

WISCONSIN COUNTIES



KEEP
CALM
AND
REGISTER
ON

Register of Deeds in Wisconsin



from the director

REGISTER OF DEEDS CRITICAL COG IN WHEEL OF COUNTY GOVERNMENT

—Mark D. O'Connell, Executive Director, Wisconsin Counties Association

Each month, the *Wisconsin Counties* cover acts as the gateway to a particular issue, piquing our reader's interest through images and verbiage, capturing the essence of that particular publication.

In our ongoing series of recognizing the work of Wisconsin's county constitutional officers within the pages of *Wisconsin Counties* magazine, this month we are proud to highlight the office of the register of deeds and recognize the visible and not-so-visible work they do on behalf of Wisconsin taxpayers.

It is appropriate then, that this month's cover, with its slightly cheeky *Keep Calm and Register On*, showcases one of Wisconsin's seven constitutional offices. An incredibly important office, the roles and responsibilities of this office run deep.

The office of the register of deeds was established in our state in 1836, with the 1848 Wisconsin Constitution establishing it as a constitutional office. Our 72 registers of deeds handle vital records and one of their most visible duties involve registering, indexing and filing all marriages, deaths and births occurring in the county.

These tasks are just the tip of the proverbial county iceberg. A register of deeds records plats, articles of incorporation, firm names and related documents as authorized; files, indexes and maintains military discharges;

files and indexes documents pertaining to security investments in real property, crops or fixtures; as well as file federal tax liens.

This listing does not come close to listing all of the statutory and administrative duties of the office. Within these pages, you will learn exactly what the register of deeds offices accomplish. One thing is certain; the office is a critical cog in the wheel of county government and their duties keep our communities thriving.

In essence, as the Wisconsin Register of Deeds Association (WRDA) puts it so eloquently and simply, "The filing or recording of other documents with the register of deeds is a way of putting the world

on notice that something important has happened or will happen. The time of the act or transaction is often an important element in rights or relationships. The register of deeds records the time when, in effect, the public record is established.”

I encourage you to discover the work of the register of deeds by also visiting the WRDA’s website at www.wrdaonline.org. You can learn why in the midst of so many duties and requests, they simply *Keep Calm and Register On*.

KEEP CALM AND CARRY ON

Excerpt from the Wikipedia.com entry



Keep Calm and Carry On was a motivational poster produced by the British government in 1939, several months before the beginning of the Second World War, intended to raise the morale of the British public in the aftermath of widely predicted mass air attacks on major cities. It had only limited distribution with no public display, and thus was little known. It

was rediscovered in 2000, has been re-issued by a number of private companies, and has been used as the decorative theme for a range of products. It was believed that there were only two known surviving examples of the poster outside government archives until a collection of 20 originals was brought in to PBS’s *Antiques Roadshow* in 2012 by the daughter of an ex-Royal Observer Corps member.

Rediscovery & Commercialization

In 2000, Stuart Manley, co-owner with his wife Mary of Barter Books Ltd. in Alnwick, Northumberland, was sorting through a box of used books bought at auction when he uncovered one of the original *Keep Calm and Carry On* posters. The couple framed it and hung it up by the cash register; it attracted so much interest in their store that Manley began to produce and sell copies. Other companies followed suit, and the design rapidly began to be used as the theme for a wide range of products. “What seemed to the Manleys as just a bit of quintessential British nostalgia has morphed into an international industry.” 📺

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HISTORY OF THE REGISTER OF DEEDS THE REST OF THE STORY

—Wisconsin Register of Deeds Association

Wisconsin has always understood and protected the importance of having a record of land ownership and transfer. As such, Northwest Territory law first created a County Office of Record in 1795 (the Northwest Territory would later become the Wisconsin Territory). In 1836, the territory established the Office of the Register of Deeds and in 1839 passed an act providing for their election every two years in each respective county. In 1848, the Wisconsin Territory became the state

of Wisconsin and a constitution was adopted. Based on the duties having been performed since the inception of the office of record, the 1849 statutes read:

“The register of deeds shall have the custody of, and shall safely keep and preserve all the books, records, deeds, maps and paper deposited or kept in his office; he shall also record or cause to be recorded correctly, and in a plain and distinct hand writing, in suitable books to be provided and kept in



The register of deeds office shall be the depository for preserving all land and vital records for each respective county.

his office, all deeds, mortgages, maps, instruments and writings authorized by law to be recorded in his office, and left with him for that purpose, and shall perform all other duties required of him by law.”

In 1858, the Legislature expanded the instruments authorized by law to be recorded by the register of deeds (ROD) and placed the duty of registering marriages, births and deaths upon the ROD. In 1907, the Legislature created the state

office for overseeing all vital records – Wisconsin Vital Records office. In 2008, the ROD became a four-year elected office.

Much has changed over the years due to technology, but the original intent of the *Wisconsin State Statutes* remains the same: the ROD office shall be the depository for preserving all land and vital records for each respective county.

ROLES & RESPONSIBILITIES THE ROLE OF THE REGISTER OF DEEDS

—*Wisconsin Register of Deeds Association*

The register of deeds (ROD) office provides the official county repository for real estate and vital records, which consist of birth, death, marriage and domestic partnerships. In addition, the ROD office provides safe archival storage and access to public records, as well as implementing statutory changes, system modernization, program and procedural evaluation, and staff development that ensures a high level of timely service for our citizens and customers. The ROD files, records and issues instruments and documents of significance both to the community as a whole and to its individual citizens. Vital records document the span of our lives from birth to death.

Land records establish title and property rights.

Ownership of rights in and claims on property constitute one of the chief forms of wealth in American society. Accurate descriptions of property help society avoid wasteful battles over boundaries and rights. Records of the existence and exact nature of those rights are keys to orderly economic activity relating to that property. The ROD office is able to tell the vital story of “who, what and when” of any property. This function is critically important as the local government property tax base is defined from records housed with the ROD office.

The filing or recording of other documents with the ROD is a way of putting the world on notice

that something important has happened or will happen. The time of the act or transaction is often a crucial element in rights or relationships. The ROD records the time when, in effect, the public record is established.

The general nature of the office of the ROD is described as ministerial. The responsibilities of the office are set forth in the *Wisconsin State Statutes*. The ROD serves a statewide purpose, although the office is elected at the county level. The ROD has no discretion about whether or not to perform tasks required by the *Wisconsin State Statutes*. Nevertheless, an opinion of the Wisconsin Attorney General somewhat qualifies this general understanding.

The Attorney General's opinion states that the ROD must read the law and judge whether the law requires the ROD to perform a duty. In other words, the ROD must not assume that every document

presented must be recorded or filed; therefore, may exercise their judgment to decide whether statutory conditions are met before accepting a document. Registers of deeds offices seek the consultation of county corporation counsel for clarification if recording questions arise.

Administrative duties may include, but are not limited to, hiring and evaluating the work of staff, preparing and administering the annual departmental budget, establishing and enforcing departmental goals and objectives, developing long- and short-range planning needs for department improvements and efficiency, preparing and sending billing statements, conducting daily and monthly cash balancing, filing monthly reports with various state agencies, developing departmental policies and procedures, acting as department liaison with the county board and possibly serving as rental weatherization agents. 🏠

IN BRIEF DUTIES OF THE R.O.D.

Examine, record, index, archive and maintain:

- All instruments authorized by law and return them as designated
- All certified survey maps, subdivision plats, condominium plats, county plats, cemetery plats and transportation project plats as required by Wisconsin State Statutes
- Federal tax liens, real estate related Uniform Commercial Code documents, articles of incorporation, and firm names
- Military discharge papers and issue certified copies as requested by the veteran or veteran service office
- Vital Records (birth, death, marriage, and domestic partnership), issue certified copies
- Issue copies of recorded and filed records upon demand and collect required fees
- Accurate bookkeeping practices to ensure monies received from vital records, recordings and real estate transfer fees are dispersed in the correct amount to the appropriate county and state agencies
- Provide safe archival storage and convenient access to these public records
- Use technologically advanced electronic programs to become more efficient in our duties to provide fast and accurate information
- Implement statutory changes, system modernization, programs, procedure evaluation, disaster recovery and staff development to assure a high level of timely customer service for our citizens
- Provide public education and assistance



VITAL RECORDS THE NEXT GENERATION

—Wisconsin Register of Deeds Association

The ROD office, along with the Wisconsin Vital Records office, is the official repository for vital records consisting of birth, death, marriage and domestic partnerships. Wisconsin State Statute 69 mandates that the state registrar administer and supervise the system of vital statistics. The ROD is subject to the direction of the state registrar and is responsible to accept and process vital records that pertain to their county jurisdiction.

On October 1, 1907, vital records were required by law to be filed with Wisconsin Vital Records office. The law directed record filers to first submit the original paper vital record to the local register of deeds office, which consisted of county ROD and city health offices. To date, along with the Wisconsin Vital Records office, there are seventy-two county registers of deeds offices and two county health offices that file vital records. The

ROD processed the paper record after retaining a copy for their records and forwarded it via standard mail to the Wisconsin Vital Records office. Historically, vital records were indexed and placed in binders by ROD staff for future use. Today, vital records are presented to ROD staff via electronic database or paper copy by funeral directors, judges, attorneys, ministers, hospitals and the general public.

Technology advancements have proven advantageous to the processing of vital records. Prior to typewriters and computers, vital records were handwritten and many times difficult to read, thus creating illegibility and issuance problems. Various circumstances, such as home births, mail delivery and limited transportation, sometimes hindered distribution of the vital record, which not only delayed filing but also sometimes prevented it. Lost or delayed records hampered vital record issuance and caused problems for customers when seeking certain benefits. As technology and transportation has advanced, lost records and illegibility has essentially been eliminated. [See related article on technology advancements on page 29.]

On January 1, 2010, the Wisconsin Statewide Vital Record Information System (SVRIS) was implemented. SVRIS provides a secured web-based application used to electronically register and certify vital records. The implementation of SVRIS has improved vital record data security and integrity, same day registration and issuance of vital records and reduced county resources, such as binder costs, paper usage and office space. SVRIS stakeholders include the Wisconsin Department of Health Services, ROD offices, Milwaukee and West Allis Health Offices; Wisconsin licensed funeral

directors, physicians, medical examiners/coroners, Wisconsin birthing hospitals, clerks of courts, county clerks and registers in probate. SVRIS was launched in successive modules and to date birth and death modules are in production. The marriage and domestic partnerships modules are in development and certificates are filed in paper format at the ROD and Wisconsin Vital Records office.

The public relies on accurate records to obtain passports, social security and military benefits, public assistance, child support, drivers and marriage licenses, school enrollment and insurance benefits. In addition, vital records also provide critical services to individuals, governmental agencies, employers, insurance companies, financial institutions, military personnel and law enforcement.

Personally identifiable information is contained in vital records and can be used for identity theft or fraud, thus causing damage to one's credit report and financial standing. Any person who makes a false application or obtains a vital record for fraudulent purposes can be charged with a felony. Wisconsin law prohibits copying vital records except for specific governmental agencies. Therefore, steps to secure an individual's personally identifiable information are of great concern to the Wisconsin Register of Deeds Association (WRDA). The association, together with the Wisconsin Vital Records office, has worked diligently to educate consumers, school officials, sport organizations and girls and boys clubs by creating documents that encourage security and suggest processes that reduce fraud and identity theft.

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VITAL RECORD ACCEPTABLE FORMS OF ID

One of these:

Wisconsin driver's license, Wisconsin photo ID, Out-of-state driver's license or photo ID card

OR

Two of these:

Government-issued employee ID card or badge with photo, Passport, Check or bank book, Major Credit Card, Health Insurance Card, Recent dated, signed lease, Recent utility bill or traffic ticket

Mail Application Requests

A photocopy of the applicant's current ID as listed above must accompany all mail applications.

In-Person Requests

A current ID as listed above is required when applying in-person. If identification does not show customer's current address, the certificate must be mailed to the customer.

OBTAINING VITAL RECORDS

Vital records may be obtained from county ROD offices, city health offices and the Wisconsin Vital Records office. However, there is certain criterion that must be followed.

In order to obtain a copy of a vital record, requestors must have a direct and tangible interest to the record. Examples of a direct and tangible interest include current spouse, parent, brother, sister, grandparent, child or current domestic partner. In addition, proper identification must accompany each request. Per the Wisconsin State Registrar, customers must comply with the above ID requirements. At least one form of ID must show the customer's current name and address. Expired cards or documents cannot be accepted.

FILING

- Birth Certificates are filed in the county of birth, as well as the mother's county of residence.
- Death Certificates are filed in the county of death, as well as the deceased's county of residence.
- Marriage Certificates are filed in the county where the marriage occurs.
- Domestic Partnerships are filed in the county that issued the domestic partnership.

Statutory fees to obtain a vital record include \$20.00 for the first copy and \$3.00 for each additional copy per document. Customers can obtain a vital record application form and/or review individual ROD vital record requirements by going to the WRDA's website located at www.wrdaonline.org. 

2013 WISCONSIN VITAL RECORD STATS.

Births	Deaths	Marriages	Domestic Partnerships
66,300	50,800	30,200	290

**Disclaimer: The above statistics reflect the total number of vital records filed at the Wisconsin Vital Records office. They have not been declared official and must be considered approximate totals to date.*



WISCONSIN REGISTER OF DEEDS ASSOCIATION COLLABORATION PROMOTES POSITIVE CHANGE

—Wisconsin Register of Deeds Association

The Wisconsin Register of Deeds Association (WRDA) was established on June 4, 1918 and enjoys 100% membership of Wisconsin's 72 county registers of deeds (RODs). The association is dedicated to maintaining the integrity of individual county offices, protecting and preserving public records, and ensuring that members are up-to-date on legislation that affects the office. The association is proud to have a long-standing, effective working relationship with legislators throughout the state, county boards, local businesses, and other state and county agencies. The association's over-arching goal is to continue working in the best interest of Wisconsin's constituents in a timely, effective and accurate manner.

Legislative Activity

As elected constitutional officers, RODs are required to adhere to *Wisconsin State Statutes* and provide guidance and assistance to the constituents for whom they represent. The association's legislative goal is to protect Wisconsin's records and the citizen's best interest. Therefore, it is imperative that RODs continue to keep abreast of the legislative issues affecting their office and their constituents.

Words like constitution, codification, enactment, statutes, session calendars, budget cycles, public hearings, joint resolutions, bills, and enforcement are complicated words, yet common language at WRDA. As a unified front, all 72 RODs diligently follow state and federal legislation using resources, such as *The Wheeler Report* and the Wisconsin state Legislature's website. The association, at the direction of its president, also has a legislative committee that monitors daily legislative activity. Registers of deeds are encouraged to contact and form relationships with their elected Assembly Representatives and Senators. The association establishes an alliance that promotes collaboration and effective communication for current and future legislative efforts.

In addition to the Legislature, WRDA proactively partners with county and state agencies and private entities that include but are not limited to title companies, attorneys, lending institutions, realtors, surveyors, the Wisconsin Department of Revenue, Natural Resources, Administration, Transportation, Financial Institutions, Safety & Professional Services, Wisconsin Vital Records, the Wisconsin Secretary of State and the Wisconsin Counties Association.

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TECHNOLOGY TRANSFORMING THE REGISTER OF DEEDS OFFICE

—Wisconsin Register of Deeds Association

From quill pens to optical character recognition software, the register of deeds (ROD) office has been greatly impacted by technology advancements through the years. Early settlers presented documents to the RODs in order that their property rights were established and clearly defined. As the years progressed, ROD offices were tasked with filing vital records

consisting of birth, death and marriage records.

This important information was inscribed in books and placed in the ROD office for future use. These historical documents, still held in the ROD office, provide a glimpse of Wisconsin's history.

Documents presented for recording were written in books and indexed by ROD staff. As time progressed, ink stamps were employed that

WRDA strives to continue its mission to provide secure archival storage and access to public records as required by law, as well as provide a high level of customer service that promotes respect and timely service for Wisconsin's citizens.

reduced hand written information on documents.

The invention of the typewriter and the use of copy machines greatly improved staff efficiency, as well as document legibility and clarity.

The past twenty years have brought dramatic technology changes to the ROD office. Personal computers, optical scanners, electronic databases, real estate management software and county websites are examples of this transformation. The Wisconsin Register of Deeds Association (WRDA) has embraced these changes and has proactively invoked these practices in all 72 counties across the state of Wisconsin.

The association stays abreast of current technology trends and innovations by seeking advice from vendors, peers and colleagues. In addition, RODs improve their skills and knowledge by seeking educational opportunities. An example is their partnership with the University of Wisconsin Certified Managers Program. Registers of deeds are able to participate in a series of courses that benefit public sector managers. The certified public manager's program promotes comprehensive training, professional growth and ethical standards of behavior. If an ROD completes course requirements, they receive a certified public managers certification that is recognized nationally.

Examples of technology enhancements that have occurred in the ROD offices include but are not limited to electronic recording of real estate documents, database integration, document scanning and online real estate documents.

The ROD's office continues to be on the forefront of electronic recording technology. Instead of receiving paper documents in the mail or by courier, recorded real estate documents arrive electronically from a trusted submitter to the ROD office using specialized software and are recorded and processed electronically. Electronic recording offers several benefits, such as improved services to customers because of speedy document recording, quick response times and the reduction of county and submitter resources.

The Wisconsin Register of Deeds Association was instrumental in the creation of The Wisconsin Electronic Recording Council (ERCWIS). ERCWIS is comprised of seven members appointed by the Governor. The council includes four RODs, one title company representative, one financial institution representative and one attorney. This committee is responsible for establishing and reviewing standards and guidelines that govern electronic recording and submission in Wisconsin.

WISCONSIN ELECTRONIC RECORDING COUNTIES

Adams	Eau Claire	Langlade	Richland	Walworth
Barron	Grant	Manitowoc	Rock	Washington
Brown	Green	Marquette	Sauk	Waukesha
Chippewa	Jefferson	Milwaukee	Sheboygan	Waupaca
Columbia	Kenosha	Outagamie	St. Croix	Waushara
Dane	La Crosse	Ozaukee	Taylor	Winnebago
Dodge	Lafayette	Portage	Trempealeau	Wood
Door	Lake	Racine	Vernon	

2013 WISCONSIN STATEWIDE ELECTRONIC RECORDING DOCUMENT TOTALS

Real Estate Document Totals	Electronically Recorded Documents	Total Percentage
856,325	282,767	33%

Reflected in the tables above are the counties that currently electronically record real estate documents, as well as the percentage of total documents electronically recorded in Wisconsin. It is important to note that Milwaukee County currently records over half of their real estate documents electronically.

Due to the needs of consumers, ROD offices have upgraded office computer systems by incorporating real estate management software. This software can integrate county offices and reduce redundant data entry, populate data from existing databases, provide county staff the ability to view and print documents via computer, integrate state agency information such as the Wisconsin Real Estate Transfer Return and preserve historical data. Furthermore, it can provide tools that offer online data and images to outside users that can create potential revenue to counties.

The association offers a statewide website that is available to all consumers. It is an essential communication tool that contains a vast amount of material relating to but not limited to real estate and vital records. Examples include RODs contact information, document recording information, forms, fees and vital records applications and fees. The association's website allows consumers the ability to review needed information without contacting or visiting the office. This is one of the many services offered by WRDA.

The association will strive to continue its mission to provide secure archival storage and access to public records as required by law, as well as provide a high level of customer service that promotes respect and timely service for Wisconsin's citizens. We feel privileged to represent the great citizens of the state of Wisconsin. 

COLLABORATION PROMOTES POSITIVE CHANGE

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Past legislative efforts in which the WRDA was involved include the Wisconsin Land Information Program, Statewide Vital Record Information System, non-probate transfer of real property at death, correction instrument and photocopy fee standardization and the restriction of social security numbers from recorded real estate documents. Per state statute, RODs may reject any real estate document if it contains a social security number. If the social security number is discovered after the document is recorded, ROD staff may remove the number. This is another excellent example of the WRDA's desire to protect Wisconsin's constituents.

Currently, the WRDA is actively involved with legislation to help protect constituents who are receiving deed solicitations. For example, a citizen may receive an official looking letter from a company offering to provide the customer with a copy of their deed and a property profile for \$79.00 or more. There are many versions of the letter; however, some state that if the customer does not respond within 10 days, the fee will increase. These companies offer to get property address, legal description of the property, parcel identification numbers, and other pertinent information. While the fine print on the letter states that the offer is a solicitation for services and the citizen is under no obligation to pay the amount stated, it misleads the customers into believing that the letter is from a governmental agency. The letter insinuates a consumer visiting an ROD's office will need to wait for hours, fill out lengthy forms and pay comparable fees for the same information. However, consumers can obtain this information at their local courthouse for free or for a minimal fee.

The association has constantly strived to oppose fee increases for both real estate and vital records. While not always successful, the WRDA prides itself on weighing all options and compromising for the greater good of Wisconsin's constituents. For example, the October 2007 increase in vital record copy fees required that the ROD and the Wisconsin Vital Records offices forward the full amount of a vital record fee increase to the Wisconsin Department of Administration. The additional revenue generated from the vital record fee increase was used to automate the outdated paper registration systems at the Wisconsin Vital Records office. The additional revenue also helped fund the data entry of birth and death records from 1935 forward, as required by federal Real ID and Intelligence Reform Act. The system improvements enhanced customer service and increased document security, including protection from fraudulent use of vital records.

Wisconsin Act 314, which became effective June 25, 2010, is another example of a fee change. Act 314 changed recording fees from \$11.00 for the first page, plus \$2.00 for each additional page per document to a flat fee of \$25.00 per document. In the past, real estate document fees were based on document page count. Act 314 created a flat fee per document that was strongly supported by the Wisconsin Realtors Association and the Wisconsin Land Title Association. The flat fee reduced potential document return as there was no longer the need to count document pages, which occasionally created incorrect fee calculations. In addition to the flat fee, Act 314 imposed an additional \$5.00 per document to assist the RODs with costs associated with redacting social security numbers from the documents they place online for public access. 