

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 370
Final Reading

Introduced by Wightman, 36.

Read first time January 13, 2011

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections
2 77-1824, 77-1825, 77-1831, 77-1832, 77-1833, 77-1834,
3 77-1835, and 77-1837, Reissue Revised Statutes of
4 Nebraska; to change provisions relating to collection of
5 delinquent real property taxes by sale of real property;
6 to define a term; to provide for applicability; and to
7 repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-1824, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 77-1824 The owner or occupant of any real property sold
4 for taxes or any person having a lien thereupon or interest therein
5 may redeem the same. For owner-occupied real property, the right of
6 redemption expires forty-five days after the date of application for
7 the tax deed, and for all other real property, the right of
8 redemption expires when the purchaser files an application for tax
9 deed with the county treasurer. A redemption shall not be accepted by
10 the county treasurer, or considered valid, unless received prior to
11 the close of business forty-five days after the date of application
12 for the tax deed for owner-occupied real property or prior to the
13 close of business on the day the application for the tax deed is
14 received by the county treasurer for other real property. Redemption
15 shall be accomplished at any time before the delivery of tax deed by
16 the county treasurer by paying the county treasurer for the use of
17 such purchaser or his or her heirs or assigns the sum mentioned in
18 his or her certificate, with interest thereon at the rate specified
19 in section 45-104.01, as such rate may from time to time be adjusted
20 by the Legislature, from the date of purchase to date of redemption,
21 together with all other taxes subsequently paid, whether for any year
22 or years previous or subsequent to the sale, and interest thereon at
23 the same rate from date of such payment to date of redemption. In
24 addition, if owner-occupied real property is redeemed after the day
25 the purchaser files an application for a tax deed, the owner shall

1 pay a redemption fee equal to twenty percent of all other amounts
2 due.

3 Sec. 2. For purposes of sections 77-1801 to 77-1863,
4 owner-occupied real property means real property that is actually
5 occupied by the record owner of the real property, the surviving
6 spouse of the record owner, or a minor child of the record owner.

7 Sec. 3. Section 77-1825, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 77-1825 The county treasurer shall enter a memorandum of
10 ~~such~~ redemption of real property in the sales book, and ~~such~~
11 ~~treasurer~~ shall give a receipt therefor to the person redeeming the
12 same, for which ~~he or she~~ the county treasurer may charge a fee of
13 two dollars. The county treasurer shall send written notice of
14 redemption, by registered or certified mail, to the holder of the
15 county treasurer's certificate of tax sale, ~~provided if~~ if the post
16 office address of the holder of the certificate is filed in the
17 office of the county treasurer. The redemption money, including any
18 redemption fee under section 77-1824, shall be paid to or upon the
19 order of the holder on return of the certificate.

20 Sec. 4. Section 77-1831, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 77-1831 (1) No purchaser at any sale for taxes or his or
23 her assignees shall be entitled to a tax deed from the county
24 treasurer for the real property so purchased unless such purchaser or
25 assignee, at least three months before applying for the tax deed,

1 serves or causes to be served a notice ~~stating when such purchaser~~
2 ~~purchased the real property, the description thereof, in whose name~~
3 ~~assessed, for what year taxed or specially assessed, and that,~~ after
4 the expiration of at least three months from the date of service of
5 such notice, the tax deed will be applied for.

6 The notice shall include:

7 (a) The following statement in sixteen-point type: UNLESS
8 YOU ACT YOU WILL LOSE THIS PROPERTY;

9 (b) The date when the purchaser purchased the real
10 property sold by the county for taxes;

11 (c) The description of the real property;

12 (d) In whose name the real property was assessed;

13 (e) The amount of taxes represented by the tax sale
14 certificate, the year the taxes were levied or assessed, and any
15 subsequent taxes paid and interest accrued as of the date the notice
16 is signed by the purchaser; and

17 (f) The following statements:

18 (i) That the issuance of a tax deed is subject to the
19 right of redemption under sections 77-1824 to 77-1830;

20 (ii) The right of redemption requires payment to the
21 county treasurer, for the use of such purchaser, or his or her heirs
22 or assigns, the amount of taxes represented by the tax sale
23 certificate for the year the taxes were levied or assessed and any
24 subsequent taxes paid and interest accrued as of the date payment is
25 made to the county treasurer. In addition, if the real property is

1 owner-occupied real property and the redemption occurs after the day
2 the purchaser files an application for a tax deed, a redemption fee
3 equal to twenty percent of all other amounts due must be paid; and

4 (iii) The right of redemption expires at the close of
5 business forty-five days after the date of application for the tax
6 deed for owner-occupied real property or at the close of business on
7 the day the purchaser files an application for a tax deed with the
8 county treasurer for all other real property.

9 (2) In addition to the notice required under subsection
10 (1) of this section, no purchaser of owner-occupied real property at
11 any sale for taxes or his or her assignees shall be entitled to a tax
12 deed from the county treasurer for the real property so purchased
13 unless such purchaser or assignee, upon application for the deed,
14 serves or causes to be served a notice that, after the expiration of
15 forty-five days after the date of application for the tax deed, the
16 tax deed will be executed and delivered by the county treasurer
17 unless the owner redeems the real property.

18 The notice shall include:

19 (a) The date when the purchaser purchased the real
20 property sold by the county for taxes;

21 (b) The description of the real property;

22 (c) In whose name the real property was assessed;

23 (d) The amount of taxes represented by the tax sale
24 certificate, the year the taxes were levied or assessed, and any
25 subsequent taxes paid and interest accrued as of the date the notice

1 is signed by the purchaser plus the amount of the redemption fee; and

2 (e) The following statements:

3 (i) That the issuance of a tax deed is subject to the
4 right of redemption under sections 77-1824 to 77-1830;

5 (ii) The right of redemption requires payment to the
6 county treasurer, for the use of such purchaser, or his or her heirs
7 or assigns, the amount of taxes represented by the tax sale
8 certificate for the year the taxes were levied or assessed and any
9 subsequent taxes paid and interest accrued as of the date payment is
10 made to the county treasurer. In addition, if the real property is
11 owner-occupied real estate and the redemption occurs after the day
12 the purchaser files an application for a tax deed, a redemption fee
13 equal to twenty percent of all other amounts due must be paid; and

14 (iii) The right of redemption expires forty-five days
15 after the date of application for the tax deed for owner-occupied
16 real property.

17 Sec. 5. Section 77-1832, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 77-1832 (1) Service of the notice provided by subsection
20 (1) of section 77-1831 shall be made by: certified

21 (a) Personal or residence service as described in section
22 25-505.01 upon every person in actual possession or occupancy of the
23 real property and upon the person in whose name the title to the real
24 property appears of record who can be found in this state; or

25 (b) Certified mail, return receipt requested, upon the

1 person in whose name the title to the real property appears of record
2 who cannot be found in this state or who cannot be served by personal
3 or residence service to the address where the property tax statement
4 was mailed and upon every encumbrancer of record in the office of the
5 register of deeds of the county. Whenever the record of a lien shows
6 the post office address of the lienholder, notice shall be sent by
7 certified mail, return receipt requested, to the holder of such lien
8 at the address appearing of record.

9 (2) Service of the notice pursuant to subsection (2) of
10 section 77-1831 shall be made by certified mail upon the owner of
11 owner-occupied real property.

12 (3) Personal or residence service shall be made by the
13 county sheriff of the county where service is made or by a person
14 authorized by section 25-507. The sheriff or other person serving the
15 notice shall be entitled to the statutory fee prescribed in section
16 33-117.

17 Sec. 6. Section 77-1833, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 77-1833 The service of ~~notice~~ notices provided by section
20 77-1832 shall be proved by affidavit, and the notice and affidavit
21 shall be filed and preserved in the office of the county treasurer.
22 The purchaser or assignee shall also affirm in the affidavit that a
23 title search was conducted to determine those persons entitled to
24 notice pursuant to such section. The certified mail return receipt
25 shall be filed with and accompany the return of service. The

1 affidavit shall be filed with the application for the tax deed
2 pursuant to section 77-1837. For each service of such notice, a fee
3 of one dollar shall be allowed. The amount of such fees shall be
4 noted by the county treasurer in the sales book opposite the real
5 property described in the notice and shall be collected by the county
6 treasurer in case of redemption for the benefit of the holder of the
7 certificate.

8 Sec. 7. Section 77-1834, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 77-1834 If the person in whose name the title to the real
11 property appears of record in the office of the register of deeds in
12 the county or if the encumbrancer in whose name an encumbrance on the
13 real property appears of record in the office of the register of
14 deeds in the county cannot, upon diligent inquiry, be found, ~~then~~
15 ~~such the~~ purchaser or his or her assignee shall publish the notice in
16 some newspaper published in the county and having a general
17 circulation in the county or, if no newspaper is printed in the
18 county, then in a newspaper published in this state nearest to the
19 county in which the real property is situated.

20 Sec. 8. Section 77-1835, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 77-1835 The notice provided by section 77-1834 shall be
23 inserted three consecutive weeks, ~~the first time not more than five~~
24 ~~months and~~ the last time not less than three months before ~~the time~~
25 ~~of redemption shall expire.~~ applying for the tax deed. Proof of

1 publication shall be made by filing in the county treasurer's office
2 the affidavit of the publisher, manager, or other employee or foreman
3 of such newspaper, that to his or her personal knowledge, ~~said the~~
4 notice was published for the time and in the manner provided herein,
5 in this section, setting out a copy of the notice and the date upon
6 which the same was published. ~~Such affidavit~~ The purchaser or
7 assignee shall also file an affidavit in the office that a title
8 search was conducted to determine those persons entitled to notice
9 pursuant to such section. The affidavits shall be filed with the
10 application for the tax deed pursuant to section 77-1837. The
11 affidavits shall be preserved as a part of the files of said the
12 office. Any publisher, manager, or employee or foreman of a newspaper
13 knowingly or negligently making a false affidavit regarding any such
14 matters shall be guilty of perjury, and shall be punished
15 accordingly. Section 25-520.01 does not apply to publication of
16 notice pursuant to section 77-1834.

17 Sec. 9. Section 77-1837, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 77-1837 (1) At any time within six months after the
20 expiration of three years from after the date of sale of any real
21 estate for taxes or special assessments, if such real estate has not
22 been redeemed, the county treasurer, on request, application, on
23 production of the certificate of purchase, and upon compliance with
24 the provisions of sections 77-1801 to 77-1863 and sections 2 and 10
25 of this act, shall execute and deliver ~~to the purchaser or his or her~~

1 ~~heirs or assigns~~ a deed of conveyance for the real estate described
2 in such certificate as provided in this section. The failure of the
3 county treasurer to issue the deed of conveyance if requested within
4 the timeframe provided in this section shall not impair the validity
5 of such deed if there has otherwise been compliance with the
6 provisions of sections 77-1801 to 77-1863 and sections 2 and 10 of
7 this act.

8 (2) If the tax deed is for owner-occupied real property,
9 the county treasurer shall not execute and deliver the tax deed for
10 forty-five days after the time specified in subsection (1) of this
11 section until the right of redemption expires. If the real property
12 is not owner-occupied real property or if forty-five days have passed
13 since the time specified in subsection (1) of this section for owner-
14 occupied real property and the right of redemption has expired, the
15 county treasurer shall execute and deliver the tax deed previously
16 executed to the purchaser or his or her heirs or assigns.

17 Sec. 10. The laws in effect on the date of the issuance
18 of a tax sale certificate govern all matters related to tax deeds
19 proceedings, including noticing and application, and foreclosure
20 proceedings. Changes in law shall not apply retroactively with regard
21 to the tax sale certificates previously issued.

22 Sec. 11. Original sections 77-1824, 77-1825, 77-1831,
23 77-1832, 77-1833, 77-1834, 77-1835, and 77-1837, Reissue Revised
24 Statutes of Nebraska, are repealed.