

# **One Hundred Third Legislature - First Session - 2013**

## **Introducer's Statement of Intent**

**LB345**

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**Chairperson: Senator Brad Ashford**

**Committee: Judiciary**

**Date of Hearing: February 01, 2013**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The Real Property Transfer on Death Act passed in 2012 and became effective January 1, 2013. During the process on select file language was added that requires amendment:

- Under this current law, a transfer on death deed would need to be signed by two disinterested witnesses, but there is no way to confirm at the time of transfer that the witnesses were disinterested when they signed the deed. Therefore, the recommended amendment would remove the requirement that the witness be “disinterested” and state that any Transfer on Death Deed with two witnesses, whether or not they are disinterested, will be valid.
- In order to expedite administration of Nebraska's real property title laws, the Register of Deeds are requesting that a document be filed to assist them in collating death certificates with:
  - transfer on death deeds at the death of the transferor,
  - deeds that make transfers as a result of the death of a joint tenant
  - deeds that make transfers upon the death of a holder of a life estate.

**Principal Introducer:** \_\_\_\_\_

**Senator John Wightman**