

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 679**

Introduced by Ballard, 21.

Read first time January 22, 2025

Committee: Revenue

1 A BILL FOR AN ACT relating to revenue and taxation; to amend section  
2 77-1909, Reissue Revised Statutes of Nebraska, and sections 77-1802,  
3 77-1807, 77-1818, and 77-1837, Revised Statutes Cumulative  
4 Supplement, 2024; to provide for negotiated sales of multiple  
5 parcels of real property for delinquent taxes by a county board; to  
6 change notice provisions relating to the issuance of a tax  
7 certificate; to change provisions relating to the award of  
8 attorney's fees in foreclosure proceedings; to harmonize provisions;  
9 and to repeal the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 77-1802, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           77-1802 (1) The county treasurer shall, not less than four nor more  
4 than six weeks prior to the first Monday of March in each year, make out  
5 a list of all real property subject to sale and the amount of all  
6 delinquent taxes against each item with an accompanying notice stating  
7 that so much of such property described in the list as may be necessary  
8 for that purpose will, on the first Monday of March next thereafter, be  
9 sold by negotiated bulk sale or by such county treasurer at public  
10 auction at his or her office for the taxes, interest, and costs thereon.  
11 In making such list, the county treasurer shall describe the property as  
12 it is described on the tax list and shall include the name of the owner  
13 of record of the property, the property's parcel number, if any, and the  
14 property's street address, if any.

15           (2) For purposes of this section and sections 77-1807 and 77-1818, a  
16 negotiated bulk sale is the sale or transfer of multiple parcels of real  
17 property for delinquent taxes to one or more persons by any county board.  
18 At the sole discretion of the county board, any such sale or transfer may  
19 include any terms deemed appropriate or necessary unless any such term  
20 would violate state law. The sale price may include a reasonable  
21 administrative fee as determined by the county board which amount shall  
22 be included in the sum noted on each tax certificate issued pursuant to  
23 77-1818.

24           **Sec. 2.** Section 77-1807, Revised Statutes Cumulative Supplement,  
25 2024, is amended to read:

26           77-1807 (1)(a) This subsection applies until January 1, 2015.

27           (b) Except as otherwise provided in subdivision (c) of this  
28 subsection, the person who offers to pay the amount of taxes due on any  
29 real property for the smallest portion of the same shall be the  
30 purchaser, and when such person designates the smallest portion of the  
31 real property for which he or she will pay the amount of taxes assessed

1 against any such property, the portion thus designated shall be  
2 considered an undivided portion.

3 (c) If a land bank gives an automatically accepted bid for the real  
4 property pursuant to section 18-3417, the land bank shall be the  
5 purchaser, regardless of the bid of any other person.

6 (d) If no person bids for a less quantity than the whole and no land  
7 bank has given an automatically accepted bid pursuant to section 18-3417,  
8 the treasurer may sell any real property to any one who will take the  
9 whole and pay the taxes and charges thereon.

10 (e) If the homestead is listed separately as a homestead, it shall  
11 be sold only for the taxes delinquent thereon.

12 (2)(a) This subsection applies beginning January 1, 2015.

13 (b) If a land bank gives an automatically accepted bid for real  
14 property pursuant to section 18-3417, the land bank shall be the  
15 purchaser and no public or private auction shall be held under sections  
16 77-1801 to 77-1863.

17 (c) If no land bank has given an automatically accepted bid pursuant  
18 to section 18-3417, the person who offers to pay the amount of taxes,  
19 delinquent interest, and costs due on any real property shall be the  
20 purchaser.

21 (d) The county treasurer shall announce bidding rules at the  
22 beginning of the public auction, and such rules shall apply to all  
23 bidders throughout the public auction.

24 (e) The sale, if conducted in a round-robin format, shall be  
25 conducted in the following manner:

26 (i) At the commencement of the sale, a count shall be taken of the  
27 number of registered bidders present who want to be eligible to purchase  
28 property. Each registered bidder shall only be counted once. If  
29 additional registered bidders appear at the sale after the commencement  
30 of a round, such registered bidders shall have the opportunity to  
31 participate at the end of the next following round, if any, as provided

1 in subdivision (v) of this subdivision;

2 (ii) Sequentially enumerated tickets shall be placed in a  
3 receptacle. The number of tickets in the receptacle for the first round  
4 shall equal the count taken in subdivision (i) of this subdivision, and  
5 the number of tickets in the receptacle for each subsequent round shall  
6 equal the number of the count taken in subdivision (i) of this  
7 subdivision plus additional registered bidders as provided in subdivision  
8 (v) of this subdivision;

9 (iii) In a manner determined by the county treasurer, tickets shall  
10 be selected from the receptacle by hand for each registered bidder  
11 whereby each ticket has an equal chance of being selected. Tickets shall  
12 be selected until there are no tickets remaining in the receptacle;

13 (iv) The number on the ticket selected for a registered bidder shall  
14 represent the order in which a registered bidder may purchase property  
15 consisting of one parcel subject to sale from the list per round; and

16 (v) If property listed remains unsold at the end of a round, a new  
17 round shall commence until all property listed is either sold or, if any  
18 property listed remains unsold, each registered bidder has consecutively  
19 passed on the opportunity to make a purchase. Registered bidders who are  
20 not present when it is their turn to purchase property shall be  
21 considered to have passed on the opportunity to make a purchase. At the  
22 beginning of the second and any subsequent rounds, the county treasurer  
23 shall inquire whether there are additional registered bidders. If  
24 additional registered bidders are present, tickets for each such bidder  
25 shall be placed in a receptacle and selected as provided in subdivisions  
26 (ii) through (iv) of this subdivision. The second and any subsequent  
27 rounds shall proceed in the same manner and purchase order as the last  
28 preceding round, except that any additional registered bidders shall be  
29 given the opportunity to purchase at the end of the round in the order  
30 designated on their ticket.

31 (f) Any property remaining unsold upon completion of the public

1 auction shall be sold at a private sale pursuant to section 77-1814.

2 (g) A bidder shall (i) register with the county treasurer prior to  
3 participating in the sale, (ii) provide proof that it maintains a  
4 registered agent for service of process with the Secretary of State if  
5 the bidder is a foreign corporation, and (iii) pay a twenty-five-dollar  
6 registration fee. The fee is not refundable upon redemption.

7 (h) If any property listed has been sold by negotiated bulk sale  
8 pursuant to section 77-1802 prior to the commencement of the public  
9 auction, such property shall be removed from the list of real property  
10 subject to sale prior to the beginning of the public auction.

11 **Sec. 3.** Section 77-1818, Revised Statutes Cumulative Supplement,  
12 2024, is amended to read:

13 77-1818 (1) The purchaser of any real property sold by negotiated  
14 bulk sale or by the county treasurer for taxes shall be entitled to a  
15 certificate in writing, describing the real property so purchased, the  
16 sum paid, and the time when the purchaser will be entitled to a deed,  
17 which certificate shall be signed by the county treasurer in his or her  
18 official capacity and shall be presumptive evidence of the regularity of  
19 all prior proceedings. Each tax lien shall be shown on a single  
20 certificate. The purchaser acquires a perpetual lien of the tax on the  
21 real property, and if after the taxes become delinquent he or she  
22 subsequently pays any taxes levied on the property, whether levied for  
23 any year or years previous or subsequent to such sale, he or she shall  
24 have the same lien for them and may add them to the amount paid by him or  
25 her in the purchase.

26 (2) Upon issuance of the certificate, the purchaser shall attempt to  
27 notify, by personal service, the property owner of the real property that  
28 was sold for taxes at the address listed for such owner in the records of  
29 the county assessor. The notice shall (a) state that a certificate has  
30 been issued, (b) include a brief description of the property owner's  
31 legal rights to redeem the real property, (c) identify the real property

1 by the street address listed in the records of the county assessor, (d)  
2 include the total amount of taxes, interest, and costs for which the  
3 property was sold and a recitation that interest and fees may accrue, and  
4 (e) include a prominent warning that failure to act may result in  
5 forfeiture of the property after three years. The purchaser shall file  
6 proof of ~~prove~~ such service of notice ~~by affidavit, and such affidavit~~  
7 ~~shall be filed~~ with the application for the tax deed pursuant to section  
8 77-1837. An administrative fee shall be allowed for any attempted or  
9 actual service of notice under this subsection. The administrative fee  
10 shall be equal to the greater of one hundred dollars or the actual cost  
11 incurred by the purchaser for such service of notice. The amount of such  
12 fee shall be noted by the county treasurer in the record opposite the  
13 real property described in the notice and shall be collected by the  
14 county treasurer in case of redemption for the benefit of the holder of  
15 the certificate. The purchaser shall notify the county treasurer of the  
16 amount of such fee within thirty days after completion of the service of  
17 notice in a manner prescribed by the county treasurer.

18 **Sec. 4.** Section 77-1837, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20 77-1837 (1) At any time within nine months after the expiration of  
21 three years after the date of sale of any real estate for taxes or  
22 special assessments, if such real estate has not been redeemed and the  
23 requirements of subsection (2) of this section have been met, the  
24 purchaser or his or her assignee may apply to the county treasurer for a  
25 tax deed for the real estate described in such purchaser's or assignee's  
26 tax sale certificate. The county treasurer shall execute and deliver a  
27 deed of conveyance for the real estate described in such tax sale  
28 certificate if he or she has received the following:

29 (a) The tax sale certificate;

30 (b) The issuance fee for the tax deed and the fee of the notary  
31 public or other officer acknowledging the tax deed, as required under

1 section 77-1823;

2 (c) Proof of The affidavit proving personal service of the notice  
3 required in subsection (2) of section 77-1818;

4 (d) For any notice provided pursuant to section 77-1832, the  
5 affidavit proving service of notice, the copy of the notice, and the copy  
6 of the title search required under section 77-1833; and

7 (e) For any notice provided by publication pursuant to section  
8 77-1834, the affidavit of the publisher, manager, or other employee of  
9 the newspaper, the copy of the notice, the affidavit of the purchaser or  
10 assignee, and the copy of the title search required under section  
11 77-1835.

12 (2) The purchaser or his or her assignee may apply for a tax deed  
13 under this section if one hundred ten percent of the assessed value of  
14 the real estate described in the tax sale certificate, less the amount  
15 that would be needed to redeem such real estate, is twenty-five thousand  
16 dollars or less. If such requirement is not met, the purchaser or his or  
17 her assignee shall foreclose the lien represented by the tax sale  
18 certificate pursuant to section 77-1902.

19 (3) The failure of the county treasurer to issue the deed of  
20 conveyance if requested within the timeframe provided in subsection (1)  
21 of this section shall not impair the validity of such deed if there has  
22 otherwise been compliance with sections 77-1801 to 77-1863.

23 **Sec. 5.** Section 77-1909, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 77-1909 In its decree, the court shall ascertain and determine the  
26 amount of taxes, special assessments, and other liens, interest, and  
27 costs chargeable to each particular item of real property, excluding any  
28 lien on real estate for special assessments levied by any sanitary and  
29 improvement district which special assessments have not been previously  
30 offered for sale by the county treasurer. The court shall ~~and~~ award to  
31 the plaintiff a reasonable an attorney's fee, unless waived by the

1 plaintiff, of two thousand five hundred dollars. The plaintiff may apply  
2 to the court for any attorney's fees in excess of two thousand five  
3 hundred dollars and the court shall award any amount it determines to be  
4 reasonable under the circumstances. Any attorney's fees awarded in an  
5 amount equal to ten percent of the amount due which shall be taxed as  
6 part of the costs in the action and apportioned equitably as other costs.  
7 The amount of the reasonable attorney's fee awarded to the plaintiff  
8 pursuant to this section shall be increased on January 1, 2027, and on  
9 January 1 of successive years, by the percentage change, if any, as of  
10 August of the previous year over the level as of August of the year  
11 preceding that year in the Consumer Price Index for All Urban Consumers,  
12 Midwest Region, or its successor index, as published by the Bureau of  
13 Labor Statistics of the United States Department of Labor, or its  
14 successor agency.

15       **Sec. 6.** Original section 77-1909, Reissue Revised Statutes of  
16 Nebraska, and sections 77-1802, 77-1807, 77-1818, and 77-1837, Revised  
17 Statutes Cumulative Supplement, 2024, are repealed.