



OFFICE OF CLERK OF COURTS
EAU CLAIRE COUNTY
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Susan Schaffer, Clerk
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DATE: January 29, 2018

TO: Plaintiff Attorneys in Foreclosure Actions

FROM: Susan Schaffer, Clerk of Circuit Court

RE: 2017 Wisconsin Act 104

This letter addresses recent legislation that amended s. 846-16¹ to impose new statutory duties on clerks of court following a sale of a foreclosed property.

Statute 846-16(3m)(a) directs that the clerk shall do one of the following to transmit the deed to the mortgaged premises received under sub.(1)(b) to the register of deeds for recording listing 2 options. Here in Eau Claire County we will be complying with (a)1, when the court confirms the sale and the purchaser complies with the terms of the sale, the clerk of court in Eau Claire County is required to deliver the deed, receipt for submitting a transfer return, the recording fee, and the transfer fee to the register of deeds.

In order to conform with the statutes, we are asking that you revise your proposed orders by removing any reference ordering the clerk to release the deed to the buyer, or for the buyer to deliver the deed to the Register of Deeds office. We will use utmost diligence to reject those proposed orders that reference the clerk to release the deed to the buyer; however, if the proposed order is filed and forwarded to the judge for signature, the judge may deny or revise the Order. Unfortunately, if the Order is signed without revision, we are required to follow the Order and the buyer will be required to deliver the deed to the Register of Deeds.

If you have any questions, please do not hesitate to call our office.

Sincerely,

Susan Schaffer

¹ 846.16(3m) TRANSMITTAL TO REGISTER OF DEEDS.

(a) Upon the court confirming the sale of mortgaged premises and upon compliance by the purchaser with the terms of the sale and the payment of any balance of the sale price to be paid, unless

otherwise ordered by the court, the clerk of court shall do one of the following to transmit the deed to the mortgaged premises received under sub. (1)(b) to the register of deeds for recording:

1. Deliver the deed to the mortgaged premises received under sub. (1)(b), the receipt for submitting a transfer return under s. 77.22, the amount due under s. 59.43(2) to record the deed and any other document required to record the deed, and the transfer fee, if any, to the register of deeds.
2. Notify the register of deeds that the deed to the mortgaged premises received under sub. (1)(b), the receipt for submitting a transfer return under s. 77.22, the amount due under s. 59.43(2) to record the deed and any other document required to record the deed, and the transfer fee, if any, are available in the clerk's office. If a register of deeds is notified under this subdivision, the register of deeds shall retrieve the documents and fees from the clerk of courts within a reasonable period of time.