

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 4, 1999

LB 100

and then also the value of the entire estate. This allows the title examiner...excuse me, Mr. Speaker, I'm having a little trouble hearing myself. This will allow the...

SENATOR COORDSEN: Quiet.

SENATOR D. PEDERSON: ...title examiner to know that the person who is...who is claiming under this will have certain personal exemptions. For example, if it's the spouse, there is no inheritance tax. If it's a son, they have an exemption. If it's a nephew, they have an exemption, all relating to total dollars. And the reason that I put in there that it's the total value instead of just for the real estate is that it's the total value of the estate that determines whether or not there is an inheritance tax. And we're trying to create a document that will be self-executing so that the inheritance tax aspect of this particular affidavit is in front of everyone. We've also put in several admonitions in this that they may not make false affidavits in connection with this. This is a in lieu of a probate proceeding, so we are saying that in the event that someone makes a material false claim in respect to this property that they are subject to the penalties of perjury. We are identifying that the person who is to record this particular document, this affidavit and the various papers, is the one who is the claiming successor, and we've also stated that if the person claims to have entitlement to this property that they must state their relationship to the...to the decedent. So, basically, these things are done in an effort to expedite the proceeding and show that the title examiner could look at that and say that there is not necessity for an inheritance tax proceeding and that all of the other requirements have been met which will allow the ready transfer of this property without undue expense, and that's what we're trying to avoid, is the expedited procedure in connection with low-value property that will allow the transfer to take place without undue expense. Thank you. I'd be glad to answer any questions in connection with this.

SENATOR COORDSEN: Thank you, Senator Pederson. Senator Beutler.

SENATOR BEUTLER: Senator Coordsen, I just wanted to thank