

2795 PRESUMPTION OF INSOLVENCY – WIS. STAT. § 242.02(3)

A debtor who is generally not paying (his) (her) (its) debts as they become due, other than because of a bona fide dispute, is presumed to be insolvent.¹

NOTES

1. The presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence.

COMMENT

This instruction and comment were approved in October 2025.

See also Wis. Stat. § 903.01 (effect of presumptions in civil actions).