

Assembly Bill 645

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CHAPTER 59, LAWS OF 1967

AN ACT to amend 230.15, 230.71 (1), (11) and (13), 230.75 (1), 230.80 (6) and (8) and 230.81 (3); and to repeal and recreate 230.82 of the statutes, relating to the condominium law.

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

SECTION 1. 230.15 of the statutes is amended to read:

230.15 The absolute power of alienation shall not be suspended by any limitation or condition whatever for a longer period than during the continuance of a life or lives in being at the creation of the estate and 30 years thereafter, except when real estate is given, granted or devised to a charitable use or to literary or charitable corporations which ~~shall~~ have been organized under the laws of this state, for their sole use and benefit, or to any cemetery corporation, society or association, *or to any person pursuant to the unit ownership act as provided in ss. 230.70 to 230.97*, nor shall this section apply to gifts, grants, devises or bequests absolute, limited or in trust, for the advancement of medical science, to a state society of physicians and surgeons incorporated under the laws of this state.

SECTION 2. 230.71 (1), (11) and (13) of the statutes are amended to read:

230.71 (1) "Unit" means a part of the property subject to this act intended for any type of independent use, including *one or more cubicles of air at one or more levels of space, or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building, and with a direct exit to a public street or highway or to a common area or limited common area leading to such street or highway.*

(11) "Majority" or "majority of unit owners" means the unit owners with more than 50% of the votes in accordance with the ~~percentage votes~~ assigned in the declaration to the units for voting purposes.

(13) "Property" means *the air space, the land, the building, all improvements and structures thereon, all owned in fee simple absolute or held under a lease having an unexpired term of not less than 50 years at the time of recording of the declaration, and all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be subject to this act.*

SECTION 3. 230.75 (1) of the statutes is amended to read:

230.75 (1) Each unit owner shall be entitled to an undivided interest in the common areas and facilities in the percentage expressed in the declaration. Such percentage ~~shall~~ *may* be computed by taking as a basis the value of the unit in relation to the value of the property *or by such other means as is set forth in the declaration.*

SECTION 4. 230.80 (6) and (8) of the statutes are amended to read:

230.80 (6) The value (*value is used as the basis for the determination of the undivided interest in the common and limited common areas*) of the property and of each unit, and the percentage of undivided interest in the common areas and facilities appertaining to each unit and its owner ~~for all purposes, including voting and the vote or percentage of votes to be given to each unit owner.~~

(8) The name of a person to receive service of process in the cases hereinafter provided, together with the residence or place of business of such person which is within the city or county in which the building is located, *and the method by which the association of unit owners may designate a successor to such person.*

SECTION 5. 230.81 (3) of the statutes is amended to read:

230.81 (3) Statement of the use for which the unit is intended and restrictions on its use, *or, in lieu of such statement, a reference to the recorded documents containing such information.*

SECTION 6. 230.82 of the statutes is repealed and recreated to read:

230.82 There shall be recorded, as a part of the declaration, a plat of survey of the land showing the location of each building built or to be built thereon and a set of floor plans of each building built or to be built thereon, and such plans shall show the layout, location, unit numbers and dimensions of the units, stating the name of the building or that it has no name, and bearing the verified statement of an architect or professional engineer certifying that it is an accurate copy of portions of the plans of each building as filed with and approved by the municipality or other governmental subdivision or other public agency having jurisdiction over the issuance of permits for the construction of buildings. In interpreting the survey map or floor plans or any deed or other instrument affecting a building or unit, the boundaries of the building or unit constructed or reconstructed in substantial accordance with the survey map and floor plans shall be conclusively presumed to be the actual boundaries rather than the description expressed in the survey map or floor plans, regardless of the settling or lateral movement of the building and regardless of minor variations between boundaries shown on the survey map and floor plans and those of the building or unit as located and erected. After the substantial completion of any building, there may be recorded a verified statement of an architect or professional engineer that the plans and plat of the survey map theretofore recorded, or being recorded simultaneously with such statement substantially depicts the layout, location, unit numbers and dimensions of the building or buildings and units as located and erected.

Approved June 29, 1967.