

Real Estate Document Definitions

This standard was developed by the Wisconsin Land Information Association Real Estate Document Definitions, a task force operating under the direction of the WLIA's standing Technical Committee.

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Task Force Mission Statement:

The Task Force on Real Estate Document Definitions is charged with the following:

- Review and evaluate the document definitions set forth in the Wisconsin Register of Deeds Association Handbook and other references for their suitability as standard naming conventions.
- Provide recommendations to the WLIA Technical Committee for establishing standards related to real estate document definitions.

1.0 Purpose

The purpose of this database is:

To serve as a standard set of definitions for documents routinely recorded in the office of the register of deeds. These standard definitions will facilitate data exchange, encourage the wide dissemination and use of common document definitions, and provide an inventory of document types and their definitions useful for various county and state-wide systems and Internet applications.

2.0 Background

This document is based on definitions contained in the Wisconsin Register of Deeds Association Handbook (1994, 1998 and 2002). The definitions were originally developed in 1990 by a WLIA Task Force on Indexing Standards. The Task Force began their project by developing document type definitions. Though never adopted by the WLIA, the indexing standards were incorporated into the [Wisconsin Register of Deeds Association Handbook](#) as recommended standards. While the WRDA indexing standards are considered to be "guidelines," the list of document definitions has been used extensively over the past decade as the number one resource for such information. As new document types were created by State Legislation, their definitions were added to the list so that the current list of

definitions serves current needs. This standard will need to be updated as future changes to Wisconsin law may require.

3.0 Explanation of Logical System

3.1 Prefixes.

Prefixes are used to modify the document type. The term "prefix" is used rather loosely since these modifiers are usually given **after** the document type rather than placed ahead of the document type so that all documents and document phrases remain alphabetical. Example:

MORTGAGE/ASSIGNMENT - the word "ASSIGNMENT" is considered a prefix to a document type. MORTGAGE/ASSIGNMENT is typically abbreviated as MTG/AS.

3.2 Document categories and subcategories.

Documents may be grouped in broad categories that may be divided into subcategories within the general category. Example: DEED is the category and QUIT CLAIM DEED is the subcategory.

3.3 Wisconsin Law prevails.

While the majority of terms and definitions enjoy nationwide standard connotations, there are cases where Wisconsin Statutes have spawned document types and definitions unique to certain states or unique to Wisconsin. State law influences and sometimes determines definitions and uses of certain recorded documents. Absent specific statutory language, terminology common to the general real estate community is used.

4.0 Definitions of Document Prefixes

PREFIXES TO DOCUMENT TYPES - DEFINITIONS

ABRIDGMENT - A summary of another and larger work, wherein the principal ideas of the larger work are summarily contained.

ADDENDUM - A list or section consisting of material added or to be added to another document.

AMENDMENT - A writing altering another and earlier writing or instrument either to correct an error or omission, or alter a part of an agreement without changing the original principal idea or essence.

ASSIGNMENT - The transfer in writing of interest in a mortgage, lease, land contract, or

other instrument affecting real or personal property.

ASSUMPTION - The act of undertaking or adoption of a debt or obligation primarily resting upon another, as where the purchaser of real estate "assumes" a mortgage resting upon it, in which case he/she adopts the mortgage debt as his/her own and becomes personally liable for its payment. Where one "assumes" a lease, he/she accepts the obligations, contracts, agreements, and benefits to which the other contracting party was entitled under the terms of the lease.

CANCELLATION - To put an end to the terms and conditions of a document; its effect is the same as that of "termination" except that the canceling party also retains any remedy for breach of the whole contract or any unperformed balance.

CORRECTION - An instrument prepared and recorded for the purpose of correcting an error made in a prior instrument.

CONTINUATION - An instrument which continues certain rights and interest in property which would otherwise expire; often refers to UCC financing statements which normally expire after five years unless a document is filed to continue the life of the original financing statement.

DISSOLUTION - An instrument which provides constructive notice that a certain corporation, firm, partnership or other entity is being dissolved.

EXTENSION - A document which grants an increase in length of time specified in a contract.

MODIFICATION - An instrument which provides constructive notice of a change in the terms or extent of a prior instrument.

PARTIAL RELEASE - An instrument which discharges a portion of the property, or one of the debtors, from a mortgage obligation. For example, a mortgagee may release specified parcels from the lien upon payment of a certain sum and the remainder of the property continues to secure the loan.

RELEASE - An instrument discharging a party from an existing or asserted duty.

RESTATEMENT - An instrument providing further explanation of the terms and provisions of a prior document; may act as a replacement for portions or whole sections of the prior document.

REMOVAL - An instrument that removes the action of a prior instrument in its entirety, allowing no rights, conditions or provisions to continue.

REVOCATION - An instrument that revokes or discontinues the provisions, privileges,

rights and interests granted in a prior instrument or agreement.

SATISFACTION - The discharge of an obligation by paying a party what is due on a mortgage, lien, note, contract or for a judgment; the document acknowledging the payment of a debt, such as a satisfaction of a mortgage.

SUBORDINATION - A document representing the act or process by which a person's rights or claims are ranked below those of other; *i.e.* a second mortgagee's rights are subordinate to those of the first mortgage.

TERMINATION - An ending, usually before the end of the anticipated term of the lease or contract, which termination may be by mutual agreement or may be by exercise of one party of one of his remedies due to the default of the other party. Under UCC, "termination" means legally ending a contract without its being broken by either side.

TRANSFER - An act of the parties, or of the law, by which title or other rights and interests in property is conveyed from one party to another.

VACATION - An instrument providing constructive notice of the owner's relinquishment of rights and interests in certain specified land parcels.

WITHDRAWAL - An instrument in which the party acts to remove certain specified rights, interests or petitions, or in the case of authorities, restrictions and limitations previously claimed by the same party or authority.

SOURCES:

Appraisal Institute: The Dictionary of Real Estate Appraisal, Third Edition, Chicago, 1993.

Black, Henry Campbell. Black's Law Dictionary, Fifth Addition, West Publishing Company, St. Paul, Minnesota, 1979.

Galaty, Fillmore W, et. al: Modern Real Estate Practice, 12th Edition, Real Estate Education Company, Chicago, 1991.

Sager, Larry: Wisconsin Supplement to Modern Real Estate Practices, 6th Edition, Real Estate Education Company, Chicago, 1993.

Talamo, John: The Real Estate Dictionary, Third Edition, Financial Publishing Company, 82 Brookline Ave., Boston MA 002215, 1975.

Wisconsin Register of Deeds Association, Handbook, Ozaukee County Register of Deeds, Port Washington, Wisconsin, 1994, 1998, and 2002.

5.0 Definitions of Documents Recorded in the Offices of the Wisconsin Register

of Deeds

REAL ESTATE DOCUMENT DEFINITIONS

AFFIDAVIT - A written or printed declaration or statement of facts, made voluntarily and confirmed by the oath or affirmation of the party making it, taken before a person having authority to administer such oath or affirmation.

Correction - An affidavit correcting or pointing out an error in a prior instrument. The correction instrument explains the error, gives the correct information, and references the prior instrument by recording information. Statutory basis is s. 236.295 regarding minor technical errors on plats and certified survey maps. Legality of other uses is uncertain. NOTE: A CORRECTION AFFIDAVIT is not the same as a correction of a previously recorded affidavit (AFFIDAVIT/CORRECTION).

Estoppel - An instrument intended to prevent a party from asserting a legal right because of prior actions inconsistent with the assertion.

Identity - A document recorded by a party in order to provide constructive notice of his/her identity as different from another party with a similar or the same name.

Interest - A document providing constructive notice of particular property rights being asserted by a party. If the assertion is a fee simple or equitable ownership in real property, a Wisconsin Real Property Transfer Return form is required.

AGREEMENT - The writing or instrument evidencing the intention between two or more parties with respect to the effect upon their relative rights and duties of certain past or future facts or performances. The consent of two or more parties concurring respecting the transmission of some property, right, or benefits, with the view of contracting a mutual obligation. Examples of agreements include:

Holding Tank Agreement - The property owner agrees to adhere to a maintenance schedule for a waste water holding tank in order to obtain a permit from the county to allow its construction or continued use.

Nonpoint Agreement - An agreement between a landowner and the Wisconsin Department of Natural Resources (WDNR) that certain conservation installations that were partially funded by the state will be maintained.

Septic System Agreement - The property owner agrees to maintain a private septic system in order to obtain a permit from the county to allow its

construction.

Well Agreement - Two or more property owners agree to maintain a private well that is located on one of the properties and provides water to all the properties in the agreement.

ANNEXATION - The act of attaching, adding, joining, or uniting one thing to another; generally spoken of the connection of a smaller or subordinate thing with a larger or principal thing. Term is usually applied with respect to land or fixtures as: the acquisition of territory or land by a nation, state or municipality; the legal incorporation of a town or city into another town or city.

ASSESSMENT - The imposition of a tax, charge, or levy, usually according to established rates and by a municipality, government, or district having such authority.

Special - A type of assessment unique to a particular area and/or project as opposed to a general assessment born by all the property owners in a certain taxation district.

Drainage District Order – A type of assessment levied by drainage districts in Wisconsin as per s. 88.23(1) to pay for expenses incurred by the established farm drainage district. The order is recorded to provide constructive notice but the assessments are satisfied by payments to the county treasurer who also serves as the treasurer of the drainage board. Individual satisfactions are no longer required to be recorded.

AWARD - A written decision to monetarily compensate a party who has suffered loss due to the action or inaction of another, as determined by a deciding authority.

Compensation - A payment to make amends for the abridgment of rights or injury.

Condemnation - The payment for the taking of a person's property without the owner's consent.

Damages - A payment for the loss of value to property adjoining a property taken in condemnation proceedings.

BOUNDARIES - Every separation, natural or artificial, which marks the confines or line of division of two contiguous properties.

BURIAL SITE - Documents prepared by the State of Wisconsin Historical Society which locate human burial grounds and plots not included in a cemetery plat. State law prohibits their destruction.

BYLAWS - A document enumerating the regulations, ordinances, rules or laws adopted by

an association or corporation or the like for its internal governance. Bylaws define the rights and obligations of various officers, persons or groups within the corporate structure and provide rules for routine matters such as calling meetings and the like.

CERTIFICATE - A document stating some fact, signed by the party certifying; a written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality has been complied with. Example of a certificate:

Certificate of Compliance - A certificate stating that conformance with stated conditions have been satisfied. This is used by the Wisconsin Department of Commerce (WDC) weatherization program to prove that standards for rental units have been met. May be used to satisfy a WDC stipulation.

CERTIFIED SURVEY MAP - A survey is performed according to State standards for the purpose of sub-dividing land into four or less parcels, or for the purpose of establishing property boundaries; it is represented graphically by a map drawn to scale, usually reviewed and approved by a local authority and presented for recording and filing. After this instrument is recorded, the land is henceforth described by the certified survey map number, lot number, volume and page where recorded, and name of the county.

CONDOMINIUM – A type of ownership that includes the absolute ownership of the airspace of a living space termed a unit plus an undivided interest in the ownership of the common elements, which are owned jointly with the other condominium unit owners. In Wisconsin, condominium law is under chapter 703 and allows an interest termed "limited common elements" whereby primary use and rights are assigned to certain unit owners. Provisions of the condominium organization and governance are established in the Condominium Declaration. Locations and dimensions of the units, common elements and limited common elements, if any, are provided in the Condominium Plat. Both of these instruments are recorded with the register of deeds.

COOPERATIVE – An association or enterprise owned by the members who contribute to the operations and receive profits jointly. In Wisconsin, members of a cooperative may record an instrument naming the cooperative and listing all members.

CORPORATIONS - The instruments filed with appropriate governmental agency, such as the Secretary of State and as of July 1, 1996, the Wisconsin Department of Financial Institutions, that establish the corporation, modify its organization, and perhaps later, dissolve it. Examples:

Articles of Incorporation - The instrument which establishes the name, purpose, board of directors and mailing address of the corporation.

Change of Office/Agent The instrument which gives notice of a change of the official office location and or agent for the corporation.

Corporate Name - The instrument which provides notice of the official name of the corporation and any modifications or other permitted usage of the name.

Dissolution - The instrument which provides notice that the organization is no longer in existence.

Merger The combining of two or more corporations into one surviving corporation.

DECLARATION - A document by the owner of property that is recorded in order to establish a legal order upon the property, such as a condominium. In Wisconsin, condominium declarations are controlled by chapter 703. See also, "Condominium."

DEED - A written instrument that, when executed and delivered, conveys title to or an interest (usually ownership) in real estate. Examples of deeds include:

Administrator's Deed - A deed signed by a person appointed by the court to administer the assets and liabilities of a decedent, as grantor.

Cemetery Deed - A deed for a cemetery lot.

Condominium Deed - A deed by which one person conveys to another absolute individual ownership of a unit, generally in a multi-family structure, based on a legal description of the airspace the unit actually occupies, plus an undivided interest in the ownership of the common elements, which are owned jointly with other condominium unit owners.

Executor's Deed - A deed signed by a person appointed by a testator to administer the disposition of property of a decedent, as grantor.

Guardian's Deed - A deed signed by a person lawfully invested with the power, and charged with the duty, of taking care of the person and managing the property and rights of another person who, for defect of age, understanding, or self-control, is considered incapable of administering his own affairs.

Mineral Deed - A deed where only certain mineral rights of a property are conveyed from one party to another, often without affecting fee simple interest of the property.

Personal Representative's Deed - A deed signed by a person who manages affairs of another because of incapacity or death such as an executor or an administrator.

Quit Claim Deed A conveyance by which the grantor transfers whatever

interest he or she has in the real estate, if any, without warranties or obligations.

Railroad Deed - a deed where the grantor is a bona fide railroad company. In Wisconsin, these must be filed with the Department of Financial Institutions (DFI), Division of Corporate and Consumer Services, and either a certified copy or the original may be recorded with the local register of deeds. If the transfer fee was previously collected by the DFI, exemption #3 is used on the transfer form presented to the register of deeds. Other railroad documents such as mortgages, satisfactions, etc., are handled in a similar manner. (See Wisconsin Statute 190.11)

Sheriff's Deed - A document giving ownership rights in property to a buyer at a sheriff's sale, which is a sale held by a sheriff to pay a court judgment or in foreclosure of a mortgage.

Tax Deed - A deed given to the county as a result of non-payment of real property taxes. In Wisconsin, it is generally prepared by the county clerk or county corporation counsel.

Transfer at Death Deed - a deed which does not convey real property when it is signed and delivered; the conveyance is not executed until the death of the grantor as per s. 705.20. The grantor retains full fee simple ownership until his or her death and then real estate passes in a non-testamentary and non-probate manner.

Trustee's Deed - A deed that conveys real property to a trust to be administered by the trustee according to the terms of the Declaration of Trust.

Warranty Deed - A deed in fee simple where the grantor warrants title free and clear of any encumbrance. It is used in most real estate deed transfers and offers the greatest protection to the buyer.

DISTRICT - One of the territorial areas into which an area of the county, or other municipality, is divided for judicial, political, electoral or administrative purposes. The State of Wisconsin may establish districts and grant them taxing authority. Examples:

Lake District - Wisconsin allows the residents surrounding major waterways to establish this type of district for conservation and preservation purposes.

School District - Wisconsin established school districts shortly after the government surveys were completed; many modifications to the original districts have occurred over the years; local property taxes provide major support for the districts.

Sewer District - Wisconsin allows these districts to be established for the purpose of handling community sewage. Property owners living in the district are assessed fees to construct and maintain the sewage system.

Tax Incremental Finance - Wisconsin allows the deferment of real property taxes in order to encourage revitalization or other development of certain geographic areas.

EASEMENT - The right to use the land of another for a specific purpose is granted. An easement appurtenant passes with the land when conveyed.

Bulkhead - The establishment of an area over a waterway that the Wisconsin Department of Natural Resources (WDNR) allows the petitioner to fill usually on a temporary basis, in order to complete a construction project. After completion of the project, the fill is usually removed, depending on the terms of the provisions in the instrument approved by the WDNR.

Conservation Easement - The grantor sells or donates development rights or other interests in real estate to a conservation society for the purpose of land preservation.

Driveway Easement - Describes the right of ingress and egress to a single residential or commercial property.

Ingress & Egress - Allows a party to enter and leave a parcel of land by traveling over the real property of another; a right to enter upon and pass through land.

Utility Easement - Establishes a pathway across a property owner's land which the owner is granting for use by a utility company for water, sewer, electrical, or gas lines or related construction facilities.

FARM NAME - An owner of a farm may record a document setting forth its name and location within the county.

FARM PRESERVATION AGREEMENT - A document where a landowner agrees to implement and maintain conservation practices on agricultural land in exchange for property tax credits.

FIRMS & PARTNERSHIPS - Documents relating to sole proprietorships and general partnerships which are recorded in the office of the register of deeds.

Firm Name - A document giving notice of the name of a new business, which is unincorporated and either a sole proprietorship or co-partnership operating in the county. Wisconsin statutes require this document to be

recorded if the firm will be borrowing funds from a lending institution.

General Partnership - A document giving notice of the names and addresses of two or more individuals who are partners in a business enterprise operating within the county. It may also state the purpose, intent and terms of the partnership.

FOREST LAND - A document in which the grantor agrees to implement and maintain a forestry management plan developed by the Wisconsin Department of Natural Resources in exchange for property tax benefits.

HIGHWAY ACCESS - Notice of approval by a municipality, usually the county or state, for an access point or driveway at a particular location, onto a state or county highway.

INDENTURE - An instrument executed by both grantor and grantee, containing reciprocal agreements, grants or obligations. May have the effect of a mortgage instrument.

Supplemental - An instrument recorded after the initial mortgage or indenture that updates the collateral and/or sets forth subsequent agreements or provisions.

JUDGMENT - The formal decision of a court upon the respective rights and claims of the parties to an action or suit. After a judgment has been entered and recorded with the clerk of courts, it usually becomes a general lien on the property of the defendant. Examples are:

Attachment Judgment - The "writ" of attachment is the document ordering the seizure of a debtor's personal and/or real property so as to secure the claim of a creditor. A record of the taking of a person's property into legal custody as a result of a judgment.

Bankruptcy Judgment - This judgment confirms the contention that the defendant has defaulted on his or her financial obligations; it is a general lien on all the defendant's property.

Divorce Judgment - This judgment establishes the terms of settlement in a divorce; it determines how the properties are divided between the divorcing spouses.

Execution Judgment - The "writ" of execution is a legal order directing an official to enforce a judgment against the personal and/or real property of a debtor.

Final Judgment - The decision of the court determining the rights and obligation of the parties. May be used in probating an estate.

LAND CONTRACT - A contract for the sale of real estate wherein the purchaser, who is in

possession of the property, pays the purchase price in periodic installments. The vendor and vendee each have an interest in the property until final payment is made.

LANDMARK - A feature of the land such as a natural feature or improvement considered significant.

Historical Landmark - A feature of the land, usually an improvement, of historical significance; the landmark document is recorded to give notice of a special historical landmark designation.

Surveyor's Landmark - A feature of the land, monument, marker or other construction set up on the boundary line of two adjoining estates, to fix such boundary.

LEASE - Any agreement which gives rise to a relationship of landlord and tenant (real property) or lesser and lessee (real or personal property).

Limited Life Estate - A special type of lease agreement between a non-profit organization that owns an apartment building and an individual or couple who wish to lease a unit as though they are purchasing a condominium. Because the property is owned by the non-profit organization that has tax-exempt status, no property taxes are levied. The legal descriptions read, "part of lot 1, Country Wood," or "part of lot 1, CSM 3456," and the viewer would have to look at the document for the unit number since it is not officially part of the plat. Often the lease is for less than 99 years and in this case customer may state on the deed, "Not a conveyance as per 77.21(1)" so that a transfer return is not required.

LEASE & RENTS - The unrealized revenue from leases or rents from real estate may be used as collateral for a loan; it may be assigned to the mortgagee in an attachment to a mortgage or in a separate document.

LETTERS - A written instrument containing or attesting the grant of some power, authority or right.

Administration A probate court order appointing a special administrator.

Conservatorship: A court order allowing a party to manage the affairs of another.

Domiciliary A document issued by Probate Court naming an individual to administer a decedent's estate.

Guardianship A court order appointing one to manage the affairs of a minor or incompetent.

LICENSE - Permission to perform an act or series of acts on the land of another without vesting any title, interest or estate in such property. Such privilege is unassignable.

LIEN - A charge against or interest in property to secure payment of a debt, or performance of an obligation.

Broker Lien – a lien placed on real property by a broker to secure unpaid commissions as per Wisconsin Statute 779.32. This lien may affect commercial property only.

Condominium Lien – A lien placed on a condominium unit by a condominium association for fees, assessments and expenses. Required to be filed with the clerk of courts; a duplicate original or certified copy may be recorded with the register of deeds.

Federal Tax Lien - A general lien (on all personal and real property) made by the federal government against an individual or firm for non-payment of federal income taxes.

Judgment Lien – A lien on any and all interest in real estate to secure a judgment issued by the courts.

Medicaid Estate Lien – A medical assistance lien against real estate owned by an individual who has died is satisfied and a new lien is placed on the estate to allow the spouse or other former caretaker to continue residence.

Medical Assistance Lien - A lien against real estate owned by a recipient of Medicaid; the amount of the lien is equal to the amount of Medical Assistance benefits paid. This lien was established as per 49.496, Wisconsin Statutes.

Tax Deferral Lien - A lien against real estate as collateral for a loan for real property taxes. Issued by Wisconsin Housing & Economic Development Authority (WHEDA) and often used by elderly residents who have accumulated significant equity in their homes.

LIFE ESTATE - An instrument granting or reserving life tenancy to the beneficiary. Upon the death of the life tenant, the property will go to the holder of the remainder interest.

LIS PENDENS - A recorded (or filed) legal document giving constructive notice that an action affecting a particular property has been filed in either a state or federal court. Latin for "case pending."

Divorce - Notice that a divorce case is pending which may affect real estate.

Foreclosure - Notice that a foreclosure action is pending; the intent of the action is to extinguish all rights of the owners in order to sell the property to satisfy the lien against the property.

Street Vacation - Notice given by a municipality that a road right of way is being abandoned.

MARITAL PROPERTY - Chapter 766 of Wisconsin Statutes establishes marital property as community property on all personal and real property gained during the period of the marriage; each spouse has an undivided one-half ownership interest in personal and real property. Chapter 766 also sets forth several instruments designed to modify marital property laws.

Marital Property Agreement - An agreement between spouses whereby the basic provision of each spouse having an undivided one-half ownership interest in personal and real property accumulated during the marriage, is modified according to the terms of the agreement.

Unilateral Statement - A spouse may execute a statement that classifies income as marital or individual property. After the execution date, (when the document is notarized) all new property is individual.

MEMORANDUM - An informal record, note or instrument embodying something that the parties desire to fix in memory by the aid of written evidence, or that is to serve as the basis of a future formal contract or deed. A brief written statement outlining the terms of an agreement or transaction.

MINERAL CLAIM - An interest in minerals in land, with or without ownership of the surface of the land. A right to take minerals or a right to receive a royalty. In Wisconsin, the register of deeds must provide customers with standard forms for this instrument as per S.706.057(7).

MORTGAGE - A pledge of real estate as security for the payment of a debt; also the document creating a mortgage lien.

Note - A document detailing the specifics of the mortgage agreement, such as the payment schedule, signed by the mortgagor (borrower) and given to the mortgagee (lender) immediately prior to the signing of the mortgage instrument. Generally, the mortgage instrument, which contains general information, is recorded, not the note.

Security Agreement - A general term used to describe many different kinds of debtor-creditor relationships. When used to describe a type of real estate mortgage, it often refers to a second mortgage, home equity loan, or equity

line of credit that is usually considerably less than a first mortgage loan on the same property.

NOTICE - A document providing information, and advice, or warning, intended to apprise a party of some proceeding in which the party's interests are or may be involved, or inform the party of some fact which is his/her right to know and the duty of the notifying party to communicate.

OFFICIAL MAP - A map of a municipality represented by that municipality to be the official map of the lands within and the boundaries of the municipality; usually drawn to scale and containing information regarding publication date or the most recent update.

OPTION - A contract made for consideration to keep an offer open for a prescribed period; a right, which acts as a continuing offer, given for consideration, to purchase or lease property at an agreed upon price and terms, within a specified time.

ORDER - A document containing the direction of a court or judge, or other governmental body, made in writing but not included in a judgment, which determines some point or directs some step in the proceedings.

Confirming Sale A court order confirming the terms of a sale of property from an estate or guardianship.

Name Change - A court order setting forth the former name and new name to be used henceforth, of an individual who petitioned the court for such change. This document may be recorded with the register of deeds.

ORDINANCE - A rule established by an authority; a permanent rule of action; a law or statute. Usually used to designate the enactments of the legislative body of a municipality.

PATENT - The instrument by which a government grants public lands to an individual.

PLANS - A method of design or action, procedure, or arrangement for accomplishment of a particular act; also, a map or sketch of a specific land area showing various attributes of the land as actual or proposed.

PLAT - A map of a specific land area such as a town, section, or subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, easements, etc., usually drawn to scale. The map is representative of a survey performed by a registered land surveyor. Most plats must receive approval by state and local government in order to be filed with the register of deeds. The plats become effective upon being recorded and filed.

Cemetery Plat - A map of a survey establishing boundaries, roadways, and individual burial plots of a cemetery.

Condominium Plat - A map of a survey establishing boundaries, common areas and individual units of air space as described in the condominium declaration. The condominium plat is different from other plats because it does not subdivide land.

County Plat - A map of a division of land prepared in the same manner as required in Chapter 236, Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with an adopted county ordinance.

Transportation Project Plat - A map of a survey showing public owned road right of way in connection with a public roadway.

Subdivision Plat - A map of a survey showing boundaries, roadways, easements, individual lots and their dimensions. May also contain restrictions of land use.

POWER OF ATTORNEY - An instrument in writing whereby one person, as principal, appoints another as agent and confers authority to perform certain specified acts on behalf of the principal.

Durable Power of Attorney - The Power of Attorney document contains the words, "this power of attorney shall not be affected by subsequent disability, incapacity or incompetence of the principal," or similar words; may state that the power of attorney shall become effective upon the incompetence of the principal.

Limited Power of Attorney - Power is limited to acts or items and time periods specified in the instrument establishing the Power of Attorney.

Statutory Power of Attorney - The power of attorney document is drafted according to Wisconsin Statute 243.10, with or without the assistance of an attorney.

RESOLUTION - A formal expression of the opinion or will of an official body or a public assembly, adopted by vote.

Ratification - The confirmation of an act previously done either by the confirming party or another.

Street Vacation - A resolution passed by a local government to vacate a public road right of way.

RESTRICTIONS - A limitation on the use of real property, generally originated by the owner or subdivider in a deed or a separate document, and/or subdivision plat. The purpose behind the restrictions is usually to maintain or enhance the value of the land and

surroundings.

RIGHT OF WAY - May be an easement that is a right belonging to a party to pass over land of another. May also be public property as in the case of a road right of way.

RIGHTS & INTERESTS - Documents which explain, affirm or modify a party's supposed rights and interests with regards to real property.

First Refusal - A contract made for consideration where the grantor promises to grantee the first opportunity to purchase the property when it is offered for sale. Grantee has the right to accept, reject or counter the offer made by grantor.

SATISFACTION - The discharge of an obligation by paying a party what is due on a mortgage, lien, note, contract or for a judgment; the document acknowledging the payment of a debt, such as a satisfaction of a mortgage.

STIPULATION - A material condition, requirement, or article in an agreement. An example is a Wisconsin Department of Workforce Development (DWD) weatherization program required stipulation document where the grantee of rental property promises to make improvements to bring it into program compliance. The document may be attached to a deed or recorded separately.

TERMINATION OF DECEDENT'S INTEREST - A document providing constructive notice of the termination of the decedent's interest in real property; the remaining joint tenant or survivor of the marriage then has full property rights. An informal method of probate established in chapter 867 of Wisconsin Statutes. The HT-110 form is used for this purpose and is available online. <http://www.wrdaonline.org/forms.html>

TRANSFER (Statutory) - Any instrument established by state law to transfer a fee simple, equitable, or other interest in real property. Generally used for informal probate.

By Affidavit - A probate instrument used for transferring small estates, both personal and also real property when the value of the real property interest is \$20,000 or less as per s. 867.03. The form PR-1831 is used for this purpose and is available online.
http://www.courts.state.wi.us/circuit/Search_forms.html

Of Property Interest - A probate instrument used in place of a personal representative's deed as per s. 865.202. The form PR-1818 is used for this purpose and is available online.
http://www.courts.state.wi.us/circuit/Search_forms.html

TRUST - A legal entity created by a grantor for the benefit of designated beneficiaries under the laws of the state and the valid trust instruments.

UCC (Realty-related)- A Uniform Commercial Code financing statement that attaches the real estate connected with the personal property lien. May be a type of "fixture filing" where business equipment is attached physically to the building structures. National forms UCC1 and UCC Ad1 (Addendum) are used for the initial financing statement. These are available online through the Wisconsin Department of Financial Institutions website. <http://www.wdfi.org/ucc/forms.htm>

VARIANCE - A document evidencing permission to depart from the requirements of a zoning ordinance.

WAIVER - A document wherein the intentional or voluntary relinquishment of a known right is made.

SOURCES:

Appraisal Institute: The Dictionary of Real Estate Appraisal, Third Edition, Chicago, 1993.

Black, Henry Campbell. Black's Law Dictionary, Fifth Addition, West Publishing Company, St.Paul, Minnesota, 1979.

Galaty, Fillmore W, et. al: Modern Real Estate Practice, 12th Edition, Real Estate Education Company, Chicago, 1991.

Sager, Larry: Wisconsin Supplement to Modern Real Estate Practices, 6th Edition, Real Estate Education Company, Chicago, 1993.

Talamo, John: The Real Estate Dictionary, Third Edition, Financial Publishing Company, 82 Brookline Ave., Boston MA 002215, 1975.

Wisconsin Register of Deeds Association, Handbook, Ozaukee County Register of Deeds, Port Washington, Wisconsin, 1994, 1998 and 2002.