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FREQUENTLY ASKED QUESTION – RECORDING

1. HOW DO I ADD OR REMOVE SOMEONE FROM MY PROPERTY TITLE?

(1)A new deed will have to be completed, showing the change you are making to property title. You can download blank deed forms from the Chicago Title Insurance Company website at www.wi.ctic.com – click on Document Library to find downloadable documents. You will have to complete this form and have your signature/signatures notarized.

(2)At the time of recording, the deed must be accompanied by a receipt from the Wisconsin Real Estate Transfer Return; per Wisconsin Statutes 59.43, 706 and 77.21.

To fill out the Wisconsin Real Estate Transfer Form you go the Department of Revenue website www.revenue.wi.gov/retr/index.html . You can find and print out the instruction under Online Services for eRETR. You can find helpful videos for filling out the form under Resources – Helpful Videos-choose Governments. If you have questions when filling out this online form you can find “Contact Us” choose Submit a Question, at the bottom, left hand side of the page.

THE STAFF IN THE REGISTER OF DEEDS WILL BE HAPPY TO ANSWER YOUR QUESTIONS, BUT THEY CAN NOT INSTRUCT YOU ON HOW TO PREPARE LEGAL DOCUMENTS NOR CAN THEY GIVE YOU LEGAL ADVICE.

IF YOU NEED ADVICE OR INSTRUCTIONS ON HOW TO PREPARE A LEGAL DOCUMENT YOU SHOULD CONTACT AN ATTORNEY OR TITLE COMPANY.

2. MY SPOUSE PASSED AWAY, HOW DO I REMOVE HIM/HER FROM OUR PROPERTY?

We have a form and instructions in our office called the Application for the Termination of Decedent's Interest and Confirmation of Applicants Interest in Property (HT-110). This form may be used by a person entitled to receive property of a decedent under sections 867.045(1) and/or 867.046(2) of the Wisconsin Statutes. You can obtain the form and instructions from our office or online at the Register of Deeds Association Website www.wrdaonline.org (Recording Document/Fees – Forms).

As a part of the application you will have to provide a copy of the current property deed, along with an original death certificate of the party you wish to remove from title. If both parties were not named on the deed to the property you will have to contact the Probate department at 548-7468. We recommend following an attorney's advice when winding up an estate and transferring property title.

3. AN ERROR WAS MADE ON MY RECORDED DOCUMENT, HOW DO I MAKE A CORRECTION?

We suggest you refer to Wisconsin Statute 706.085 for instructions on how to draft a Correction Instrument. Correction instruments are often filed by the person most familiar with the cause of the error, and who has the best understanding of the proper legal resolution.

4. I AM STARTING A BUSINESS, WHAT FORM DO I NEED TO FILL OUT AND RECORD IN YOUR OFFICE?

Our office records the Registration of Firm Name, which can be used if your firm is a sole proprietorship, general partnership, or association. This form is required to be put on record if you plan to obtain credit for your business per Wisconsin Statute 134.17. You can obtain the form and instructions from our office, or online at the Register of Deeds Association Website www.wrdaonline.org (Recording Document/Fees-Forms). Depending upon your circumstances, you may also register your business with the Wisconsin Department of Financial Institutions (608-261-7577). For more information on starting a business you can call 1-800-940-7232 or go online to <https://secure.wisconsinsbdc.org/busanswer>.

5. I HAVE A TRANSFER OF AFFIDAVIT \$50,000 AND UNDER FORM, DOES IT GET RECORDED IN YOUR OFFICE?

If this affidavit describes an interest in or lien on real property (real estate) a certified copy or duplicate original of the affidavit shall be recorded in the office of the Register of Deeds in each county in this state in which the real property is located per 867.03(2m).

If you have questions on this form and it does not involve real estate, you can call the Estate Recovery Program at (608) 264-6756 for a pre-recorded message available 24 hours a day or to speak to a person

call (608) 264-7739 between the hours of 8:00 am and 4:00 pm or for general questions about Estate Recovery and /or questions regarding Transfer by Affidavits with real property, call (608) 264-6755.

6. I AM NAMED AS BENEFICIARY ON A TRANSFER ON DEATH DEED AND NOW THE OWNER OF THE PROPERTY HAS PASSED AWAY WHAT DO I HAVE TO DO?

You will now have to fill out the Transfer of Death to Beneficiary Form (TOD-110) and also complete a Wisconsin Electronic Real Estate Transfer Form per Wisconsin Statute 705.15. We have the TOD-110 form and instructions in our office or you can obtain it online at the Register of Deeds Association Website www.wrdaonline.org (Recording Document/Fees-Forms). You will need to go to the Department of Revenue Website www.revenue.wi.gov/retr/index.html to complete the Wisconsin Real Estate Transfer Form. We will need the completed TOD-110 form and the Wisconsin Real Estate Transfer Receipt in order to make the change to the property.

7. DOES A DEED HAVE TO BE RECORDED?

A deed should be recorded as promptly after the transaction as possible as it may cause legal difficulties at a later date, however, there is no time limit on recording a deed. This does not pertain to a Transfer on Death Deed as a TOD beneficiary designation is not effective unless the deed on which the designation is made is recorded per statute 705.15(2).

8. WHAT ARE THE REQUIREMENTS FOR CREATING MY OWN DOCUMENT TO RECORD IN THE REGISTER OF DEEDS OFFICE?

You can find information on the Wisconsin Register of Deeds Association website www.wrdaonline.org pertaining to Standard Format Requirements per Wisconsin Statute 59.43(2m). Look under Recording Document/Fees – Standard Document Format – Tutorial.

Frequently Asked Questions - Title Research

9. How do I obtain a copy of my Deed?

If you purchased your property from 1994 to the present time, you should be able to obtain the copy of your deed on our website for a \$7.00 fee plus the printable copy fee which is based on the number of pages. (\$2.00 for the first page and a \$1.00 for each additional page). To find your deed, look at a copy of your tax bill. The last document recorded will be noted at the end of the legal description. Search on our web site for this document number. Deeds can also be located by legal description.

Please note: Documents, such as deeds, recorded prior to 1994 will not be available on our website.

If you purchased your property before 1994 or if you don't want to use our web site, you may come into the Register of Deeds Office to obtain a copy. All we need is your address or tax key number to identify the correct parcel.

The third option would be to request it by mail, or by calling us at 262-548-7589. We would attempt to give you the record location information along with the charge for a copy (usually \$2). You could then mail us the payment and provide us with a stamped return envelope. As soon as we receive payment, we can mail a copy. We can also fax or email a copy after receiving payment. We do not take credit cards.

10. Why did I not receive a copy of my Satisfaction and does that mean my title is free and clear now?

We return documents (satisfactions) to the returnee named on the document. In most cases, the lending institutions have the documents returned to their local or corporate offices. Some documents are now electronically recorded; which means there is no physical copy of the document to return to you. You can call our office to see if your satisfaction has been recorded by the lender. We can provide copies of satisfactions if you follow the copy request procedure outlined for deeds above.

A Satisfaction only releases a specific mortgage that was recorded by a specific lender. It will only release that one mortgage loan amount. A satisfaction is **not** a document that shows title to the property (although in some states it is called a "re-conveyance"). It also does not mean that you are free and clear of **all** liens on your property. Your property deed shows who holds title, and how they hold title. If you want to know about all liens on your property, a title company will have to do a complete title search of our records; sometimes known as a "title report". However, you can search for yourself...see following.

11. Can you check for Liens on my property? Can I search (title) for liens myself?

Yes, you can look in our files for items recorded that effect property title. By visiting our office and with the assistance of our staff, we can quickly check for mortgage liens, and federal tax liens dating back to 1994. Prior to that date, the process is more complicated, but often is not required, because most lien activity is more current. There are various liens that may not be filed in the Register of Deeds Office. This would include contractors' liens or (condominium or subdivision) association fees, state tax liens, local special assessments, and unpaid property taxes, etc.; that appear in other public records. Once again, this is the work of a title company. They can do a complete search of all public records to give you a full and complete report of the status of your property title.

12. How far back do you records go on you website?

The records on the website only go back as far as the year **1994**. If you need any lien searches, easements, lake access rights, ownership, or any other type of documentation regarding your property prior to 1994, you need to come into our office to search those records yourself. We will give you some guidance as to how our indexing works, but for the most part, searching is an individual endeavor. This is why we recommend the services of a title company for searches of older records.

Even if the record that you seek was recorded after 1993, it may still be easiest to visit our office. The online indexing system is designed for individuals familiar with the indexing structure of the public land records system. Visiting our office is also the best way to purchase only the copies of the documents that you truly need.

13. Plat of Surveys – What kind of records are on file in the Register of Deeds Office?

Surveyors in Wisconsin are supposed to file copies of their surveying work with the Office of Register of Deeds. In Waukesha County, the survey records submitted to this office have been indexed by legal description; and copies are available to the public for the \$2 per page copy charge. A survey may not be on file with this office for every property in Waukesha County. The surveying community has only recently committed to providing us with a copy of all of their work, so older records may not be available.

Title Policies - We do not have property Title Policies filed in our office. Title Policies are prepared by private title companies. A title policy is the insurance policy issued by a title company that insures the title status of a property as described in the title policy. As a part of the description, all recordings that impact that title will be listed as “exceptions” to title. Most of the exceptions to title will be recorded and located in the records of the Office of Register of Deeds. But in addition, a title policy will include other publicly and private records that might impact property title. See Lien searches above.

Title Reports- A title report is basically the report with a legal description, and a listing of all the exceptions to title that would normally attached tot a title policy; but provides none of the insurance that is important at the time of property transfer. A title report is useful to a current owner who just wishes to see what “exceptions” are on record, against his/her property. What is the difference between title insurance and title reports? The answer is the cost. A title report will cost \$100, or so, and title insurance will cost in excess of \$1,000.