



Entities and Authority in Wisconsin Title Examination

April 4, 2018

Presented by:

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Vice President – Wisconsin Operations
Attorneys' Title Guaranty Fund, Inc.



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Legal Entities and Their Ability to Convey Real Estate



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Initial Considerations

- **Three Initial Considerations that Apply to the Analysis of Any Legal Entity in Title or Taking Title (B-I Requirements)**
 - Existence of Entity
 - Is legal entity a domestic or foreign entity?
 - Authority of Entity to Complete the Transaction
 - Authority of Individual to Sign Conveyance Documents on Behalf of Entity
 - Is the purchaser a “bona fide purchaser”?



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Limited Liability Company (LLC)

- **Generally – Chapter 183 of the Wisconsin Statutes**
 - The key characteristics of an LLC are derived from corporate and partnership law principles. The entity is formed by filing a notice document called the “Articles of Organization.” An LLC is operated under the terms of an Operating Agreement.



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Limited Liability Company (LLC)

- **Generally – Chapter 183 of the Wisconsin Statutes**
 - LLC ownership is comprised of one or more Members – similar to becoming a partner in a partnership.



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Limited Liability Company (LLC)

- **Generally – Chapter 183 of the Wisconsin Statutes**
 - LLC management and control can be “Member-Managed” or “Manager-Managed.”
 - If Member-Managed, each Member is an agent that can bind the LLC to acts in the ordinary course of business, unless the Member had no authority to act on the LLC's behalf (operating agreement) and the person with whom the member was dealing had no knowledge that the member lacked such authority (bona fide purchasers). Wis. Stat. Sec. 183.0301.



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Limited Liability Company (LLC)

- **Generally – Chapter 183 of the Wisconsin Statutes**
 - LLC management and control can be “Member-Managed” or “Manager-Managed.”
 - If Manager-Managed, the management and control rests with the manager(s) unless limited in the operating agreement. LLC managers need not meet and specific qualifications or requirements. Managers do not need to be members of the LLC or individuals. Wis. Stat. 183.0401.



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Limited Liability Company (LLC)

- **Generally – Chapter 183 of the Wisconsin Statutes**
 - Like a corporation, members do not have personal liability for contractual, statutory, or tort liabilities. The member's risk for LLC obligations is limited to the amount invested.



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Limited Liability Company (LLC)

- **Generally – Chapter 183 of the Wisconsin Statutes**
 - Like a partnership, an LLC for federal and Wisconsin income tax purposes will get “flow-through” taxation. That is, the entity will not be subject to taxation, but the members will be taxed on their pro-rata shares of the LLC’s income.



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Limited Liability Company (LLC)

- **Existence of the LLC**
 - Conduct a search on the Wisconsin Department of Financial Institutions (DFI) web site.
 - Determine if the LLC is in good standing with the state to transact business.
 - Order an online “Certificate of Status” for the file.
 - <https://www.wdfi.org/apps/CorpSearch/Search.aspx>



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Limited Liability Company (LLC)

 Wisconsin Department of Financial Institutions
Strengthening Wisconsin's Financial Future

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Information we have...	Information we do not have...
Legal Entity Name	The following information is not recorded in our Department:
Effective Date of initial registration	FEIN http://www.irs.gov/Businesses/SmallBusinesses&Self-Employed/Employer-ID-Numbers-EINs
Entity Type (Corporation, LLC, LP, etc)	Domestic LLC member names
Registered Agent	Telephone numbers
Registered Office Address of record	Sole Proprietors
DFI Entity ID# (not to be confused with FEIN)	Tradenames (DBAs) http://www.wdfl.org/Trademarks
Charter document filing History	WI Tax Information http://www.revenue.wi.gov/
Principal Office Address, if required by law	Owners
Current Status (i.e. DIS-Dissolved, DLQ-Delinquent)	General Partnerships <i>*Unless a Partnership has filed a voluntary Statement of Partnership Authority</i>
Year indicator of most-recently filed annual report	

Orders for copies of Annual Reports, which contain Officer/Director information, and orders for any charter documents may be placed through our Online Order System at <https://www.wdfl.org/apps/ocs>

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Limited Liability Company (LLC)

■ Existence of the LLC

- If the LLC cannot be found on the DFI website, Wisconsin Standard Language – LLC 3 needs to be raised as a B-I Requirement on the Commitment.
 - LLC 3: The Company has been unable to confirm whether articles of organization as a domestic limited liability company have been filed with the Wisconsin Department of Financial Institutions, and accordingly a copy thereof certified by the Wisconsin Department of Financial Institutions shall be provided.

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Limited Liability Company (LLC)

■ Authority of LLC to Enter into Real Estate Transactions

- The Operating Agreement or related document must state the LLC can enter into real estate transactions. The following B-I requirement should be raised on the Commitment:
 - LLC 6: We should be furnished with a certified copy of the Articles of Organization and all amendments thereto of [name of company], a Wisconsin Limited Liability Company, together with its Operating Agreement and all amendments thereto. Upon receipt and examination of same, further requirements of the conveyance called for may be made.



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Limited Liability Company (LLC)

■ Authority to Execute Conveyance Documents

- Documentation must be supplied that a majority of the members approve the proposed deed or mortgage and designates an individual to sign the documentation. The following B-I requirement should be raised on the Commitment:
 - LLC 7: Furnish ATG with satisfactory evidence that the proposed deed or mortgage has been approved by a majority of the members of [name of company], a Wisconsin Limited Liability company, which approval should name the member or members authorized to execute the foregoing documents.



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Limited Liability Company (LLC)

Foreign LLCs

- A foreign LLC may not transact business in Wisconsin until it obtains a certificate of registration from the DFI. Wis. Stats. 183.1002 (1).
- The laws of the state or jurisdiction under which the foreign LLC is organized shall govern the its organization and internal affairs and the liabilities and authority of its managers and members. Wis. Stat. Sec. 183.1001 (1).



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Limited Liability Company (LLC)

Foreign LLCs

- The following B-I Requirement should be raised on the Commitment for the certificate of registration:
 - LLC 4: The Company has been unable to confirm whether articles of organization for the limited liability company have been filed in any state, and accordingly a copy thereof certified by the duly designated filing office of the foreign state of formation or a certificate of registration issued by the Wisconsin Department of Financial Institutions shall be provided.



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Limited Liability Company (LLC)

Foreign LLCs

- As with a domestic LLC, a foreign LLC must demonstrate the authority to enter into real estate transactions and authority to sign conveyance documents.
 - LLC 5: Furnishing of the operating agreement duly certified by its members as being in full force and effect, which confirms that the LLC has not been dissolved, and authorizes the [deed/mortgage/conveyance] called for. Upon review of the operating agreement the Company may raise further requirements as it deems necessary in order to effectuate a conveyance of the property.
 - NOTE: Above language can be used for any transaction; not just for Foreign LLCs.



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Limited Liability Company (LLC)

LLC Deed Requirement

- If the LLC is member-managed, the following B-I Requirement should be raised on the Commitment for executing the deed:
 - LLC 1: [Type of Deed] from [Name of Company] by all of its members to [Grantee]



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Limited Liability Company (LLC)

■ LLC Deed Requirement

- If the LLC is manager-managed the following B-I Requirement should be raised on the Commitment for executing the deed:
 - LLC 2: [Type of Deed] from [Name of Company] by its duly authorized [Member(s)/Manager(s)] to [Grantee].



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Limited Liability Company (LLC)

■ Dissolution of LLC

- An LLC can be dissolved several different ways. The members could agree to dissolve; a specified event in the operating agreement occurs calling for dissolution; judicial dissolution; or administrative dissolution by the DFI. When an LLC is dissolved, it cannot carry on any business except that which is appropriate to wind up and liquidate its business. Wis. Stat Sec. 183.0903.



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Limited Liability Company (LLC)

■ Dissolution of LLC

- If an LLC is dissolved, the following B-I Requirement should be raised on the Commitment:
 - LLC 9 Furnish ATG with a certified copy of the Articles of Dissolution authorizing the manager(s) or member(s) to execute a deed to sell the LLC's real property or furnish ATG with a certified list of all successors in title to the real estate of said LLC, and this Commitment is subject to such further exceptions, if any, as may then be deemed necessary.



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Corporation

■ Generally – Chapter 180 of the Wisconsin Statutes

- A corporation incorporated in Wisconsin has the purpose of engaging in any lawful business unless a more limited purpose is set forth in its articles of incorporation. Wis. Stat. Sec. 180.0301.



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Corporation

- **Generally – Chapter 180 of the Wisconsin Statutes**
 - A corporation has perpetual duration and succession in its corporate name and has the same powers as a natural person, which includes, among many general powers, the authority to see, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property. Wis. Stat. Sec. 180.0302(5).



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Corporation

- **Existence of the Corporation**
 - Conduct a search on the Wisconsin Department of Financial Institutions (DFI) web site.
 - Determine if the LLC is in good standing with the state to transact business.
 - Order an online "Certificate of Status" for the file.
 - <https://www.wdfi.org/apps/CorpSearch/Search.aspx>



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Corporation

Wisconsin Department of Financial Institutions
Strengthening Wisconsin's Financial Future

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Information we have...	Information we do not have...
Legal Entity Name	FEIN http://www.irs.gov/Businesses/SmallBusinesses&Self-Employed/Employer-ID-Numbers-EINs
Effective Date of initial registration	Domestic LLC member names
Entity Type (Corporation, LLC, LP, etc)	Telephone numbers
Registered Agent	Sole Proprietors
Registered Office Address of record	Tradenames (DBAs) http://www.wdfl.org/Trademarks
DFI Entity ID# (not to be confused with FEIN)	WI Tax Information http://www.revenue.wi.gov/
Charter document filing History	Owners
Principal Office Address, if required by law	General Partnerships <i>*Unless a Partnership has filed a voluntary Statement of Partnership Authority</i>
Current Status (i.e. DIS-Dissolved, DLQ-Delinquent)	
Year indicator of most-recently filed annual report	

Orders for copies of Annual Reports, which contain Officer/Director information, and orders for any charter documents may be placed through our Online Order System at <https://www.wdfl.org/apps/ocs>

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Corporation

■ Existence of the Corporation

- If Corporation cannot be found on DFI website, Wisconsin Standard Language – CORP 6 or CORP 9 needs to be raised as a B-I Requirement on the Commitment:

- CORP 6: The certificate of authority of [Name of Corporation] to do business in Wisconsin issued by the Department of Financial Institutions should be produced, and in default thereof, the policy or policies to be issued will contain the following exception:

“Consequences, if any, that may result because of the failure of the party in title to the estate or interest in the land described in Schedule A to comply with the applicable ‘doing business’ laws of the State of Wisconsin.”

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Corporation

- **Existence of the Corporation**

- If Corporation cannot be found on DFI website, Wisconsin Standard Language – CORP 6 or CORP 9 needs to be raised as a B-I Requirement on the Commitment:
 - CORP 9: Consequences, if any, that may result because of the failure of the party in title to the estate or interest in land described in Schedule A to comply with the applicable “doing business” laws.



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Corporation

- **Authority to Enter into Real Estate Transaction**

- Authority of Corporation to enter into real estate transaction is permitted by statute. Wis. Stat. Sec. 180.0302(5).



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Corporation

- **Authority to Execute Conveyance Documents**

- All corporate powers shall be exercised by or under the authority of, and the business and affairs of the corporation managed under the direction of, its board of directors, subject to any limitations set forth in the articles of incorporation. Wis. Stat. 180.0801(2).



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Corporation

- **Authority to Execute Conveyance Documents**

- The board of directors can be actively involved in the day-to-day management of the corporation or it may delegate that responsibility to the appropriate officers and employees of the business.



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Corporation

■ Authority to Execute Conveyance Documents

- One of the following B-I Requirements should be raised on the Commitment:
 - CORP 3: The Company shall be furnished a certified copy of the resolution of the board of directors of the corporation adopted at the meeting duly called for that purpose authorizing the execution of the [deed/mortgage/conveyance] called for herein.



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Corporation

■ Authority to Execute Conveyance Documents

- One of the following B-I Requirements should be raised on the Commitment:
 - CORP 2: The Company shall be furnished with a certified copy of the resolution of the board of directors of the corporation adopted at the meeting duly called for that purpose authorizing the execution of the [deed/mortgage/conveyance] called for. Unless the resolution confirms that the [deed/mortgage/conveyance] conveys less than substantially all of the corporation's property or that the conveyance is in the usual course of business, a resolution of the shareholders shall also be provided.



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Corporation

■ Authority to Execute Conveyance Documents

- One of the following B-I Requirements should be raised on the Commitment:
 - Requirement – Corporation Domestic Active: Furnish ATG with a certified copy of the proper resolutions passed by the Stockholders or Board of Directors authorizing the execution of the deed or mortgage, and this commitment and any policies committed for thereunder, are subject to such further exceptions as may then be deemed necessary.



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Corporation

■ Authority to Execute Conveyance Documents

- One of the following B-I Requirements should be raised on the Commitment:
 - Furnish ATG with a Certificate of Status from the Wisconsin Department of Financial Institutions verifying domestic incorporation in the State of Wisconsin. The failure to produce the certificate will result in the policy or policies to be issued to contain the following exception:

“Consequences, if any, that may result because of the failure of the party in title to the estate or interest in the Land described in Schedule A to comply with the applicable ‘doing business’ laws of the State of Wisconsin.”



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Corporation

■ Foreign Corporations

- A foreign corporation may not transact business in Wisconsin until it obtains a Certificate of Authority from the DFI. Wis. Stat. sec. 180.1501. A B-I requirement should be raised on the Commitment for the Certificate of Authority:
 - CORP 5 - Foreign Corporation: We should be furnished with satisfactory proof of the legal existence of [Name of Corporation], a foreign corporation.



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Corporation

■ Corporation Deed Requirement

- A corporate resolution, articles of incorporation, or bylaws must identify who has the authority to execute conveyance documents. The following B-I Deed Requirement should be raised on the Commitment:
 - CORP 1: [Type of Conveyance] from [Name of Corporation] by not less than one officer to [Grantee].



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Corporation

■ Dissolution of Corporation

- A dissolved corporation continues its corporate existence but may not carry on any business except that which is appropriate to wind up and liquidate its business and affairs. Wis. Stat. Sec. 180.1405(1).



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Corporation

■ Dissolution of Corporation

- If a Corporation is dissolved, the following B-I Requirement should be raised on the Commitment:
 - CORP 7: [Name of Corporation], a Wisconsin Corporation, was dissolved on [date of dissolution]. We note the following with respect thereto and this Commitment is subject to the following exceptions:
 1. Rights of the creditors of said corporation, including the United States of America;
 2. Right, title, and interest of the stockholders/members of said corporation and those claiming under them;
 3. Franchise tax in favor of the State of Wisconsin, against [Name of Corporation], a Wisconsin corporation.



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Power of Attorney for Finances and Property

- **Generally - Chapter 244 of the Wisconsin Statutes**

- “Power of Attorney” (POA) means a writing or other record that grants authority to an agent to act in place of the principal, whether or not the term “Power of Attorney” is used. Wis. Stat. Sec. 244.02(9).



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Power of Attorney for Finances and Property

- **Generally - Chapter 244 of the Wisconsin Statutes**

- Wisconsin has a statutory approved form that should be used when creating a POA. Wis. Stat. sec. 244.61. The POA can be tailored to fit the needs of the principal. The agent must be given general authority to act over the principal's real estate.
 - ATG Form 4003-WI
<https://www.atgf.com/sites/default/files/forms/4000/4003-WIi.pdf>
 - Wisconsin Department of Health Services Form F-00036
<https://www.dhs.wisconsin.gov/forms/advdirectives/f00036.pdf>



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Wisconsin Statutory Form Power of Attorney for Finances and Property

ATG Form 4003-WI
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ATTORNEYS' TITLE GUARANTY FUND, INC.
**WISCONSIN STATUTORY FORM
POWER OF ATTORNEY
FOR FINANCES AND PROPERTY**

Mail Document to:

PIN: _____

IMPORTANT INFORMATION

THIS POWER OF ATTORNEY AUTHORIZES ANOTHER PERSON (YOUR AGENT) TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU (THE PRINCIPAL). YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF. THE MEANING OF AUTHORITY OVER SUBJECTS LISTED ON THIS FORM IS EXPLAINED IN THE UNIFORM POWER OF ATTORNEY FOR FINANCES AND PROPERTY ACT IN CHAPTER 244 OF THE WISCONSIN STATUTES.

THIS POWER OF ATTORNEY DOES NOT AUTHORIZE THE AGENT TO MAKE HEALTHCARE DECISIONS FOR YOU. YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT, UNLESS YOU SPECIFY OTHERWISE. GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.

YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

THIS FORM PROVIDES FOR DESIGNATION OF ONE AGENT. IF YOU WANT TO NAME MORE THAN ONE AGENT, YOU MAY NAME A CO-AGENT IN THE SPECIAL INSTRUCTIONS. CO-AGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCTIONS.

IF YOUR AGENT IS UNABLE OR UNWILLING TO ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NAME A SECOND SUCCESSOR AGENT.

THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS. THIS POWER OF ATTORNEY DOES NOT REVOKE ANY POWER OF ATTORNEY EXECUTED PREVIOUSLY UNLESS YOU SO PROVIDE IN THE SPECIAL INSTRUCTIONS.

IF YOU REVOKE THIS POWER OF ATTORNEY, YOU SHOULD NOTIFY YOUR AGENT AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY. IF YOUR AGENT IS YOUR SPOUSE OR DOMESTIC PARTNER AND YOUR MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR LEGALLY SEPARATED OR THE DOMESTIC PARTNERSHIP IS TERMINATED AFTER SIGNING THIS DOCUMENT, THE DOCUMENT IS INVALID.

IF YOU HAVE QUESTIONS ABOUT THE POWER OF ATTORNEY OR THE AUTHORITY YOU ARE GRANTING TO YOUR AGENT, YOU SHOULD SEEK LEGAL ADVICE BEFORE SIGNING THIS FORM.

ATG FORM 4003-WI
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Wisconsin Statutory Form Power of Attorney for Finances and Property

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DESIGNATION OF AGENT

_____ name the following person as my agent:

Agent's Name: _____
Address: _____ Phone: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Successor Agent's Name: _____
Address: _____ Phone: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Second Successor Agent's Name: _____
Address: _____ Phone: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney for Finances and Property Act in chapter 244 of the Wisconsin statutes:

INITIAL each subject you want to include in the agent's general authority.

Initials	Initials
_____ Real property	_____ Estates, trusts, and other beneficial interests
_____ Tangible personal property	_____ Claims and litigation
_____ Stocks and bonds	_____ Personal and family maintenance
_____ Commodities and options	_____ Benefits from governmental programs or civil or military service
_____ Banks and other financial institutions	_____ Retirement plans
_____ Operation of entity or business	_____ Taxes
_____ Insurance and annuities	

LIMITATION ON AGENT'S AUTHORITY

An agent who is not my spouse or domestic partner MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the special instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions in the following space:

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Wisconsin Statutory Form Power of Attorney for Finances and Property

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EFFECTIVE DATE
This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

NOMINATION OF GUARDIAN (OPTIONAL)
If it becomes necessary for a court to appoint a guardian of my estate or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for Guardian of My Estate: _____
Address: _____ Phone: _____
Name of Nominee for Guardian of My Person: _____
Address: _____ Phone: _____

RELIANCE ON THIS POWER OF ATTORNEY FOR FINANCES AND PROPERTY
Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows that the power of attorney has been terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Signature of Principal	Address
Name of Principal (Print)	City, State, Zip
Date	Phone

STATE OF: _____ }
COUNTY OF: _____ } SS

This document was acknowledged before me on: _____ Date by _____ Name of Principal

Signature of Notary
(Not, if any) My commission expires: _____ Date

This document was prepared by: _____

IMPORTANT INFORMATION FOR AGENT AGENT'S DUTIES
WHEN YOU ACCEPT THE AUTHORITY GRANTED UNDER THIS POWER OF ATTORNEY, A SPECIAL LEGAL RELATIONSHIP IS CREATED BETWEEN YOU AND THE PRINCIPAL. THIS RELATIONSHIP IMPOSES UPON YOU LEGAL DUTIES THAT CONTINUE UNTIL YOU RESIGN OR THE POWER OF ATTORNEY IS TERMINATED OR REVOKED. YOU MUST DO ALL OF THE FOLLOWING:

- (1) DO WHAT YOU KNOW THE PRINCIPAL REASONABLY EXPECTS YOU TO DO WITH THE PRINCIPAL'S PROPERTY OR, IF YOU DO NOT KNOW THE PRINCIPAL'S EXPECTATIONS, ACT IN THE PRINCIPAL'S BEST INTEREST.
- (2) ACT IN GOOD FAITH.
- (3) DO NOTHING BEYOND THE AUTHORITY GRANTED IN THIS POWER OF ATTORNEY.

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Wisconsin Statutory Form Power of Attorney for Finances and Property

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(4) DISCLOSE YOUR IDENTITY AS AN AGENT WHENEVER YOU ACT FOR THE PRINCIPAL BY WRITING OR PRINTING THE NAME OF THE PRINCIPAL AND SIGNING YOUR OWN NAME AS "AGENT" IN THE FOLLOWING MANNER:

(Principal's Name) by (Your Signature) as agent

UNLESS THE SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY STATE OTHERWISE, YOU MUST ALSO DO ALL OF THE FOLLOWING:

- (1) ACT LOYALLY FOR THE PRINCIPAL'S BENEFIT.
- (2) AVOID CONFLICTS THAT WOULD IMPAIR YOUR ABILITY TO ACT IN THE PRINCIPAL'S BEST INTEREST.
- (3) ACT WITH CARE, COMPETENCE, AND DILIGENCE.
- (4) KEEP A RECORD OF ALL RECEIPTS, DISBURSEMENTS, AND TRANSACTIONS MADE ON BEHALF OF THE PRINCIPAL.
- (5) COOPERATE WITH ANY PERSON THAT HAS AUTHORITY TO MAKE HEALTHCARE DECISIONS FOR THE PRINCIPAL TO DO WHAT YOU KNOW THE PRINCIPAL REASONABLY EXPECTS OR, IF YOU DO NOT KNOW THE PRINCIPAL'S EXPECTATIONS, TO ACT IN THE PRINCIPAL'S BEST INTEREST.
- (6) ATTEMPT TO PRESERVE THE PRINCIPAL'S ESTATE PLAN IF YOU KNOW THE PLAN AND PRESERVING THE PLAN IS CONSISTENT WITH THE PRINCIPAL'S BEST INTEREST.

TERMINATION OF AGENT'S AUTHORITY
YOU MUST STOP ACTING ON BEHALF OF THE PRINCIPAL IF YOU LEARN OF ANY EVENT THAT TERMINATES THIS POWER OF ATTORNEY OR YOUR AUTHORITY UNDER THIS POWER OF ATTORNEY. EVENTS THAT TERMINATE A POWER OF ATTORNEY OR YOUR AUTHORITY TO ACT UNDER A POWER OF ATTORNEY INCLUDE ALL OF THE FOLLOWING:

- (1) DEATH OF THE PRINCIPAL.
- (2) THE PRINCIPAL'S REVOCATION OF THE POWER OF ATTORNEY OR YOUR AUTHORITY.
- (3) THE OCCURRENCE OF A TERMINATION EVENT STATED IN THE POWER OF ATTORNEY.
- (4) THE PURPOSE OF THE POWER OF ATTORNEY IS FULLY ACCOMPLISHED.
- (5) IF YOU ARE MARRIED TO THE PRINCIPAL, A LEGAL ACTION IS FILED WITH A COURT TO END YOUR MARRIAGE, OR FOR YOUR LEGAL SEPARATION, UNLESS THE SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY STATE THAT SUCH AN ACTION WILL NOT TERMINATE YOUR AUTHORITY.
- (6) IF YOU ARE THE PRINCIPAL'S DOMESTIC PARTNER AND YOUR DOMESTIC PARTNERSHIP IS TERMINATED, UNLESS THE SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY STATE THAT SUCH AN ACTION WILL NOT TERMINATE YOUR AUTHORITY.

LIABILITY OF AGENT
THE MEANING OF THE AUTHORITY GRANTED TO YOU IS DEFINED IN THE UNIFORM POWER OF ATTORNEY FOR FINANCES AND PROPERTY ACT IN CHAPTER 244 OF THE WISCONSIN STATUTES. IF YOU VIOLATE THE UNIFORM POWER OF ATTORNEY FOR FINANCES AND PROPERTY ACT IN CHAPTER 244 OF THE WISCONSIN STATUTES OR ACT OUTSIDE THE AUTHORITY GRANTED, YOU MAY BE LIABLE FOR ANY DAMAGES CAUSED BY YOUR VIOLATION.
IF THERE IS ANYTHING ABOUT THIS DOCUMENT OR YOUR DUTIES THAT YOU DO NOT UNDERSTAND, YOU SHOULD SEEK LEGAL ADVICE.

OPTIONAL SIGNATURE OF AGENT
I HAVE READ AND ACCEPT THE DUTIES AND LIABILITIES OF THE AGENT AS SPECIFIED IN THIS POWER OF ATTORNEY.

Signature of Agent	Date
--------------------	------

(APPENDIX FOLLOWS)

ATG FORM 4003-WI
© ATG (REV. 11/13)

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Page 4 of 4



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin

ATG LEGAL EDUCATION Entities and Authority in Wisconsin Title Examination



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Power of Attorney for Finances and Property

■ Existence of the POA

- If the POA has not been provided prior to closing, the following B-I Requirement should be raised:
 - POA 2: Furnish ATG with an executed and acknowledged Power of Attorney that is in recordable form. Said Power of Attorney must be reviewed by the ATG Underwriting Department prior to the execution of any conveyance documents.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Power of Attorney for Finances and Property

■ Authority and Approval of the POA

- If the POA has been provided prior to closing, the following B-I Requirement should be raised:
 - POA 1: The above [deed or mortgage] may be executed by [Name of Grantor] by his/her/their/ attorney(s)-in-fact, pursuant to the Power(s) of Attorney recorded as Document No. *, providing said power(s) has/have not been revoked at the date of the execution of said [deed or mortgage].



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Power of Attorney for Finances and Property

■ The POA Must Be Recorded

- If not recorded, one of the following B-I Requirements should be raised:
 - POA 4: The conveyance called for contemplates conveyance by a power of attorney. A satisfactory copy of the power of attorney has been provided to the company; the original power shall be recorded in the Office of the Register of Deeds.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Power of Attorney for Finances and Property

■ The POA Must Be Recorded

- If not recorded, one of the following B-I Requirements should be raised:
 - POA 5: The conveyance called for herein contemplates a conveyance pursuant to the terms of a power of attorney. The Company has reviewed the proposed power of attorney and finds that it meets the Company's requirements except that it is not recordable in its present form. An original power of attorney shall be provided to the Company for recording, along with the correct fees for recording.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Trust

- **Generally – Chapter 701 of the Wisconsin Statutes**
 - A trust is a separate legal entity that is created to help a person distribute property. A trust is a written set of rules that determine how, what, when, and where property is to be distributed to an heir or beneficiary. There are many types of trust vehicles, such as testamentary trust, inter vivos (living) trust, charitable trust, special needs trust, and revocable or irrevocable trusts.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Trust

- **Generally – Chapter 701 of the Wisconsin Statutes**
 - The settlor is an individual who creates or contributes property to a trust. The trustee is the individual responsible for managing and preserving trust property. The beneficiaries of the trust are the individuals who receive trust assets according to the terms the trust establishes for distributions.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Trust

■ Existence of the Trust

- In order for a trust to convey a real property interest, the trust must legally exist. The following B-I Requirement should be raised when the grantor is a trust:
 - TRUST 7: ATG should be advised as to whether the trust under which title to the Land is held is still in force and effect, and this Commitment is subject to such further exceptions, if any, as may be deemed necessary.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Trust

■ Authority and Approval of the Trust

- The trust must be reviewed to determine powers and validity of the trust. It is conclusively presumed that a person is a trustee of a valid express trust and has full power of conveyance if all of the following occur:
 1. The person is designated as trustee and holds an interest in land as a trustee.
 2. The person's authority and powers as trustee are not set forth in a recorded instrument.
 3. The person conveys an interest in land as trustee to a good faith purchaser.

Wis. Stat. Sec. 706.08(4).



Tom Cullen
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Waukesha, Wisconsin



Trust

■ Authority and Approval of the Trust

- The following B-I requirement should be raised on the Commitment if the property to be transferred is held in trust:
 - TRUST 2: The Company shall be provided with a copy of the trust agreement of the [Name of Trust], vestee, in order to determine the identity of the trustee(s), to determine that the trust is a valid entity and to determine that the trustee(s) is/are duly authorized to execute the [deed/mortgage/conveyance] called for herein. Upon review of the aforementioned trust agreement, the Company may make such further requirements as it deems necessary in order to affect a conveyance of the property.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Trust

■ Trustee's Deed Requirement

- Real property of the trust is conveyed using a Trustee's Deed (State Bar of Wisconsin Form 7-2003). The following B-I Deed requirement should be raised on the Commitment if the property to be conveyed is being held in trust:
 - TRUST 1: Trustee's Deed to be executed by the duly authorized trustee of the [Name of Trust] to [Name of Buyer/Grantee].



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Trustee's Deed

State Bar of Wisconsin Form 7-2003 ATG Form 4152-WI

SAMPLE

State Bar of Wisconsin Form 7-2003
TRUSTEE'S DEED

Document Number _____ Document Name _____

THIS DEED, made between _____ as Trustee of _____ ("Grantor," whether one or more), and _____ ("Grantee," whether one or more), Grantor conveys to Grantee, without warranty, the following described real estate, together with the rents, profits, fixtures, and other appurtenant interests, in _____ County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Name and Return Address

Parcel Identification No. (PIN) _____
This _____ homestead property.
(is) (is not)

Dated _____

(SEAL) _____ (SEAL)

(SEAL) _____ (SEAL)

AUTHENTICATION

Signature(s) _____ STATE OF WISCONSIN _____ } ss.
authenticated on _____, _____ COUNTY }

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. § 706.06)
THIS INSTRUMENT DRAFTED BY: _____

ACKNOWLEDGMENT

Personally came before me on _____, the above-named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin
My Commission (is permanent) (expires: _____)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED. FORM NO. 7-2003

TRUSTEE'S DEED
*Type name below signature.
ATG FORM 4152-WI
(1/06)

Prepared by ATG Resource®

FOR USE IN: WI



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin

Trust

■ Certification of Trust

- Instead of furnishing a copy of the trust instrument to a person other than a beneficiary, the trustee may furnish to the person (title company) a certification that the trust legally exists and that the trustee can execute conveyance documents to transfer the real property interest. See Wis. Stat. Sec. 701.1013.
- Certification of Trust (ATG Form 4128-WI)
<https://www.atgf.com/sites/default/files/forms/4000/4128-WIi.pdf>



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin

Certification of Trust ATG Form 4128-WI

SAMPLE

ATTORNEYS' TITLE GUARANTY FUND, INC.

CERTIFICATION OF TRUST (WISCONSIN)

Commitment No.:

The undersigned, being first duly sworn, depose(s), state(s), and warrant(s), that:

1. **Purpose:** This "Certification of Trust" is being made pursuant to Section 701.1013, Wis. Stats.
2. **Conveyance:** The Trust, or the trustee(s) of the Trust, is/are the owner(s) or prospective owner(s) of the property ("Property") described in the above-referenced commitment ("Commitment") requiring a conveyance ("Conveyance"). The undersigned acknowledge(s) that the purchaser, lender, and other parties entering into or participating in the Conveyance will rely on the representations in this Certification of Trust as authorized by Section 701.1013, Wis. Stats. The undersigned acknowledge(s) that the Companies will also rely on the representations in this Certification of Trust.
3. **Trust Name:** The following trust exists as of the date of this Certification ("Trust"):

 Name of Trust, including All Amendments to That Name
4. **Trust Date:** The Trust was executed on: _____
5. **Settlor(s):** The settlor(s) of the Trust are: _____
6. **Current Trustees:** The names and addresses of the current acting trustee(s) ("Trustee(s)") of the Trust are:

7. **Powers of Trustees:** The powers of the Trustee(s) include the power to enter into the Conveyance, including execution and delivery of a deed and/or mortgage as required by the Commitment.
8. **Revocability:** (Initial which applies and strike the other.)
 a. The Trust is irrevocable. _____ (Initial)
 b. The Trust is revocable and _____ has the power to revoke the Trust. _____ (Initial)
9. **Execution of Conveyance Documents:** The undersigned confirm(s) that the undersigned have/has the authority to sign all documents for the Conveyance for and on behalf of the Trust and that: (Initial which applies and strike the others.)
 a. There is only one current acting Trustee. _____ (Initial)
 b. There are more than one current acting Trustee and the Trust provides that _____ (No.) Trustee(s) are required to sign in order to exercise powers under the Trust. _____ (Initial)
 c. The undersigned are all of the current acting Trustees of the Trust and the Trust provides that ALL Trustees are required to sign in order to exercise powers under the Trust. _____ (Initial)
10. **Representation:** The Trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this Certification to be incorrect.
11. **Indemnity:** ("Agent", as agent for the title insurance underwriter named in the Commitment ("Underwriter"), (Agent and Underwriter are collectively referred to as "Companies") will rely upon the statements and representations in this Certification to issue its title insurance policy or policies for the Property. The undersigned, jointly and severally, agree to indemnify and hold the Companies harmless from and against any loss or damage caused by misrepresentations, inaccuracies, and/or omissions in this Certification, plus any costs, expenses, damages, or liability, including attorneys' fees, arising from the enforcement of this indemnification.

Subscribed and sworn to before me this _____

Name (Print)

Day _____ Month _____ Year _____

Signature

Notary Public

My commission expires: _____

Name (Print)

Signature

ATG FORM 4128-WI
© ATG (2017)

FOR USE IN: WI



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin

ATG LEGAL EDUCATION Entities and Authority in Wisconsin Title Examination



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Probate

- **Generally – Chapters 851 to 882 of the Wisconsin Statutes**
 - Probate in general terms is the various judicial procedures made available by statutes, rules, and caselaw, which govern the distribution of the decedent's property at the time of death.



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Waukesha, Wisconsin

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Probate

- **Generally – Chapters 851 to 882 of the Wisconsin Statutes**
 - There are several types of probate procedures, such as formal and informal probate, summary settlements, summary assignments, transfers by affidavit, special administrations, etc.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Probate

- **Existence of the Estate**
 - Determine if the estate has been probated by conducting a statewide search on the Wisconsin Circuit Court Access Program (CCAP).
 - <https://wcca.wicourts.gov/simpleCaseSearch.xsl?jsessionid=1A4D63292A1A699DED02E9264B19D7EA.render6>



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Probate

WISCONSIN COURT SYSTEM
CIRCUIT COURT ACCESS

search calendar pay fees online reports help view cart (0 items)

Simple Case Search

Party Name Last First Middle
☒ When searching using the Middle Name field, also show parties without a middle name
Enter at least 3 characters of the last name and either a first or middle name. If you do not know the full name, enter part of the name and the wildcard symbol: '*'. Example: Acme*

Birth Date Example: 11/10/1977
☒ When searching using the Birth Date field, also show parties without a birth date

Business Name
Enter at least 3 characters of the business name. If you do not know the full name, enter part of the name and the wildcard symbol: '*'. Example: Acme*

County

Case Number Example: Type 02cf1 for case 2002CF000001

Records/Screen



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin

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Probate

■ Existence of the Estate

- If the estate has not been opened, the following B-I Requirement should be raised:
 - PROBATE 2: It appears that [Name of Decedent] is deceased. However, no appropriate proceedings have been commenced. Said estate proceedings shall be commenced and a [Personal Representative or Special Administrator] shall be appointed and named as party defendant in the foreclosure action called for.



Tom Cullen
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Waukesha, Wisconsin

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Probate

- **Authority to Act on Behalf of the Estate**

- Domiciliary Letters give the Personal Representative (PR) or Special Administrator (SA) the official authority to act. Upon issuance of these letters, title to the decedent's probate assets vests in the Personal Representative and, unless restricted by the provisions of the will, is granted the general powers over the estate. Review the domiciliary letters to make sure the PR or SA has the authority convey real property.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Probate

- **Authority to Act on Behalf of the Estate**

- If a probate estate has been opened but domiciliary letters have not been produced, the following B-I Requirement should be raised:
 - PROBATE 7: A certified copy of the domiciliary letters issued by a Circuit Court of Wisconsin authorizing [Name of Special Administrator or Personal Representative] to act as [Special Administrator or Personal Representative] over decedent's estate with the power to convey decedent's real property.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Probate

■ Personal Representative's Deed

- Real property of the decedent's estate is conveyed using a Personal Representative's deed (State Bar of Wisconsin Form 5-2003). The following B-I Deed requirement should be raised on the Commitment if the property to be conveyed is in decedent's estate:
 - PROBATE 15: Personal representative's deed from [Name of PR], Personal Representative of the estate of [Name of Decedent], deceased, to [Grantee/Buyer]. The deed should recite that the decedent was not married at the time of death or should be joined in by the surviving spouse.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Personal Representative's Deed

State Bar of Wisconsin
Form 5-2003
ATG Form 4150-WI

SAMPLE

State Bar of Wisconsin Form 5-2003
PERSONAL REPRESENTATIVE'S DEED

Document Number _____ Document Name _____

THIS DEED, made between _____ as Personal Representative of the estate of _____, ("Decedent") ("Grantor," whether one or more), and _____ ("Grantee," whether one or more). Grantor conveys to Grantee, without warranty, the following described real estate, together with the rents, profits, fixtures, and other appurtenant interests, in _____ County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Name and Return Address _____

Parcel Identification No. (PIN) _____
This _____ homestead property.
(if in two)

Personal Representative by this Deed does convey to Grantee all of the estate and interest in the Property, which Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property, which the Personal Representative has since acquired.

Dated _____
PERSONAL REPRESENTATIVE:

_____, (SEAL) _____, (SEAL)
_____, (SEAL) _____, (SEAL)

AUTHENTICATION

Signature(s) _____
authenticated on _____

_____,
TITLE MEMBER STATE BAR OF WISCONSIN
(If not,
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

_____,
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: _____)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
_____, ss. _____)
COUNTY)

Personally came before me on _____ the above-named to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.
PERSONAL REPRESENTATIVE'S DEED © 2003 STATE BAR OF WISCONSIN FORM NO. 5-2003
*Type name below signature.
ATG FORM 4150-WI 1/05/04 Prepared by ATG REsource® FOR USE IN WI



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Non-Probate Transfer

■ Non-Probate Transfer (HT-110)

- Wisconsin Register of Deeds Association Form HT-110 is used to provide notice that a person having one of the following interests in property died and the decedent's interest in the property has been terminated:
 - Joint tenancy
 - Life tenant
 - Vendor's Interest in a Land Contract
 - Interest Passing under Wis. Stat. Sec 705.10 (1)
 - Survivorship Marital Property
 - Interest Passing under 705.15 – Transfer on Death Deeds
 - Interest Passing under a Marital Property Agreement



Tom Cullen
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Waukesha, Wisconsin



Non-Probate Transfer

■ Non-Probate Transfer (HT-110)

- A new HT-110 was approved for use on October 5, 2017.
 - https://docs.wixstatic.com/ugd/b75751_0762fcc3f881436985fd1d171cf67efe.pdf
- The new form combines into one form the prior Application for the Termination of Decedent's Interest (HT-110) and the Transfer on Death to Beneficiary (TOD-110). The new form can be used with a deed that previously established a joint tenancy, life estate, or a recorded Transfer on Death Deed. A Department of Revenue Electronic Real Estate Transfer Return Receipt is required to be submitted with the HT-110 for recording.



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Waukesha, Wisconsin



Termination of Decedent's Interest

Wisconsin Register of Deeds Form HT-110 and TOD-110

TERMINATION OF DECEDENT'S INTEREST

DECEDENT'S NAME	DATE OF DEATH		
DECEDENT'S ADDRESS AT DATE OF DEATH	CITY	ST	ZIP

THE INTEREST OF THE DECEDENT IN THE PROPERTY LEGALLY DESCRIBED HEREIN IS TERMINATED PURSUANT TO THE FOLLOWING WISCONSIN STATUTE AND TRANSFERRED AS PROVIDED BY STATUTE:

☐ 867.045 – real property in which the decedent was a joint tenant, had a vendor's or mortgagee's interest, or had a life estate

☐ 867.046 – property of a decedent specified in a marital property agreement, survivorship marital property, a third party confirmation, or a nonprobate transfer on death as described in 705.10(1) or 705.15.

DOCUMENT UNDER WHICH DECEDENT'S INTEREST IN THE PROPERTY IS NOW TERMINATED – Copy(ies) of which is/are attached:

Recorded Document No. _____ Volume _____ Page _____ Parcel Identification Number: _____

☐ Deed ☐ Transfer on Death ☐ Land Contract ☐ Mortgage ☐ Other _____

Unrecorded Document: ☐ Marital Property Agreement ☐ Other _____

DESCRIPTION OF THE PROPERTY TRANSFERRED (check all that apply):

☐ REAL PROPERTY – legal description as set forth in the attached/referenced and previously recorded document

☐ REAL PROPERTY – current legal description if different than the foregoing document

☐ NON-REAL PROPERTY – property identified in the attached document, including: digital property, bank accounts and securities

Name(s) and address of owner(s) of the property immediately after the decedent's death, attach additional names & addresses if more than one owner:

Interest of the signer of this document in the property:

☐ joint tenant ☐ remainder person if a life estate

☐ mortgagee ☐ land contract vendor

☐ decedent's spouse ☐ beneficiary of a marital property agreement

☐ beneficiary of a transfer under 705.10(1) or 705.15

☐ Other _____

DECLARATION: To the best of undersigned's knowledge and belief, the undersigned declares that this document is true, accurate, complete and in conformity with the provisions and limitations of the Wisconsin Statutes.

DATE: _____

DECLARANT SIGNATURE _____ STATE OF _____

X _____ COUNTY OF _____

PRINT NAME: _____

Signature of Notary or other person authorized to administer an oath (see 706.06, 706.07)

sworn to before me on: _____, subscribed and above named person(s) who executed this document and acknowledged the same.

THIS DOCUMENT WAS DRAFTED BY: _____

Print Name: _____

Notary Public, State of _____

My Commission (to permanent) (expires) _____

THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

TERMINATION OF DECEDENT'S INTEREST – Wisconsin Reg. of Deeds Association form HT-110 and TOD-110. Approved 10.5.17



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin

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Instructions for Completing Wisconsin's Termination of Decedent's Interest Form

INSTRUCTIONS FOR COMPLETING WISCONSIN'S TERMINATION OF DECEDENT'S INTEREST FORM

Wisconsin Reg. of Deeds Association form HT-110 and TOD-110. Approved 10.5.17

PURPOSE OF THE FORM:

Pursuant to Sections 867.045 and 867.046 of the Wisconsin Statutes, this form is to be used to provide public notice that a person having one of the following interests in property died and the decedent's interest in the property is terminated:

- joint tenant
- life tenant
- vendor's interest in a land contract
- mortgagee's interest in a mortgage
- interest passing under 705.10(1)
- survivorship marital property
- interest passing under 705.15
- interest passing under a marital property agreement

WHO MAY SIGN THE FORM:

If the decedent had one of the following interests in real property which terminated on the decedent's death, then any person interested in the property may sign the form (see 867.045):

- joint tenant
- life tenant
- vendor's interest in a land contract
- mortgagee's interest in a mortgage

If the decedent had one of the following interests in property (real and non-real) which terminated on the decedent's death, then only the person(s) identified below may sign the form (see 867.046):

- interest passing under 705.10(1) – must be signed by the beneficiary of the transfer under 705.10(1)
- survivorship marital property – must be signed by the decedent's spouse
- interest passing under 705.15 – must be signed by a person designated as a transfer on death beneficiary under 705.15
- interest passing under a marital property agreement – must be signed by a beneficiary of a marital property agreement

Notwithstanding the foregoing, for a termination under 867.046 any interested person may sign the form if the personal representative, the decedent's spouse, a beneficiary of a marital property agreement or TOD beneficiary does not commence proceedings to confirm an interest under 867.046 or 865.20, within 90 days after the decedent's death (see 867.046(2)(b)).

COMPLETING THE FORM:

Complete the form accurately and legibly. Check appropriate boxes, identify who owned the property immediately following the decedent's death and include address(es) for each owner(s). Attach the applicable documents and information. Signature(s) must be notarized.

If the transfer is pursuant to a Marital Property Agreement ("MPA") signed by the decedent, at a minimum attach the 1st page of unrecorded document, page(s) of the recorded document identifying how the decedent intended the property to be transferred, and the signature page(s) of the MPA.

If the transfer is pursuant to a unrecorded document other than a Marital Property Agreement (which may include a Trust) signed by the decedent, at a minimum attach the 1st page of unrecorded document, page(s) of the recorded document identifying how the decedent intended the property to be transferred, and the signature page(s).

WHAT PROPERTY MAY BE TRANSFERRED AND DESCRIBING THE PROPERTY:

For real property, include the complete and accurate legal description of each parcel of real property. EXCLUDE from the legal description any portion of the real property conveyed prior to the decedent's death. If your county requires a parcel identification number, that number is found on the property tax bill. Check with your county Register of Deeds to see if a parcel identification number is required.

For non-real property, include adequate identifying information for such non-real property. The identifying information should provide the name of company/holder, the full 3-digit or account or certificate numbers, applicable addresses, the ownership interests being transferred (such as number of shares of stock, percentage interest in an LLC or partnership), and any other appropriate identifying information.

Examples of non-real property which may be transferred using this form include, but are not limited to, interests in the following: savings or checking account, a security, a mortgagee's interest in a mortgage, insurance policy, contract of employment, bond, mortgage, promissory note, certificate or identification of security, account agreement, custodial agreement, deposit agreement, compensation plan, pension plan, individual retirement plan, employee benefit plan, trust, conveyance, online tool, as defined in 711.03 (18) (digital property), deed of gift, and marital property agreement (see 705.10 and 867.046).

WHERE TO RECORD THE FORM:

For real property, record the form with the Register of Deeds of the county in which the real property is located. If the decedent had an interest in more than one parcel of real property, and the relevant real property is located in different counties, a separate form must be recorded with the Register of Deeds of each county in which the relevant real property is located.

For non-real property only, record the form with the Register of Deeds of the county where the decedent last resided.

A list of the Registers of Deeds is located on the Wisconsin Register of Deeds Association website: <http://www.wisconsinreg.org/>

WHAT TO SUBMIT TO THE REGISTER OF DEEDS:

Include the following when submitting the form to the Register of Deeds:

- ☐ Certified copy of the decedent's death certificate.
- ☐ A copy of the document identifying the decedent's interest terminated and transferred (e.g., deed, land contract, Transfer on Death Document, Marital Property Agreement, etc.).
- ☐ For real property, the legal description of the property (if different than the legal description set forth in the document above).
- ☐ For real property, if required by the county, a copy of the real estate tax bill for each parcel for the year immediately preceding the decedent's death. Check the WRDA website to be certain. <https://www.wisconsinreg.org/tax-bill>
- ☐ For real property, a completed Wisconsin Electronic Real Estate Transfer Receipt¹. See: <http://www.wisconsinreg.org/index.html>
- ☐ For non-real property, adequate identifying information
- ☐ If necessary, name(s) and address(es) of additional owner(s) of the property immediately after the decedent's death.
- ☐ Recording fee in the amount of \$30 made payable to "Register of Deeds" (amount as of 10.5.17 see <http://www.wisconsinreg.org/>)

MORE QUESTIONS?

Contact your Register of Deeds for information on recording requirements (<http://www.wisconsinreg.org/>). Please ask your attorney for help with legal questions. The Register of Deeds www.wisconsinreg.org provide you legal advice.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin

ATG LEGAL EDUCATION Entities and Authority in Wisconsin Title Examination



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Non-Probate Transfer

■ Non-Probate Transfer (HT-110)

- The following B-I Deed requirement should be raised on the Commitment if the decedent's interest can be eliminated by the non-probate transfer.
 - PROBATE 3: An application for the Termination of Decedent's Interest and Confirmation of Applicant's Interest in Property (Form HT-110) should be duly recorded pursuant to Wisconsin Statutes Sec. 867.045 in order to terminate the joint tenancy of [Name of Decedent], who died on [Date of Death].



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Insuring Successor Entities



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Definition of “Insured”

- The “Insured” is the person or entity named in Schedule A and successors, as defined in the Conditions section of the Definition of Terms in the ALTA Policy.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



Definition of “Insured”

1. Definition of Terms

- (d) “Insured”: The Insured named in Schedule A.
 - (i) the term “Insured” also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;



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Waukesha, Wisconsin



Definition of “Insured”

1. Definition of Terms

- (d) “Insured”: The Insured named in Schedule A.
 - (i) the term “Insured” also includes
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;



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Waukesha, Wisconsin



Definition of “Insured”

1. Definition of Terms

- (d) “Insured”: The Insured named in Schedule A.
 - (i) the term “Insured” also includes
 - (C) successors to an Insured by its conversion to another kind of Entity;



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Waukesha, Wisconsin



Definition of “Insured”

1. Definition of Terms

- (d) “Insured”: The Insured named in Schedule A.
 - (i) the term “Insured” also includes
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,



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Definition of “Insured”

1. Definition of Terms

- (d) “Insured”: The Insured named in Schedule A.
 - (i) the term “Insured” also includes
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (2) if the grantee wholly owns the named Insured,



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Definition of “Insured”

1. Definition of Terms

- (d) “Insured”: The Insured named in Schedule A.
 - (i) the term “Insured” also includes
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or



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Definition of “Insured”

1. Definition of Terms

- (d) “Insured”: The Insured named in Schedule A.
 - (i) the term “Insured” also includes
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.



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Waukesha, Wisconsin



Definition of “Insured”

■ 1. Definition of Terms

- (d) “Insured”: The Insured named in Schedule A.
 - (ii) with regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.



Tom Cullen
Attorneys' Title Guaranty Fund, Inc.
Waukesha, Wisconsin



**WISCONSIN STATUTORY FORM
POWER OF ATTORNEY
FOR FINANCES AND PROPERTY**

Mail Document to:

PIN: _____

IMPORTANT INFORMATION

THIS POWER OF ATTORNEY AUTHORIZES ANOTHER PERSON (YOUR AGENT) TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU (THE PRINCIPAL). YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF. THE MEANING OF AUTHORITY OVER SUBJECTS LISTED ON THIS FORM IS EXPLAINED IN THE UNIFORM POWER OF ATTORNEY FOR FINANCES AND PROPERTY ACT IN CHAPTER 244 OF THE WISCONSIN STATUTES.

THIS POWER OF ATTORNEY DOES NOT AUTHORIZE THE AGENT TO MAKE HEALTHCARE DECISIONS FOR YOU.

YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.

YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

THIS FORM PROVIDES FOR DESIGNATION OF ONE AGENT. IF YOU WISH TO NAME MORE THAN ONE AGENT, YOU MAY NAME A CO-AGENT IN THE SPECIAL INSTRUCTIONS. CO-AGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCTIONS.

IF YOUR AGENT IS UNABLE OR UNWILLING TO ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NAME A SECOND SUCCESSOR AGENT.

THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS. THIS POWER OF ATTORNEY DOES NOT REVOKE ANY POWER OF ATTORNEY EXECUTED PREVIOUSLY UNLESS YOU SO PROVIDE IN THE SPECIAL INSTRUCTIONS.

IF YOU REVOKE THIS POWER OF ATTORNEY, YOU SHOULD NOTIFY YOUR AGENT AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY. IF YOUR AGENT IS YOUR SPOUSE OR DOMESTIC PARTNER AND YOUR MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR LEGALLY SEPARATED OR THE DOMESTIC PARTNERSHIP IS TERMINATED AFTER SIGNING THIS DOCUMENT, THE DOCUMENT IS INVALID.

IF YOU HAVE QUESTIONS ABOUT THE POWER OF ATTORNEY OR THE AUTHORITY YOU ARE GRANTING TO YOUR AGENT, YOU SHOULD SEEK LEGAL ADVICE BEFORE SIGNING THIS FORM.

DESIGNATION OF AGENT

I, _____ name the following person as my agent:
Name of Principal

Agent's Name: _____

Address: _____ Phone: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Successor Agent's Name: _____

Address: _____ Phone: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Second Successor Agent's Name: _____

Address: _____ Phone: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney for Finances and Property Act in chapter 244 of the Wisconsin statutes:

INITIAL each subject you want to include in the agent's general authority.

Initials

_____ Real property

_____ Tangible personal property

_____ Stocks and bonds

_____ Commodities and options

_____ Banks and other financial institutions

_____ Operation of entity or business

_____ Insurance and annuities

Initials

_____ Estates, trusts, and other beneficial interests

_____ Claims and litigation

_____ Personal and family maintenance

_____ Benefits from governmental programs or civil or military service

_____ Retirement plans

_____ Taxes

LIMITATION ON AGENT'S AUTHORITY

An agent who is not my spouse or domestic partner MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the special instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions in the following space:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for Guardian of My Estate: _____

Address: _____ Phone: _____

Name of Nominee for Guardian of My Person: _____

Address: _____ Phone: _____

RELIANCE ON THIS POWER OF ATTORNEY FOR FINANCES AND PROPERTY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows that the power of attorney has been terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Signature of Principal

Address

Name of Principal (Print)

City, State, Zip

Date

Phone

STATE OF: _____ }
COUNTY OF: _____ } SS

This document was acknowledged before me on: _____ by _____
Date Name of Principal

Signature of Notary

(Seal, if any)

My commission expires: _____
Date

This document was prepared by: _____

IMPORTANT INFORMATION FOR AGENT AGENT'S DUTIES

WHEN YOU ACCEPT THE AUTHORITY GRANTED UNDER THIS POWER OF ATTORNEY, A SPECIAL LEGAL RELATIONSHIP IS CREATED BETWEEN YOU AND THE PRINCIPAL. THIS RELATIONSHIP IMPOSES UPON YOU LEGAL DUTIES THAT CONTINUE UNTIL YOU RESIGN OR THE POWER OF ATTORNEY IS TERMINATED OR REVOKED. YOU MUST DO ALL OF THE FOLLOWING:

- (1) DO WHAT YOU KNOW THE PRINCIPAL REASONABLY EXPECTS YOU TO DO WITH THE PRINCIPAL'S PROPERTY OR, IF YOU DO NOT KNOW THE PRINCIPAL'S EXPECTATIONS, ACT IN THE PRINCIPAL'S BEST INTEREST.
- (2) ACT IN GOOD FAITH.
- (3) DO NOTHING BEYOND THE AUTHORITY GRANTED IN THIS POWER OF ATTORNEY.

- (4) DISCLOSE YOUR IDENTITY AS AN AGENT WHENEVER YOU ACT FOR THE PRINCIPAL BY WRITING OR PRINTING THE NAME OF THE PRINCIPAL AND SIGNING YOUR OWN NAME AS “AGENT” IN THE FOLLOWING MANNER:

[Principal’s Name] by [Your Signature] as agent

UNLESS THE SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY STATE OTHERWISE, YOU MUST ALSO DO ALL OF THE FOLLOWING:

- (1) ACT LOYALLY FOR THE PRINCIPAL’S BENEFIT.
- (2) AVOID CONFLICTS THAT WOULD IMPAIR YOUR ABILITY TO ACT IN THE PRINCIPAL’S BEST INTEREST.
- (3) ACT WITH CARE, COMPETENCE, AND DILIGENCE.
- (4) KEEP A RECORD OF ALL RECEIPTS, DISBURSEMENTS, AND TRANSACTIONS MADE ON BEHALF OF THE PRINCIPAL.
- (5) COOPERATE WITH ANY PERSON THAT HAS AUTHORITY TO MAKE HEALTHCARE DECISIONS FOR THE PRINCIPAL TO DO WHAT YOU KNOW THE PRINCIPAL REASONABLY EXPECTS OR, IF YOU DO NOT KNOW THE PRINCIPAL’S EXPECTATIONS, TO ACT IN THE PRINCIPAL’S BEST INTEREST.
- (6) ATTEMPT TO PRESERVE THE PRINCIPAL’S ESTATE PLAN IF YOU KNOW THE PLAN AND PRESERVING THE PLAN IS CONSISTENT WITH THE PRINCIPAL’S BEST INTEREST.

TERMINATION OF AGENT’S AUTHORITY

YOU MUST STOP ACTING ON BEHALF OF THE PRINCIPAL IF YOU LEARN OF ANY EVENT THAT TERMINATES THIS POWER OF ATTORNEY OR YOUR AUTHORITY UNDER THIS POWER OF ATTORNEY. EVENTS THAT TERMINATE A POWER OF ATTORNEY OR YOUR AUTHORITY TO ACT UNDER A POWER OF ATTORNEY INCLUDE ALL OF THE FOLLOWING:

- (1) DEATH OF THE PRINCIPAL.
- (2) THE PRINCIPAL’S REVOCATION OF THE POWER OF ATTORNEY OR YOUR AUTHORITY.
- (3) THE OCCURRENCE OF A TERMINATION EVENT STATED IN THE POWER OF ATTORNEY.
- (4) THE PURPOSE OF THE POWER OF ATTORNEY IS FULLY ACCOMPLISHED.
- (5) IF YOU ARE MARRIED TO THE PRINCIPAL, A LEGAL ACTION IS FILED WITH A COURT TO END YOUR MARRIAGE, OR FOR YOUR LEGAL SEPARATION, UNLESS THE SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY STATE THAT SUCH AN ACTION WILL NOT TERMINATE YOUR AUTHORITY.
- (6) IF YOU ARE THE PRINCIPAL’S DOMESTIC PARTNER AND YOUR DOMESTIC PARTNERSHIP IS TERMINATED, UNLESS THE SPECIAL INSTRUCTIONS IN THIS POWER OF ATTORNEY STATE THAT SUCH AN ACTION WILL NOT TERMINATE YOUR AUTHORITY.

LIABILITY OF AGENT

THE MEANING OF THE AUTHORITY GRANTED TO YOU IS DEFINED IN THE UNIFORM POWER OF ATTORNEY FOR FINANCES AND PROPERTY ACT IN CHAPTER 244 OF THE WISCONSIN STATUTES. IF YOU VIOLATE THE UNIFORM POWER OF ATTORNEY FOR FINANCES AND PROPERTY ACT IN CHAPTER 244 OF THE WISCONSIN STATUTES OR ACT OUTSIDE THE AUTHORITY GRANTED, YOU MAY BE LIABLE FOR ANY DAMAGES CAUSED BY YOUR VIOLATION.

IF THERE IS ANYTHING ABOUT THIS DOCUMENT OR YOUR DUTIES THAT YOU DO NOT UNDERSTAND, YOU SHOULD SEEK LEGAL ADVICE.

OPTIONAL SIGNATURE OF AGENT

I HAVE READ AND ACCEPT THE DUTIES AND LIABILITIES OF THE AGENT AS SPECIFIED IN THIS POWER OF ATTORNEY.

Signature of Agent

Date

(APPENDIX FOLLOWS)

SAMPLE

State Bar of Wisconsin Form 7-2003
TRUSTEE'S DEED

Document Number

Document Name

THIS DEED, made between _____ as Trustee of _____, ("Grantor," whether one or more), and _____, ("Grantee," whether one or more). Grantor conveys to Grantee, without warranty, the following described real estate, together with the rents, profits, fixtures, and other appurtenant interests, in _____ County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Name and Return Address

Parcel Identification No. (PIN)

This _____ homestead property.
(is) (is not)

Dated _____

* _____ (SEAL)

* _____ (SEAL)

AUTHENTICATION

Signature(s) _____

authenticated on _____

* _____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____

authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

* _____ (SEAL)

* _____ (SEAL)

ACKNOWLEDGMENT

STATE OF WISCONSIN)

) ss.

_____ COUNTY)

Personally came before me on _____, the above-named _____ to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

* _____

Notary Public, State of Wisconsin

My Commission (is permanent) (expires: _____)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

TRUSTEE'S DEED

© 2003 STATE BAR OF WISCONSIN

FORM NO. 7-2003

*Type name below signatures.

CERTIFICATION OF TRUST
(WISCONSIN)

Commitment No.: _____

The undersigned, being first duly sworn, depose(s), state(s), and warrant(s), that:

1. **Purpose.** This "Certification of Trust" is being made pursuant to Section 701.1013, Wis. Stats.
2. **Conveyance.** The Trust, or the trustee(s) of the Trust, is/are the owner(s) or prospective owner(s) of the property ("Property") described in the above-referenced commitment ("Commitment") requiring a conveyance ("Conveyance"). The undersigned acknowledge(s) that the purchaser, lender, and other parties entering into or participating in the Conveyance will rely on the representations in this Certification of Trust as authorized by Section 701.1013, Wis. Stats. The undersigned acknowledge(s) that the Companies will also rely on the representations in this Certification of Trust.
3. **Trust Name.** The following trust exists as of the date of this Certification ("Trust"):

Name of Trust, including All Amendments to That Name

4. **Trust Date.** The Trust was executed on: _____.
5. **Settlors:** The settlor(s) of the Trust are: _____.
6. **Current Trustees:** The names and addresses of the current acting trustee(s) ("Trustee(s)") of the Trust are:

7. **Powers of Trustees:** The powers of the Trustee(s) include the power to enter into the Conveyance, including execution and delivery of a deed and/or mortgage as required by the Commitment.
8. **Revocability:** *(Initial which applies and strike the other.)*
 - a. The Trust is irrevocable. *(Initial)* _____
 - b. The Trust is revocable and _____ has the power to revoke the Trust. . *(Initial)* _____
9. **Execution of Conveyance Documents:** The undersigned confirm(s) that the undersigned has/have the authority to sign all documents for the Conveyance for and on behalf of the Trust and that: *(Initial which applies and strike the others.)*
 - a. There is only one current acting Trustee. *(Initial)* _____
 - b. There are more than one current acting Trustee and the Trust provides that _____ *(No.)* Trustees are required to sign in order to exercise powers under the Trust. *(Initial)* _____
 - c. The undersigned are all of the current acting Trustees of the Trust and the Trust provides that ALL Trustees are required to sign in order to exercise powers under the Trust. *(Initial)* _____
10. **Representation:** The Trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this Certification to be incorrect.
11. **Indemnity:** _____ ("Agent"), as agent for the title insurance underwriter named in the Commitment ("Underwriter"), (Agent and Underwriter are collectively, referred to as "Companies") will rely upon the statements and representations in this Certification to issue its title insurance policy or policies for the Property. The undersigned, jointly and severally, agree to indemnify and hold the Companies harmless from and against any loss or damage caused by misrepresentations, inaccuracies, and/or omissions in this Certification, plus any costs, expenses, damages, or liability, including attorneys' fees, arising from the enforcement of this indemnification.

Subscribed and sworn to before me this

_____ day of _____, _____
Day Month Year

Name (Print)

Signature

Notary Public

My commission expires: _____

Name (Print)

Signature

SAMPLE

State Bar of Wisconsin Form 5-2003
PERSONAL REPRESENTATIVE'S DEED

Document Number

Document Name

THIS DEED, made between _____ as Personal Representative of the estate of _____, ("Decedent") ("Grantor," whether one or more), and _____ ("Grantee," whether one or more). Grantor conveys to Grantee, without warranty, the following described real estate, together with the rents, profits, fixtures, and other appurtenant interests, in _____ County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Name and Return Address

Parcel Identification No. (PIN)

This _____ homestead property.
(is) (is not)

Personal Representative by this Deed does convey to Grantee all of the estate and interest in the Property, which Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property, which the Personal Representative has since acquired.

Dated _____

PERSONAL REPRESENTATIVE:

* _____ (SEAL)

* _____ (SEAL)

AUTHENTICATION

Signature(s) _____

authenticated on _____

* _____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

* _____ (SEAL)

* _____ (SEAL)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
_____ COUNTY)

Personally came before me on _____, the above-named
to me known to be the person(s) who executed the
foregoing instrument and acknowledge the same.

* _____
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: _____)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

PERSONAL REPRESENTATIVE'S DEED

© 2003 STATE BAR OF WISCONSIN

FORM NO. 5-2003

*Type name below signatures.

TERMINATION OF DECEDENT'S INTEREST

DECEDENT'S NAME	DATE OF DEATH		
DECEDENT'S ADDRESS AT DATE OF DEATH	CITY	ST	ZIP

THE INTEREST OF THE DECEDENT IN THE PROPERTY LEGALLY DESCRIBED HEREIN IS TERMINATED PURSUANT TO THE FOLLOWING WISCONSIN STATUTE AND TRANSFERRED AS PROVIDED BY STATUTES:

☐ **867.045** – real property in which the decedent was a joint tenant, had a vendor's or mortgagee's interest, or had a life estate.

☐ **867.046** - property of a decedent specified in a marital property agreement, survivorship marital property; a third party confirmation; or a nonprobate transfer on death as described in 705.10(1) or 705.15.

Recording Area

Name and Return Address:

DOCUMENT UNDER WHICH DECEDENT'S INTEREST IN THE PROPERTY IS NOW TERMINATED – Copy(ies) of which is/are attached:

Recorded Document No. _____ Volume _____ Page _____
☐ Deed ☐ Transfer on Death ☐ Land Contract ☐ Mortgage
☐ Other _____

Unrecorded Document:

☐ Marital Property Agreement ☐ Other _____

Parcel Identification Number:

SEND TAX STATEMENT TO:

DESCRIPTION OF THE PROPERTY TRANSFERRED (check all that apply):

- ☐ REAL PROPERTY - legal description as set forth in the attached/referenced and previously recorded document
☐ REAL PROPERTY - current legal description *if different* than the foregoing document
☐ NON-REAL PROPERTY – property identified in the attached document, including, digital property, bank accounts and securities

Name(s) and address of owner(s) of the property immediately after the decedent's death; attach additional names & addresses if more than one owner.

Interest of the signer of this document in the property:

- ☐ joint tenant ☐ remainder person if a life estate
☐ mortgagee ☐ land contract vendor
☐ decedent's spouse ☐ beneficiary of a marital property agreement
☐ beneficiary of a transfer under 705.10(1) or 705.15
☐ other: _____

DECLARATION: To the best of undersigned's knowledge and belief, the undersigned declares that this document is true, accurate, complete and in conformity with the provisions and limitations of the Wisconsin Statutes.

DATE: _____

DECLARANT SIGNATURE

X _____

PRINT NAME: _____

THIS DOCUMENT WAS DRAFTED BY:

Signature of Notary or other person authorized to administer an oath (as per 706.06, 706.07)

Title: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____)

_____ subscribed and sworn to before me on: _____, by the above named person(s) who executed this document and acknowledged the same.

Print Name: _____
Notary Public, State of _____.
My Commission (is permanent) (expires _____).

THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

TERMINATION OF DECEDENT'S INTEREST - Wisconsin Reg. of Deeds Association form HT-110 and TOD-110. Approved 10.5.17

INSTRUCTIONS FOR COMPLETING WISCONSIN'S TERMINATION OF DECEDENT'S INTEREST FORM

Wisconsin Reg. of Deeds Association form HT-110 and TOD-110. Approved 10.5.17

PURPOSE OF THE FORM:

Pursuant to Sections 867.045 and 867.046 of the Wisconsin Statutes, this form is to be used to provide public notice that a person having one of the following interests in property died and the decedent's interest in the property is terminated:

- joint tenant
- life tenant
- vendor's interest in a land contract
- mortgagee's interest in a mortgage
- interest passing under 705.10 (1)
- survivorship marital property
- interest passing under 705.15
- interest passing under a marital property agreement

WHO MAY SIGN THE FORM:

If the decedent had one of the following interests in real property which terminated on the decedent's death, then any person interested in the property may sign the form (see 867.045):

- joint tenant
- life tenant
- vendor's interest in a land contract
- mortgagee's interest in a mortgage

If the decedent had one of the following interests in property (real and non-real) which terminated on the decedent's death, then only the person(s) identified below may sign the form (see 867.046):

- interest passing under 705.10(1) - must be signed by the beneficiary of the transfer under 705.10(1)
- survivorship marital property - must be signed by the decedent's spouse
- interest passing under 705.15 - must be signed by a person designated as a transfer on death beneficiary under 705.15
- interest passing under a marital property agreement - must be signed by a beneficiary of a marital property agreement

Notwithstanding the foregoing, for a termination under 867.046 any interested person may sign the form *if* the personal representative, the decedent's spouse, a beneficiary of a marital property agreement or TOD beneficiary does not commence proceedings to confirm an interest under 867.046 or 865.201 within 90 days after the decedent's death (see 867.046(2m)).

COMPLETING THE FORM:

Complete the form accurately and legibly. Check appropriate boxes. Identify who owned the property immediately following the decedent's death and include address(es) for such owner(s). Attach the applicable documents and information. Signature(s) must be notarized.

If the transfer is pursuant to a Marital Property Agreement ("MPA") signed by the decedent, at a minimum attach the 1st page of the MPA, page(s) of the MPA identifying to whom the property transferred on the decedent's death, and the signature page(s) of the MPA.

If the transfer is pursuant to an unrecorded document other than a Marital Property Agreement (which may include a Trust signed by the decedent), at a minimum attach the 1st page of unrecorded document, page(s) of the unrecorded document identifying how the decedent intended the property to be transferred, and the signature page(s).

WHAT PROPERTY MAY BE TRANSFERRED AND DESCRIBING THE PROPERTY:

For real property, include the complete and accurate legal description of each parcel of real property. EXCLUDE from the legal description any portion of the real property conveyed prior to the decedent's death. If your county requires a parcel identification number, that number is found on the property tax bill. Check with your county Register of Deeds to see if a parcel identification number is required.

For non-real property, include adequate identifying information for such non-real property. The identifying information should provide the name of company/holder, the last 3 digits of account or certificate numbers, applicable addresses, the ownership interests being transferred (such as number of shares of stock, percentage interest in an LLC or partnership), and any other appropriate identifying information.

Examples of non-real property which may be transferred using this form include, but are not limited to, interests in the following: savings or checking account, a security, a mortgagee's interest in a mortgage, insurance policy, contract of employment, bond, mortgage, promissory note, certificated or uncertificated security, account agreement, custodial agreement, deposit agreement, compensation plan, pension plan, individual retirement plan, employee benefit plan, trust, conveyance, online tool, as defined in s. 711.03 (18) (digital property), deed of gift, and marital property agreement (see 705.10 and 867.046).

WHERE TO RECORD THE FORM:

For real property, record the form with the Register of Deeds of the county in which the real property is located. If the decedent had an interest in more than one parcel of real property, and the relevant real property is located in different counties, a separate form must be recorded with the Register of Deeds of each county in which the relevant real property is located.

For non-real property only, record the form with the Register of Deeds of the county where the decedent last resided.

A list of the Registers of Deeds is located on the Wisconsin Register of Deeds Association website: <http://www.wrdaonline.org/>

WHAT TO SUBMIT TO THE REGISTER OF DEEDS:

Include the following when submitting the form to the Register of Deeds:

- ☐ Certified copy of the decedent's death certificate.
- ☐ A copy of the document identifying the decedent's interest terminated and transferred (e.g. *deed, land contract, Transfer on Death Document, Marital Property Agreement, etc.*).
- ☐ *For real property*, the legal description of the property *if different* than the legal description set forth in the document above.
- ☐ *For real property*, if required by the county, a copy of the real estate tax bill for each parcel for the year immediately preceding the decedent's death. Check the WRDA website to be certain. <https://www.wrdaonline.org/tax-bill>
- ☐ *For real property*, a completed Wisconsin Electronic Real Estate Transfer Receipt¹. See: <http://www.revenue.wi.gov/index.html>.
- ☐ *For non-real property*, adequate identifying information
- ☐ If necessary, name(s) and address(es) of additional owner(s) of the property immediately after the decedent's death
- ☐ Recording fee in the amount of \$30 made payable to "Register of Deeds" (amount as of 10.5.17 see <http://www.wrdaonline.org/>).

MORE QUESTIONS?

Contact your Register of Deeds for information on recording requirements (<http://www.wrdaonline.org/>). Please ask your attorney for help with legal questions. The Register of Deeds cannot provide you legal advice.

¹ The Wisconsin Electronic Real Estate Transfer Receipt is not required if the decedent's interest is a vendor's interest in land contract or a mortgagee's interest in a mortgage. Further qualifying transfers may be exempt from the transfer fee. By way of example, if the transfer is by will, descent or survivorship, the transfer is exempt per Section 77.25(11), Wis. Stats, or if the transfer is by nonprobate transfer on death under s. 705.15, the transfer is exempt per Section 77.25(11m), Wis. Stats. See Section 77.25, Wis. Stats. for a full list of transactions that qualify for exemptions from the transfer fee.