

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 844

Introduced by Clements, 2.

Read first time January 08, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to construction liens; to amend section
- 2 52-146, Reissue Revised Statutes of Nebraska; to eliminate certain
- 3 notice requirements; to provide an operative date; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 52-146, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 52-146 (1) A contracting owner may terminate a notice of
4 commencement as to all or any identified portion of the real estate
5 subject to the notice of commencement by:

6 (a) Recording a notice of termination denominated termination of
7 notice of commencement and containing:

8 (i) The information required by subdivisions (1)(a) and (1)(b) of
9 section 52-145 for a notice of commencement;

10 (ii) A reference to the recorded notice of commencement by its
11 record location and a statement of its date of recording;

12 (iii) A statement of the date as of which the notice of commencement
13 is terminated which date may not be earlier than thirty days after the
14 notice of termination is recorded; ~~and~~

15 (iv) A statement that all lien claims for which a notice of lien is
16 not recorded by the termination date may be defeated by a transfer of the
17 real estate; and

18 (v) (iv) If the notice of termination is to apply only to a portion
19 of the real estate subject to the notice of commencement, a statement of
20 that fact and a description of the portion of the real estate to which
21 the notice of termination applies;

22 (b) Sending, at least three weeks before the effective date of the
23 notice of termination, a copy of the notice of termination, showing the
24 date it was recorded, to all claimants who have requested that the owner
25 notify them of the recording of a notice of termination; and

26 ~~(c) Publishing a notice of the recording of the notice of~~
27 ~~termination, which notice must comply with the provisions of subsection~~
28 ~~(2) of this section and be published at least once a week for three~~
29 ~~consecutive weeks in a newspaper having general circulation in the county~~
30 ~~where the recording occurs, the last publication of which must be at~~
31 ~~least five days before the stated termination date; and~~

1 (c) ~~(d)~~ Recording an affidavit stating that notice of the recorded
2 notice of termination has been sent to all claimants who have requested
3 notice ~~and that publication has been made. The affidavit must state the~~
4 ~~newspaper and dates of publication and include a copy of the published~~
5 ~~notice.~~

6 ~~(2)~~ The published notice of the recording of the notice of
7 termination must contain the information required for the notice of
8 termination under subsection (1) of this section, a statement of the date
9 on which the notice of termination was recorded, and a statement that all
10 lien claims for which a notice of lien is not recorded by the termination
11 date may be defeated by a transfer of the real estate.

12 (2) ~~(3)~~ A purchaser, judgment creditor, or other person having a
13 lien against the real estate may rely on the affidavit without obligation
14 to inquire as to its accuracy, and is not prejudiced by its inaccuracy.

15 Sec. 2. This act becomes operative on January 1, 2021.

16 Sec. 3. Original section 52-146, Reissue Revised Statutes of
17 Nebraska, is repealed.