

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 712**

Introduced by Rogert, 16.

Read first time January 06, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Disposition of Personal Property  
2 Landlord and Tenant Act; to amend sections 69-2304  
3 and 69-2308, Reissue Revised Statutes of Nebraska; to  
4 change provisions relating to the disposition of personal  
5 property; to harmonize provisions; and to repeal the  
6 original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 69-2304, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           69-2304 A notice given pursuant to section 69-2303 shall  
4 contain one of the following statements, as appropriate:

5           (1) "If you fail to reclaim the property, it will be  
6 sold at a public sale after notice of the sale has been given  
7 by publication. You have the right to bid on the property at  
8 this sale. After the property is sold and the costs of storage,  
9 advertising, and sale are deducted, the remaining money will  
10 be turned over to the State Treasurer pursuant to the Uniform  
11 Disposition of Unclaimed Property Act. You may claim the remaining  
12 money from the office of the State Treasurer as provided in such  
13 act."; or

14           (2) "Because this property is believed to be worth less  
15 than ~~two hundred fifty~~ one thousand dollars, it may be kept, sold,  
16 or destroyed without further notice if you fail to reclaim it  
17 within the time indicated in this notice."

18           Sec. 2. Section 69-2308, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           69-2308 (1) If the personal property is not released  
21 pursuant to section 69-2307, it shall be sold at public sale  
22 by competitive bidding, except that if the landlord reasonably  
23 believes that the total resale value of the property not released  
24 is less than ~~two hundred fifty~~ one thousand dollars, he or she  
25 may retain such property for his or her own use or dispose of it

1 in any manner he or she chooses. At such time as the decision to  
2 sell or to retain is made, any locked trunk, valise, box, or other  
3 container shall be opened, if practicable, with as little damage as  
4 possible, and its contents evaluated. Nothing in this section shall  
5 be construed to preclude the landlord or the tenant from bidding  
6 on the property at the public sale. The successful bidder's title  
7 shall be subject to ownership rights, liens, and security interests  
8 which have priority by law.

9 (2) Notice of the time and place of the public sale shall  
10 be given by advertisement of the sale published once a week for  
11 two consecutive weeks in a newspaper of general circulation in the  
12 county where the sale is to be held. If there is no newspaper of  
13 general circulation in the county where the sale is to be held,  
14 the advertisement shall be posted no fewer than ten days before the  
15 sale in not less than six conspicuous places in the neighborhood of  
16 the proposed sale. The sale shall be held at the nearest suitable  
17 place to the place where the personal property is held or stored.  
18 The advertisement shall include a description of the goods, the  
19 name of the former tenant, and the time and place of the sale.  
20 The sale shall take place no sooner than ten days after the first  
21 publication. The last publication shall be no less than five days  
22 before the sale is to be held. Notice of sale may be published  
23 before the last of the dates specified for taking possession of the  
24 property in any notice given pursuant to section 69-2303.

25 (3) The notice of the sale shall describe the property to

1 be sold in a manner reasonably adequate to permit the owner of the  
2 property to identify it. The notice may describe all or a portion  
3 of the property, but the limitation of liability provided by  
4 section 69-2309 shall not release the landlord from any liability  
5 arising from the disposition of property not described in the  
6 notice.

7 (4) After deduction of the reasonable costs of storage,  
8 advertising, and sale, any proceeds of the sale not claimed by the  
9 former tenant, an owner other than such tenant, or another person  
10 having an interest in the proceeds shall, not later than thirty  
11 days after the date of sale, be remitted to the State Treasurer  
12 for disposition pursuant to the Uniform Disposition of Unclaimed  
13 Property Act. The former tenant, other owner, or other person  
14 having interest in the proceeds may claim the proceeds by complying  
15 with the act. If the State Treasurer pays the proceeds or any part  
16 thereof to a claimant, neither the State Treasurer nor any employee  
17 thereof shall be liable to any other claimant as to the amount  
18 paid.

19 Sec. 3. Original sections 69-2304 and 69-2308, Reissue  
20 Revised Statutes of Nebraska, are repealed.