

January 16, 1980

LB 498

SENATOR DeCAMP: I am just raising...I want this history known before you vote on it, that's all.

SENATOR MARSH: Thank you very much. I am in support of LB 498.

PRESIDENT: Any further discussion on LB 498. The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, in answer to the question that Senator Marsh just posed, I would like to read for the body a list of four notices which are still maintained in the Uniform Probate Act, and which in effect give sufficient notice to, not only interested parties but creditors and the general community. They include the mandatory publication following an informal probate, and that is in Section 30-2415. The mandatory publication following an informal appointment of a personal representative. That is in 30-2420. The mandatory publication before a formal testacy hearing may take place. That is 30-2427. And the mandatory publication of a notice to creditors, which is 30-2483. The point as far as the notice requirements is simple. In a small town when a person dies everyone knows who the interested parties are. Notice travels very quickly. In a large town there is very little purpose to a notice because, in fact, people don't read those little black sections in the back, those little block notices, and for the most part this bill simply represents a savings to the average person of between twenty-five and forty dollars for the publication of notices, which are unnecessary and which do not increase the public's awareness of the existence of a probate action in any significant manner. Thank you.

PRESIDENT: Senator Keyes, did you wish to...the Chair recognizes Senator Hoagland. Senator Keyes, did you wish to speak? Your light went off.

SENATOR KEYES: I shut it off. I want to ask my lawyer, Senator Landis...

PRESIDENT: Senator Landis...

SENATOR KEYES: Because of the fact that this is supported only by the Editor of the Papillion Times, which happens to be in the 3rd Legislative District, Senator Landis, is it true what you have said so far, but if, estate...in a small community, as it is now, it would have to be advertised three times before...ever...hearing on it. Is that right?

SENATOR LANDIS: Well, yes, the probate now has an extensive