

that was unknown to one of the spouses, be that man or woman. It means the basis for an ongoing marriage has been shattered with a death and then you add another problem to the recovery of someone who is shattered enough from losing the spouse but also has the possibility of losing the farmstead, of losing the home. I think some of these were not truly conceived properly because the bankers I know are responsible people who would not try to take something away unknowingly, who would not deliberately create a mortgage with one of the spouses being unaware of the situation. A banker has the option of securing a loan and if Senator Haberman's wife is too busy to go to town to sign a piece of paper, then the bank has the option of requiring an inexpensive term loan to cover that cost and if that low cost term loan is more money than Senator Haberman wishes to spend then his wife could make a trip to town to sign the paper. We do not need LB 306.

PRESIDENT: The Chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. President, members of the Legislature, I do support Senator Chambers' motion for several reasons and I would hope that the members of this Legislature would listen to this particular point because it truly has not been raised this morning and that is this. Under the provision, under the bill the decedent's personal representative, now his personal representative will be the executor of his estate or the administrator of his estate. If he dies with a will it is an executor. If he dies without a will it is an administrator but a personal representative has two years, two years time to go after the property. He then brings that property into the estate or the avails of that property into the estate and ultimately the money is distributed to the estate creditors. Now he has two years to commence his action, not to complete it, but to commence his action. Now supposing that the surviving spouse sold the joint tenancy property which under this bill she can do and she took the avails and she put it in the bank account, which under this bill she can do. The personal representative some two years later goes against that surviving spouse to get the money, which under this bill he can do. The surviving spouse wants to contest the kind of contribution share that was made for that property in the first instance. The surviving spouse says simply, I personally contributed far more than 50% of the value of that property and therefore, you can't take any of this money or if you can take some of this money it is a very small amount because my husband's or the decedent's contribution actually was very small.