



Wisconsin Register of Deeds Association Legislative Committee

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<http://www.wrdaonline.org/Index.htm>

WRDA 2015 Clean-up bill requests:

1. Change 59.43(2m)(b)(5) to allow blue ink along with black and red.

59.43(2m) STANDARD FORMAT REQUIREMENTS FOR RECORDED DOCUMENTS.

(b) Except as provided in pars. **(d)** and **(e)**, no document may be recorded in the office of a register of deeds unless it substantially complies with all of the following:

5. The ink is black or red, except that signatures and coded notations on maps may be other colors.

- With today's technology blue ink will scan as well as black or red
- Often a citizen will present a document with blue ink, a common color most households use, we have to reject because of this statutory requirement
- If rejected the document often comes back with the customer attempting to write over the blue ink with black ink – this creates an unreadable document

2. Update Federal Tax Lien statutes to coincide with procedural changes.

779.97(5)(b) to address changes in FTL procedures. The Register of Deeds offices no longer invoice for recording fees because the IRS has gone to an EFT system. Currently states that the officer SHALL BILL the district directors on a monthly basis. Change SHALL to MAY to allow for certain other instances where paper invoicing may be necessary.

- The IRS no longer sends paper checks, recording payment is made via electronic funds transfer (EFT) the payment is sent at the time of recording – we no longer have to bill them.
- We would like to leave “may” in the statute to allow for times when the ROD may have to bill the IRS, i.e. a local IRS office would like to record a document before a payment voucher can be created in their system.

3. Change 59.43(2)2 to match 59.43(2m)(3).

59.43(2) REGISTER OF DEEDS; FEES. Every register of deeds shall receive the following fees:

2. Any instrument that is submitted for recording shall contain a blank space at least 2.5 inches by 2.5 inches in size for use by the register of deeds. If the space is not provided, the register of deeds may add a page for his or her use and charge for the page a fee that is established by the

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county board not to exceed an amount reasonably related to the actual and necessary cost of adding the page

59.43 (2m) STANDARD FORMAT REQUIREMENTS FOR RECORDED DOCUMENTS.

3. An area in the upper right corner of the instrument, at least 3 inches by 3 inches, is left blank for recording information.

- We believe this was missed in a previous update
- This would make both statutory references match
- Recording forms are already set to match the 3 inch by 3 inch space

4. Eliminate 867.045(3). Requires ROD offices to send copies of HT110 documents to the Clerk of Courts or Probate offices Those offices no longer require these documents.

867.045(3) The register of deeds shall then mail, or deliver, copies of such application to the circuit court for the county of residence of the decedent, unless the clerk of courts notifies the register of deeds in writing that this procedure is unnecessary.

- The Clerk of Courts have expressed they no longer require these documents to be delivered to them.

5. Eliminate 59.43(2)(i). To change recording requirements for HT110 and TOD110 documents to collect and distribute the recording fee of \$30 the same as any other recording (except plats).

59.43(2) REGISTER OF DEEDS; FEES. Every register of deeds shall receive the following fees:

(i) For recording certificates and for preparing and mailing documents under s. 867.045 or 867.046, \$25.

- The \$5 redaction fee was set to sunset effective 12/31/2014 and the recording fee was to go from \$30 to \$25.
- With the passage of the last State budget, the recording fee was set at \$30 with the extra \$5 to now go the Land Modernization Fund.
- **The budget did not address the fee for TOD110 and HT110's**
- The WRDA agrees the fee should be the same as all other recorded documents. (Plats have their own statutory fee which is a larger amount, there is more work involved and special scanning software and hardware required.)
- This makes the fee structure easier for submitters, they like the fact there is only one fee they need to remember.
- This will add additional revenue to the Land Modernization Fund; currently the fees for TOD110's and HT110's are not part of the fees sent to the State.

6. Change 236.25(4) 236.34(2)(a), 236.45(2)(am), 703.11(1), to read "or stored electronically", this will allow the electronic storage of eRecorded documents, see below. Add "or stored electronically" wherever there is a reference to bound, filed or specific book.

- 236.25(4) Every final plat entitled to be recorded under this section shall be bound, filed **or stored electronically** by the register of deeds into ~~properly indexed volumes~~ the plat index.
- 236.34(2)(a) Certified survey maps prepared in accordance with subs. (1) and (1m) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume **or stored electronically** and kept in the register of deeds office.
- 236.45(2)(am) – The governing body of the municipality, town, or county shall require that a plat of such division be recorded with the register of deeds and kept in a book provided for that purpose, **or stored electronically**.
- 703.11(1) – When any condominium instruments are recorded, the declarant shall file for record a condominium plat in a separate plat book maintained for condominium plats, **or stored electronically**.
 - With the new technology we no longer have volume and pages where we keep paper documents.
 - This allows for the electronic storage of a documents such as plats and certified survey maps which are now able to be electronically recorded per WI Act 358

7. Add the verbiage of “or” wherever there is a reference to file, if a document is eRecorded there will no longer be a “file”, see below.

59.43(1)(a) Record or cause to be recorded in suitable books to be kept in his or her office, correctly and legibly all deeds, mortgages, instruments and writings authorized by law to be recorded in his or her office and left with him or her for that purpose, provided such documents have plainly printed or typewritten thereon the names of the grantors, grantees, witnesses and notary. The register of deeds shall record **and or** file or cause to be recorded **and or** filed all plats and certified survey maps that are authorized to be accepted for recording **and or** filing in his or her office.

- With technology we do not always get a paper copy of a document, many are electronically recorded thus the document is not filed.
- This will give the register the ability to either file or electronically record whichever their county does; not all counties electronically record at this time.

8. Replace the word “file or filed” with “record or recorded” for 59.43(1)(l), most documents are no longer filed, with the ability to eRecord documents are now considered recorded.

59.43(1)(L) **File Record** all documents pertaining to security interests, as defined in s. 401.201 (2) (t), that are required or authorized by law to be **filed recorded** with the register. Except as otherwise prescribed by the department of financial institutions under subch. V of ch. 409, these documents shall be executed in a manner that satisfies the requirements set forth in sub. (2m) (b) 1. to 5.

- Most documents are no longer “filed” they are now recorded.
- Filed documents are kept in the register of deeds offices, “recorded” documents are returned to the submitter.

9. Add the word recording for 59.43(1)(n).

59.43(1)(n) Upon the ~~filing~~ recording of a financing statement or other document evidencing the creation of a security interest, as defined in s. 401.201 (2) (t), required to be filed or recorded with the register under s. 409.501 (1) (a), index the statement or document in the real estate records index under sub. (9).

- UCC/financing statement documents are no longer filed; they are recorded and returned to the submitter.

10. Eliminate 59.43(2m)(d)(2) – documents are no longer rerecorded; they are recorded through a correction instrument.

59.43(2m)(d)(2) Rerecorded documents.

- Most documents are no longer re-recorded; they are corrected through a correction instrument.
- If a document needs to be recorded again the submitter must add a cover sheet allowing a 3inch by 3 inch recording space to comply with standard recording format.

11. Add “document number or” to allow for instances where there is no longer a volume and page to reference.

59.43(9)(g) Document number and volume and page if applicable where the instrument is recorded or filed.

- Because of electronic recordings there may not be a volume and page, by adding “document number” it will allow all indexes to be identified by using a document number.
- A document number is a unique identifier.