

E AND R AMENDMENTS TO LB 535

Introduced by Wishart, 27, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. Section 23-1503.01, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5           23-1503.01 (1) Any instrument submitted for recording in the office  
6 of the register of deeds shall contain a blank space at the top of the  
7 first page which is at least three inches by eight and one-half inches in  
8 size for recording information required by section 23-1510 by the  
9 register of deeds. If this space or the information required by such  
10 section is not provided, the register of deeds may add a page or use the  
11 back side of an existing page and charge for the page a fee established  
12 by section 33-109 for the recording of an instrument. No attachment or  
13 affirmation shall be used in any way to cover any information or printed  
14 material on the instrument.

15           (2) Printed forms primarily intended to be used for recordation  
16 purposes shall have a one-inch margin on the two vertical sides and a  
17 one-inch margin on the bottom of the page. Nonessential information such  
18 as page numbers or customer notations may be placed within the side and  
19 bottom margins.

20           (3) All instruments submitted for recording shall be on paper  
21 measuring at least eight and one-half inches by eleven inches and not  
22 larger than eight and one-half inches by fourteen inches. The instrument  
23 shall be printed, typewritten, or computer-generated in black ink on  
24 white paper of not less than twenty-pound weight without watermarks or  
25 other visible inclusions. The instrument shall be sufficiently legible to  
26 allow for a readable copy to be reproduced using the method of  
27 reproduction used by the register of deeds. A font size of at least eight

1 points shall be presumed to be sufficiently legible. Each signature on an  
2 instrument shall be in black or dark blue ink and of sufficient color and  
3 clarity to ensure that the signature is readable when the instrument is  
4 reproduced. The signature may be a digital signature or an electronic  
5 signature. The name of each party to the instrument shall be typed,  
6 printed, or stamped beneath the original signature. An embossed or inked  
7 stamp shall not cover or otherwise materially interfere with any part of  
8 the instrument.

9 (4) This section does not apply to:

10 (a) Instruments signed before August 27, 2011;

11 (b) Instruments executed outside of the United States;

12 (c) Certified copies of instruments issued by governmental agencies,  
13 including vital records;

14 (d) Instruments signed by an original party who is incapacitated or  
15 deceased at the time the instruments are presented for recording;

16 (e) Instruments formatted to meet court requirements;

17 (f) Federal and state tax liens;

18 (g) Forms prescribed by the Uniform Commercial Code; and

19 (h) Plats, surveys, or drawings related to plats or surveys.

20 (5) The changes made to this section by Laws 2011, LB254, do not  
21 affect the duty of a register of deeds to file an instrument presented  
22 for recordation as set forth in sections 23-1506 and 76-237.

23 Sec. 2. Section 76-214, Revised Statutes Cumulative Supplement,  
24 2016, is amended to read:

25 76-214 (1) Except as provided in subsection (4) of this section,  
26 every grantee who has a deed to real estate recorded and every purchaser  
27 of real estate who has a memorandum of contract or land contract recorded  
28 shall, at the time such deed, memorandum of contract, or land contract is  
29 presented for recording, file with the register of deeds a completed  
30 statement as prescribed by the Tax Commissioner. For all deeds and all  
31 memoranda of contract and land contracts recorded on and after January 1,

1 2001, the statement shall not require the social security number of the  
2 grantee or purchaser or the federal employer identification number of the  
3 grantee or purchaser. This statement may require the recitation of any  
4 information contained in the deed, memorandum of contract, or land  
5 contract, the total consideration paid, the amount of the total  
6 consideration attributable to factors other than the purchase of the real  
7 estate itself, and other factors which may influence the transaction. If  
8 a death certificate is recorded as provided in subsection (2) of this  
9 section, this statement may require a date of death, the name of the  
10 decedent, and whether the title is affected as a result of a transfer on  
11 death deed, a joint tenancy deed, or the expiration of a life estate or  
12 by any other means. This statement shall be signed and filed by the  
13 grantee, the purchaser, or his or her authorized agent. The register of  
14 deeds shall forward the statement to the county assessor. If the grantee  
15 or purchaser fails to furnish the prescribed statement, the register of  
16 deeds shall not record the deed, memorandum of contract, or land  
17 contract. The register of deeds shall indicate on the statement the book  
18 and page or computer system reference where the deed, memorandum of  
19 contract, or land contract is recorded and shall immediately forward the  
20 statement to the county assessor. The county assessor shall process the  
21 statement according to the instructions of the Property Tax Administrator  
22 and shall, pursuant to the rules and regulations of the Tax Commissioner,  
23 forward the statement to the Tax Commissioner.

24 (2)(a) The statement described in subsection (1) of this section  
25 shall be filed at the time that a certified or authenticated copy of the  
26 grantor's death certificate is filed if such death certificate is  
27 required to be filed under section 76-2,126 and the conveyance of real  
28 estate was pursuant to a transfer on death deed.

29 (b) The statement described in subsection (1) of this section shall  
30 not be required to be filed at the time that a transfer on death deed is  
31 filed or at the time that an instrument of revocation of a transfer on

1 death deed as described in subdivision (a)(1)(B) of section 76-3413 is  
2 filed.

3 (3) Any person shall have access to the statements at the office of  
4 the Tax Commissioner, county assessor, or register of deeds if the  
5 statements are available and have not been disposed of pursuant to the  
6 records retention and disposition schedule as approved by the State  
7 Records Administrator.

8 (4) The statement described in subsection (1) of this section shall  
9 not be required if the document being recorded is an easement or an oil,  
10 gas, or mineral lease, or any subsequent assignment of an easement or  
11 such lease, except that such statement shall be required for conservation  
12 easements and preservation easements as such terms are defined in section  
13 76-2,111.

14 Sec. 3. Original section 23-1503.01, Reissue Revised Statutes of  
15 Nebraska, and section 76-214, Revised Statutes Cumulative Supplement,  
16 2016, are repealed.

17 2. On page 1, strike beginning with "conveyances" in line 1 through  
18 line 4 and insert "; to amend section 23-1503.01, Reissue Revised  
19 Statutes of Nebraska, and section 76-214, Revised Statutes Cumulative  
20 Supplement, 2016; to authorize digital or electronic signatures for  
21 instruments submitted to the register of deeds as prescribed; to provide  
22 exemptions from a requirement to file a statement regarding the  
23 conveyance of real estate; and to repeal the original sections."