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**DISTRICT II**

November 27, 2024

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You are hereby notified that the Court has entered the following opinion and order:

2023AP1262

Hanetti Properties LLC v. Alissa Traughber (L.C. #2022CV1086)

Before Gundrum, P.J., Neubauer and Grogan, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Hanetti Properties LLC (Hanetti) appeals an order dismissing its complaint against Alissa Traughber and Joseph Scott Real Estate LLC on the basis that Hanetti's claims were barred by the statute of repose in WIS. STAT. § 452.142 (2021-22).<sup>1</sup> Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21. We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

Hanetti retained Traughber as a realtor to list and sell a single-family residence. With Traughber's assistance, Hanetti sold the residence on May 20, 2020. After the sale closed, the new owners brought an action against Hanetti, alleging Hanetti misrepresented the condition of the residence's foundation. During discovery in that case, on May 8, 2022, Hanetti deposed one of the new owners who testified that Traughber also misrepresented the condition of the residence. On October 20, 2022, Hanetti brought the underlying complaint against Traughber and her employer Joseph Scott Real Estate LLC (collectively, Traughber) alleging claims for breach of fiduciary duty and contribution.

In lieu of an answer, Traughber moved to dismiss on the basis that Hanetti's claims were barred by the two-year statute of repose found in WIS. STAT. § 452.142. Section 452.142 provides:

(1) Notwithstanding [WIS. STAT. §§ ]100.18(11)(b)3. [fraudulent representations], 893.43 [actions on contract], 893.52 [action for damages for injury to property], or 893.57 [intentional torts], an action concerning any act or omission of a firm or any licensee associated with the firm relating to brokerage services shall be commenced within 2 years after whichever of the following that applies occurs first:

- (a) A transaction is completed or closed.
  - (b) An agency agreement is terminated.
  - (c) An unconsummated transaction is terminated or expires.
- (2) The period of limitation under this section may not be reduced by agreement.
- (3) The period of limitation under this section does not apply to disciplinary actions initiated by the board.

Traughber emphasized that in this case the transaction closed on May 20, 2020 and Hanetti did not bring its action against Traughber until October 20, 2022—more than two years

later. As such, Traugher argued Hanetti's claims were barred by WIS. STAT. § 452.142. The circuit court agreed and dismissed Hanetti's complaint. Hanetti appeals.

On appeal, Hanetti argues the circuit court erroneously interpreted and applied WIS. STAT. § 452.142. Hanetti focuses on § 452.142(1)'s introductory clause—"Notwithstanding [WIS. STAT. §§ ]100.18(11)(b)3. [fraudulent representations], 893.43 [action on contract], 893.52 [action for damages for injury to property], or 893.57 [intentional torts]." It asserts that based on this introductory language, § 452.142's two-year statute of repose is limited to an action against a realtor that "sounds in fraudulent representation, breach of contract, injury to property, or intentional tort within two years of a triggering event, even though those claims would otherwise have a longer statute of limitations." Hanetti contends that because § 452.142 does not list a contribution claim in its introductory scope, it follows that a contribution claim against a realtor is not subject to § 452.142's two-year statute of repose.

We disagree. In *Eddings v. Estate of Young*, 2024 WI App 60, \_\_ Wis. 2d \_\_, \_\_ N.W.3d \_\_, we were presented with a similar argument. In that case, we explicitly concluded WIS. STAT. "§ 452.142 is 'unambiguous on its face' in precluding *any action*, other than a disciplinary action, filed after two years from a closing on a property, including ... [an] action for indemnification/contribution." *Id.*, ¶22 (emphasis added). We noted "that within § 452.142, the legislature demonstrated its ability and willingness to carve out one particular type of 'action' that the two-year bar does not apply to, yet chose not to carve out any other type of action—for contribution, indemnification, or otherwise." *Id.*, ¶22 n.5. In this case, Hanetti's claims are barred by WIS. STAT. § 452.142.

Therefore,

IT IS ORDERED that the order of the circuit court is summarily affirmed. *See* WIS. STAT. § 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

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*Samuel A. Christensen*  
*Clerk of Court of Appeals*