



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3498/1
PJH:jld:ph

2011 ASSEMBLY BILL 414

December 7, 2011 - Introduced by Representatives FIELDS, MARKLEIN, SPANBAUER, MASON, STASKUNAS, STROEBEL, ZEPNICK and STONE, cosponsored by Senators GROTHMAN, TAYLOR and CARPENTER. Referred to Committee on Financial Institutions.

1 **AN ACT to renumber and amend** 846.102; and **to create** 846.102 (2) of the
2 statutes; **relating to:** foreclosure on abandoned properties.

Analysis by the Legislative Reference Bureau

Under current law, in most mortgage foreclosure actions involving a home or other real property, if a homeowner (borrower) fails to pay the money he or she owes to the issuer of his or her mortgage (lender), a court may enter a judgment of foreclosure against the borrower and order that the property be sold at public auction in order to satisfy the debt the borrower owes to the lender. After the court has issued a judgment of foreclosure, the borrower may stop the sale of the home by paying off, within a certain period (redemption period), the amount he or she owes to the lender.

Under current law, abandoned properties have a two-month redemption period, while most other properties have a redemption period of either six or twelve months, depending on whether the sale of the home will satisfy the debt owed to the lender.

This bill shortens the redemption period for abandoned properties from two months to five weeks. The bill also lists some factors for determining whether a property has been abandoned and allows the court to receive evidence from a representative of the city, town, village, or county where the property is located as to whether the property has been abandoned.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 846.102 of the statutes is renumbered 846.102 (1) and amended to
2 read:

3 846.102 (1) In an action for enforcement of a mortgage lien if the court makes
4 an affirmative finding upon proper evidence being submitted that the mortgaged
5 premises have been abandoned by the mortgagor and assigns, judgment shall be
6 entered as provided in s. 846.10 except that the sale of such mortgaged premises shall
7 be made upon the expiration of ~~2 months~~ 5 weeks from the date when such judgment
8 is entered. Notice of the time and place of sale shall be given under ss. 815.31 and
9 846.16 and may be given within such ~~2-month~~ the 5-week period. In this section
10 “abandoned” means the relinquishment of possession or control of the premises
11 whether or not the mortgagor or the mortgagor’s assigns have relinquished equity
12 and title.

13 **SECTION 2.** 846.102 (2) of the statutes is created to read:

14 846.102 (2) A representative of the city, town, village, or county where the
15 mortgaged premises are located may provide testimony or evidence to the court
16 under sub. (1) relating to whether the premises have been abandoned by the
17 mortgagor. Evidence of abandonment may include any of the following:

- 18 (a) Boarded, closed, or damaged windows or doors to the premises.
19 (b) Missing, unhinged, or continuously unlocked doors to the premises.
20 (c) Terminated utility accounts for the premises.
21 (d) Accumulation of trash or debris on the premises.

