



State of Wisconsin
2021 - 2022 LEGISLATURE

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2021 SENATE BILL 590

September 29, 2021 - Introduced by Senators BALLWEG, COWLES and MARKLEIN, cosponsored by Representatives HORLACHER, ALLEN, ARMSTRONG, BILLINGS, BROOKS, DOYLE, SPREITZER and SUBECK. Referred to Committee on Housing, Commerce and Trade.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 703.275 (5) and 703.28 (1m) (a); *to renumber* 703.13 (7) (a)
2 and 703.275 (1) (title); *to renumber and amend* 703.095, 703.11 (2) (b), 703.13
3 (6) (c), 703.26 (2) (b), 703.275 (1) and 703.28 (1m) (b); *to consolidate,*
4 *renumber and amend* 703.08 (2) (intro.), (a) and (b); *to amend* 703.02 (1b),
5 703.02 (1h), 703.02 (3), 703.02 (6m), 703.02 (14g), 703.07 (2), 703.09 (2), 703.09
6 (4), 703.093 (1), 703.093 (7), 703.10 (5), 703.11 (2) (d), 703.11 (5), 703.115 (1) (b),
7 703.12, 703.13 (4), 703.13 (6) (d), 703.13 (6) (e), 703.13 (6) (f), 703.13 (7) (b),
8 703.13 (7) (c), 703.13 (7) (d), 703.13 (8) (b), 703.13 (8) (c), 703.163 (11), 703.165
9 (3), 703.19 (5), 703.26 (2) (intro.), 703.26 (2) (a), 703.26 (2) (c), 703.26 (2) (d),
10 703.26 (3), 703.265 (3), 703.30 (2), 703.365 (3m) and 706.01 (7r) (b); and *to*
11 *create* 703.02 (3m), 703.02 (8m), 703.065, 703.09 (1) (title), 703.09 (1c) (title),
12 703.09 (2m) (title), 703.09 (3) (title), 703.095 (2) (d), 703.095 (3), 703.11 (2) (b)
13 3., 703.13 (7) (ac), 703.26 (3) (d), 703.275 (1c) and 703.275 (1m) (b) of the

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1 statutes; **relating to:** requirements related to condominium documents and
2 technical changes to condominium law.

Analysis by the Legislative Reference Bureau

This bill makes various changes to condominium law and clarifies requirements related to various types of condominium documents.

General recording requirements; condominium instruments

This bill specifies that every instrument related to a condominium other than a plat or an addendum (a modification to a plat) that is offered to a register of deeds for recording must meet the following criteria:

1. The instrument must include the name of the condominium as it appears in the declaration.
2. The instrument must meet the standard formatting requirements for recorded documents.
3. The instrument must include any signatures required by law and must be notarized or authenticated.
4. If the county in which the instrument is to be recorded has an ordinance that requires local review of condominium instruments before recording, the instrument must be accompanied by the certified written approval of the person who performed the local review.

In addition, the bill specifies that a register of deeds may record an amendment, addendum, or correction instrument only if the document satisfies the above criteria, if applicable, and satisfies the following:

1. Refers to the instrument being modified or corrected.
2. Is numbered consecutively or states that it is an amendment and restatement of the instrument being modified or corrected.
3. Identifies all units in the condominium.
4. Clearly states the changes being made to the document being modified or corrected.

Expanding condominiums

Under current law, a declarant may reserve the right to expand a condominium by subjecting additional property to the condominium declaration. Current law provides various conditions that must be met in order for a reservation of a right to expand a condominium to be valid. For example, the condominium declaration must describe each parcel of property that may be added to the condominium under the reservation of the right to expand and the condominium plat must include, in general terms, the outline of the land, buildings, and common elements of the property that may be added as part of the expansion.

The bill clarifies that the condominium plat must include the outline of the expansion property and, in general terms, the buildings and common elements on the expansion property. The bill also clarifies that property included in a reservation of the right to expand is not subject to the condominium declaration (i.e., is not part

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of the condominium) until an amendment and addendum that add the property to the condominium are recorded.

Merger or consolidation of condominiums

Under current law, any two or more condominiums may be merged or consolidated into a single condominium by agreement of the unit owners of the existing condominiums. Current law requires that the condominium that results from the merger or consolidation must have the same name as one of the preexisting condominiums. The merger or consolidation agreement must reallocate the allocated interests among the units of the resultant condominium.

The bill specifies that a condominium may be created by merger or consolidation only by recording a restatement of the declaration for the resultant condominium that includes the merger or consolidation agreement and a resultant condominium plat. Under the bill, the register of deeds must reference the document number of the resultant condominium plat on the plat of each preexisting condominium plat that is merged or consolidated. The bill also specifies that it is not necessary to remove the preexisting condominiums prior to a merger or consolidation.

Condominium plat

Under current law, a condominium plat must include a survey of the property that shows the location of any unit or building on the property and comply with the minimum standards adopted by the examining board of architects, landscape architects, professional engineers, designers, and professional land surveyors. Under the bill, the survey of the property must also include a clear and concise description of the surveyed property that meets the requirements for a professional land surveyor certificate included on a recorded certified survey map.

Bylaws

Under the bill, whenever condominium bylaws are amended by a condominium association, the condominium association must promptly deliver a copy of the approved amendment to each unit owner.

Correction instruments

Under current law, a correction instrument is an instrument drafted by a professional land surveyor that, upon recording, corrects an error in a condominium plat. The bill specifies that a correction instrument may be used only to correct scrivener errors on a condominium plat, such as incorrect distances, angles, directions, building or unit numbers, or street names.

Small condominiums

Current law provides alternative procedures for small condominiums. A small condominium is a condominium with no more than 12 units. Under current law, an agreement may be substituted for bylaws if approved by all of the unit votes in a small condominium. Current law further provides that the affirmative vote or written consent of all the unit votes of the small condominium is required to amend

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such an agreement. Under the bill, 75 percent of the unit votes of the small condominium are required to amend such an agreement.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 703.02 (1b) of the statutes is amended to read:

2 703.02 (1b) “Addendum” means ~~a condominium~~ an instrument that modifies
3 a recorded condominium plat.

4 **SECTION 2.** 703.02 (1h) of the statutes is amended to read:

5 703.02 (1h) “Amendment” means ~~a condominium~~ an instrument that modifies
6 a recorded condominium declaration. “Amendment” includes a modification to a
7 declaration to relocate unit boundaries under s. 703.13 (6), to separate or merge units
8 under s. 703.13 (7) or (8), and to merge or consolidate a condominium under s.
9 703.275.

10 **SECTION 3.** 703.02 (3) of the statutes is amended to read:

11 703.02 (3) “Common expenses and ~~common surpluses~~” mean the expenses and
12 ~~surpluses~~ of an association.

13 **SECTION 4.** 703.02 (3m) of the statutes is created to read:

14 703.02 (3m) “Common surpluses” mean the surpluses of an association.

15 **SECTION 5.** 703.02 (6m) of the statutes is amended to read:

16 703.02 (6m) “Correction instrument” means an instrument drafted by a
17 professional land surveyor ~~that complies with the requirements of s. 59.43 (2m) and~~
18 that, upon recording, corrects an error in a condominium plat. “Correction
19 instrument” does not include an instrument of conveyance.

20 **SECTION 6.** 703.02 (8m) of the statutes is created to read:

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1 703.02 **(8m)** “Deliver” includes to deliver by hand, U.S. mail, commercial
2 delivery, facsimile transmission, or electronic means.

3 **SECTION 7.** 703.02 (14g) of the statutes is amended to read:

4 703.02 **(14g)** “Removal instrument” means an instrument ~~that complies with~~
5 ~~the requirements of s. 59.43 (2m) and~~ that removes property from the provisions of
6 this chapter upon recording. “Removal instrument” does not include an instrument
7 of conveyance.

8 **SECTION 8.** 703.065 of the statutes is created to read:

9 **703.065 Recording requirements; general.** Every instrument offered for
10 record related to a condominium other than a plat or addendum shall satisfy all of
11 the following criteria:

12 **(1)** The instrument shall include the name of the condominium as it appears
13 in the declaration.

14 **(2)** The instrument shall be prepared in the standard format for recorded
15 documents under s. 59.43 (2m) and (5) (a).

16 **(3)** The instrument shall comply with s. 706.05 (2) (a) and (b).

17 **(4)** If the instrument is a condominium instrument or an instrument that
18 modifies a condominium instrument and the county in which the instrument is to be
19 recorded has adopted an ordinance under s. 703.115, the instrument is accompanied
20 by the certified written approval of the person who performed the review under the
21 ordinance.

22 **SECTION 9.** 703.07 (2) of the statutes is amended to read:

23 703.07 **(2)** A condominium instrument, and all amendments, addenda and
24 certifications of a condominium instrument, shall be recorded in every county in
25 which any portion of the condominium is located, and shall be indexed in each county

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1 in the name of the declarant and the name of the condominium grantor and grantee
2 and the description of the condominium property that is located in that county.

3 Subsequent instruments affecting the title to a unit which is physically located
4 entirely within a single county shall be recorded only in that county, notwithstanding
5 the fact that the common elements are not physically located entirely within that
6 county. Subsequent amendments and addenda shall be indexed under the name of
7 the condominium.

8 **SECTION 10.** 703.08 (2) (intro.), (a) and (b) of the statutes are consolidated,
9 renumbered 703.08 (2) and amended to read:

10 703.08 (2) A tenant may not be required to vacate the property during the
11 120-day period immediately following the date of delivery of the notice required
12 under sub. (1) ~~except for: (a) Violation of~~ unless the tenant violates a covenant in the
13 lease; or ~~(b) Nonpayment of~~ fails to pay rent.

14 **SECTION 11.** 703.09 (1) (title) of the statutes is created to read:

15 703.09 (1) (title) REQUIREMENTS.

16 **SECTION 12.** 703.09 (1c) (title) of the statutes is created to read:

17 703.09 (1c) (title) CONSENT OF PROPERTY OWNERS AND MORTGAGEES; DECLARATION.

18 **SECTION 13.** 703.09 (2) of the statutes is amended to read:

19 703.09 (2) AMENDMENT. Except as provided in sub. (4) and ss. 703.093, 703.13
20 (6) (c), (cm), and (d), (7) (b) and (bm), and (8) (b), (bm), and (bp), and 703.26, a
21 condominium declaration may be amended with the written consent of at least
22 two-thirds of the aggregate of the votes established under sub. (1) (f) or a greater
23 percentage if provided in the declaration. An amendment becomes effective when
24 it is recorded ~~in the same manner as the declaration.~~ The document submitting the
25 amendment for recording shall state that the required consents and approvals for the

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1 amendment were received. Except as provided in sub. (2m), a unit owner's written
2 consent is not effective unless it is approved in writing by the first mortgagee of the
3 unit, or the holder of an equivalent security interest, if any. Approval from the first
4 mortgage lender or equivalent security interest holder, or the person servicing the
5 first mortgage loan or its equivalent on a unit, constitutes approval of the first
6 mortgagee or equivalent security interest holder under this subsection.

7 **SECTION 14.** 703.09 (2m) (title) of the statutes is created to read:

8 703.09 (2m) (title) CONSENT OF UNIT OWNERS AND MORTGAGEES; AMENDMENTS.

9 **SECTION 15.** 703.09 (3) (title) of the statutes is created to read:

10 703.09 (3) (title) COMPENSATION FOR REDUCTION IN VALUE; AMENDMENTS.

11 **SECTION 16.** 703.09 (4) of the statutes is amended to read:

12 703.09 (4) ASSIGNMENT OF DECLARANT'S INTEREST. A declarant may assign his or
13 her rights and obligations as a declarant under this chapter by recording an
14 amendment to the declaration that includes the assignment and an acceptance of the
15 assignment that is signed by the assignee and acknowledged. A declarant may not
16 assign under this subsection less than all of his or her rights and obligations as a
17 declarant under this chapter.

18 **SECTION 17.** 703.093 (1) of the statutes is amended to read:

19 703.093 (1) As an alternative to s. 703.09 (2), a condominium declaration may
20 be amended under this section if at least two-thirds of the aggregate of the votes
21 established under s. 703.09 (1) (f), or a greater percentage if provided in the
22 declaration, consent to the amendment in writing and those consents are approved
23 by the mortgagees or holders of equivalent security interests in the units. An
24 amendment becomes effective when it is recorded ~~in the same manner as the~~
25 ~~declaration.~~

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1 **SECTION 18.** 703.093 (7) of the statutes is amended to read:

2 703.093 (7) Any person acquiring a mortgage or equivalent security interest
3 on a unit after the affidavit is recorded under sub. (2) may notify the association in
4 writing of the mortgage or equivalent security interest lien, identifying the unit on
5 which it holds a lien, and signify its approval of or objection to the proposed
6 amendment ~~to the declaration.~~

7 **SECTION 19.** 703.095 of the statutes is renumbered 703.095 (1) and amended
8 to read:

9 703.095 (1) MODIFICATIONS. A recorded condominium instrument, amendment,
10 or addendum may ~~only~~ be modified only by recording an amendment, addendum, or
11 correction instrument, or by removal from the provisions of this chapter under s.
12 703.28 (1).

13 **(2) REQUIREMENTS.** The register of deeds may ~~not~~ record an amendment,
14 addendum, or correction instrument only if it does not refer the document complies
15 with s. 703.065, if applicable, and satisfies all of the following criteria:

16 (a) It refers to the condominium instrument, amendment, or addendum being
17 modified or corrected, including the document number assigned to the document
18 being modified, and may ~~not record an amendment or addendum unless it~~ if volume
19 and page numbers are assigned to the document being modified or corrected, the
20 volume and page where the document is recorded.

21 (b) It is numbered consecutively or and states that it is an amendment and
22 restatement of the condominium instrument being modified or corrected, ~~bears the~~
23 ~~name of the condominium as it appears in the declaration, and identifies.~~

24 (c) Identifies all units in the condominium.

25 **SECTION 20.** 703.095 (2) (d) of the statutes is created to read:

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1 703.095 (2) (d) Clearly states the changes being made to the condominium
2 instrument, amendment, or addendum it is modifying or correcting.

3 **SECTION 21.** 703.095 (3) of the statutes is created to read:

4 703.095 (3) CORRECTION INSTRUMENT. A correction instrument may be used only
5 to correct a scrivener error on a condominium plat, including erroneous distances,
6 angles, directions, bearings, chords, building or unit numbers, and street names.

7 **SECTION 22.** 703.10 (5) of the statutes is amended to read:

8 703.10 (5) AMENDMENT. The bylaws may be amended by the affirmative vote
9 of unit owners having 67 percent or more of the votes. Each particular set forth in
10 sub. (2) shall be expressed in the bylaws as amended. Following an amendment to
11 the bylaws, the association shall promptly deliver to each unit owner a copy of the
12 approved amendment.

13 **SECTION 23.** 703.11 (2) (b) of the statutes is renumbered 703.11 (2) (b) (intro.)
14 and amended to read:

15 703.11 (2) (b) (intro.) A survey of the property described in the declaration
16 complying that satisfies all of the following criteria:

17 1. The survey complies with minimum standards for property surveys adopted
18 by the examining board of architects, landscape architects, professional engineers,
19 designers and professional land surveyors ~~and showing.~~

20 2. The survey shows the location of any unit or building located or to be located
21 on the property.

22 **SECTION 24.** 703.11 (2) (b) 3. of the statutes is created to read:

23 703.11 (2) (b) 3. The survey includes a clear and concise description of the
24 surveyed property, as described in s. 236.34 (1m) (d) 2.

25 **SECTION 25.** 703.11 (2) (d) of the statutes is amended to read:

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1 703.11 (2) (d) All survey maps and floor plans submitted for filing recording
2 shall be legibly prepared with a binding margin of 1.5 inches on the left side and a
3 one-inch margin on all other sides on durable white media that is 14 inches long by
4 22 inches wide with a permanent nonfading black image. The maps and plans shall
5 be drawn to a convenient scale.

6 **SECTION 26.** 703.11 (5) of the statutes is amended to read:

7 703.11 (5) ~~AMENDMENT~~ ADDENDUM. Except as provided in ~~s. ss. 703.095 and~~
8 703.265, ~~amendment of a condominium plat may be modified only by an addendum~~
9 ~~that is not included as part of an amendment to the declaration shall be that is~~
10 accomplished in the same manner as an amendment to the declaration under s.
11 703.09 (2). An addendum is effective when it is recorded in the manner described
12 under s. 703.07 (2).

13 **SECTION 27.** 703.115 (1) (b) of the statutes is amended to read:

14 703.115 (1) (b) Provides that a condominium instrument may be rejected only
15 if it fails to comply with the applicable requirements of ss. ~~703.065~~, 703.095, 703.11
16 (2) (a), (am), (c) and (d) and (3), 703.275 ~~(5)~~ (1m) (b) and 703.28 (1m) or if the
17 professional land surveyor's certificate under s. 703.11 (4) is not attached to or
18 included in the condominium plat.

19 **SECTION 28.** 703.12 of the statutes is amended to read:

20 **703.12 Description of units.** A description in any deed or other instrument
21 affecting title to any unit, including a conveyance, as defined in s. 706.01 (4), that
22 makes reference to the letter ~~or~~, number, or other appropriate designation of the unit
23 on the condominium plat ~~together with a reference to the condominium instruments~~
24 ~~and~~, the name of the condominium as it appears in the declaration, the name of the
25 county where the condominium is located, the document numbers assigned to the

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1 declaration, and if volume and page numbers are assigned to the declaration, the
2 volume and page where the declaration is recorded, shall be a good and sufficient
3 description for all purposes.

4 **SECTION 29.** 703.13 (4) of the statutes is amended to read:

5 703.13 (4) CHANGE IN PERCENTAGE INTEREST. The percentage interests shall have
6 a permanent character and, except as specifically provided by this chapter, may not
7 be changed without the written consent of all of the unit owners and their
8 mortgagees. Any change shall be evidenced by an amendment to the declaration and
9 recorded among the appropriate land records. The percentage interests may not be
10 separated from the unit to which they appertain. Any instrument, matter,
11 circumstance, action, occurrence, or proceeding in any manner affecting a unit also
12 shall affect, in like manner, the percentage interests appurtenant to the unit.

13 **SECTION 30.** 703.13 (6) (c) of the statutes is renumbered 703.13 (6) (c) (intro.)
14 and amended to read:

15 703.13 (6) (c) (intro.) An amendment to a declaration shall identify do all of the
16 following:

17 1. Identify the units involved and ~~shall~~ state that the boundaries between those
18 units are being relocated by agreement of the unit owners thereof. ~~The amendment~~
19 ~~shall contain~~

20 2. Contain words of conveyance between those unit the owners, ~~and when~~
21 ~~recorded shall also be indexed in the name of the grantor and grantee~~ of the units
22 identified in subd. 1.

23 3. If the adjoining unit owners have specified in their written application the
24 reallocation between their units of the aggregate undivided interest in the common

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1 elements appertaining to those units, ~~the amendment to the declaration shall reflect~~
2 that reallocation.

3 (cm) An amendment to ~~a declaration~~ under ~~this paragraph~~ par. (c) shall be
4 adopted, at the option of the adjoining unit owners, either under s. 703.09 (2) or by
5 the written consent of the owners of the adjoining units involved and the mortgagees
6 of the adjoining units.

7 **SECTION 31.** 703.13 (6) (d) of the statutes is amended to read:

8 703.13 **(6)** (d) If the adjoining unit owners have specified in their written
9 application a reasonable reallocation, as determined by the board of directors, of the
10 number of votes in the association or liabilities for future common expenses not
11 specially assessed, appertaining to their units, ~~an amendment~~ modifications to the
12 condominium instruments shall reflect those reallocations. An amendment to ~~a~~
13 ~~declaration~~ under this paragraph shall be adopted in the manner specified in par. ~~(c)~~
14 (cm).

15 **SECTION 32.** 703.13 (6) (e) of the statutes is amended to read:

16 703.13 **(6)** (e) ~~Plats and plans~~ An addendum showing the altered boundaries
17 and the dimensions thereof between adjoining units, and their identifying numbers
18 or letters, shall be prepared. ~~The plats and plans~~ addendum shall be certified as to
19 ~~their~~ its accuracy in compliance with this subsection by a professional land surveyor.

20 **SECTION 33.** 703.13 (6) (f) of the statutes is amended to read:

21 703.13 **(6)** (f) After appropriate instruments have been prepared and executed,
22 they shall be delivered promptly to the adjoining unit owners upon payment by them
23 of all reasonable ~~charges~~ costs for the preparation thereof. Those instruments are
24 effective when the adjoining unit owners have executed them and they are recorded
25 in the name of the grantor and grantee. The recordation thereof is conclusive

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1 evidence that the relocation of boundaries did not violate any restriction or limitation
2 in the condominium instruments.

3 **SECTION 34.** 703.13 (7) (a) of the statutes is renumbered 703.13 (7) (am).

4 **SECTION 35.** 703.13 (7) (ac) of the statutes is created to read:

5 703.13 (7) (ac) In this subsection, “separator” means a person proposing the
6 separation of a unit.

7 **SECTION 36.** 703.13 (7) (b) of the statutes is amended to read:

8 703.13 (7) (b) The principal officer of the association, upon written application
9 of a person proposing the separation of a unit ~~(separator)~~ separator and after 30 days’
10 written notice to all other unit owners, shall promptly prepare and execute
11 appropriate instruments under this subsection. ~~An amendment to the condominium~~
12 ~~instruments~~

13 (bm) An amendment to separate a unit into 2 or more units shall assign do all
14 of the following:

15 1. Assign a new identifying number to each new unit created by the separation
16 of a unit, ~~shall allocate.~~

17 2. Allocate to those units each new unit, on a reasonable basis acceptable to the
18 separator and the executive board, all of the undivided interest in the common
19 element and rights to use the limited common elements and the votes in the
20 association formerly appertaining to the separated unit. ~~The amendment shall~~
21 ~~reflect~~

22 3. Reflect a proportionate allocation to the new units of the liability for common
23 expenses and rights to common surpluses formerly appertaining to the subdivided
24 unit.

25 **SECTION 37.** 703.13 (7) (c) of the statutes is amended to read:

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1 703.13 (7) (c) ~~Plats and plans~~ An addendum showing the boundaries and
2 dimensions separating the new units together with their other boundaries and their
3 new identifying numbers or letters shall be prepared. ~~The plats and plans~~ addendum
4 shall be certified as to ~~their~~ its accuracy and compliance with this subsection by a
5 professional land surveyor.

6 **SECTION 38.** 703.13 (7) (d) of the statutes is amended to read:

7 703.13 (7) (d) After appropriate instruments have been prepared and executed,
8 they shall be delivered promptly to the separator upon payment by him or her of all
9 reasonable cost for their preparation. Those instruments are effective when the
10 separator has executed them and they are recorded in the name of the separator. The
11 recording of the instruments is conclusive evidence that the separation did not
12 violate any restrictions or limitation specified by the condominium instruments and
13 that any reallocations made under this subsection were reasonable.

14 **SECTION 39.** 703.13 (8) (b) of the statutes is amended to read:

15 703.13 (8) (b) If the unit owners of adjoining units that may be merged desire
16 to merge the units, the unit owners, after 30 days' written notice to all other unit
17 owners, shall prepare and execute appropriate instruments under this subsection.

18 **(bm)** An amendment to the condominium instruments shall ~~assign~~ do all of the
19 following:

20 1. Assign a new identifying number to the new unit created by the merger of
21 the units ~~and shall allocate~~.

22 2. Allocate to the new unit all of the undivided interest in the common elements
23 and rights to use the limited common elements and the votes in the association
24 formerly appertaining to the separate units. ~~The amendment shall reflect~~

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1 3. Reflect an allocation to the new unit of the liability for common expenses and
2 rights to common surpluses formerly appertaining to the separate units.

3 ~~(bp) An amendment to a declaration under this paragraph par. (bm)~~ shall be
4 adopted either under s. 703.09 (2) or by the written consent of the owners of the units
5 to be merged, the mortgagees of those units, if any, and the board of directors of the
6 association.

7 **SECTION 40.** 703.13 (8) (c) of the statutes is amended to read:

8 703.13 ~~(8) (c) Plats and plans~~ An addendum showing the boundaries and
9 dimensions of the new unit together with the new identifying number or letter shall
10 be prepared. ~~The plats and plans~~ addendum shall be certified as to ~~their~~ its accuracy
11 and compliance with this subsection by a professional land surveyor.

12 **SECTION 41.** 703.163 (11) of the statutes is amended to read:

13 703.163 ~~(11)~~ **RECORDING OF STATUTORY RESERVE ACCOUNT STATEMENT.** Each
14 statutory reserve account statement executed under this section shall bear the name
15 of the condominium as it appears on the declaration, shall be prepared in the
16 standard format for recorded documents under s. 59.43 (2m) and (5) (a), shall comply
17 with s. 706.05 (2) (a) and (b), and shall be recorded with the register of deeds of the
18 county where the condominium instruments are recorded.

19 **SECTION 42.** 703.165 (3) of the statutes is amended to read:

20 703.165 ~~(3)~~ **ASSESSMENTS CONSTITUTE LIEN.** All assessments, until paid,
21 together with interest on them and actual costs of collection, constitute a lien on the
22 units on which they are assessed, if a statement of lien is filed within 2 years after
23 the date the assessment becomes due. The lien is effective against a unit at the time
24 the assessment became due regardless of when within the 2-year period it is filed.
25 A statement of condominium lien is filed ~~in the land records of~~ with the clerk of circuit

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1 court of the county where the unit is located, stating the description of the unit, the
2 name of the record owner, the amount due and the period for which the assessment
3 was due. The clerk of circuit court shall index the statement of condominium lien
4 under the name of the record owner in the judgment and lien docket. The statement
5 of condominium lien shall be signed and verified by an officer or agent of the
6 association as specified in the bylaws and then may be filed. On full payment of the
7 assessment for which the lien is claimed, the unit owner shall be entitled to a
8 satisfaction of the lien that may be filed with the clerk of circuit court.

9 **SECTION 43.** 703.19 (5) of the statutes is amended to read:

10 703.19 (5) ADJUSTMENT OF PERCENTAGE INTERESTS FOLLOWING TAKING; EFFECT OF
11 TAKING ON VOTES APPURTENANT TO UNIT. Following the taking of all or a part of any unit,
12 the percentage interests appurtenant to the unit shall be adjusted in proportion as
13 provided in the condominium instruments or bylaws. The association promptly shall
14 prepare and record an amendment to the declaration reflecting the new percentage
15 interests appurtenant to the unit. Subject to sub. (7), following the taking of part of
16 a unit, the votes appurtenant to that unit shall be appurtenant to the remainder of
17 that unit, and following the taking of all of a unit, the right to vote appurtenant to
18 the unit shall terminate.

19 **SECTION 44.** 703.26 (2) (intro.) of the statutes is amended to read:

20 703.26 (2) CONDITIONS TO WHICH RESERVATION SUBJECT. (intro.) A reservation of
21 the right to expand a condominium is subject to all of the following conditions
22 provided in this subsection.;

23 **SECTION 45.** 703.26 (2) (a) of the statutes is amended to read:

SENATE BILL 590**SECTION 45**

1 703.26 (2) (a) ~~A~~ The declaration establishing ~~a~~ the condominium shall
2 describe describes each parcel of property which that may be added to the
3 condominium.

4 **SECTION 46.** 703.26 (2) (b) of the statutes is renumbered 703.26 (2) (b) 1. (intro.)
5 and amended to read:

6 703.26 (2) (b) 1. (intro.) ~~A~~ The declaration establishing ~~a~~ the condominium
7 ~~shall show the~~ shows all of the following:

8 a. The maximum number of units which that may be added, ~~and the~~ to the
9 condominium.

10 b. The percentage interests in the common elements, the liabilities for common
11 expenses, and the rights to common surpluses, ~~and the~~ appurtenant to each unit
12 following the addition of property to the condominium.

13 c. The number of votes appurtenant to each unit following the addition of
14 property to the condominium, if added. ~~The percentage interests in the common~~
15 ~~elements, the liabilities for common expenses and the rights to common surpluses,~~
16 ~~and the number of votes that each unit owner will have~~

17 2. The information under subd. 1. b. and c. may be shown by reference to a
18 formula or other appropriate method of determining them following each expansion
19 of the condominium.

20 **SECTION 47.** 703.26 (2) (c) of the statutes is amended to read:

21 703.26 (2) (c) ~~A condominium~~ The plat for ~~an~~ the original condominium shall
22 ~~include, in general terms,~~ includes the outlines of the land, ~~and, in general terms, the~~
23 location of the buildings, and common elements of new property that may be added
24 to the condominium.

25 **SECTION 48.** 703.26 (2) (d) of the statutes is amended to read:

SENATE BILL 590**SECTION 48**

1 703.26 (2) (d) ~~In a declaration establishing a condominium, a~~ The right to
2 expand the condominium ~~may be~~ is reserved in the declaration for a period not
3 exceeding 10 years from the date of recording of the declaration.

4 **SECTION 49.** 703.26 (3) of the statutes is amended to read:

5 703.26 (3) ~~RECORDATION OF RECORDING AMENDMENTS TO DECLARATION AND PLAT~~
6 ADDENDA. (a) If the conditions of sub. (2) are ~~complied with~~ met, property may be
7 added to a condominium if the declarant records ~~an~~ all of the following:

8 1. ~~An amendment to the declaration, showing that shows~~ the new percentage
9 interests of the unit owners, and the votes ~~which that~~ each unit owner may cast in
10 the condominium as expanded, ~~and records an~~.

11 2. ~~An addendum to the condominium plat that includes the detail and~~
12 information concerning the new property as required ~~in the original condominium~~
13 that is required for a plat under s. 703.11 (2), (3), and (4).

14 (b) On recording of an amendment of ~~a declaration and an addendum to a plat~~
15 under par. (a), each unit owner, by operation of law, has ~~the~~ all of the following:

16 1. ~~The~~ percentage interests in the common elements, liabilities in the common
17 expenses, and rights to common surpluses, ~~and shall have the~~ as set forth in the
18 amendment.

19 2. ~~The~~ number of votes, appurtenant to the unit owner's unit, as set forth in the
20 amendment ~~to the declaration.~~

21 (c) Following any expansion, the interest of any mortgagee shall attach, by
22 operation of law, to the new percentage interests in the common elements
23 appurtenant to the unit on which it is a lien.

24 **SECTION 50.** 703.26 (3) (d) of the statutes is created to read:

SENATE BILL 590**SECTION 50**

1 703.26 (3) (d) Property included in a reservation of the right to expand is not
2 subject to the condominium declaration and is not part of the condominium until an
3 amendment and addendum adding the property to the condominium are recorded.

4 **SECTION 51.** 703.265 (3) of the statutes is amended to read:

5 703.265 (3) An addendum made under this section shall be recorded as
6 provided under s. 703.095 (2).

7 **SECTION 52.** 703.275 (1) (title) of the statutes is renumbered 703.275 (1m)
8 (title).

9 **SECTION 53.** 703.275 (1) of the statutes is renumbered 703.275 (1m) (a) and
10 amended to read:

11 703.275 (1m) (a) Any 2 or more condominiums, including 2 or more small
12 condominiums or any combination of small condominiums and other condominiums,
13 by agreement of the unit owners as provided in this section, may be merged or
14 consolidated into a single condominium. Unless the agreement otherwise provides,
15 the resultant condominium ~~resulting from a merger or consolidation~~ is, for all
16 purposes, the legal successor of all of the preexisting condominiums and the
17 operations and activities of all associations of the preexisting condominiums shall be
18 merged or consolidated into a single association which shall hold all powers, rights,
19 obligations, assets and liabilities of the preexisting associations. The resultant
20 condominium ~~must~~ shall bear the name of one of the preexisting condominiums.

21 **SECTION 54.** 703.275 (1c) of the statutes is created to read:

22 703.275 (1c) DEFINITIONS. In this section:

23 (a) “Preexisting condominium” means a condominium that existed before a
24 merger or consolidation under this section.

SENATE BILL 590**SECTION 54**

1 (b) "Restatement of the declaration of a resultant condominium" means an
2 amendment to the declaration of the preexisting condominium that bears the same
3 name as the resultant condominium that complies with s. 703.09.

4 (c) "Resultant condominium" means a condominium that results from a merger
5 or consolidation under this section.

6 (d) "Resultant condominium plat" means an addendum to the plat of the
7 preexisting condominium that bears the same name as the resultant condominium
8 that complies with s. 703.11.

9 **SECTION 55.** 703.275 (1m) (b) of the statutes is created to read:

10 703.275 (1m) (b) 1. Except as otherwise provided in this section, a resultant
11 condominium may be created only by recording all of the following, as provided under
12 s. 703.07:

13 a. A restatement of the declaration of the resultant condominium that includes
14 the merger or consolidation agreement.

15 b. A resultant condominium plat.

16 2. a. The documents under subd. 1. shall be presented together to the register
17 of deeds for recording.

18 b. The register of deeds may not record a resultant condominium plat without
19 the restatement of the declaration of the resultant condominium and the merger or
20 consolidation agreement.

21 c. On the plat of each preexisting condominium that is merged or consolidated
22 to create a resultant condominium, the register of deeds shall reference the
23 document number of the resultant condominium plat and, if the plat of the resultant
24 condominium is assigned a volume and page number, the volume and page where the
25 resultant condominium plat is recorded and shall note that the preexisting

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1 condominium was merged or consolidated. In a county that maintains a tract index
2 pursuant to s. 59.43 (12m), the register of deeds shall make references to document
3 numbers in the tract index.

4 **SECTION 56.** 703.275 (5) of the statutes is repealed.

5 **SECTION 57.** 703.28 (1m) (a) of the statutes is repealed.

6 **SECTION 58.** 703.28 (1m) (b) of the statutes is renumbered 703.28 (1m) and
7 amended to read:

8 703.28 **(1m)** Before a certified survey map, condominium plat, subdivision plat
9 or other plat may be recorded and filed for ~~the same property~~ that is subject to a
10 condominium declaration, the condominium shall first be removed from the
11 provisions of this chapter by recording a removal instrument. This subdivision does
12 not apply to a merger or consolidation under s. 703.275.

13 **SECTION 59.** 703.30 (2) of the statutes is amended to read:

14 703.30 **(2)** SUBSTANTIAL CONFORMITY OF CONDOMINIUM INSTRUMENTS AND BYLAWS
15 SUFFICIENT. The provisions of any condominium instruments recorded and any
16 bylaws filed required under this chapter shall be liberally construed to facilitate the
17 creation and operation of the condominium. So long as the condominium
18 instruments and bylaws substantially conform with the requirements of this
19 chapter, no variance from the requirements shall affect the condominium status of
20 the property in question nor the title of any unit owner to his or her unit, votes and
21 percentage interests in the common elements and in common expenses and common
22 surpluses.

23 **SECTION 60.** 703.365 (3m) of the statutes is amended to read:

24 703.365 **(3m)** AGREEMENT IN LIEU OF BYLAWS. If approved by written consent of
25 all of the unit votes of a small condominium, an agreement may be substituted for

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1 the bylaws under sub. (3). The terms of the agreement shall include the
2 requirements of sub. (3) (a) to (d) and shall be consistent with this section. An
3 amendment to an agreement may be made with the affirmative vote or written
4 consent of ~~all~~ 75 percent of the unit votes of the small condominium.

5 **SECTION 61.** 706.01 (7r) (b) of the statutes is amended to read:

6 706.01 (7r) (b) By condominium name, and unit number, ~~and appurtenance~~
7 ~~number~~ in a platted condominium development.

8 **SECTION 62. Initial applicability.**

9 (1) RECORDING AND INDEXING REQUIREMENTS. The treatment of ss. 703.065,
10 703.07 (2), and 703.12 first applies to deeds and other instruments that are
11 submitted for recording on the effective date of this subsection.

12 (2) BYLAWS. The treatment of s. 703.10 (5) first applies to an amendment to
13 condominium bylaws that is approved under s. 703.10 on the effective date of this
14 subsection.

15 (3) LOCAL ORDINANCE; REVIEW OF CONDOMINIUM INSTRUMENTS. The treatment of
16 s. 703.115 (1) (b) first applies to an ordinance adopted on the effective date of this
17 subsection.

18 **SECTION 63. Effective date.**

19 (1) This act takes effect on first day of the 7th month beginning after
20 publication.

21 (END)