

# State of Wisconsin, Department of Revenue

DIVISION OF STATE AND LOCAL FINANCE, BUREAU OF PROPERTY TAX, 2135 Rimrock Road, P.O. Box 8971, MS6-97, Madison, WI 53708-8971

## REAL ESTATE TRANSFER NEWS (RETN)

June 2009

### Special Issue on eRETR Procedures

**All real estate transfer returns must be filed electronically on or after July 1, 2009.**

The following questions and answers are given as general guidelines on electronic Real Estate Transfer Return (eRETR) procedures. Additional information regarding the submission of an eRETR and or a Merger/Conversion is available at <http://www.revenue.wi.gov/ust/retn.html>. Transfer Return Newsletters are available at <http://www.revenue.wi.gov/ust/news/index.html>.

2007 Act 219 requires the electronic filing of all real estate transfer returns filed on or after July 1, 2009. Under sec. 77.22(2), Wis. Stats., an individual may request that the Department of Revenue (DOR) waive the requirement to file electronically. In order to qualify for a waiver and file a paper real estate transfer return, the electronic filing must cause an undue hardship. Any title company, attorney, or similar professional preparer must use eRETR. A Waiver, PE-500w, is available at any Register of Deeds Office or by contacting DOR at (608) 266-2149.

A DOR waiver approval is needed for **each** document and paper transfer return filed at the Register of Deeds. A DOR waiver will only apply to the document described on the PE-500w form. Each document being recorded must have its own transfer return and each transfer return requires its own waiver. The following eight sections of the waiver require completion.

1. Print the name and return address for the person requesting the waiver.
2. Print the county name where the property is located and the document is being recorded.
3. Print the Grantor's Last Name and First Name or Entity Name.
4. Print the Grantee's Last Name and First Name or Entity Name.  
Only one name for grantor and grantee needs to be entered if multiple names are on the document.
5. Print the street address of the property transferred. If the property has no street address, list the fire number. If the property is vacant or has no actual address or fire number, list the abutting road name or intersection that is used to access the property.
6. Print the Parcel Number(s). If more than one, enter up to five.
7. Explain why the electronic filing requirement, eRETR, causes an undue hardship.
8. Complete the Signature Statement. An e-mail address is requested if there is a question on the waiver.

Mail the completed Waiver to:

**Wisconsin Department of Revenue  
eRETR Waiver Request, MS 6-97  
P.O. Box 8971  
Madison, WI 53708-8971**

When submitting the waiver to DOR, please include a **copy** of the document and paper transfer return, PE-500, if already completed. DO NOT send originals as those are needed to record the transfer with the Register of Deeds.

#### **DOR eRETR Waiver Approval**

Upon receipt of DOR's approval to use a paper PE-500, please **staple the original approved waiver to the transfer return** and deliver with the document and payment (if required) to the Register of Deeds in the county where the property is located.

#### **DOR eRETR Waiver Denial**

If the waiver is denied, you must use the eRETR at <http://www.revenue.wi.gov/ust/retn.html>.

## FREQUENTLY ASKED QUESTIONS

### Q1. Under what circumstances can the Register of Deeds reject an eRETR Receipt?

- A. The Register of Deeds is bound by sec. 77.22(1), Wis. Stats., which requires a real estate transfer return that is complete with fee, in order to accept the conveyance for recording. Registers need to verify that the Receipt and the document being recorded are in agreement and in the proper county. Registers must review the following.
- **All items required for a recording:** The document to be recorded, Receipt, payment (if due), and weatherization papers (if needed). The Receipt contains a list of the required items.
  - **Transfer fee amount:** If a fee is due, it must be the same as the amount on the check or other method of payment. Note: For some transfers, there may be a fee and an exemption.
  - **Date of conveyance:** The date must be **ON or BEFORE** the date of recording. (New Item to verify)
  - **Grantors and grantees:** All grantors and grantees that are listed on the document are listed on the Receipt. An exception is a husband and wife with the same last name. The Return may have both first names on the first name line. Such a Return only requires one social security number. Another exception is middle initials, which are not a required entry and can be absent from the Receipt.
  - **Parcels:** All parcels that are listed on the document are listed on the Receipt. When there are five or fewer parcels, each must be listed in a separate parcel section (Add Parcel). When there are more than five, the first five must be listed separately under "Parcels"; and the remainder may be listed separately here or listed under the "Short legal description." If a county does not require parcel numbers on the document (they are required on the return), verification of the property is completed by using the legal description. The return does not require a legal description when the Subdivision/Condominium section is completed, unless there are more than five parcels and the additional parcels are listed here.

The following describes the RETR correction procedure.

1. The Register of Deeds calls the Preparer and explains the problem. The bottom of the Receipt contains the preparer's phone number.
2. The Preparer "Restores" the saved file and makes the necessary corrections.
3. The Preparer "Submits" and prints the new Receipt, which will have a different Receipt number.  
*Note:* Each "Submit" creates a new Receipt Number. DOR recommends saving the corrected file.
4. The Preparer sends or delivers the new Receipt to the Register of Deeds.
5. The Register of Deeds enters the new Receipt Number.
6. The incorrect Receipt may be discarded.

The complete "Register of Deeds Criteria for an Electronic Real Estate Transfer Return (eRETR)" can be viewed and printed at <http://www.revenue.wi.gov/pubs/slf/pe100e.html>.

### Q2. I have a closing in June, 2009 and I won't be able to record the deed until July, 2009. Can I fill out the paper PE-500 and record my deed in July?

- A. No. 2007 Act 219 (Senate Bill 549) requires that **all real estate transfer returns be filed electronically on or after July 1, 2009**. "Filed" means documents received for recording with the Register of Deeds, not the date of the conveyance or post mark. If you do not have an approved waiver, the Register of Deeds will return any paper Return that is received on or after July 1, 2009.

### Q3. How will the satisfaction of land contracts that are dated prior to September 1, 1981 (\$1/thousand, 1 mill) be handled when the eRETR is mandatory? The eRETR automatically calculates at \$3/thousand. Will a Waiver (PE-500w) be required?

- A. eRETR allows for the .001 mil rate land contract. The following describes the process.
- On the "**Transfer**" page of the eRETR:
- Select "Deed in satisfaction of land contract" and also "Other."
  - Explain in the "Other" field that the land contract is dated mm/dd/yyyy and requires a one mill payment.
- On the "**Fee Computation**" page of the eRETR:
- The total value of real estate transferred = Value of original land contract.

- The value subject to fee = 1/3 the value of the original land contract. The fee will calculate to the amount based upon the rate of .001.
- Since the "Value subject to fee" is less than the "Total value of real estate transferred," select transfer fee exemption "17 - Sat. Land Contract."
- Provide the document number and date of the original land contact in the appropriate boxes for claiming exemption 17.

**Q4. A "correction deed" was recorded due to an error that was discovered on the deed and the Receipt number is the same as what was used for the original deed recording. As a result the new document number can not be entered in eRETR. It appears the original Receipt was photocopied and submitted with the "correction" deed. How do I obtain the new document number entered into eRETR?**

- A.** Document numbers and Receipt numbers are a one time use. Correcting the information and obtaining a new Receipt is the appropriate process for this situation. The following describes the process.
1. The Register of Deeds calls the Preparer and explains the problem. The bottom of the Receipt contains the preparer's phone number.
  2. The Preparer "Restores" the saved file and makes any necessary corrections.  
If the deed was in error, the Return maybe in error. On the Fee Computation Section, change "Value subject to fee" to 0, select exemption 3, and enter the document number subject to correction.
  3. The Preparer "Submits" and prints a new Receipt which will have a different Receipt number.  
*Note:* Each "Submit" creates a new Receipt Number. DOR recommends saving the corrected file.
  4. The Preparer sends or delivers the new Receipt to the Register of Deeds.
  5. The Register of Deeds enters the Receipt Number, enters the document number of deed already recorded, and "Submits recording information."  
Please make sure the date recorded is correct.

**Q5. I received a Receipt that has one grantor listed, while the deed has two. Can I accept the Receipt and record the deed?**

- A.** No. You should not record a deed knowing that the Receipt is incomplete and excludes any grantors.
- The Register of Deeds' guidelines for accepting a Receipt, "Criteria for an Electronic Real Estate Transfer Return (eRETR)" (<http://www.revenue.wi.gov/pubs/slf/pe100e.html>) requires verification that the conveyance date is on or before the date being recorded and that all grantors, grantees and parcels (exception under Q6) included, match the names and parcel numbers on both the Receipt and document.
  - A Receipt indicates that all business rules have been met to complete a transfer return.
  - The Register of Deeds verifies the accuracy of the names and parcels.
  - Any misspelled names that can be identified as the same on the deed is acceptable, including middle initials.
  - Parcel numbers MUST match, see Q7.
  - If a Receipt is rejected for any reason, contact the Preparer listed on the Receipt to restore a saved file (a reason to always save a file), correct the error and deliver a new Receipt to the Register of Deeds. See Q6.
  - Note: You do not have to send all the documents back to the Preparer if you only require a new Receipt. If both the document and Receipt have a wrong parcel number or name, the Preparer will have to file a new deed along with a new Receipt.

**Q6. I have a Receipt that has 13 parcels shown and the deed has 19, how do I know the Return is correct?**

- A.** The Receipt is designed to print one page only.
- If there are large numbers of grantors, grantees or parcels (these sections have the "add" button), not all may show. In these situations, verify the data by entering the Receipt number and retrieve the Return.
  - Before entering data, scroll down to the parcel section (or grantor/grantee as needed) and review the parcels entered. Additional information is within the Legal Description area.
  - If the conveyance includes more than 5 parcels, the Preparer must enter at least 5 parcels on the Parcel section and enter the remainder in the Legal Description box.
  - If the correct parcels are listed, enter the recording information.

- If the parcel listing is not correct, contact the Preparer for a new Receipt that has all 19 parcels included.
- If you have already recorded the deed, DO NOT enter the recording information on the Receipt in error.
- Wait for the Preparer's new Receipt to enter the deed recording information.

**Q7. I am the assessor for “Big City” and discovered that both the wrong municipality name and parcel number were entered on the eRETR and they do not match the deed conveying property in “Little Town”. How do I correct this situation so the Assessor of “Little Town” can view the sales?**

**A.** The following steps describe the process.

1. The assessor discovering the error completes the Amended Return: <https://ww2.revenue.wi.gov/internet/pe-500x.html> and “submits” to DOR.
2. DOR logs into eRETR and prints a copy of the Receipt and Return in error. DOR deletes the recorded Receipt/Return. DOR completes a new Receipt using existing information from the printed return.
3. DOR logs in as the ROD and records a new Receipt using the old document number and date recorded.
4. DOR then replies to both the assessor that submitted the Amended Return and the assessor whose parcel it is that it is now corrected.

**Q8. I received a deed dated August 20, 1999, with an “old” real estate transfer return. Can I accept this for recording?**

**A.** A Register can accept a paper return until June 30, 2009. However, 2007 Act 219 (Senate Bill 549) requires that **all real estate transfer returns be filed electronically on or after July 1, 2009**. “Filed” means documents received for recording with the Register of Deeds, not the date of the conveyance or post mark. If a filer does not have an approved waiver, the Register of Deeds will return any paper Return that is received on or after July 1, 2009.