



2019 SENATE BILL 318

July 10, 2019 - Introduced by Senators OLSEN, BERNIER, FEYEN, RINGHAND, SCHACHTNER and STROEBEL, cosponsored by Representatives BALLWEG, BORN, DITTRICH, DOYLE, FELZKOWSKI, GUNDRUM, HORLACHER, KNODL, KULP, MAGNAFICI, MCGUIRE, OHNSTAD, QUINN, THIESFELDT, TUSLER, VANDERMEER and BILLINGS. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT** *to consolidate, renumber and amend* 867.046 (2) (intro.), (a) and (b);
2 and *to amend* 867.045 (1) (intro.) of the statutes; **relating to:** obtaining
3 evidence of the termination of certain property interests of a decedent.

Analysis by the Legislative Reference Bureau

Under current law, a person may obtain evidence that certain property interests of a decedent have been terminated by providing information to the register of deeds of the county in which the property is located. To obtain such evidence under current law, a person must submit to the register of deeds a certified copy of the decedent's death record. This bill eliminates the requirement to submit a certified copy of the decedent's death record to the register of deeds. Instead, this bill requires the person seeking to obtain the evidence of the termination of the decedent's property interest to verify, under oath, the correctness of the information provided to the register of deeds, which includes the date of the decedent's death.

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

4 **SECTION 1.** 867.045 (1) (intro.) of the statutes is amended to read:
5 867.045 (1) (intro.) Upon the death of any person having an interest as a joint
6 tenant or life tenant in any real property or in the vendor's interest in a land contract

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1 or a mortgagee's interest in a mortgage, any person interested in the property may
2 obtain evidence of the termination of that interest of the decedent by providing to the
3 register of deeds of the county in which such property is located ~~a certified copy of~~
4 ~~the death record for the decedent and by providing, on applications~~ an application
5 supplied by the register of deeds for that purpose, the name and address of the
6 decedent and of the surviving joint tenant or remainder beneficiary, the date of the
7 decedent's death, and the applicant's interest in the property. A person providing an
8 application to the register of deeds under this subsection shall sign the application
9 and verify, under oath, the correctness of the information provided in the application.

10 The applicant shall also provide to the register of deeds the following information:

11 **SECTION 2.** 867.046 (2) (intro.), (a) and (b) of the statutes are consolidated,
12 renumbered 867.046 (2) (intro.) and amended to read:

13 867.046 (2) UPON DEATH; INTEREST IN PROPERTY. (intro.) As an alternative to sub.
14 (1m), upon the death of any person having an interest in any real property, a vendor's
15 interest in a land contract, an interest in a savings or checking account, an interest
16 in a security, a mortgagee's interest in a mortgage, or an interest in property passing
17 under s. 705.10 (1), including an interest in survivorship marital property, the
18 decedent's spouse, a beneficiary of a marital property agreement, a TOD beneficiary,
19 or a beneficiary of a transfer under s. 705.10 (1) may obtain evidence of the
20 termination of that interest of the decedent and confirmation of the ~~petitioner's~~
21 applicant's interest in the property by providing to the register of deeds of the county
22 in which the property is located ~~the certified death record for the decedent and, on~~
23 ~~applications~~ an application supplied by the register of deeds for that purpose, ~~all of~~
24 ~~the following information: (a) The~~ the name, residence, and post-office addresses
25 address of the decedent ~~and, the name, residence, and post-office address of the~~

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1 applicant. ~~(b) The, and the date of decedent's death. A person providing an~~
2 application to the register of deeds under this subsection or, if the person is not an
3 individual, a representative of the person shall sign the application and verify, under
4 oath, the correctness of the information provided in the application. The applicant
5 shall also provide to the register of deeds the following information:

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(END)