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FLOOR DEBATE

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recipient of the house or the farm or the business real estate or grandma's farm that the husband got through marriage, and she releases her right on that property. Well, as the divorce goes on and things get more tumultuous, and things get heated, and there's anger, and there's emotion, I've sat there in the courtroom before where the court finally says, this is an equitable distribution, either by operation of a stipulation agreement or by a trial, and the court says, in the decree to the petitioner, his wife, you get the house. And so maybe the decree says, the house at 410 East Elm goes to the petitioner. Sometimes and sometimes not, it will say, the respondent shall execute a quick claim deed. And a quick claim deed from the husband says to the wife, I give you any interest whatsoever that I may have in the house at 410 East Elm Street, and it is now yours. I relinquish all right and title. Whatever I have, if anything, is yours. Because oftentimes, in a marriage, title...or, real estate is titled jointly with right of survivorship. And then what happens is, the judge says, well, you sign a quick claim deed. Do you know how hard it is to get a client to sign a quick claim deed after a divorce, when he or she is so upset at the other party, and this quick claim deed represents, in their own mind, giving up everything they've ever worked for? And so then you have this other party, the party that receives the real estate, trying to get a bank note fixed, trying to make changes on the real estate. And they don't have any...they don't have sole right, title, and possession of the real estate, when in fact the party, either the responder or the petitioner, has been ordered by a court to sign a quick claim deed. This allows the party receiving the real estate to have their attorney, not the clerk of the district court, draw up a certificate of dissolution of marriage, as outlined in the bill, take it to the county district court clerk, have them sign off on it, have the legal description there, say who the property concerns, and that the fact that it's being assigned to the other party, and then you file that with the register of deeds, and in essence, it serves as evidence that a court of competent jurisdiction has taken that real estate and given it to the party that was awarded the real estate. It is not a deed. It is not a quick claim deed. It is merely evidence of the fact that a decree from a district court judge in Nebraska says this real estate belongs in this person's name solely. There is