

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 225

Introduced By: Friend, 10
Read first time: January 9, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to law; to amend section 49-801, Reissue
2 Revised Statutes of Nebraska; to provide for acknowledgment
3 of satisfaction of judgment and for unsworn certification;
4 to provide a penalty; to provide a duty for the Revisor of
5 Statutes; to harmonize provisions; and to repeal the
6 original section.

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

1 Section 1. When the amount due upon judgment is paid off,
 2 or satisfied in full, the party entitled to the proceeds thereof, or
 3 those acting for that party, shall acknowledge satisfaction of the
 4 judgment by the execution of an instrument referring to it, duly
 5 acknowledged and filed in the office of the clerk in every county
 6 wherein the judgment is a lien. A failure to do so within thirty days
 7 after having been requested in writing shall be a Class V misdemeanor
 8 and reasonable attorney's fees incurred by the party aggrieved may be
 9 recovered in an action for the satisfaction or acknowledgment by the
 10 party aggrieved.

11 Sec. 2. (1) When the laws of this state or any lawful
 12 requirement made under them requires or permits a matter to be
 13 supported by a sworn statement written by the person attesting the
 14 matter, the person may attest the matter by an unsworn written
 15 statement if that statement recites that the person certifies the
 16 matter to be true under penalty of perjury under the laws of this
 17 state, states the date of the statement's execution, and is
 18 subscribed by that person. This section does not apply to
 19 acknowledgments where execution is required by law, to a real estate
 20 conveyance document which is to be recorded under Chapter 76, article
 21 2, or to a self-proved will under section 30-2329.

22 (2) The certification described in subsection (1) of this
 23 section may be in substantially the following form:

24 I certify under penalty of perjury and pursuant to the laws
 25 of the State of Nebraska that the preceding is true and correct.

26

27 Date Signature

1 Sec. 3. Section 49-801, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-801. Unless the context is shown to intend otherwise,
4 words and phrases in the statutes of Nebraska hereafter enacted are
5 used in the following sense:

6 (1) Acquire when used in connection with a grant of power or
7 property right to any person shall include the purchase, grant, gift,
8 devise, bequest, and obtaining by eminent domain;

9 (2) Action shall include any proceeding in any court of this
10 state;

11 (3) Attorney shall mean attorney at law;

12 (4) Company shall include any corporation, partnership,
13 limited liability company, joint-stock company, joint venture, or
14 association;

15 (5) Domestic when applied to corporations shall mean all
16 those created by authority of this state;

17 (6) Federal shall refer to the United States;

18 (7) Foreign when applied to corporations shall include all
19 those created by authority other than that of this state;

20 (8) Grantee shall include every person to whom any estate or
21 interest passes in or by any conveyance;

22 (9) Grantor shall include every person from or by whom any
23 estate or interest passes in or by any conveyance;

24 (10) Inhabitant shall be construed to mean a resident in the
25 particular locality in reference to which that word is used;

26 (11) Land or real estate shall include lands, tenements, and
27 hereditaments and all rights thereto and interest therein other than a

1 chattel interest;

2 (12) Magistrate shall include judge of the county court and
3 clerk magistrate;

4 (13) Month shall mean calendar month;

5 (14) Oath shall include affirmation;~~in all cases in~~
6 ~~which an affirmation may be substituted for an oath;~~

7 (15) Peace officer shall include sheriffs, coroners,
8 jailers, marshals, police officers, state highway patrol officers,
9 members of the National Guard on active service by direction of the
10 Governor during periods of emergency, and all other persons with
11 similar authority to make arrests;

12 (16) Person shall include bodies politic and corporate,
13 societies, communities, the public generally, individuals,
14 partnerships, limited liability companies, joint-stock companies, and
15 associations;

16 (17) Personal estate shall include money, goods, chattels,
17 claims, and evidences of debt;

18 (18) Process shall mean a summons, subpoena, or notice to
19 appear issued out of a court in the course of judicial proceedings;

20 (19) State when applied to different states of the United
21 States shall be construed to extend to and include the District of
22 Columbia and the several territories organized by Congress;

23 (20) Sworn shall include affirmed;~~in all cases in which~~
24 ~~an affirmation may be substituted for an oath;~~

25 (21) The United States shall include territories, outlying
26 possessions, and the District of Columbia;

27 (22) Violate shall include failure to comply with;

1 (23) Writ shall signify an order or citation in writing
2 issued in the name of the state out of a court or by a judicial
3 officer; and

4 (24) Year shall mean calendar year.

5 Sec. 4. The Revisor of Statutes shall assign section 1 of
6 this act to Chapter 25, article 15.

7 Sec. 5. Original section 49-801, Reissue Revised Statutes of
8 Nebraska, is repealed.