



# JOAN BALLWEG

PO Box 8952, State Capitol  
Madison, Wisconsin 53708-8952  
Tollfree: (888) 534-0041  
Fax: (608) 282-3641  
Rep.Ballweg@legis.wi.gov

WISCONSIN STATE REPRESENTATIVE

41<sup>ST</sup> ASSEMBLY DISTRICT

**Assembly Bill 664: Removing the Requirement for Providing a Certified Death Certificate when Recording a Termination of Decedents Interest  
Testimony of State Representative Joan Ballweg  
Assembly Committee on Local Government  
January 10, 2018**

Thank you, Chair Brooks, and members of the Committee on Local Government for holding this public hearing on AB 664.

The Wisconsin Register of Deeds Association proposed AB 664 to my office to make local government more efficient for constituents and reflect technological advancements in Register of Deeds (RODs) offices. This bill removes the requirement that a death certificate be provided when a ROD records a Termination of Decedents Interest form. A Termination of Decedents Interest must be recorded when someone passes away that has an interest in real property to transfer their property rights.

Providing a hard-copy of a certified death certificate is an outdated and unnecessary requirement for the following reasons:

- The counties are moving towards electronically filing documents, but electronically submitting a death certificate is considered a felony by the state; this prevents the RODs from electronically recording a Termination of Decedent's Interest documentation.
- Now that the state's vital records are recorded electronically, the RODs have the capability of verifying the death certificate through the state's vital records database.
- The individual will still have to swear the correctness of the information under oath when submitting the Termination of Decedent's Interest Document.

To get a copy of the death certificate, you must fill out a form provided by the Department of Health Services and pay a \$20 fee for the first copy and \$3 for every additional copy. Removing the requirement to provide a death certificate will benefit constituents who would no longer have to fill out another form and pay an additional fee for a certified copy of the death certificate. Also, it provides consistency with other ROD practices, since the law does not require a certified copy of a death certificate for other documents submitted on behalf of the decedent's estate.

The Wisconsin Register of Deeds Association and the Wisconsin Land Title Association support AB 664.

Thank you for your consideration of AB 664, and I am happy to answer any questions.



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## Luther S. Olsen

State Senator

14th District

**TO:** Assembly Committee on Local Government  
**FROM:** Senator Luther Olsen  
**DATE:** January 10, 2018  
**SUBJECT:** Testimony in favor of Assembly Bill 664

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Thank you Chairman Brooks and the Assembly Committee on Local Government for holding a hearing and allowing me to testify in favor of Assembly Bill 664.

Currently, when someone that has an interest in real property passes away, a Termination of Decedents Interest must be recorded to transfer their property rights. In order for the transfer to take place, a hard-copy of a certified death certificate is required.

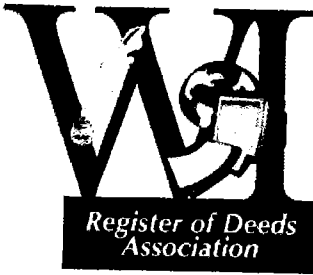
This legislation updates statutes to reflect technological advancements for how a Register of Deeds (RODs) records a Termination of Decedents Interest by removing the requirement that a death certificate is provided for that process.

Now that the state's vital records are recorded electronically, providing a hard-copy of a certified death certificate is an outdated and unnecessary requirement. Counties are moving towards electronically filing documents and RODs have the capability of verifying the death certificate through the state's vital records database.

Individuals would no longer have to pay an additional fee for a certified copy of the death certificate. However, they will still have to swear under oath to the correctness of the information when submitting the Termination of Decedent's Interest Document.

The Wisconsin Register of Deeds Association supports this proposal.

Thank you, members. I ask for your support and would be more than happy to answer any questions.



**Wisconsin Register of Deeds Association  
Legislative Committee**

Committee Members: Tyson Fettes- Co-Chair, Sarah Guenther – Co-Chair,  
Heather Schwersenska, Kyle Franson, Karen Miller, Margo Katterhagen,  
Karen Manske, Carey Petersilka, Staci Hoffman, JoEllyn Storz, Mike  
Mazemke, Sue Ginter

<http://www.wrdaonline.org/Index.htm>

**Re: Support AB664 by removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest.**

The Wisconsin Register of Deeds Association (WRDA) supports removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest. With the advancements in technology and the requirement not to record a vital record this practice is an outdated means for submitting a non-probated interest in a decedent's property.

- **Fiscally Responsible to Constituents.** Wisconsin Statutes 867.045(1) and 867.046(2) requires any person having an interest in the property to provide to the register of deeds a certified copy of the death certificate for the decedent. Requiring a certified copy of a death certificate to be submitted with Termination of Decedents interest often requires a family to purchase additional certified copies to be submitted to multiple counties in which the decedent owned properties.
- **Consistency throughout documents.** The statutes do not require a certified copy of a death certificate for other documents submitted on behalf of a decedent's estate. Transfer by Affidavit of \$50,000 or less involving a decedent's real property does not require the submitter to provide a certified copy of the death certificate, the submitter swears under oath to the fact of death and could do so for the Termination of Decedent's Interest.
- **Technology advancements.** With the advancements in technology, the majority of Wisconsin counties accept electronically submitted documents; the practice of submitting a death certificate electronically is considered a felony in the State of Wisconsin. The outdated requirement to submit a certified death certificate prohibits the recording of Termination of Decedent's Interest documentation electronically.

**For these reasons, the WRDA strongly supports removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest, AB-664.**

# TERMINATION OF DECEDENT'S INTEREST

DECEDENT'S NAME	DATE OF DEATH		
DECEDENT'S ADDRESS AT DATE OF DEATH	CITY	ST	ZIP

**THE INTEREST OF THE DECEDENT IN THE PROPERTY LEGALLY DESCRIBED HEREIN IS TERMINATED PURSUANT TO THE FOLLOWING WISCONSIN STATUTE AND TRANSFERRED AS PROVIDED BY STATUTES:**

- 867.045** – real property in which the decedent was a joint tenant, had a vendor's or mortgagee's interest, or had a life estate.
  
- 867.046** - property of a decedent specified in a marital property agreement, survivorship marital property; a third party confirmation; or a nonprobate transfer on death as described in 705.10(1) or 705.15.

Recording Area \_\_\_\_\_  
 Name and Return Address: \_\_\_\_\_

**DOCUMENT UNDER WHICH DECEDENT'S INTEREST IN THE PROPERTY IS NOW TERMINATED – Copy(ies) of which is/are attached:**

Recorded Document No. \_\_\_\_\_ Volume \_\_\_\_\_ Page \_\_\_\_\_

Deed  Transfer on Death  Land Contract  Mortgage  
 Other \_\_\_\_\_

Unrecorded Document:  
 Marital Property Agreement  Other \_\_\_\_\_

Parcel Identification Number: \_\_\_\_\_  
**SEND TAX STATEMENT TO:**

**DESCRIPTION OF THE PROPERTY TRANSFERRED (check all that apply):**

- REAL PROPERTY - legal description as set forth in the attached/referenced and previously recorded document
- REAL PROPERTY - current legal description *if different* than the foregoing document
- NON-REAL PROPERTY – property identified in the attached document, including, digital property, bank accounts and securities

<p><b>Name(s) and address of owner(s) of the property immediately after the decedent's death; <u>attach additional names &amp; addresses</u> if more than one owner.</b></p>  	<p><b>Interest of the signer of this document in the property:</b></p> <p><input type="checkbox"/> joint tenant <input type="checkbox"/> remainder person if a life estate  <input type="checkbox"/> mortgagee <input type="checkbox"/> land contract vendor  <input type="checkbox"/> decedent's spouse <input type="checkbox"/> beneficiary of a marital property agreement  <input type="checkbox"/> beneficiary of a transfer under 705.10(1) or 705.15  <input type="checkbox"/> other: _____</p>
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**DECLARATION:** To the best of undersigned's knowledge and belief, the undersigned declares that this document is true, accurate, complete and in conformity with the provisions and limitations of the Wisconsin Statutes.

DATE: \_\_\_\_\_

**DECLARANT SIGNATURE**

X \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

**THIS DOCUMENT WAS DRAFTED BY:**

\_\_\_\_\_

Signature of Notary or other person authorized to administer an oath (as per 706.06, 706.07)  
 Print or type Name

Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_ subscribed and sworn to before me on: \_\_\_\_\_, by the above named person(s) who executed this document and acknowledged the same.

Print Name: \_\_\_\_\_

Notary Public, State of Wisconsin.

My Commission (is permanent) (expires \_\_\_\_\_).

**APPLICATION FOR THE  
TERMINATION OF DECEDENT'S INTEREST  
AND CONFIRMATION OF APPLICANT'S INTEREST IN PROPERTY**

DECEDENT'S NAME	DATE OF DEATH		
ADDRESS OF DECEDENT AT DATE OF DEATH	CITY	ST	ZIP

**PRESENTATION OF DEATH CERTIFICATE**  
I certify that I have viewed a certified copy of the decedent's death certificate.

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REGISTER OF DEEDS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

*Recording area*

THE INTEREST OF THE DECEDENT IN THE PROPERTY NOTED HEREIN IS HEREBY TERMINATED/CONFIRMED UNDER THE FOLLOWING STATUTE:  
(please check appropriate statute)

- s. 867.045 which pertains to real property in which the decedent was a joint tenant, had a vendor's or mortgagee's interest, or had a life estate. (You must provide a copy of the document establishing interest in the real property.)
- s. 867.046 which pertains to property of a decedent specified in a marital property agreement; survivorship marital property; or a third party confirmation; or a nonprobate transfer on death as described in s.705:10(1). (You must provide a copy of the document establishing interest in property.)

Name and return address:

Parcel Identification Number  
SEND TAX STATEMENT TO:

Presentation of recorded document establishing interest in real estate.

DOCUMENT #	VOLUME/REEL	PAGE/IMAGE	RECORDS/DEEDS
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Description of the real estate.

See Attached.

**Description of personal property (if any) being transferred.**

You may list savings accounts, checking accounts and securities on attached pages. Indicate person(s) receiving property.  
**DECLARATION:** I(We) declare that this document is, to the best of my(our) knowledge and belief, true, correct and complete and is in conformity with the provisions and limitations of the Wisconsin Statutes.

Name and Address (List all remaindermen/ beneficiaries. If more space is needed, attach pages.)	Applicant's Interest in Property (ie: spouse, remainderman, beneficiary)	Applicant Signature (Notarized) (Print or type name below signature)	Date

This document was drafted  
by: (print or type name below)

STATE OF WISCONSIN, County of \_\_\_\_\_  
Subscribed and sworn to before me on: \_\_\_\_\_

by the above named person(s): \_\_\_\_\_

**NOTE: SEE DIRECTIONS.**  
Wisconsin Register of Deeds  
Association Form HT-110  
Website Version 05/2010

Signature of Notary or other person  
authorized to administer an oath (as per  
s 706.06, 706.07)  
Print or type name: \_\_\_\_\_

Title: \_\_\_\_\_

Date Commission Expires: \_\_\_\_\_