



Luther S. Olsen

State Senator

14th District

TO: Senate Committee on Economic Development, Commerce & Local Government

FROM: Senator Luther Olsen

DATE: January 9, 2018

SUBJECT: Testimony in favor of Senate Bill 578.

Thank you Chairman Feyen and the Senate Committee on Economic Development, Commerce and Local Government for holding a hearing and allowing me to testify in favor of Senate Bill 578

Currently, when someone that has an interest in real property passes away, a Termination of Decedents Interest must be recorded to transfer their property rights. In order for the transfer to take place, a hard-copy of a certified death certificate is required.

This legislation updates statutes to reflect technological advancements for how a Register of Deeds (RODs) records a Termination of Decedents Interest by removing the requirement that a death certificate is provided for that process.

Now that the state's vital records are recorded electronically, providing a hard-copy of a certified death certificate is an outdated and unnecessary requirement. Counties are moving towards electronically filing documents and RODs have the capability of verifying the death certificate through the state's vital records database.

Individuals would no longer have to pay an additional fee for a certified copy of the death certificate. However, they will still have to swear under oath to the correctness of the information when submitting the Termination of Decedent's Interest Document.

The Wisconsin Register of Deeds Association supports this proposal.

Thank you, members. I ask for your support and would be more than happy to answer any questions.



JOAN BALLWEG

WISCONSIN STATE REPRESENTATIVE

PO Box 8952, State Capitol
Madison, Wisconsin 53708-8952
Toll-free: (888) 534-0041
Fax: (608) 282-3641
Rep.Ballweg@legis.wi.gov

41ST ASSEMBLY DISTRICT

Senate Bill 578: Removing the Requirement for Providing a Certified Death Certificate when Recording a Termination of Decedents Interest
Testimony of State Representative Joan Ballweg
Senate Committee on Economic Development, Commerce and Local Government
January 9, 2018

Thank you, Chair Feyen, and members of the Committee on Economic Development, Commerce and Local Government for holding this public hearing on SB 578.

The Wisconsin Register of Deeds Association proposed SB 578 to my office to make local government more efficient for constituents and reflect technological advancements in Register of Deeds' (RODs) offices. This bill removes the requirement that a death certificate be provided when a ROD records a Termination of Decedents Interest form. A Termination of Decedents Interest must be recorded when someone passes away who has an interest in real property to transfer their property rights.

Providing a hard-copy of a certified death certificate is an outdated and unnecessary requirement for the following reasons:

- The counties are moving towards electronically filing documents, but electronically submitting a death certificate is considered a felony by the state; this prevents the RODs from electronically recording a Termination of Decedent's Interest documentation.
- Now that the state's vital records are recorded electronically, the RODs have the capability of verifying the death certificate through the state's vital records database.
- The individual will still have to swear to the correctness of the information under oath when submitting the Termination of Decedent's Interest Document.

To get a copy of the death certificate, you must fill out a form provided by the Department of Health Services and pay a \$20 fee for the first copy and \$3 for every additional copy. Removing the requirement to provide a death certificate will benefit constituents who will no longer have to fill out another form and pay an additional fee for a certified copy of the death certificate. Also, it provides consistency with other ROD practices, since the law does not require a certified copy of a death certificate for other documents submitted on behalf of the decedent's estate.

The Wisconsin Register of Deeds Association and the Wisconsin Land Title Association support SB 578.

Thank you for your consideration of SB 578, and I am happy to answer any questions.



**Wisconsin Register of Deeds Association
Legislative Committee**

Committee Members: Tyson Fettes- Co-Chair, Sarah Guenther – Co-Chair,
Heather Schwersenska, Kyle Franson, Karen Miller, Margo Katterhagen,
Karen Manske, Carey Petersilka, Staci Hoffman, JoEllyn Storz, Mike
Mazemke, Sue Ginter

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

Re: Support SB578 by removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest.

The Wisconsin Register of Deeds Association (WRDA) **supports removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest.** With the advancements in technology and the requirement not to record a vital record this practice is an outdated means for submitting a non-probated interest in a decedent's property.

- **Fiscally Responsible to Constituents.** Wisconsin Statutes 867.045(1) and 867.046(2) requires any person having an interest in the property to provide to the register of deeds a certified copy of the death certificate for the decedent. Requiring a certified copy of a death certificate to be submitted with Termination of Decedents interest often requires a family to purchase additional certified copies to be submitted to multiple counties in which the decedent owned properties.
- **Consistency throughout documents.** The statutes do not require a certified copy of a death certificate for other documents submitted on behalf of a decedent's estate. Transfer by Affidavit of \$50,000 or less involving a decedent's real property does not require the submitter to provide a certified copy of the death certificate, the submitter swears under oath to the fact of death and could do so for the Termination of Decedent's Interest.
- **Technology advancements.** With the advancements in technology, the majority of Wisconsin counties accept electronically submitted documents; the practice of submitting a death certificate electronically is considered a felony in the State of Wisconsin. The outdated requirement to submit a certified death certificate prohibits the recording of Termination of Decedent's Interest documentation electronically.

For these reasons, the WRDA strongly supports removing the requirement for providing a certified death certificate when recording a Termination of Decedents Interest, SB-578.

**APPLICATION FOR THE
TERMINATION OF DECEDENT'S INTEREST
AND CONFIRMATION OF APPLICANT'S INTEREST IN PROPERTY**

DECEDENT'S NAME	DATE OF DEATH		
ADDRESS OF DECEDENT AT DATE OF DEATH	CITY	ST	ZIP

PRESENTATION OF DEATH CERTIFICATE
I certify that I have viewed a certified copy of the decedent's death certificate.

REGISTER OF DEEDS SIGNATURE _____ DATE _____

Recording area

THE INTEREST OF THE DECEDENT IN THE PROPERTY NOTED HEREIN IS HEREBY TERMINATED/CONFIRMED UNDER THE FOLLOWING STATUTE:
(please check appropriate statute)

- s. 867.045 which pertains to real property in which the decedent was a joint tenant, had a vendor's or mortgagee's interest, or had a life estate. (You must provide a copy of the document establishing interest in the real property.)
- s. 867.046 which pertains to property of a decedent specified in a marital property agreement; survivorship marital property; or a third party confirmation; or a nonprobate transfer on death as described in s.705:10(1). (You must provide a copy of the document establishing interest in property.)

Name and return address:

Presentation of recorded document establishing interest in real estate.

DOCUMENT # VOLUME/REEL PAGE/IMAGE RECORDS/DEEDS

Parcel Identification Number
SEND TAX STATEMENT TO:

Description of the real estate. See Attached

Description of personal property (if any) being transferred.

You may list savings accounts, checking accounts and securities on attached pages. Indicate person(s) receiving property.

DECLARATION: I(We) declare that this document is, to the best of my(our) knowledge and belief, true, correct and complete and is in conformity with the provisions and limitations of the Wisconsin Statutes.

Name and Address (List all remaindermen/ beneficiaries. If more space is needed, attach pages.)	Applicant's Interest in Property (ie: spouse, remainderman, beneficiary)	Applicant Signature (Notarized) (Print or type name below signature)	Date

This document was drafted
by: *(print or type name below)*

STATE OF WISCONSIN, County of _____
Subscribed and sworn to before me on: _____

by the above named person(s): _____

NOTE: SEE DIRECTIONS.
Wisconsin Register of Deeds
Association Form HT-110
Website Version 05/2010

Signature of Notary or other person
authorized to administer an oath (as per
s 706.06, 706.07)
Print or type name: _____

Title: _____ Date Commission Expires: _____

TERMINATION OF DECEDENT'S INTEREST

DECEDENT'S NAME	DATE OF DEATH		
DECEDENT'S ADDRESS AT DATE OF DEATH	CITY	ST	ZIP

THE INTEREST OF THE DECEDENT IN THE PROPERTY LEGALLY DESCRIBED HEREIN IS TERMINATED PURSUANT TO THE FOLLOWING WISCONSIN STATUTE AND TRANSFERRED AS PROVIDED BY STATUTES:

- 867.045** – real property in which the decedent was a joint tenant, had a vendor's or mortgagee's interest, or had a life estate.

- 867.046** - property of a decedent specified in a marital property agreement, survivorship marital property; a third party confirmation; or a nonprobate transfer on death as described in 705.10(1) or 705.15.

Recording Area _____
 Name and Return Address: _____

DOCUMENT UNDER WHICH DECEDENT'S INTEREST IN THE PROPERTY IS NOW TERMINATED – Copy(ies) of which is/are attached:

Recorded Document No. _____ Volume _____ Page _____
 Deed Transfer on Death Land Contract Mortgage
 Other _____
 Unrecorded Document:
 Marital Property Agreement Other _____

Parcel Identification Number: _____
SEND TAX STATEMENT TO: _____

DESCRIPTION OF THE PROPERTY TRANSFERRED (check all that apply):

- REAL PROPERTY - legal description as set forth in the attached/referenced and previously recorded document
- REAL PROPERTY - current legal description *if different* than the foregoing document
- NON-REAL PROPERTY – property identified in the attached document, including, digital property, bank accounts and securities

<p>Name(s) and address of owner(s) of the property immediately after the decedent's death; <u>attach additional names & addresses</u> if more than one owner.</p>	<p>Interest of the signer of this document in the property:</p> <ul style="list-style-type: none"> <input type="checkbox"/> joint tenant <input type="checkbox"/> remainder person if a life estate <input type="checkbox"/> mortgagee <input type="checkbox"/> land contract vendor <input type="checkbox"/> decedent's spouse <input type="checkbox"/> beneficiary of a marital property agreement <input type="checkbox"/> beneficiary of a transfer under 705.10(1) or 705.15 <input type="checkbox"/> other: _____
--	---

DECLARATION: To the best of undersigned's knowledge and belief, the undersigned declares that this document is true, accurate, complete and in conformity with the provisions and limitations of the Wisconsin Statutes.

DATE: _____

DECLARANT SIGNATURE

X _____

PRINT NAME: _____

THIS DOCUMENT WAS DRAFTED BY:

Signature of Notary or other person authorized to administer an oath (as per 706.06, 706.07)
 Print or type Name

Title: _____

ACKNOWLEDGMENT

STATE OF _____)
 COUNTY OF _____)

_____ subscribed and sworn to before me on: _____, by the above named person(s) who executed this document and acknowledged the same.

Print Name: _____
 Notary Public, State of Wisconsin.
 My Commission (is permanent) (expires _____).