

1991 Senate Bill 342

Date of enactment: **March 26, 1992**

Date of publication*: **April 9, 1992**

1991 WISCONSIN ACT 133

AN ACT *to repeal* 867.045 (1) (a) to (i), 867.045 (5), 867.046 (2) (c) to (h) and 867.046 (6); *to amend* 59.57 (10m), 867.045 (title) and (1) (intro.), 867.045 (2), 867.045 (3), 867.046 (2) (intro.), 867.046 (3) and 867.046 (4); and *to create* 867.045 (1) (j) and (k) and 867.046 (2) (i) and (j) of the statutes, **relating to:** administrative joint tenancy and life estate termination for certain property.

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

SECTION 1. 59.57 (10m) of the statutes is amended to read:

59.57 (10m) For recording certificates and preparing and mailing documents under s. 867.045, ~~the amount fixed by the board not to exceed an amount reasonably related to the actual and necessary cost of providing the service or~~ 867.046, \$25.

SECTION 2. 867.045 (title) and (1) (intro.) of the statutes are amended to read:

867.045 (title) Administrative joint tenancy or life estate termination for certain property. (1) (intro.) As an alternative to s. 867.04, applicable to real property, savings and checking accounts, stocks and bonds and the vendor's interest in a land contract, upon the death of any person having an interest as a joint tenant or life tenant in any real property ~~or in any savings or checking account or any stock certificates or bonds or in the vendor's interest in a land contract or a mortgagee's interest in a mortgage,~~ the surviving joint tenant or remainderman may obtain evidence of the termination of ~~such joint tenancy or life estate~~ that interest of the decedent by providing to the register of deeds of the county in which such property is located a certified copy of the death certificate for the decedent and by providing, ~~in triplicate,~~ on applications supplied by the register of deeds for that purpose, the name and address of the decedent and of the surviving joint tenant or remainderman and the date of the

decedent's death. The surviving joint tenant or remainderman shall provide to the register of deeds the following information:

SECTION 3. 867.045 (1) (a) to (i) of the statutes are repealed.

SECTION 4. 867.045 (1) (j) and (k) of the statutes are created to read:

867.045 (1) (j) In the case of real property, a copy of the most recent property tax bill and a legal description of the property.

(k) In the case of a joint tenancy or life estate, a copy of the deed that creates the interest.

SECTION 5. 867.045 (2) of the statutes is amended to read:

867.045 (2) The register of deeds shall complete the application by entering the full value of the real property as determined from sub. (1) (g) or other records. The register of deeds ~~or a notary public or other person authorized under s. 706.06 or 706.07~~ shall ~~then~~ complete a statement at the foot of the application, declaring that the surviving joint tenant or remainderman appeared before him or her and verified, under oath, the correctness of the information required by sub. (1).

SECTION 6. 867.045 (3) of the statutes is amended to read:

867.045 (3) The register of deeds shall then mail, or deliver, copies of such application to the ~~department of revenue and circuit court~~ for the county of residence of the decedent, ~~and shall thereupon record the original~~

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application certifying thereon that the above mailing or delivery has been accomplished.

SECTION 7. 867.045 (5) of the statutes is repealed.

SECTION 8. 867.046 (2) (intro.) of the statutes is amended to read:

867.046 (2) (title) UPON DEATH; INTEREST IN PROPERTY. (intro.) As an alternative to sub. (1), upon the death of any person having an interest in any real property, in a vendor's interest in a land contract, or in any savings or checking account or any stock certificate or bond a mortgagee's interest in a mortgage, the decedent's spouse or a designated person, trust or other entity having an interest in any property passing by nontestamentary disposition under s. 766.58 (3) (f) may obtain evidence of the termination of that interest of the decedent and confirmation of the petitioner's interest in the property by providing to the register of deeds of the county in which the property is located the certified death certificate for the decedent and, ~~in triplicate~~, on applications supplied by the register of deeds for that purpose, all of the following information:

SECTION 9. 867.046 (2) (c) to (h) of the statutes are repealed.

SECTION 10. 867.046 (2) (i) and (j) of the statutes are created to read:

867.046 (2) (i) In the case of real property, a copy of the most recent property tax bill and a legal description of the property.

(j) In the case of a joint tenancy or life estate, a copy of the deed that creates the interest.

SECTION 11. 867.046 (3) of the statutes is amended to read:

867.046 (3) COMPLETION OF APPLICATION. ~~The register of deeds shall complete the application by entering the full value of the real property as determined from sub. (2) (g) or other records.~~ The register of deeds or a notary public or other person authorized under s. 706.06 or 706.07 shall complete a statement at the foot of the application, declaring that the person appeared before him or her and verified, under oath, the correctness of the information required by sub. (2).

SECTION 12. 867.046 (4) of the statutes is amended to read:

867.046 (4) (title) DELIVERY OF APPLICATION. The register of deeds shall mail or deliver a copy of the application to the ~~department of revenue and to the circuit court for the county of residence of the decedent, and shall record the original application, certifying on it the mailing or delivery.~~

SECTION 13. 867.046 (6) of the statutes is repealed.
