

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 230**

Introduced by Mello, 5.

Read first time January 13, 2015

Committee: Revenue

1 A BILL FOR AN ACT relating to civil procedure; to amend sections  
2 25-2170.01 and 25-2190, Reissue Revised Statutes of Nebraska; to  
3 change provisions relating to the parties that may compel partition  
4 and the payment of encumbrances in partition actions; and to repeal  
5 the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2170.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 25-2170.01 Any joint owner of any real estate or of any interest  
4 therein or of any mineral, coal, petroleum, or gas rights, whether held  
5 in fee or by lease or otherwise, may compel a partition thereof in the  
6 manner provided in sections 25-2170 to 25-21,111. For purposes of  
7 sections 25-2170 to 25-21,111, joint owner includes any grantee of real  
8 estate pursuant to a treasurer's tax deed issued in connection with a tax  
9 sale certificate acquired prior to January 1, 2015, for less than a one  
10 hundred percent interest in the real estate described therein or any  
11 holder of a tax sale certificate acquired prior to January 1, 2015, for  
12 less than a one hundred percent interest in the real estate described  
13 therein who forecloses the lien for taxes in the manner described in  
14 section 77-1902.

15 Sec. 2. Section 25-2190, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 25-2190 (1) If any encumbrance is ascertained to exist, the  
18 proceeds of the sale of that portion, after the payment of costs, or so  
19 much thereof as is necessary, shall, if the owner consents, be paid over  
20 to the encumbrancer.

21 (2) In the case of a partition action maintained by a grantee of  
22 real estate pursuant to a treasurer's tax deed issued in connection with  
23 a tax sale certificate acquired prior to January 1, 2015, for less than a  
24 one hundred percent interest in the real estate described therein or a  
25 holder of a tax sale certificate acquired prior to January 1, 2015, for  
26 less than a one hundred percent interest in the real estate described  
27 therein who forecloses the lien for taxes in the manner described in  
28 section 77-1902, if the ascertained share payable to the holder of the  
29 treasurer's tax deed or tax sale certificate is not sufficient to pay in  
30 full the lien for taxes represented by such treasurer's tax deed or tax  
31 sale certificate, then the proceeds of the sale of the real estate, after

1 the payment of costs, or so much thereof as is necessary to pay the full  
2 amount of the lien for taxes represented by the treasurer's tax deed or  
3 tax sale certificate, shall be first paid over to the holder of such  
4 treasurer's tax deed or tax sale certificate in full satisfaction of the  
5 ascertained share of the holder of such treasurer's tax deed or tax sale  
6 certificate.

7       Sec. 3. Original sections 25-2170.01 and 25-2190, Reissue Revised  
8 Statutes of Nebraska, are repealed.