

## Condominiums

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What Surveyor's need to know about Wisconsin's Condominium Statute.  
Ch. 703, Wis. Stats.

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## Condominiums

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1977 c. 407 created our current Ch. 703, Wis. Stats.

1977 Senate Bill 383 Date published : May 26, 1978

**CHAPTER 407, Laws of 1977**

AN ACT to amend 101.13 (2) (d) ; and to repeal and recreate chapter 703 of the statutes, relating to condominium ownership and regulation .  
*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:.....*

SECTION 2. Chapter 703 of the statutes is repealed and recreated to read:  
 CHAPTER 703  
 CONDOMINIUMS

**703.01 Condominium ownership act .** This chapter shall be known as the "Condominium Ownership Act".

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## Condominiums

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What they ARE NOT.....

- They are not subdivisions –they do not divide land.
- They **DO NOT** create lots, outlots or public dedications.

What they ARE.....

- They are a form of ownership.
- Owners are tenants in common.

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## Condominiums

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*..... are basically **everything good** about the world all put into that one location.*

*.....are a glorified apartment that is purchased, not rented.*

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## Condominiums

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Types of Condominiums:

- Apartment type condominiums.
- Townhouse style condominiums.
- Building pad (land only) condominiums.
- Mixed use condominiums.
- Expandable condominiums.

Others.....

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## Condominiums

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Define some key terms:

- **Declarant** – Any owner who subjects their property to the condominium form of ownership.
- **Declaration** – The instrument by which property becomes subject to Ch. 703, Wis. Stats.
- **Condominium** - Property that is subject to the condominium declaration per Ch. 703, Wis. Stats.
- **Condominium Plat** – A map of the condominium that shows location of units, common areas, facilities and floor plans.
- **Condominium Instruments** – The declaration, plats and plans of a condominium.

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Define some key terms:

- **Unit** – Part of a condominium intended for any type of independent use, including one or more “cubicles of air” at one or more levels of space.
- **Unit Owner** – Holds title to a condominium unit and to an undivided percent interest as a tenant in common in the common areas (common elements).
- **Common Elements** – All of a condominium except its Units.
- **Mortgagee** – Hold a mortgage against all or part of the condominium or a land contract vendor.

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Other components of Condominiums:

- Condominium Association
- Bylaws
- Disclosure Package
- Annual Operation Budget
- Statutory Reserve Account
- Management and/or Employment Contracts.

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Declaration + Condominium Plat = Condominium

**The Declaration:**

- Establishes the condo.
- Must contain a statement of intent by the owner to subject the property to the condominium form of ownership.
- Creates and describes the units and common elements.
- Contains the percent interest in the common elements belonging to each unit.

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Declaration + Condominium Plat = Condominium

**The Declaration:**

- Include the name and description of the condo, with “Condominium” as part of the name.
- Must be signed by the owners of the property and their first mortgagee.

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Declaration + Condominium Plat = Condominium

**The Declaration:**

The condominium cannot exist without the declaration.

The declaration prevails over any conflict with other condominium documents.

A recorded declaration may be modified by filing an “Amendment” to the declaration which requires specific process in the statute.

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Declaration + Condominium Plat = Condominium

**The Declaration:**

Other things that a declaration does:

- Defines “limited common elements.”
- Establishes the number of votes at association meetings belonging to each unit.
- Percent of the vote needed for expenditures.
- Determine if improvements will be built over time.

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Declaration + Condominium Plat = Condominium

**The Declaration:**

Other things that a declaration does:

- Can include expandability provisions per s. 703.26, Wis. Stats.
- Create easements.

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Declaration + Condominium Plat = Condominium

**The Condominium Plat:**

- Must have a unique name within the county and the plat and county name must appear on each sheet of the plat.
- Each sheet must be consecutively numbered and show relation of each sheet number to total number of sheets.
- Reserve a 3"x3" blank space in the upper right corner of the first sheet to be used for recording by the Register of Deeds.

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Declaration + Condominium Plat = Condominium

**The Condominium Plat:**

- Contain a survey of the property described in the declaration. The survey must comply with the minimum standards for property surveys (A-E 7, Wis. Adm. Code)
- Show the location of each unit and/or building located or to be located on the property.
- Common elements (and Limited Common Elements) must be shown to the extent possible.

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Declaration + Condominium Plat = Condominium

**The Condominium Plat:**

- Plat must be 14" x 22" with a 1 ½" binding margin on the left side.
- On durable white media with a permanent non-fading black image.
- May be stored electronically by the Register of Deeds.
- Drawn at a convenient scale.

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Declaration + Condominium Plat = Condominium

**The Condominium Plat:**

Designation of Units.

- Units must be designated on the plat by the **Unit Number**.
- Unit numbers may not contain more than **8 numerals**.
- Unit numbers must be unique throughout the condominium.

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Declaration + Condominium Plat = Condominium

**The Condominium Plat:**

Surveyor's Certificate.

- The condominium plat must be certified by a WI Professional Land Surveyor.
- The certificate must state that the plat is a correct representation of the condominium described; and that the identification and location of each unit and common elements can be determined from the plat.

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The Condominium Plat:

Modifying a Condominium Plat.

- A recorded Condominium plat may be amended by filing an “addendum” to the plat.
- An addendum that is not included as part of an amendment to the declaration, must be accomplished in the same manner an amendment to the declaration.

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The Condominium Plat:

Correcting errors on a Condominium Plat.

- A “Correction Instrument” may be prepared by a WI Professional Land Surveyor.

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The Condominium Plat:

Floor Plans.

- Show the location of each unit and/or building located or to be located on the property...if there are units in a building, show the perimeters, approximate dimensions, approximate square footage and location of each unit in the building.
- The purpose of the floor plan is to define the boundaries of the unit.

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**The Condominium Plat:**

Floor Plans.

- The floor plans required by Ch. 703, Wis. Stats. must show only the approximate dimensions, floor area, and location of each unit.
- They do not need to show internal room layouts.

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Local Review of Condominiums

*Ch. 703.37, Wis. Stats. provides that a condominium is not a subdivision under the Wisconsin Subdivision Act.*

▪However, ch. 703.27(1), Wis. Stats. allows local units of government to **expressly** require that a condominium development to go through the same approval process as a subdivision plat.

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Local Review of Condominiums

*(4) A condominium plat prepared pursuant to s. 703.11 Wis. Stats. and other applicable statutes, shall be reviewed by the Town in the same manner as a subdivision plat as set forth in this ordinance and comply with the applicable design standards and required improvements of this ordinance.*

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### Local Review of Condominiums

- The application must be reasonably related to the nature of condominium ownership.
- They can't impose greater regulations, burdens or provide lesser services than they do to other land developments.

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### Local Review of Condominiums

*Local land division regulations **are not irrelevant.***

Example:

A condominium created on a portion of a platted lot results in a land division.

- The condominium portion is owned by the unit owners as tenants in common.
- The non-condo portion of the lot is owned by others.

Such a land division is subject to the local land division ordinance.

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### Local Review of Condominium Instruments

A County may adopt an ordinance to require the review of condominium instruments. –OR–

A County may also adopt an ordinance giving such review authority to a city, village or town located within the county if the ordinance does **all** the following:

- The review is completed within 10 days after complete submittal of condominium instruments.
- If the review is not completed within 10 days, it's deemed approved.

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**Local Review of Condominium Instruments**

Condominium instruments may only be rejected if they fail to comply with:

- s. 703.095 – modification and correction of recorded condominium instruments, amendments and addenda.
- s. 703.11 (2) (a), (c) and (d), and (3) – name of the condo and county, show location of buildings, floor plans and recording requirements, designation of units, and Surveyor’s Certificate.

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## Condominiums

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**Local Review of Condominium Instruments**

Condominium instruments may only be rejected if they fail to comply with:

- s. 703.275 (5) – restatement of declaration following merging condos
- s. 703.28 (1m) – failure to record a Removal Document

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**Expandable Condominiums**

A Declarant may reserve the right to expand a condominium into predetermined property. This must be expressly stated in the declaration.

The Declaration must:

- Describe each parcel that may be added to the condominium.
- Show the total number of units to be added and the percentage of the common elements before and after adding the additional property/units.

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## Condominiums

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### Expandable Condominiums

The condominium plat must:

- The original condo plat must clearly show what property is being subjected to the condominium form of ownership and what property is reserved as expansion lands along with showing the proposed additional units.

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## Condominiums

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### Expandable Condominiums

- The condominium must be expanded within 10 years from the date the Declaration is recorded.
- Once an expansion has taken place, the Declaration is amended and an addendum to the condo plat is prepared and both instruments are recorded with the Register of Deeds reflecting the change.

If the condominium isn't expanded, the Declarant is free to develop the land as they like and a "removal instrument" is not required.

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### Adding Property to a Condominium

Property can be added to an existing condominium by amending the declaration and condo plat.

- The unit owners and their first mortgagees can amend the declaration per s. 703.09 (2), Wis. Stats. allowing the condominium association to buy additional property.
- If the additional property will be common area, the association will convey an interest in the new property to all of the unit owners.
- If the additional property will be new units, the association will convey an interest to the new unit owners.

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### Adding Property to a Condominium

If the additional property is to be used just like the existing common elements, the condominium association can purchase the property and hold it in trust for the unit owners to use.

This would not require modifying the declaration and plat after the purchase.

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## Condominiums

COULD YOU PLEASE TELL ME...  
WHAT THE HOA NEEDS THIS MUCH MONEY FOR?  
...  
AND WHEN WILL YOU FIX ALL THE ROADS?!



giphy.com giphy

MEMO BY WWW.BRANDNEWTECH.COM

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## Condominiums

this is a great condo...  
unfortunately, you'll have  
to do all the yardwork,  
but on the plus side, you  
can run the condominium  
association yourself!



Technipedia For Owner.com

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**Condominiums**

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**Removing property from a condominium.**

**All of the unit owners and their mortgagees** may remove all or part of the property from the condominium form of ownership.

- A "Removal Instrument" is prepared and recorded with the Register of Deeds
- Upon removal, the property shall be owned in common by the former unit owners and their mortgagees in the same percentage as was held in the common elements.

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**Condominiums**

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**A Removal Instrument must be recorded prior to:**

- Merging 2 or more condominiums.
- Before a Certified Survey Map, Condominium Plat, Subdivision Plat or other plat may be recorded/filed for the same property.
- Subsequent descriptions should refer to the former condominium and include the recording information of the Removal Instrument.

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**Condominiums**

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**Changes to Condominiums**

**Addendum:** Is a condominium instrument that changes a recorded condominium plat.

**Amendment:** Is a condominium instrument that changes a recorded condominium declaration.

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## Condominiums

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### Changes to Condominiums

Examples:

- Relocation of boundaries between adjoining units.
- Separation of a unit into 2 or more units.
- Merger of 2 or more units.
- Merger or consolidation or condominiums.

All these changes require a WI Professional Land Surveyor.  
All must be expressly permitted by a condominium instrument (typically the Declaration).

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### Changes to Condominiums

Process to make the change:

- Submit a written application to the principle officer of the condo association requesting the change.
- Principle officer will notify all other unit owners.
- After 30 days, principle officer will prepare and execute appropriate documents.
- The declaration is amended reflecting the changes.
- An addendum to the condo plat is prepared showing the new boundaries and unit numbers.

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### Summary:

- Condominiums are a type of ownership that fills a need for many people.
- Declaration + Condominium Plat = Condominium
- It is a flexible, yet complicated form of ownership.
- They can be reviewed locally like subdivision developments.
- Surveyor's play a vital role in creating and modifying condominiums.

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Thank you to this valuable resource.

Jesse S. Ishikawa & Brian W. Mullins  
Drafter's Guide to Wisconsin Condominium  
Documents (4<sup>th</sup> ed. 2018)

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## Condominiums

### Plat Review

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PO Box 1645  
Madison, WI 53701  
(608) 266-3200  
[Plat.Review@WI.gov](mailto:Plat.Review@WI.gov)  
[doa.wi.gov/platreview](http://doa.wi.gov/platreview)

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