

State of Wisconsin



2015 Assembly Bill 82

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2015 WISCONSIN ACT 48

AN ACT to repeal 59.43 (2) (i), 59.43 (2m) (d) 2. and 867.045 (3); and to amend 59.43 (1) (a), 59.43 (1) (L), 59.43 (1) (n), 59.43 (2) (a) 2., 59.43 (2m) (b) 5., 59.43 (9) (a) 1. g., 236.25 (4), 236.34 (2) (a), 236.45 (2) (am) (intro.), 703.11 (1) and 779.97 (5) (a) and (b) of the statutes; relating to: instruments filed or recorded with, and fees charged by, the register of deeds.

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

SECTION 1. 59.43 (1) (a) of the statutes is amended to read:

59.43 (1) (a) Record or cause to be recorded in suitable books to be kept in his or her office, correctly and legibly all deeds, mortgages, instruments, and writings authorized by law to be recorded in his or her office and left with him or her for that purpose, provided such the documents have plainly printed or typewritten thereon on the document the names of the grantors, grantees, witnesses, and notary. The register of deeds shall record and or file or cause to be recorded and or filed all plats and certified survey maps that are authorized to be accepted for recording and or filing in his or her office. Any county, by a resolution duly adopted by the board, may combine the separate books or volumes for deeds, mortgages, miscellaneous instruments, attachments, lis pendens, sales and notices, certificates of organization of corporations, plats, or other recorded or filed instruments or classes of documents as long as separate indexes may be produced. Notwithstanding any other provisions of the statutes, any county adopting a system of microfilming or like process or a system of recording documents by optical imaging or electronic formatting under ch. 228

may substitute the headings, reel, disk, or electronic file name and microfilm image (frame) for volume and page where recorded and different classes of instruments may be recorded, reproduced, or copied on or transferred to the same reel, disk, or electronic file or part of a reel or disk. All recordings made prior to June 28, 1961, which would have been valid under this paragraph, had this paragraph then been in effect, are hereby validated by this paragraph. In this subsection, "book", if automated recording or indexing equipment is used, includes the meaning given under sub. (12) (d).

SECTION 2. 59.43 (1) (L) of the statutes is amended to read:

59.43 (1) (L) File Record all documents pertaining to security interests, as defined in s. 401.201 (2) (t), that are required or authorized by law to be filed recorded with the register. Except as otherwise prescribed by the department of financial institutions under subch. V of ch. 409, these documents shall be executed in a manner that satisfies the requirements set forth in sub. (2m) (b) 1. to 5.

SECTION 3. 59.43 (1) (n) of the statutes is amended to read:

59.43 (1) (n) Upon the filing recording of a financing statement or other document evidencing the creation of a security interest, as defined in s. 401.201 (2) (t),

* Section 991.11, WISCONSIN STATUTES: 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."

required to be filed or recorded with the register under s. 409.501 (1) (a), index the statement or document in the real estate records index under sub. (9).

SECTION 4. 59.43 (2) (a) 2. of the statutes is amended to read:

59.43 (2) (a) 2. Any instrument that is submitted for recording shall contain a blank space at least ~~2.5~~ 3 inches by ~~2.5~~ 3 inches in size for use by the register of deeds. If the space is not provided, the register of deeds may add a page for his or her use and charge for the page a fee that is established by the county board not to exceed an amount reasonably related to the actual and necessary cost of adding the page.

SECTION 5. 59.43 (2) (i) of the statutes is repealed.

SECTION 6. 59.43 (2m) (b) 5. of the statutes is amended to read:

59.43 (2m) (b) 5. The ink is black, blue, or red, except that signatures and coded notations on maps may be other colors.

SECTION 7. 59.43 (2m) (d) 2. of the statutes is repealed.

SECTION 9. 59.43 (9) (a) 1. g. of the statutes is amended to read:

59.43 (9) (a) 1. g. ~~Volume~~ The document number, and if given on the instrument, the volume and page where the instrument is recorded or filed.

SECTION 10. 236.25 (4) of the statutes is amended to read:

236.25 (4) ~~Every~~ Each final plat entitled to be recorded under this section shall be bound or filed by the register of deeds into properly indexed volumes or stored electronically in a plat index. Any facsimile of the original whole record, made and prepared by the register of deeds or under his or her direction shall be deemed to be a true copy of the final plat.

SECTION 11. 236.34 (2) (a) of the statutes is amended to read:

236.34 (2) (a) Certified survey maps prepared in accordance with subs. (1) and (1m) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume ~~to be kept in the register of deeds' office, known as the "Certified Survey Maps of County", or stored electronically in the register of deeds office.~~

SECTION 12. 236.45 (2) (am) (intro.) of the statutes is amended to read:

236.45 (2) (am) (intro.) Ordinances under par. (ac) may include provisions regulating divisions of land into parcels larger than 1 1/2 acres or divisions of land into less than 5 parcels, and may prohibit the division of land in areas where such prohibition will carry out the purposes of this section. Such ordinances shall make applicable to such divisions all of the provisions of this chapter, or may provide other surveying, monumenting, mapping and approving requirements for such division. The governing body of the municipality, town, or county shall require that a plat of such division be recorded with the register of deeds and kept in a book provided for that purpose or stored electronically. "COUNTY PLAT," "MUNICIPAL PLAT," or "TOWN PLAT" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range, and county noted. When so recorded, the lots included in the plat shall be described by reference to "COUNTY PLAT," "MUNICIPAL PLAT," or "TOWN PLAT," the name of the plat and the lot and block in the plat, for all purposes, including those of assessment, taxation, devise, descent, and conveyance as defined in s. 706.01 (4). Such ordinance, insofar as it may apply to divisions of less than 5 parcels, shall not apply to:

SECTION 13. 703.11 (1) of the statutes is amended to read:

703.11 (1) **TO BE FILED FOR RECORD.** When any condominium instruments are recorded, the declarant shall file ~~for record~~ a condominium plat to be recorded in a separate plat book maintained for condominium plats or stored electronically in the register of deeds office.

SECTION 14. 779.97 (5) (a) and (b) of the statutes are amended to read:

779.97 (5) (a) The fee for recording or filing and indexing each notice of lien or certificate or notice affecting the lien is the fee specified under s. 59.43 (2) (ag).

(b) The officer shall may bill the district directors of internal revenue on a monthly basis for fees for documents recorded or filed by them.

SECTION 15. 867.045 (3) of the statutes is repealed.