



PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 815.29 (1) and 815.31 (1) of the statutes; **relating to:** providing
2 public notice of a sale of personal property or real estate on execution.

Analysis by the Legislative Reference Bureau

Under current law, a judge may order that personal property or real estate be sold to satisfy a judgment against a person. Current law requires that public notice of the sale be posted in three public places in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.

This bill requires that public notice of the sale be posted in one public place in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, and on a Web site that is maintained by the county, town, or municipality where the sale is to be held and on a Web site that is maintained by the county, town, or municipality where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.

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

3 **SECTION 1.** 815.29 (1) of the statutes is amended to read:
4 815.29 (1) No execution sale of personal property shall be made unless 20 days
5 previous notice of such sale has been given by posting notices a notice thereof in 3

1 ~~public places~~ one public place of the town or municipality where such sale is to be had,
2 ~~specifying and, if the county, town, or municipality where such sale is to be had~~
3 maintains a Web site, by posting a notice on the Web site. The notice shall specify
4 the time and place of sale but when any property seized is likely to perish or
5 depreciate in value before the expiration of the 20 days the court or a judge may order
6 the same to be sold in such manner and upon such terms as the best interests of the
7 parties demand. Every such sale shall be made at auction between the hour of 9 a.m.
8 and 5 p.m. and no property shall be sold unless it is in view of those attending the
9 sale, except in the case of the sale of the interest of the judgment debtor in property
10 in the possession of a secured party. It shall be offered for sale in such lots and parcels
11 as is calculated to bring the highest price.

12 **SECTION 2.** 815.31 (1) of the statutes is amended to read:

13 **815.31 (1)** The time and place of holding any sale of real estate on execution
14 shall be publicly advertised by posting a written notice describing the real estate to
15 be sold with reasonable certainty in ~~3 public places~~ one public place in the town or
16 municipality where such real estate is to be sold ~~and, if the county, town, or~~
17 municipality where such real estate is to be sold maintains a Web site, by posting a
18 notice on the Web site, at least 3 weeks prior to the date of sale; and also in ~~3 public~~
19 ~~places~~ one public place of the town or municipality in which the real estate is
20 situated, if it is not in the town or municipality where the sale is to be held ~~and, if~~
21 the county, town, or municipality where such real estate is situated maintains a Web
22 site, also posting a notice on the Web site.

23 (END)