

LEGISLATIVE BILL 984

Approved by the Governor March 21, 1988

Introduced by Haberman, 44

AN ACT relating to real property; to amend section 76-1002, Reissue Revised Statutes of Nebraska, 1943; to authorize security for future advances secured by transfers in trust as prescribed; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 76-1002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1002. (1) Transfers in trust of real property may be made to secure (1) (a) existing debts or obligations created simultaneously with the execution of the trust deed, (2) (b) future advances necessary to protect the security, (3) (c) any future advances to be made at the option of the parties, or (4) (d) the performance of an obligation of any other person named in the trust deed to a beneficiary.

(2) The reduction to zero or elimination of the obligation evidenced by any of the transfers in trust authorized by this section shall not invalidate the operation of this section as to any future advances unless a notice or release to the contrary is filed for record as provided by law. All right, title, interest, and claim in and to the trust property acquired by the trustor, or his or her successors in interest, subsequent to the execution of the trust deed, shall inure to the trustee as security for the obligation or obligations for which the trust property is conveyed in like manner as if acquired before execution of the trust deed.

Sec. 2. That original section 76-1002, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.