



BEST PRACTICES for Land Records in Wisconsin

The following document has been developed by members of the Wisconsin Land Title Association (WLTA) and the Wisconsin Register of Deeds Association (WRDA) Joint Committee. It is recognized that because of limited resources or other reasons, it may not be possible to follow all of these guidelines all the time. However, the goal is to attempt to achieve these best practices as much as possible so that customers will know what to expect, how to find information, and can be assured a reasonable level of common practices from office to office across the state of Wisconsin. This document will always be subject to modifications due to changes in law and future needs.

1. **DOCUMENT POSTING:** Documents are posted to the legal description on the document except that in cases where deficiency in land descriptions are obvious and disallow proper tract indexing, the Register will attempt to notify the document returnee (or agent) of this fact and only index party names.
2. **NAMES:** In a situation of a/k/a (also known as), and f/k/a (formerly known as), all names, meaning both the current name and the former name(s), are indexed.
3. **SUBDIVISIONs and CSMs:** The name on the plat and the owner of the property subject to the plat are both indexed. The land(s) the plat was made from is cross-referenced except in counties that have no tract index.
4. **MULTIPLE DOCUMENTS:** If multiple documents are presented in a group for recording and one of the documents is not in recordable form, the register shall attempt to so notify the document returnee (or agent). The register will record all recordable documents covered by the correct fees.
5. **ORDER OF RECORDING.** The proper order of recording is first come, first served, according to the order in which the documents are presented to the register. Whether documents arrive by express mail service, by regular mail, or by personal delivery, or by eRecording, to the best extent possible, documents will be recorded in the order that they were received, except for those documents which do not meet statutory recording requirements.
6. **TDI (Termination of Decedent's Interest):** Both the names of the decedent and the surviving joint tenant or surviving marital partner are indexed. It is recommended that this form be used for informal probate.
7. **AFFIDAVITS:** The person signing the affidavit and also the person benefiting by the affidavit are indexed, if the person benefited by the affidavit is clearly stated in the affidavit.
8. **LEGAL DESCRIPTION:** The definition used in Wis Stat 706.01(7r) "Description of a specific parcel of real estate complete enough for an independent surveyor to locate and identify the property. The description is by subdivision name; lot, outlot and block (as applies) in a platted subdivision; by certified survey map and lot and/or outlot number, volume and page, if assigned, document number and name of county; or, in unplatted lands, it is identified according to the town, range, section and quarter section or government lot, and metes and bounds associated with the public land survey system or private claims."
NOTE: There are a handful of counties that do not have a CSM tract and therefore require that the ¼ ¼ S/T/R be included in the legal description of CSMs. Be sure to contact the county's register of deeds office and real property tax lister directly if you need more county specific information.
See "WI Business Partner Best Practice Guide" for more details.
9. **AGENT SIGNS ON BEHALF OF GRANTOR:** When a personal representative, guardian, power of attorney or others signing in a representative capacity for the grantor, both the name of the grantor and the name of the agent shall be indexed.

*Approved by WRDA-WLTA Joint Committee April 22, 1999; Approved by the WRDA Board of Directors April 28, 1999. Approved by the WLTA Board of Directors May 2, 1999. The document was again modified as a result of the action of the Joint WRDA-WLTA-WRPLA (Wisconsin Real Property Listers Association) meeting of October 12, 2000. This document was modified in a joint session WRDA/WRPLA/WLTA April 5, 2006 and approved by WRDA Board of Directors August 29, 2006. This document was modified in a joint session WRDA/WRPLA/WLTA March 5, 2008 and approved by WRDA Board of Directors April 15, 2008. This document was modified in a joint session Joint Alpha April 2, 2009 and approved by WRDA Board of Directors May 13, 2010. This document was modified by WRDA Joint Alpha & Board November 20, 2014. This document was modified by WRDA to reflect passing of ACT 102 and Termination Decedent's Interest form April 20, 2018. This document was modified by WRDA Joint Alpha & Board February 14, 2020 & in a Joint session **WRDA/WLTA/WRPLA November 5, 2020.***



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10. TRANSFER BY AFFIDAVIT: *Value Definition*-The value is defined as the total amount of probate property subject to administration, without regard to debts or other offsets. The intent of the Transfer by Affidavit (TBA) is to convey real property to the affiant per page 1, no. 5. If the intent is to transfer interest in real property, the TBA should be submitted for recording and should be accompanied with the Affidavit of Heirship AND the Affidavit of Service or Waiver of Notice. RODs have been advised that if recording standards are met, TBA should be recorded as presented. If no additional heirs are mentioned on Affidavit of Heirship, then no Affidavit of Service or Waiver of Notice need be submitted with the TBA for recording. When transferring an interest in real property, a WI Electronic Real Estate Transfer Receipt must be submitted with the TBA for recording. The DOR is responsible for "policing" the value based on the eRETRs that are filed.
11. TRANSFER ON DEATH DESIGNATIONS: Owners are indexed as grantors and designated beneficiaries are indexed as grantees. Owners identified on document as grantors and grantees are entered into both grantor and grantee indexes.
12. SHERIFF'S DEED: In addition to the Sheriff, the assumed former owners shown in the caption are indexed as grantors.
13. TRANSPORTATION PROJECT PLATS: Names of individual owners identified on the TPP are entered into the grantor index in addition to the TPP plat name.

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