

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 49

Introduced by Krist, 10.

Read first time January 06, 2011

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to real property; to change filing provisions

2 relating to nonconsensual liens.

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

1 Section 1. (1) In order that the owner of real property
2 upon which a nonconsensual lien is recorded shall have notice of the
3 lien, an envelope with the name and address of the owner of the real
4 property on the envelope, along with the proper postage affixed,
5 shall accompany the nonconsensual lien submitted for recordation at
6 the county recording office. Upon proper submittal and the
7 nonconsensual lien meeting all statutory recording requirements, the
8 county recording office shall record the nonconsensual lien and,
9 using the accompanying envelope, forward a copy of the recorded lien
10 to the owner as addressed on the envelope. If no envelope is
11 submitted with the nonconsensual lien or if the envelope does not
12 have the name and address of the owner of the real property on it or
13 the proper postage affixed, the county recording office shall reject
14 the lien.

15 (2) This section does not apply to mortgages, deeds of
16 trust, or any encumbrances in which all parties involved have
17 knowledge of or should have knowledge of the encumbrances.

18 (3) For purposes of this section, a nonconsensual lien is
19 any lien or encumbrance of which the real property owner is not
20 aware.