CORRECTION INSTRUMENTS

PURPOSE

s. 236.295, Wis. Stats.

s. 236.02 (2m), Wis. Stats.

A **Correction Instrument** is a recorded affidavit prepared by a Wisconsin Registered Land Surveyor that attests to changes made to a recorded subdivision plat or Certified Survey Map as provided for by s. 236.295, Wis. Stats.

s. 236.295 (a),(b), (c), Wis. Stats.

A Correction Instrument should be used to change technical mapping information when that information does not conform to the plat or map as it exists on the ground.

Examples:

- Monument descriptions
- Mistakes in bearings and distances on the drawing or in the curve table (i.e. transposed numbers)
- Mistakes and omissions in the Notes (wrong lot or outlot numbers shown in the notes)
- Street names
- Water elevations
- Names or corrections in any certificate
- Location Sketch details
- Parcel areas
- Adding certificates
- Section corner ties
- Adjoining property data
- Adding salient features (wetands, watercourse, towers, etc.)

s. 236.293, Wis. Stats.

A Correction Instrument should be used to show lawfully modified, released, or terminated easements or other restrictions that affect the recorded plat or CSM, as provided for by s. 236.293, Wis. Stats.

Examples:

- Outlot restriction release
- Mound system restriction release
- Relocation, termination, or modification of any type of easement
- Highway setback variance as granted
- Access restriction release or modification

CORRECTION INSTRUMENTS

PURPOSE

A Correction Instrument **may not** be used to:

s. 236.295 (a), Wis. Stats.

- Alter or rearrange any exterior, lot, outlot or street boundary on the recorded subdivision plat or Certified Survey Map.
- Change the name of a recorded subdivision plat.
- Change the lot and outlot numbering in a recorded subdivision plat or Certified Survey Map.
- Change easements or restrictions that have not been lawfully released or terminated.
- Amend or alter any part of an Assessor's Plat.

When contemplating if the use of a Correction Instrument is appropriate, always consider the Attorney General opinion 61 O.A.G. 25, which states in part:

"...s. 236.295 does not authorize any change or amendment other than specific corrections of the nature described in s. 236.295. The correction instruments referred to.... are intended to be substituted in the place of inaccurate information or to rectify noncompliance with a statutory standard."

"....true amendments to an original subdivision plat, by way of any modification, deletion or addition to said plat...can only be accomplished under the statutory provisions for vacating and altering subdivision plats, set forth in secs. 236.36 through 236.445...".

REQUIREMENTS

Approvals

s. 236.295 (2), Wis. Stats.

Correction Instruments that affect public dedications or restrictions for public benefit, must be approved by the municipality or town board in which the affected subdivision or Certified Survey Map is located.

CORRECTION INSTRUMENTS

REQUIREMENTS

s. 59.43 (2) (m), Wis. Stats.

Formats

To be accepted for recording, a Correction Instrument must:

- Use one of the standard formats, including that recommended by the
- Register of Deeds Association for the first sheet of the instrument
- (see examples this section).
- Be on 8 1/2" x 11" or 8 1/2" x 14" - min. 20 lb. white paper.
- Use black or red ink except for signatures.

Layout

Information to be included on a Correction Instrument:

- Document title (e.g. "Affidavit of Correction").
- Name, location and recording information of the subdivision or CSM.
- Certification that the instrument is being used pursuant to s. 236.295.
- Surveyor's signature and seal, dated.
- A clear and concise description of the item to be corrected (e.g. "The south line of lot 1, Yokum Cove").
- The erroneous data and;
- The corrected data.
- Recording data for any associated documents (e.g. easement releases or restriction waivers).
- Supporting documentation (e.g. outlot restriction release letter).
- Approval certificate from the appropriate governing body (when changing areas dedicated to the public or restrictions for public benefit).
- Notary certificate per s. 706.07 (recommended; required for ratifications of a recorded plat or CSM.).

Future users may have difficulty relating the written description of the Correction Instrument to the recorded plat or map. If possible, include a DETAIL of the plat or map area affected by the Correction Instrument.

CORRECTION INSTRUMENTS

REQUIREMENTS

Recording

s. 236.295 (1), Wis. Stats.

The Correction Instrument shall be recorded in the register of deeds office in the county in which the affected subdivision plat or Certified Survey Map is recorded.

s. 236.295 (2) (a), (b), Wis. Stats.

Upon recording the Correction Instrument, the register of deeds notes upon the affected plat or CSM., the volume and page in which the Correction Instrument is recorded, or by reference in the tract index to the affected plat or CSM.

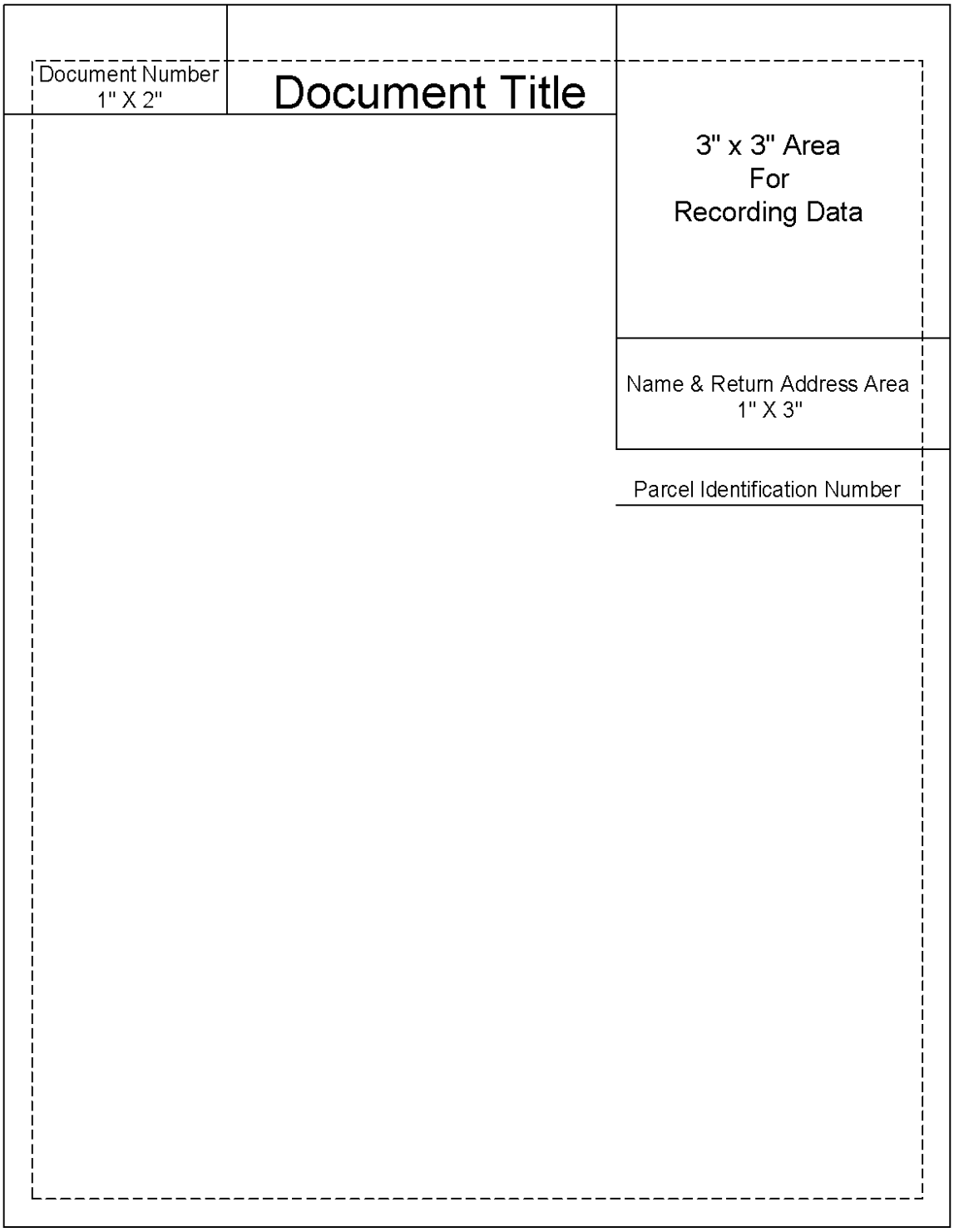
s. 236.295 (2), Wis. Stats.

The record of the Correction Instrument, or a certified copy thereof, is sufficient to establish as fact the information within, if the Correction Instrument is used pursuant to s. 236.295, Wis. Stats.

SAMPLE CORRECTION INSTRUMENT FORMAT

As recommended by register of deeds. (sheet size: 8" x 14" legal)

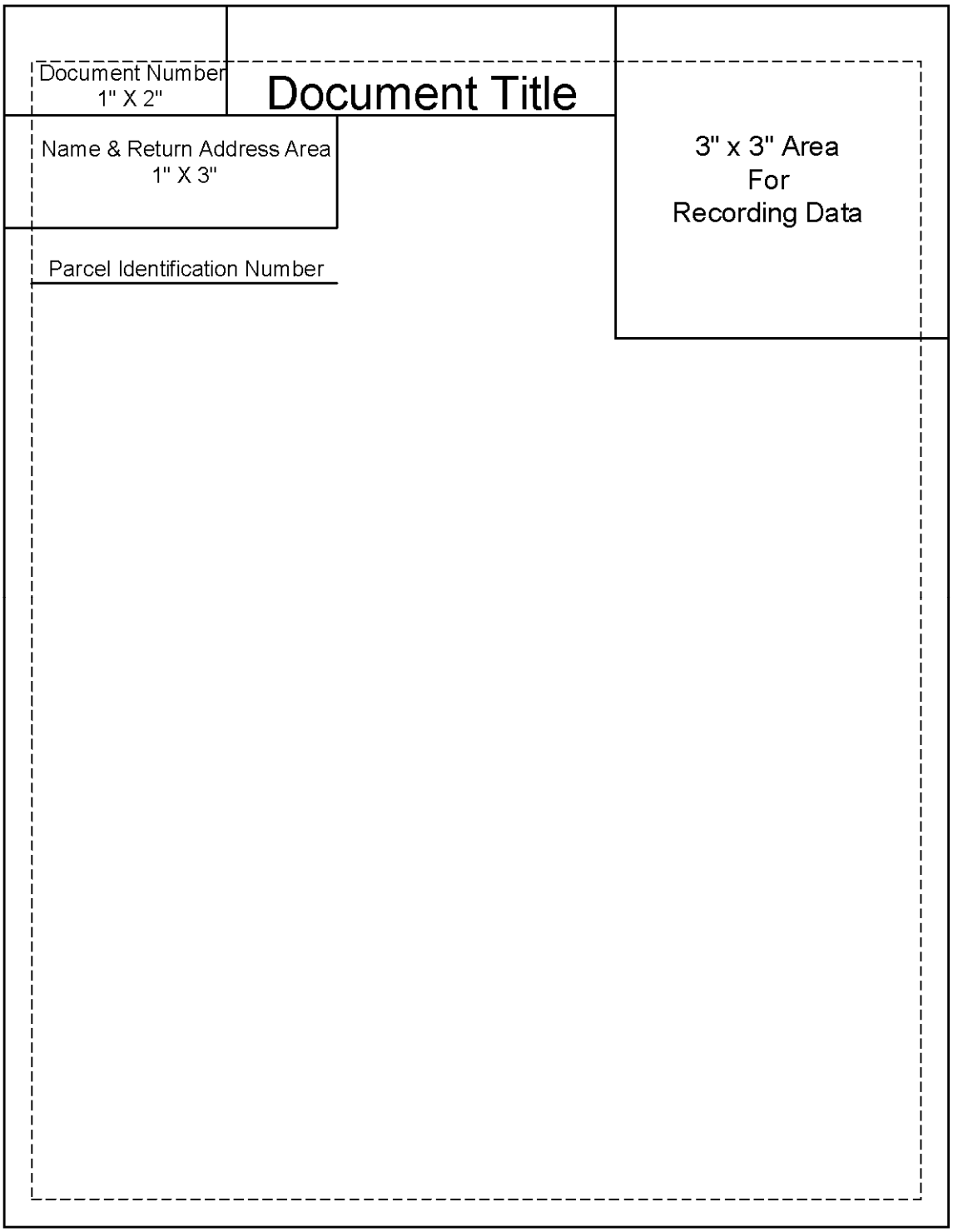
CORRECTION INSTRUMENT STANDARD DOCUMENT FORMAT-OPTION #1



SAMPLE CORRECTION INSTRUMENT FORMAT

As recommended by register of deeds. (sheet size: 8" x 14" legal)

CORRECTION INSTRUMENT STANDARD DOCUMENT FORMAT-OPTION #2



SAMPLE CORRECTION INSTRUMENT LANGUAGE

As recommended by register of deeds.

DOCUMENT NO.

AFFIDAVIT OF CORRECTION

THIS FORM IS INTENDED TO CORRECT SCRIVENER'S ERRORS.

THIS FORM SHOULD NOT BE USED FOR THE FOLLOWING PURPOSES WITHOUT THE NOTARIZED SIGNATURES OF THE GRANTOR/GRANTEE*

- Altering boundary lines
- Altering title/ownership
- Adding property
- Deleting property

AFFIANT, hereby swears or affirms that the attached document recorded on the ____ day of _____, _____(year) in volume _____, page _____, as document no. _____ and was recorded in the Register of Deeds of _____ County, State of WI, contained the following error (if more space is needed, please attach an addendum):

RECORDING AREA

NAME AND RETURN ADDRESS

Pin: _____

The correction is as follows (if more space is needed, please attach an addendum):

A complete original or copy of the original document should be attached.

Dated this _____ day of _____, _____

_____
Affiant's Signature (type name below)

_____
*

_____
Grantor's Signature (type name below)

_____
*

_____
Grantor's Signature (type name below)

_____
Grantee's Signature (type name below)

_____
*

_____
Grantee's Signature (type name below)

_____
*

STATE OF WISCONSIN
COUNTY OF _____)) SS.

Subscribed and sworn to (or affirmed) before me this _____ day of _____,

_____(type name below)

_____
Notary Public, State of Wisconsin
My Commission (expires) (is): _____

Drafted by: _____

*Grantor/Grantee as described in Wisconsin State Statutes 706.01(6) WRDA/WRPLA version VI- 10/06/2000

SAMPLE CORRECTION INSTRUMENT LANGUAGE

This instrument (affidavit) adds a mortgagee certificate to the recorded plat.

Doc. No. 23450

CORRECTION INSTRUMENT
FIRST ADDITION TO YOKUM COVE

KICKAPOO COUNTY
REGISTER OF DEEDS
DOC. NO. 23450

recording data

Pursuant to s. 236.295 (1) (c), Wis. Stats., I, Jane Doe, Registered Land Surveyor, S-9999, hereby certify that the following mortgagee's certificate was inadvertently omitted from the plat of FIRST ADDITION TO YOKUM COVE, recorded in Volume 13 of Plats on Pages 12 and 13, Kickapoo County Registry, located in the Town of France, Kickapoo County, WI.

Dated this _____ day of _____, 199_.

J.D. Land Surveying
123 Main Street
Dogpatch, WI 55555

_____
Jane Doe, S-9999

Parcel Id. No. 4132403300001

Kickapoo Savings and Loan, mortgagee of Lot 12, FIRST ADDITION TO YOKUM COVE, does hereby consent to the surveying, dividing, mapping, and dedication of the land described on this plat, and Kickapoo Savings and Loan does hereby consent to the Owner's Certificate on this plat.

WITNESS the hand and seal of _____, president of Kickapoo Savings and Loan.

Dated this _____ day of _____, 199_.

STATE OF WISCONSIN)
)ss.
COUNTY OF KICKAPOO)

Personally came before me this ____day of _____, 199_, to me known to be the person who executed the foregoing instrument and acknowledged the same.

My Commission Expires_____

_____

SAMPLE CORRECTION INSTRUMENT LANGUAGE

This instrument (affidavit) changes a street name in a recorded plat.

Doc. No. 23462

AFFIDAVIT OF CORRECTION
SECOND ADDITION TO YOKUM COVE

KICKAPOO COUNTY
REGISTER OF DEEDS
DOC. NO. 23462

recording data

Pursuant to s. 236.295(1) (a), Wis. Stats., I, Jane Doe, Registered Land Surveyor, S-9999, hereby certify that the plat of SECOND ADDITION TO YOKUM COVE, recorded in Volume 13 of Plats on Pages 58 and 59, Kickapoo County Registry, located in the Town of France, Kickapoo County, WI, shows a street name of "DAISY COURT" east of lots 20-23, (seediagram).

J.D. Land Surveying
123 Main Street
Dogpatch, WI 55555

The name of the street shall be changed to "DAISY MAE COURT."

Dated this 14TH day of June, 1995

Jane Doe
Jane Doe, S-9999

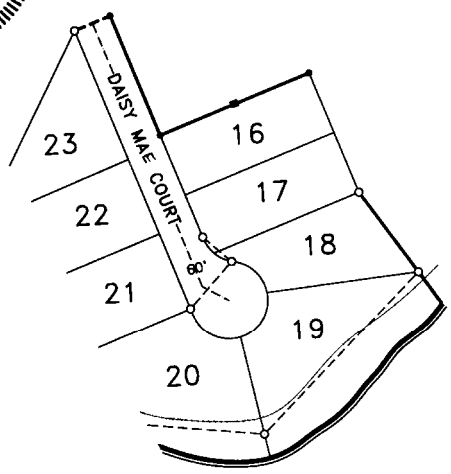
WISCONSIN JANE DOE S-9999 LAND SURVEYOR

Parcel Id. No. 4132403300008

STATE OF WISCONSIN)
)ss.
COUNTY OF KICKAPOO)

Personally came before me this ____day of _____, 199_, to me known to be the person who executed the foregoing instrument and acknowledged the same.

My Commission Expires_____



TOWN OF FRANCE
APPROVAL CERTIFICATE

Approved for recording by the Town Board of the Town of France.

Date_____

_____
Joe Smith, Town Clerk
Town of France

SAMPLE CORRECTION INSTRUMENT LANGUAGE

This instrument (affidavit) changes a line length in a recorded plat.

Doc. No. 23473

AFFIDAVIT OF CORRECTION
THIRD ADDITION TO YOKUM COVE

KICKAPOO COUNTY
REGISTER OF DEEDS
DOC. NO. 23473

recording data

Pursuant to s. 236.295 (1) (a), Wis. Stats., I, Jane Doe, Registered Land Surveyor, S-9999, hereby certify that the plat of THIRD ADDITION TO YOKUM COVE, recorded in Volume 13 of Plats on Pages 102 and 103, Kickapoo County Registry, located in the Village of Dogpatch, Kickapoo County, WI, contains an error in the length of the west line of the SW 1/4 of Section 3, T13N, R24E.

The length was incorrectly shown as "2640.01'." This length shall be corrected to "2642.01'." (See diagram)

J.D. Land Surveying
123 Main Street
Dogpatch, WI 55555

Dated this 11TH day of January, 1996

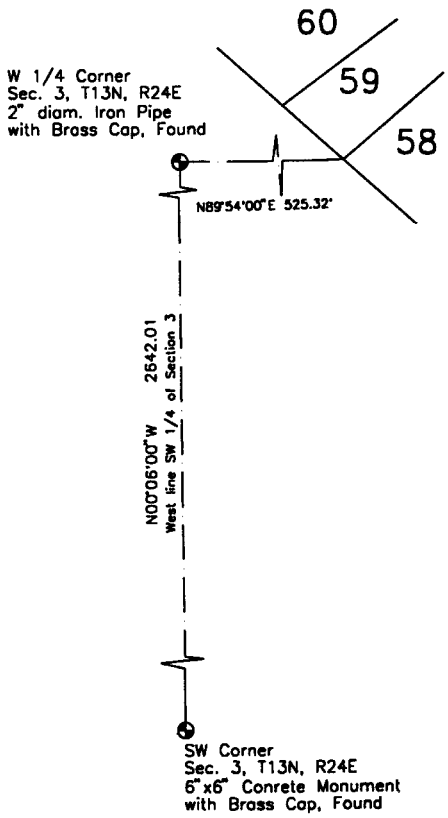
Parcel Id. No. 4132403300011

Jane Doe
Jane Doe, S-9999

WISCONSIN
JANE DOE S-9999
LAND SURVEYOR

STATE OF WISCONSIN)
)ss.
COUNTY OF KICKAPOO)

Personally came before me this ____day of _____, 199_, to me known to be the person who executed the foregoing instrument and acknowledged the same.

My Commission Expires_____

_____