

SENATOR LANDIS: I would also like to respond perhaps and give some historical background as to why there are two sets of notices. Senator Hoagland mentioned that there is specific notice given by mail in most instances, or actually in all instances to all known interested parties. There are also newspaper notices that are published. What happened was that in Nebraska when we had prior to the Uniform Probate Code our regular or old probate system, there was a method of notice giving and that was publication in a newspaper and this was sufficient notice. In 1956, however, there was a Supreme Court case, Walker versus the City of Hutchinson, and this was a U.S. Supreme Court case which said, in effect, that newspaper publication is insufficient notice to interested parties, that you have to make a better quality of service of process than simply notice in the newspapers. So Nebraska responded by leaving all of their newspaper notifications on the books and added to it personal service. So then you have a whole series of duplicate notices from roughly 1957 on, where you had newspaper notices being required and personal notices being sent to people that were known interested parties. That occurred for more than ten years prior to the change in the probate code. We were having duplicative notices ever since that U.S. Supreme Court decision in '56 and the action of the Legislature shortly thereafter. The response in 1957 was not particularly a thoughtful one. It was just simply a direct response to the Supreme Court decision, and in effect now we are going back and creating a more uniform policy, which we probably should have done in 1957 but failed to do because we lacked the imagination then, and now we have got it.

PRESIDENT: Any further discussion on LB 498? Senator Nichol, do you wish to close?

SENATOR NICHOL: Mr. Chairman and members of the Legislature, just two or three things quickly in closing. Senator Kahle suggests that perhaps cutting down from three notices to one or two may be insufficient to let those parties know that there is real estate being probated. If you were to run one notice in one paper in Senator Kahle's district, you may run it for twenty-five times and it would go to the same people, but those interested people would still perhaps not be seeing it that he thinks should be seeing it. For example, if he had a brother or sister or cousin living in Los Angeles, we will say, it is unlikely that that newspaper would be reaching those people and that those people would be seeing it. Real estate is something that is big enough that is usually known, it's seen, you can't hide it and the parties involved in inheriting or probating such an estate usually know that that real estate is in existence. This is not a bill to attempt to