

CHAPTER 841

DECLARATION OF INTEREST IN REAL PROPERTY

841.01 Declaration of interest.
841.02 Complaint.
841.03 Defendants.

841.04 Answer.
841.06 Costs.
841.10 Judgment.

841.01 Declaration of interest. (1) Any person claiming an interest in real property may maintain an action against any person claiming a conflicting interest, and may demand a declaration of interests.

(2) Subsection (1) does not apply to lessee's interests in leases of one year or less.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 767 (1975); Stats. 1975 s. 841.01.

Cross-reference: See s. 840.01 for the definition of "interest in real property."

A review of ch. 841 as a whole shows that the legislature intended for this section to create a cause of action. *SJ Properties Suites v. Specialty Finance Group, LLC*, 864 F. Supp. 2d 776 (2012).

841.02 Complaint. The complaint shall describe the real property, the interest of the plaintiff and how the plaintiff acquired the interest, the interest of each person claiming an interest known to be adverse to the plaintiff, including unborn and unknown persons, and demand that the interest of the plaintiff be established against adverse claims.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 767 (1975); Stats. 1975 s. 841.02; 1993 a. 486.

841.03 Defendants. Persons claiming interests adverse to the plaintiff which interests the plaintiff wants affected by the judgment shall be named as defendants; other persons with interests in the described property may be named as defendants.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 767 (1975); Stats. 1975 s. 841.03.

841.04 Answer. The answer shall indicate the nature and derivation of defendant's interest. If the defendant, by answer, disclaims any interest in the described property or in plaintiff's claimed interest, no further answer is necessary.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 767 (1975); Stats. 1975 s. 841.04.

A defendant's answer that fails to assert an interest in the property terminates the defendant's right to participate in the action. *Auer Park Corp., Inc. v. Derynda*, 230 Wis. 2d 317, 601 N.W.2d 841 (Ct. App. 1999), 98–1787.

841.06 Costs. No costs shall be taxed against a defendant who does not contest the claim of the plaintiff; such defendant may recover costs unless the court otherwise orders.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 767 (1975); Stats. 1975 s. 841.06.

841.10 Judgment. (1) The judgment shall declare the interests of the parties. The judgment or a certified copy may be recorded in the office of the register of deeds of each county in which the land lies.

(2) As to parties not contesting, judgment may be rendered on motion based on the complaint and proof of service of the summons and the complaint, and proof of the facts as to interest.

History: 1973 c. 189; Sup. Ct. Order, 67 Wis. 2d 585, 767 (1975); Stats. 1975 s. 841.10.