

AMENDMENTS TO LB1115

Introduced by Judiciary.

1 1. Strike original section 5 and insert the following new section:

2 Sec. 5. Section 76-1446, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 76-1446 (1) The proceedings shall be in all respects as in other
5 cases, except that:

6 (a) If the action for possession will be tried by the court without
7 a jury, the trial shall be held not less than ten nor more than fourteen
8 days after the issuance of the summons; or

9 (b) If the action for possession will be tried by a jury, the trial
10 shall be scheduled by the court as soon as is practicable for the proper
11 administration of justice. If, at the request of the tenant, the jury
12 trial is continued beyond the initial trial date as determined by the
13 court, the court may require the tenant to deposit with the clerk of the
14 court such rental payments as accrue during the pendency of the suit.
15 ~~Trial of the action for possession shall be held not less than ten nor~~
16 ~~more than fourteen days after the issuance of the summons. The action~~
17 ~~shall be tried by the court without a jury.~~

18 (2) If the plaintiff serves the summons in the manner provided in
19 section 76-1442.01, the action shall proceed as other actions for
20 possession except that a money judgment shall not be granted for the
21 plaintiff.

22 (3) If judgment is rendered against the defendant for the
23 restitution of the premises, the court (a) shall declare the forfeiture
24 of the rental agreement, and (b) shall, at the request of the plaintiff
25 or his or her attorney, issue a writ of restitution, directing the
26 constable or sheriff to restore possession of the premises to the
27 plaintiff on a specified date not more than ten days after issuance of

1 the writ of restitution. The plaintiff shall comply with the Disposition
2 of Personal Property Landlord and Tenant Act and subsection (5) of
3 section 76-1414 in the removal of personal property remaining on the
4 premises at the time possession of the premises is restored.