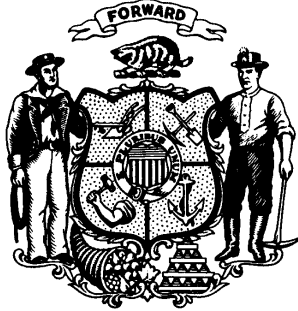


# State of Wisconsin



1997 Assembly Bill 510

Date of enactment: **June 18, 1998**

Date of publication\*: **July 2, 1998**

## 1997 WISCONSIN ACT 304

AN ACT *to renumber and amend* 840.10 (1); *to amend* 59.43 (2m) (b) 4., 66.27 (2) (b) and 880.215; and *to create* 840.10 (1) (b) of the statutes; **relating to:** filing a certified copy of a petition and order for hearing for guardianship with the register of deeds and requiring certain documents that are recorded with a register of deeds to be legible.

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

**SECTION 2.** 59.43 (2m) (b) 4. of the statutes is amended to read:

59.43 (2m) (b) 4. ~~The names of the grantee and grantor, the return address and the legal descriptions are~~ entire document is clear and the letters, numbers, symbols, diagrams and other representations in the document are large enough and dense enough to be reproduced or read by a copy machine and a microfilm camera or optical scanner to the extent that the image captured is legible.

**SECTION 3.** 66.27 (2) (b) of the statutes is amended to read:

66.27 (2) (b) Any such action shall be brought in a court of record in the manner provided in ch. 801. A lis pendens shall be filed or recorded as provided in s. 840.10 upon the commencement of the action. Service upon persons whose whereabouts are unknown may be made in the manner prescribed in s. 801.12.

**SECTION 4.** 840.10 (1) of the statutes is renumbered 840.10 (1) (a) and amended to read:

840.10 (1) (a) In an action where relief is demanded affecting described real property which relief might confirm or change interests in the real property, after the filing of the complaint the plaintiff shall file present for filing or recording in the office of the register of deeds of

each county where any part thereof is situated, a lis pendens containing the names of the parties, the object of the action and a description of the land in that county affected thereby. In any action if the defendant asks relief on a counterclaim or cross-complaint, which contains a legal description of the real estate and seeks such relief, after the filing of the counterclaim or cross-complaint the defendant shall file present for filing or recording a lis pendens. From the time of such filing or recording every purchaser or encumbrancer whose conveyance or encumbrance is not recorded or filed shall be deemed a subsequent purchaser or encumbrancer and shall be bound by the proceedings in the action to the same extent and in the same manner as if the purchaser or encumbrancer were a party thereto. In any such action in which a lis pendens has been filed or recorded, if the party who presents for filing the same or recording the lis pendens fails for one year after the filing or recording thereof to serve and file proof of service of the summons or the counterclaim or cross-complaint on one or more of the adverse parties, the lis pendens shall be void, and upon motion and proof the court may order it discharged. Judgment shall not be entered in favor of the party required to file present for filing or recording a lis pendens until 20 days after the lis pendens has been filed or recorded.

\* Section 991.11, WISCONSIN STATUTES 1995-96: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 5.** 840.10 (1) (b) of the statutes is created to read:

840.10 (1) (b) A lis pendens that is prepared by a member of the state bar of Wisconsin need not be authenticated.

**SECTION 6.** 880.215 of the statutes is amended to read:

**880.215 Lis pendens, void contracts.** A certified copy of the petition and order for hearing provided for in ss. 880.07 and 880.08 may be filed in the office of the register of deeds for the county; and if a guardian shall be ap-

pointed upon such application all contracts, except for necessities at reasonable prices, and all gifts, sales and transfers of property made by such insane or incompetent person or spendthrift, after the filing of a certified copy of such petition and order as aforesaid, shall be void. The validity of a contract made by a person under limited guardianship is not void, however, unless the determination is made by the court in its finding under s. 880.33 (3) that the ward is incapable of exercising the power to make contracts.

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