

State of Misconsin 1995 - 1996 LEGISLATURE

## **1995 SENATE BILL 416**

November 9, 1995 – Introduced by Senators Rude, Schultz and Panzer, cosponsored by Representatives Albers, Hanson, Seratti, R. Young, Turner, Otte, Hahn and Baldus. Referred to Committee on Judiciary.

1 AN ACT to amend 806.19 (4) (a), 806.19 (4) (b) (form) and 806.19 (4) (d) of the

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statutes; **relating to:** judgments discharged in bankruptcy.

## Analysis by the Legislative Reference Bureau

Current law allows a person who has secured a discharge in bankruptcy that voids a judgment and a person interested in real property effected by that judgment to ask the court that entered the judgment to issue an order satisfying the judgment. This bill clarifies the language, in response to a Dane County circuit court case, by removing the language related to voiding of a judgment and stating that a person interested in real property affected by a judgment against a person discharged in bankruptcy and the person discharged may ask the court that entered the judgment to issue an order satisfying the judgment. Under the bill, a judgment satisfied after being discharged in bankruptcy ceases to be a lien on any property that the person discharged owns or later acquires.

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

3	<b>SECTION 1.</b> 806.19 (4) (a) of the statutes is amended to read:
4	806.19 (4) (a) Any person who has secured a discharge in bankruptcy that
5	renders void one or more judgments and any person interested in the real property
6	affected by <del>any such</del> judgments <u>against the person discharged in bankruptcy</u> may
7	submit an application for an order of satisfaction of the judgments and an attached

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1	order of satisfaction to the clerk of the court in which the judgments <del>rendered void</del>
2	<del>by discharge</del> were entered.
3	<b>SECTION 2.</b> 806.19 (4) (b) (form) of the statutes is amended to read:
4	806.19 (4) (b) (form)
5	APPLICATION FOR ORDER OF
6	SATISFACTION OF JUDGMENTS
7	DUE TO DISCHARGE IN BANKRUPTCY
8	TO: Clerk of Circuit Court
9	County
10	1 (Name of judgment debtor) has received an order of discharge of debts
11	under the bankruptcy laws of the United States, a copy of which is attached, and
12	(Name of judgment debtor or person interested in real property) applies for
13	satisfaction of the following judgments:
14	(List of judgments by case name, case number, date and, if applicable, docket
15	volume and page number.)
16	2. a. Copies of the schedules of debts as filed with the bankruptcy court showing
17	each judgment creditor for each of the judgments described above are attached; or
18	b. Each judgment creditor for each of the judgments described above has been
19	duly notified of the bankruptcy case in the following manner: (statement of form
20	of notice).
21	3. The undersigned believes that each judgment listed above has been
22	completely voided by the discharge <u>discharged</u> in bankruptcy, and no inconsistent
23	ruling has been made by, or is being requested by any party from, the bankruptcy
24	court.
25	Dated this day of, 19

1 <u>.</u> (Signature
2 Judgment Debtor
3 Person Interested
4 in Real Property
5 or Attorney for
6 Debtor or Person
7 ORDER OF SATISFACTION
8 The clerk of circuit court is directed to indicate on the judgment docket that
9 each judgment described in the attached application has been satisfied.
10 Dated this day of, 19
11 (Signature
12 Circuit Judge
13 <b>SECTION 3.</b> 806.19 (4) (d) of the statutes is amended to read:
14 806.19 (4) (d) Upon receipt of a completed application, the clerk shall submit
15 the attached proposed order for signature by a judge after which the clerk shal
16 satisfy of record each judgment described in the application. <u>Upon satisfaction</u> , a
17 judgment shall cease to be a lien on any real property that the person discharged in
18 <u>bankruptcy owns or later acquires.</u>
19 SECTION 4. Initial applicability.
20 (1) This act first applies to persons discharged in bankruptcy on the effective
21 date of this subsection.
22 (END)