



OFFICE OF THE CLERK
WISCONSIN COURT OF APPEALS

110 EAST MAIN STREET, SUITE 215

P.O. BOX 1688

MADISON, WISCONSIN 53701-1688

Telephone (608) 266-1880

TTY: (800) 947-3529

Facsimile (608) 267-0640

Web Site: www.wicourts.gov

DISTRICT II

September 9, 2026

To:

Hon. Eugene A. Gasiorkiewicz
Circuit Court Judge
Electronic Notice

Jacob Sosnay
Electronic Notice

Amy Vanderhoef
Clerk of Circuit Court
Racine County Courthouse
Electronic Notice

Terrence Jamal Fitch
Electronic Notice

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

2025AP1464

Terrence Jamal Fitch v. Clerk of The Register of Deeds for Racine
County (L.C. #2025CV744)

Before Lazar, P.J., Gundrum, 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).

Terrence Jamal Fitch appeals pro se from orders of the circuit court denying his writ of mandamus and motions for reconsideration. 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 (2023-24).¹ For the following reasons, we affirm.

¹ All references to the Wisconsin Statutes are to the 2023-24 version.

BACKGROUND

On May 23, 2025, Fitch filed with a clerk of the Register of Deeds for Racine County (Register of Deeds) a Notice of Priority Perfected Security Interest, Affidavit of Fact, and Attachment A (Property List and Collateral Description) with the required \$30 filing fee against real property he had conveyed to a trust roughly a month prior. The documents purported to be security instruments that assume priority status over existing filings of two credit unions. The Register of Deeds accepted the documents and fee, issuing a printed receipt. On May 27, 2025, Fitch received from the Register of Deeds written notice of its refusal to record the May 23, 2025 filings together with a refund of the \$30 fee. The notice explained that the documents submitted for recording do not “fall within any ... class of documents that the law requires the Register of Deeds to record” pursuant to WIS. STAT. §§ 59.43(1c)(a) and 706.05.

On May 30, 2025, Fitch hand-delivered to the Register of Deeds a revised set of documents, now including a “Transmittal Letter and Jurisdictional Disclaimer” and “Memorandum of Law supporting Petitioner’s legal right to record the documents[.]” The Register of Deeds again refused the filings on the same grounds as for refusing the prior filings and mailed Fitch the refusal notice and fee.

On June 1, 2025, Fitch filed a Petition for Writ of Mandamus in Racine County Circuit Court, asserting that the Register of Deeds had a “clear ministerial duty to record” the documents. On June 2, 2025, the Register of Deeds again received by priority mail Fitch’s documents for recording, which were, once again, refused in writing on the same grounds as the prior filings, with the additional statement: “a recording fee does not guarantee your documents will be recorded. ... The documents are ... reviewed for recording requirements. If they do not

qualify, they are returned along with the payment with an explanation to the recipient.” On June 5, 2025, Fitch filed a motion to change venue.

On June 11, 2025, the circuit court denied the writ of mandamus, concluding the self-authored documents Fitch prepared and filed were not of the kind recognized under WIS. STAT. § 59.43. The court also denied the motion to change venue. That very same day, Fitch filed a motion for reconsideration of that decision and a motion for judicial disqualification. On June 12, 2025, and June 17, 2025, Fitch filed amended versions, none of which provided anything different from the initial filing, and the circuit court subsequently denied those motions. Fitch appeals from the circuit court orders and requests that we reverse the circuit court.

DISCUSSION

On appeal, Fitch first argues the Register of Deeds had a ministerial duty under WIS. STAT. § 59.43 to record his documents after it accepted the fee and issued a receipt. Fitch next argues the circuit court showed bias in its language and erred in failing to issue findings of fact and conclusions of law. Finally, Fitch argues the court erred when it denied his writ of mandamus without holding an evidentiary hearing.

We could affirm without addressing the merits of Fitch’s second argument because he failed to file a Reply brief refuting the arguments made in the Response brief. He failed to respond to the Register of Deeds pointing out that the circuit court’s first order properly included findings of fact and conclusions of law and that Fitch failed to establish the court was biased—noting the court merely determined that Fitch’s recycled arguments presented nothing new for

consideration. As a result, Fitch conceded these arguments.² See **Apple Hill Farms Dev., LLP v. Price**, 2012 WI App 69, ¶14, 342 Wis. 2d 162, 816 N.W.2d 914 (failure to file a reply brief deemed a concession to respondent’s argument). Fitch also failed to identify any disputed material facts requiring an evidentiary hearing before the circuit court, rendering this argument meritless. See WIS. STAT. §§ 783.01; 783.02; **State ex rel. Ferebee v. Dillett**, 240 Wis. 465, 466, 3 N.W.2d 699 (1942) (“Mandamus is a civil action and the proceedings therein are the same as those in other civil actions.”). Accordingly, because this issue was inadequately briefed, we will not review it. See **State v. Pettit**, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992).

Thus, we will only address the merits of his argument that the Register of Deeds had a ministerial duty under WIS. STAT. § 59.43(1c)(a) to record his documents after accepting the fee and issuing a receipt.

A writ of mandamus is “‘an extraordinary legal remedy.’ ... ‘used to compel public officers to perform duties arising out of their office and presently due to be performed.’” **State ex rel. Zignego v. Wisconsin Elections Comm’n**, 2020 WI App 17, ¶29, 391 Wis. 2d 441, 941 N.W.2d 284 (citations omitted). “We will uphold a circuit court’s grant or denial of a writ of mandamus unless the circuit court erroneously exercised its discretion.” **Id.**, ¶32. “A circuit court’s ‘discretion in issuing a writ of mandamus is erroneously exercised if based on an erroneous understanding of the law.’” **Id.** (citation omitted). “When a circuit court order interprets Wisconsin Statutes, including in a writ of mandamus, we interpret the statutes

² The circuit court provided findings of fact and conclusions of law and correctly noted that motions for reconsideration are not formats to reargue failed arguments made initially to the court. Moreover, Fitch’s claim of bias merely challenges the court’s determination that his motion’s repeated arguments to the court had already been properly denied.

independently of the circuit court’s analysis.” *Id.* “[I]t is an [erroneous exercise] of discretion to compel action through mandamus when the duty is not clear and unequivocal and requires the exercise of discretion.” *Id.*, ¶33 (second alteration in original; citation omitted).

Fitch claims that mere acceptance of the documents and the fee by the Register of Deeds created a ministerial duty to record/constituted a legal filing. *See* WIS. STAT. § 59.43(1c)(a). However, the statute requires the recording *only* of documents that are “authorized by law to be recorded,” § 59.43(1c)(a), and that “affect[] title to land,” WIS. STAT. § 706.05(1). A register of deeds must therefore evaluate documents to determine whether they meet the statutory requirements. *Wis. Op. Att’y Gen. OAG-04-12*, ¶¶1-8 (Dec. 11, 2012). A duty is ministerial only “when it is absolute, certain and imperative, involving merely the performance of a specific task when the law imposes, prescribes and defines the time, mode and occasion for its performance with such certainty that nothing remains for judgment or discretion.” *Lister v. Board of Regents of Univ. of Wis. Sys.*, 72 Wis. 2d 282, 301, 240 N.W.2d 610 (1976); *see also Pinter v. Village of Stetsonville*, 2019 WI 74, ¶4, 387 Wis. 2d 475, 929 N.W.2d 547. Discretion here is paramount to safeguarding innocent real property holders from “cloud[s] on their title.” *See* 69 Wis. Op. Att’y Gen. 58, 63 (1980).

Here, Fitch presented documents for recording against real property in which he did not possess a real property interest, as he conveyed interest to a trust. Absent a real property interest, Fitch’s documents did not affect title to land and thus were not authorized by law for recording. The statutes clearly do not support the argument that mere acceptance of the documents and the fee created a ministerial duty to record or constituted a legal filing.

Because Fitch's documents were not authorized by law for recording, and the Register of Deeds had no duty to record them, the circuit court correctly concluded that no basis existed for a writ of mandamus. Therefore, we conclude that the circuit court properly denied Fitch's writ of mandamus and motions for reconsideration and affirm the circuit court's orders.

Therefore,

IT IS ORDERED that the orders of the circuit court are summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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

Samuel A. Christensen
Clerk of Court of Appeals