

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 785

Introduced by Lathrop, 12.

Read first time January 10, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to homesteads; to amend section 40-104, Reissue
2 Revised Statutes of Nebraska; to provide when
3 acknowledgment is not required; and to repeal the
4 original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 40-104, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 40-104 ~~The Except as otherwise provided in this section,~~
4 homestead of a married person cannot be conveyed or encumbered unless
5 the instrument by which it is conveyed or encumbered is executed and
6 acknowledged by both husband and wife. ~~except as otherwise provided~~
7 ~~in this section.~~ The interest of either or both spouses may be
8 conveyed or encumbered by a conservator acting in accordance with the
9 provisions of the Nebraska Probate Code and may also be conveyed or
10 encumbered by an attorney in fact appointed by and acting on behalf
11 of either spouse under any power of attorney which grants the power
12 to sell and convey real property. Any claim of invalidity of a deed
13 of conveyance of homestead property because of failure to comply with
14 the provisions of this section must be asserted within the time
15 provided in sections 76-288 to 76-298.

16 A purchase agreement or contract for sale of homestead
17 property signed by both spouses does not require acknowledgment to be
18 enforceable.

19 Sec. 2. Original section 40-104, Reissue Revised Statutes
20 of Nebraska, is repealed.