

LEGISLATIVE BILL 95

Approved by the Governor February 25, 1991

Introduced by Landis, 46

AN ACT relating to decedents' estates; to amend section 30-2485, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to claims against decedents' estates; and to repeal the original section.

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

Section 1. That section 30-2485, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2485. (a) All claims against a decedent's estate which arose before the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, if not barred earlier by other statute of limitations, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) ~~within~~ Within two months after the date of the first publication of notice to creditors if notice is given in compliance with ~~section 30-2483~~, PROVIDED, sections 25-520.01 and 30-2483, except that claims barred by the nonclaim statute at the decedent's domicile before the first publication for claims in this state are also barred in this state. If any creditor has a claim against a decedent's estate which arose before the death of the decedent and which was not presented within the time allowed by this subdivision, including any creditor who did not receive notice, such creditor may apply to the court within sixty days after the expiration date provided in this subdivision for additional time and the court, upon good cause shown, may allow further time not to exceed thirty days;

(2) ~~within~~ Within three years after the decedent's death, if notice to creditors has not been ~~published~~ given in compliance with sections 25-520.01 and 30-2483.

(b) All claims, other than for administration expenses, against a decedent's estate which arise at or after the death of the decedent, including claims of the

state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) a A claim based on a contract with the personal representative, within four months after performance by the personal representative is due;

(2) any Any other claim, within four months after it arises.

(c) Nothing in this section affects or prevents:

(1) any Any proceeding to enforce any mortgage, pledge, or other lien upon property of the estate; or

(2) ~~to~~ To the limits of the insurance protection only, any proceeding to establish liability of the decedent or the personal representative for which he or she is protected by liability insurance.

Sec. 2. That original section 30-2485, Reissue Revised Statutes of Nebraska, 1943, is repealed.