

CHAPTER 57.

[Published February 28, 1873.]

AN ACT relating to the foreclosure of mortgages.

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

If referee fail to make report of sale, plaintiff may do so.

SECTION 1. Whenever in an action for the foreclosure of a mortgage upon real estate, a referee shall have been appointed by the court for the purpose of making sale of the mortgaged premises, and such sale shall have been held by said referee, and a certificate of sale or deed shall have been executed to the purchaser thereof, if the referee making such sale shall die without making a report of such sale, said report of sale may be made by the plaintiff, his agent or attorney under oath, and upon filing said report of sale duly verified, the court shall make an order confirming such sale and report in the same manner and with the same effect as if said report of sale had been made by said referee who made the sale.

If he fail to make deed, court may appoint another referee.

SECTION 2. Whenever in such an action a certificate of sale shall have been issued by a referee, and if said referee shall die or leave the state or otherwise become incapacitated before the purchaser shall become entitled to a deed of the mortgaged premises so sold, or before the deed shall have been executed, the court, on proof that said referee has died or left the state, or has become incapacitated as aforesaid, shall appoint another referee, successor to the referee named in the judgment, who shall be authorized to execute and deliver to the purchaser of the said mortgaged premises, a deed of the same in accordance with the certificate of sale issued by his predecessor, and said deed so executed and delivered shall be as valid and effectual as if the same had been so executed and delivered by the referee named in the judgment and in the certificate of sale.

Application.

SECTION 3. This act shall apply to all such actions heretofore brought or hereafter commenced.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1873.