

RECORDINGS – CORRECTION INSTRUMENTS

Per §706.085(1), Wis. Stats, a correction instrument shall correct one or more of the following:

- a. The legal description, including any of the following information (this is not an exhaustive list):
 - Distance, angle, direction, bearing, chord
 - Lot, block, unit or building number or letter
 - Appurtenant easement
 - Section number, township name or number, range number or meridian
 - Municipality, county or state name
 - Certified survey map number
 - Subdivision or Condominium name
- b. The addition, correction or clarification of other information other than a legal description, including the following information (this is not an exhaustive list):
 - Party's name, including the spelling; first or middle name or initial; a name suffix such as senior or junior; alternate names by which the party is known; a description of an entity such as a corporation, company or similar identifier.
 - A party's marital status
 - The date on which the conveyance was executed
 - Whether the property is homestead
 - The tax parcel number
 - Drafter's name
 - Recording data for an instrument referenced in the document
 - The nature and purpose of the. document
 - Title of the document
 - Facts relating to the acknowledgement or authentication
- c. The addition of an acknowledgement or authentication.
- d. The disclaimer by a grantee under a deed of that party's interest in the real property that is the subject of the deed.
- e. The addition of a mortgagee's consent or subordination.

DOCUMENT RECORDING REQUIREMENTS

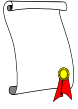
- ✓ Must meet the standard document format per Wisconsin Statute §59.43(2m)

BEST PRACTICES

- ✓ The document should specify the correction. Language such as "This correction instrument is being recorded to correct the legal description" is not acceptable because it does not clearly identify the correction.
- ✓ Identify the type of document being corrected.

Wisconsin Statute §706.085(2) Requirements

- ✓ Must be acknowledged or authenticated in accordance with s. 706.06 or 706.07.
- ✓ Must give the document number of the instrument being corrected and include the volume and page number if applicable.
- ✓ Must give the names of the grantor(s) and grantee(s).
- ✓ One correction instrument may be used to correct multiple recorded documents if (and only if) such recorded documents contain the same error and such recorded documents were part and parcel of the same transaction.



RECORDINGS – CORRECTION INSTRUMENTS

- ✓ An **Electronic** Real Estate Transfer Return (**eRETR**) is required if the correction instrument constitutes a "conveyance" under §77.21(1). Conveyance is defined in §77.21(1) as "includes deeds and other instruments for the passage of ownership interests in real estate, including contracts and assignments of a vendee's interest therein, including instruments that are evidence of a sale of time-share property, as defined in s. 707.02 (32), and including leases for at least 99 years but excluding leases for less than 99 years, easements and wills." (emphasis added).

SIGNATURES REQUIRED - GENERALLY

A correction instrument may be signed by a person having personal knowledge of the circumstances and facts recited in the correction instrument to include the following:

GRANTOR, GRANTEE, DRAFTER OF ORIGINAL INSTRUMENT or SETTLEMENT AGENT (closing agent) for the original transaction. Including (this is not an exhaustive list):

1. Correction instrument supplies a lot, block, unit or building number or letter that was omitted: **GRANTOR, GRANTEE, DRAFTER, or SETTLEMENT AGENT** (one only).
 2. A lot, block, unit or building number or letter is corrected and the number or letter that is incorrect is not also owned by the grantor: **GRANTOR, GRANTEE, DRAFTER, SETTLEMENT AGENT** (one only).
- ✓ In all cases the document **MUST** identify the basis for personal knowledge.

SIGNATURES REQUIRED -WHEN THE GRANTOR, GRANTEE OR MORTGAGEE MUST SIGN

- a. A parcel is added to document that also correctly includes other land: **GRANTOR** only (§706.085(2)(b)(3)(b)).
- b. A parcel is removed from document that also correctly includes other land: **GRANTEE** only (§706.085(2)(b)(3)(c))
- c. A lot or unit number is corrected and the lot or unit number that is incorrect is also owned by the grantor: **GRANTEE** only (§706.08S(2)(b)(3)(d))
- d. The disclaimer by a grantee under a deed of that party's interest in the real property that is the subject of the deed: **GRANTEE** only (§706.085(1)(d))
- e. The addition of a mortgagee's consent or subordination: **CONSENTING PARTY**, or an heir, successor, or assignee of the party. (§§706.085(1)(e) and 706.085(2)(b)(2))

MAILING NOTICE

A person who executes and records a correction instrument shall send notice of that fact by 1st class mail to all parties to the transaction that was the subject of the conveyance at their last known addresses. §706.085(2)(c).

RECORDING REQUIREMENTS FOR CORRECTION INSTRUMENTS PER WISCONSIN STATUTE §236.295

Any correction instrument used to correct a Certified Survey Map or Subdivision Plat must identify and bear the signature of a Wisconsin professional land surveyor and must conform to s. 236.295.

Correction Instrument form: <https://www.wrdaonline.org/forms>