

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 732**

Introduced by Utter, 33.

Read first time January 06, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to real property; to amend sections 25-1326,  
2 25-1327, 25-2144, and 77-1912, Reissue Revised Statutes  
3 of Nebraska; to change provisions relating to certain  
4 forced sales; to harmonize provisions; to repeal the  
5 original sections; and to declare an emergency.  
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1326, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 25-1326 (1) Real property may be conveyed by a master  
4 commissioner ~~commissioners~~ ~~(1)~~ when (a) by an order or judgment  
5 in an action or a proceeding, a party is ordered to convey such  
6 property to another, and ~~he shall neglect or refuse he or she~~  
7 neglects or refuses to comply with such order or judgment, ~~(2) when~~  
8 or (b) specific real property is required to be sold under an order  
9 or judgment of the court.

10 (2) A master commissioner may, for any cause he or she  
11 deems expedient, postpone the sale of all or any portion of the  
12 real property from time to time until it is completed and, in  
13 every such case, notice of postponement shall be given by public  
14 declaration thereof by such master commissioner at the time and  
15 place last appointed for the sale. No other notice of the postponed  
16 sale need be given unless the sale is postponed for longer than  
17 forty-five days beyond the day designated in the notice of sale in  
18 which event the notice thereof shall be given in the same manner as  
19 the original notice of sale is required to be given.

20 Sec. 2. Section 25-1327, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 25-1327 A sheriff may act as a master commissioner under  
23 ~~the provisions of section 25-1326, subdivision (2).~~ subdivision  
24 (1)(b) of section 25-1326. Sales made under ~~the same such~~  
25 subdivision shall conform in all respects to the laws regulating

1 sales of land upon execution.

2 Sec. 3. Section 25-2144, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 25-2144 (1) All sales of mortgaged premises under a  
5 decree shall be made by a sheriff or some other person authorized  
6 by the court in the county where the premises or some part of  
7 them are situated. In ~~and in~~ all cases where the sheriff ~~shall~~  
8 ~~make~~ makes such sale he or she shall act in his or her official  
9 capacity, ~~he~~ shall be liable on his or her official bond for all  
10 his or her acts therein, and ~~he~~ shall receive the same compensation  
11 as is provided by law for like services upon sales under execution.

12 (2) The sheriff or other person conducting the sale may,  
13 for any cause he or she deems expedient, postpone the sale of all  
14 or any portion of the real property from time to time until it is  
15 completed and, in every such case, notice of postponement shall be  
16 given by public declaration thereof by the sheriff or such other  
17 person at the time and place last appointed for the sale. No other  
18 notice of the postponed sale need be given unless the sale is  
19 postponed for longer than forty-five days beyond the day designated  
20 in the notice of sale in which event notice thereof shall be given  
21 in the same manner as the original notice of sale is required to be  
22 given.

23 Sec. 4. Section 77-1912, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 77-1912 (1) The sheriff shall sell the real property

1 in the same manner provided by law for a sale on execution  
2 and shall at once pay the proceeds thereof to the clerk of  
3 the district court. Any governmental subdivision of the state,  
4 municipal corporation, or drainage or irrigation district to which  
5 any part of the taxes included in the decree of foreclosure is  
6 due may purchase any real property sold at sheriff's sale. The  
7 provisions of the law for the protection of the purchasers at tax  
8 sales shall apply to purchasers at foreclosure sales provided for  
9 in this section. The sheriff or officer conducting the sale shall  
10 not be entitled to any commission on the money received and paid  
11 out on foreclosure sales provided for herein.

12 (2) The sheriff or officer conducting the sale may, for  
13 any cause he or she deems expedient, postpone the sale of all or  
14 any portion of the real property from time to time until it is  
15 completed and, in every such case, notice of postponement shall be  
16 given by public declaration thereof by the sheriff or officer at  
17 the time and place last appointed for the sale. No other notice of  
18 the postponed sale need be given unless the sale is postponed for  
19 longer than forty-five days beyond the day designated in the notice  
20 of sale in which event notice shall be given in the same manner in  
21 the original notice of sale is required to be given.

22 Sec. 5. Original sections 25-1326, 25-1327, 25-2144, and  
23 77-1912, Reissue Revised Statutes of Nebraska, are repealed.

24 Sec. 6. Since an emergency exists, this act takes effect  
25 when passed and approved according to law.