

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1115

Introduced by Hansen, M., 26.

Read first time January 22, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to real property; to amend section 76-3413,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to the revocation of instruments under the Nebraska Uniform Real
- 4 Property Transfer on Death Act; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-3413, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-3413 (a) Subject to subsection (b) of this section, an instrument
4 is effective to revoke a recorded transfer on death deed, or any part of
5 it, only if the instrument:

6 (1) Is one of the following:

7 (A) A transfer on death deed that revokes the deed or part of the
8 deed expressly or by inconsistency;

9 (B) An instrument of revocation that expressly revokes the deed or
10 part of the deed and that is executed with the same formalities as
11 required in section 76-3409; ~~or~~

12 (C) An inter vivos deed that expressly or by inconsistency revokes
13 the transfer on death deed or part of the deed; or and

14 (D) An inter vivos deed to a bona fide purchaser that expressly or
15 by inconsistency revokes the transfer on death deed or part of the deed;
16 and

17 (2) Is an instrument under subdivisions (1)(A), (B), and (C) of this
18 subsection that is ~~is~~ acknowledged by the transferor after the
19 acknowledgment of the deed being revoked and is recorded ~~(i) within~~
20 ~~thirty days after being executed,~~ ~~(ii)~~ before the transferor's death. For
21 any instrument under subdivision (1)(D) of this subsection, such
22 instrument must be acknowledged by the transferor after the
23 acknowledgment of the deed being revoked and must be recorded before the
24 later of within thirty days after being executed or prior to the
25 transferor's death. Any instrument under this subsection shall be
26 recorded ~~, and (iii)~~ in the public records in the office of the register
27 of deeds of the county where the deed being revoked is recorded.

28 (b) If a transfer on death deed is made by more than one transferor:

29 (1) Revocation by a transferor does not affect the deed as to the
30 interest of another transferor; and

31 (2) A deed of joint owners is revoked only if it is revoked by all

1 of the living joint owners who were transferors.

2 (c) After a transfer on death deed is recorded, it may not be
3 revoked by a revocatory act on the deed.

4 (d) This section does not limit the effect of an inter vivos
5 transfer of the property.

6 (e) A bona fide purchaser is a purchaser for value in good faith and
7 without notice of any adverse claim.

8 Sec. 2. Original section 76-3413, Reissue Revised Statutes of
9 Nebraska, is repealed.