# Wisconsin Real Estate and Real Property Codebook

## Table of Contents

### I. SELECTED STATUTES (Chapters 59–458)  

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 59: Counties</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
59.43 Register of deeds; duties, fees, deputies | 3 |
59.44 County abstractor; appointment; duties; fees | 7 |
59.691 Required notice on certain approvals | 7 |
| Chapter 60: Towns |  
60.625 Required notice on certain approvals | 8 |
| Chapter 61: Villages |  
61.352 Required notice on certain approvals | 8 |
| Chapter 62: Cities |  
62.232 Required notice on certain approvals | 8 |
| Chapter 66: General Municipality Law |  
66.0104 Prohibiting ordinances that place certain limits or requirements on a landlord | 9 |
66.0412 Local regulation of real estate brokers, brokerage services | 10 |
66.0414 Small wireless facilities | 11 |
66.0421 Access to video service | 16 |
66.0504 Address confidentiality program | 16 |
66.0627 Special charges for current services and certain loan repayments | 16 |
66.1010 Moratorium on evictions | 17 |
66.1015 Municipal rent control, inclusionary zoning, prohibited | 18 |
66.1035 Rights of abutting owners | 18 |
| Chapter 74: Property Tax Collection |  
74.15 Payment of real property taxes by grantor and grantee | 18 |
74.73 Rights of occupant or tenant who pays taxes | 18 |
74.77 Effect on lien of payment of taxes by lienholder | 18 |
74.79 Lienholder may contest tax | 18 |
Chapter 75: Land Sold for Taxes
75.144 Rights of persons claiming adverse possession ........................................ 19
75.521 Foreclosure of tax liens by action in rem .................................................. 19

Chapter 77: Taxation of Forest Croplands; Real Estate Transfer Fees; Sales and Use Taxes; County and Special District Sales and Use Taxes; Managed Forest Land; Economic Development Surcharge; Local Food and Beverage Tax; Local Rental Car Tax; Premier Resort Area Taxes; State Rental Vehicle Fee; Dry Cleaning Fees
77.21 Definitions ................................................................................................... 23
77.22 Imposition of real estate transfer fee ............................................................ 23
77.23 Disposition of fees and returns .................................................................... 24
77.24 Division of fee .............................................................................................. 24
77.25 Exemptions from fee .................................................................................... 24
77.255 Exemptions from return .............................................................................. 25
77.256 Local fees prohibited .................................................................................. 25
77.26 Powers of investigation, additional fees, refunds, penalties ......................... 25
77.265 Confidentiality ............................................................................................ 25
77.27 Penalty for falsifying value ........................................................................... 25
77.29 Fee for recording ......................................................................................... 25
77.30 Rules .............................................................................................................. 26

Chapter 100: Marketing; Trade Practices
100.18 Fraudulent representations ......................................................................... 26

Chapter 101: Department of Safety and Professional Services — Regulation of Industry, Buildings and Safety
101.149 Carbon monoxide detectors ..................................................................... 29
101.642 Certain rules prohibited ............................................................................ 31
101.645 Smoke detectors ......................................................................................... 31
101.647 Carbon monoxide detectors ...................................................................... 31
101.648 Waiver; smoke detector and carbon monoxide detector requirements; plumbing and electrical standards ................................................................. 32

Chapter 106: Apprentice, Employment and Equal Rights Programs
106.50 (2m) Open housing (panic sales) ................................................................. 32

Chapter 114: Aeronautics and Astronautics
114.03 Landowner’s rights skyward .................................................................... 32

Chapter 137: Authentications and Electronic Transactions and Records
137.01 (4) Notaries (attestation) ........................................................................... 33
Chapter 175: Miscellaneous Police Provisions
175.60 (21) License to carry a concealed weapon (immunity) .............................................. 33
(a), (b)

Chapter 178: Uniform Partnership Law
178.0303 Statement of partnership authority ................................................................. 33

Chapter 179: Uniform Limited Partnership Act
179.065 Conveyance of real property of the limited partnership .................................. 34

Chapter 215: Savings and Loan Associations
215.21 Mortgage loans .................................................................................................. 34

Chapter 224: Miscellaneous Banking and Financial Institutions Provisions
224.25 Customer access to appraisals ............................................................... 36
224.71 Definitions ................................................................................................. 36
224.72 Licensing of mortgage bankers and mortgage brokers ...................................... 38
224.722 Registered entities .................................................................................... 39
224.725 Licensing of mortgage loan originators ......................................................... 39
224.728 Nationwide mortgage licensing system and registry and cooperative arrangements ........................................................................................................ 41
224.73 Relationship between mortgage loan originator and a mortgage banker, mortgage broker, or registered entity; branch offices ........................................................................................................ 42
224.74 Division's review of the operations of a mortgage loan originator, mortgage broker, mortgage banker, or registered entity ........................................... 43
224.75 Record-keeping requirements for licensees ..................................................... 44
224.755 Education and testing requirements for mortgage loan originators .......... 44
224.76 Mortgage banker, mortgage loan originator, and mortgage broker trust accounts ........................................................................................................ 45
224.77 Prohibited acts and practices, and discipline, of mortgage bankers, mortgage loan originators, mortgage brokers, and registered entities ........................................... 45
224.79 Mortgage brokerage agreements and disclosures; mortgage broker agency relationship and duties ........................................................................................................ 48
224.80 Penalties and private cause of action ............................................................ 49
224.81 Limitation on actions for commissions and other compensation ................ 49
224.82 Compensation presumed .............................................................................. 49

Chapter 236: Platting Lands and Recording and Vacating Plats .................................... 51

Chapter 238: Wisconsin Economic Development Corporation
238.13 Brownfields grant program ............................................................................. 69
238.133 Brownfield site assessment grants ............................................................... 69
Chapter 240: Fraudulent Conveyances and Contracts
Relating to Real Estate
240.10 Real estate agency contracts ................................................................. 70

Chapter 243: General Provisions Relating to Fraudulent
Conveyances and Contracts
243.01 Grants, etc., of trust to be in writing ...................................................... 70

Chapter 244: Uniform Power of Attorney for Finances and Property
244.44 Real property .......................................................................................... 70

Chapter 254: Environmental Health
254.12 Use or sale of lead-bearing paints ......................................................... 71
254.166 Response to reports of lead poisoning or lead exposure ................. 71
254.172 Prevention and control of lead-bearing paint hazards in
dwellings and premises ................................................................................... 71
254.179 Rules for dwellings and premises ....................................................... 71
254.18 Lead hazard reduction in dwellings and premises; renovations .......... 72
254.181 Certificate of lead-free status and certificate of lead-safe status;
fees and notification....................................................................................... 72
254.30 Enforcement; penalties ......................................................................... 72
254.595 Property violating codes or health orders .......................................... 73

Chapter 292: Remedial Action
292.13 Property affected by off-site discharge ................................................ 73
292.15 Voluntary party remediation and exemption from liability ............... 74

Chapter 409: Uniform Commercial Code — Secured Transactions
409.334 Priority of security interests in fixtures and crops ......................... 77
409.604 Procedure if security agreement covers real property or fixtures .... 78

Chapter 428: First Lien Real Estate and Other Mortgage Loans .................... 79

Chapter 440: Department of Safety and Professional Services
440.97 Definitions ............................................................................................. 85
440.971 Registry established ............................................................................ 85
440.9712 Registration required ......................................................................... 85
440.9715 Applicability ...................................................................................... 85

Chapter 452: Real Estate Practice .................................................................. 87

Chapter 458: Real Estate Appraisers Board .................................................... 103
II. GENERAL PROPERTY PROVISIONS (Chapters 700–710)

Chapter 700: Interests in Property ................................................................. 115

Chapter 701: Trusts
701.0816 (5) Specific powers of trustee .......................................................... 123
701.1119 Rental property ............................................................................. 123

Chapter 703: Condominiums ........................................................................ 125

Chapter 704: Landlord and Tenant ................................................................. 147

Chapter 706: Conveyances of Real Property; Recording; Titles .................... 163

Chapter 707: Time-Share Ownership ............................................................ 177

Chapter 708: Mortgages and Land Contracts .................................................. 199

Chapter 709: Disclosures by Owners of Real Estate ....................................... 205

Chapter 710: Miscellaneous Property Provisions ........................................... 219

III. SELECTED STATUTES (Chapters 757–788)

Chapter 757: General Provisions Concerning Courts of Record, Judges, Attorneys and Clerks
757.02 Justices and judges and municipal judges; oath of office; eligibility to other office; salary; conservators of peace ......................... 225

Chapter 758: Judicial Branch Agencies and Committees
758.20 Consolidated court automation programs .......................................... 225

Chapter 766: Property Rights of Married Persons; Marital Property
766.01 Definitions ....................................................................................... 225
766.03 Applicability .................................................................................. 226
766.57 Protection of bona fide purchasers dealing with spouses .................. 226
766.587 Statutory individual property classification agreement ................. 226
766.588 Statutory terminable marital property classification agreement .... 227
766.589 Statutory terminable individual property classification agreement .. 231
766.605 Classification of homestead ............................................................. 234
766.63 Mixed property ............................................................................. 234
766.75 Treatment of certain property at dissolution ..................................... 234

Chapter 775: Actions Against State
775.10 State party defendant; judgment ..................................................... 235
Chapter 779: Liens
779.32 Commission liens ................................................................. 235
779.70 Maintenance liens ................................................................. 236
779.97 Uniform federal lien registration act ................................. 237
779.98 Payment of prior real estate liens ........................................ 238

Chapter 786: Disposition of Lands of Wards; Specific Performance;
Change of Names; Establish Heirships ............................................ 239

Chapter 788: Arbitration
788.015 Agreement to arbitrate real estate transaction disputes .......... 245

IV. SELECTED PROCEDURAL STATUTES (Chapters 799–847)

Chapter 799: Procedure in Small Claims Actions ................................. 249

Chapter 801: Civil Procedure — Commencement of Action and Venue
801.04 Jurisdictional requirements for judgments against persons,
status and things ................................................................. 261
801.06 Personal jurisdiction, grounds for without service of summons .... 261
801.07 Jurisdiction in rem or quasi in rem, grounds for generally ........ 261
801.12 Jurisdiction in rem or quasi in rem, manner of serving summons for;
otice of object of action ................................................ 261
801.50 (2) (b) Venue in civil actions or special proceedings .............. 262

Chapter 806: Civil Procedure — Judgment
806.14 Enforcement of real estate judgment in other counties ............ 262
806.15 Lien of judgment; priority; statute may be suspended ............ 262

Chapter 807: Civil Procedure — Miscellaneous Provisions
807.12 Suing by fictitious name or as unknown; partners' names unknown .... 262

Chapter 813: Injunctions, Exeate and Receivers
813.02 (2) Temporary injunction; when granted ................................ 263

Chapter 815: Executions ................................................................. 265

Chapter 823: Nuisances ................................................................. 277

Chapter 840: Real Property Actions; General Provisions ...................... 285

Chapter 841: Declaration of Interest in Real Property ............................ 289
Chapter 842: Partition of Interest in Real Property .......................................................... 291
Chapter 843: Actions for Possession of Real Property; Damages for Withholding .......................................................... 295
Chapter 844: Interference with Interest; Physical Injury .......................................................... 297
Chapter 846: Real Estate Foreclosure ............................................................................. 299
Chapter 847: Miscellaneous Real Estate Actions ................................................................ 313

V. SELECTED PROBATE STATUTES (Chapters 852–861)

Chapter 852: Intestate Succession
852.09 Assignment of home to surviving spouse or surviving domestic partner .......................................................... 317

Chapter 854: Transfers at Death — General Rules
854.13 Disclaimer of transfers at death ............................................................................. 317

Chapter 860: Probate — Sale, Mortgage and Lease of Property ......................................... 319

Chapter 861: Probate — Family Rights
861.20 Surviving spouse’s right in nondomiciliary decedent’s real property in this state ............................................................................. 321
861.21 Assignment of home to surviving spouse or surviving domestic partner .......................................................... 321

VI. SELECTED STATUTES (Chapters 889–992)

Chapter 889: Documentary and Record Evidence
889.17 Conveyances and record thereof ............................................................................. 325
889.19 Pedigree recitals in deeds and wills ............................................................................. 325
889.23 Acknowledged writings, evidence ............................................................................. 325
889.24 Conveyance, how proved ......................................................................................... 325
889.241 How made when grantor refuses ............................................................................. 325
889.242 How, when witnesses dead ......................................................................................... 325
889.243 Witnesses, how subpoenaed; neglect to appear .......................................................... 325

Chapter 891: Presumptions
891.06 Deed on judicial sale ......................................................................................... 325
891.08 Records showing revenue stamps ............................................................................. 325
891.36 Evidence of title to realty ................................................................. 325
891.43 (7) Relief from destruction of public records (title abstracts)........ 325

Chapter 893: Limitations of Commencement of Actions and Proceedings;
Procedure for Claims Against Governmental Units
893.137 Tolling of statute of limitations for certain time-share actions........ 326
893.24 Adverse possession; section lines .................................................. 326
893.25 Adverse possession, not founded on written instrument .................. 326
893.26 Adverse possession, founded on recorded written instrument .......... 327
893.27 Adverse possession; founded on recorded title claim and payment of taxes ................................................................................. 327
893.28 Prescriptive rights by adverse user ................................................... 328
893.29 No adverse possession by or against the state or political subdivisions .. 328
893.30 Presumption from legal title ............................................................ 328
893.305 Affidavit of interruption; adverse possession and prescriptive use ...... 328
893.31 Tenant's possession that of landlord ............................................... 329
893.32 Entry upon real estate, when valid as interruption of adverse possession ......................................................................................... 329
893.33 Action concerning real estate ............................................................ 329
893.34 Immunity for property owners ......................................................... 331
893.37 Survey ............................................................................................. 331
893.52 Action for damages for injury to property ........................................ 331
893.89 Action for injury resulting from improvements to real property ........ 331

Chapter 895: Damages, Liability, and Miscellaneous Provisions
Regarding Actions in Courts
895.01 What actions survive; actions not to abate ....................................... 332
895.10 Tort actions in residential real estate transactions ........................... 333
895.463 Zoning ordinances ......................................................................... 333
895.488 Civil liability exemption; owner or person in lawful possession of the premises .................................................................................. 333
895.489 Civil liability exemption; tenancy references .................................. 333
895.52 Recreational activities; limitation of property owners’ liability ............ 333
895.529 Civil liability limitation; duty of care owed to trespassers ................ 336
895.62 Use of force in response to unlawful and forcible entry into a dwelling, motor vehicle, or place of business; civil liability immunity .......... 337

Chapter 939: Crimes — General Provisions
939.48 (1m) Self-defense and defense of others (dwelling) ......................... 337

Chapter 943: Crimes Against Property
943.15 Entry onto a construction site or into a locked building, dwelling or room ......................................................................................... 337
Chapter 990: Construction of Statutes
990.01 (13), Construction of laws; words and phrases (homestead and
(14) homestead exemption) ......................................................... 339

Chapter 992: Curative Acts
992.06 Corporations, curative provisions, articles, deeds, evidence ............ 339

Chapter 995: Miscellaneous Statutes
995.60 Use of surveillance devices in connection with real estate sales .......... 339

VII. SELECTED ADMINISTRATIVE RULES

Chapter ATCP 125: Manufactured Home Communities—
Fair Trade Practices ......................................................................... 343

Chapter ATCP 134: Residential Rental Practices ..................................... 347

Chapter DFI-Bkg 41: Fees and Renewals ............................................. 353

Chapter DFI-Bkg 42: Trust Accounts .................................................. 355

Chapter DFI-Bkg 43: Ethical and Competent Practice by Mortgage
Bankers, Mortgage Brokers and Mortgage Loan Originators .................. 357

Chapter DFI-Bkg 44: Mortgage Broker Agreements and
Consumer Disclosure Statements ..................................................... 359

Chapter REEB 15: Obligation to Furnish Copies
and Maintain Records ..................................................................... 361

Chapter REEB 16: Approved Forms and Legal Advice ............................ 363

Chapter REEB 17: Licensees Associated with a Firm .............................. 367
Chapter REEB 18: Trust Accounts ................................................................. 369
Chapter REEB 24: Conduct and Ethical Practices for Real Estate Licensees .......... 373

INDEX