

## LEGISLATIVE BILL 907

Approved by the Governor April 12, 2010

Introduced by Conrad, 46.

FOR AN ACT relating to homesteads; to amend sections 40-102 and 40-105, Reissue Revised Statutes of Nebraska; to change provisions relating to property exempt from execution; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 40-102, Reissue Revised Statutes of Nebraska, is amended to read:

40-102 (1) If the claimant ~~be~~ is married, the homestead may be selected from the separate property of the husband<sup>7</sup> or with the consent of the wife from her separate property.

(2) When the claimant is not married, but is the head of a family within the meaning of section 40-115 or is age sixty-five or older, the homestead may be selected from any of his or her property.

Sec. 2. Section 40-105, Reissue Revised Statutes of Nebraska, is amended to read:

40-105 When an execution for the enforcement of a judgment obtained in a case not within the classes enumerated in section 40-103 is levied upon the lands or tenements of a head of a family or an unmarried person age sixty-five or older, such ~~head of a family~~ person may at any time prior to confirmation of sale apply to the district court in the county in which the homestead is situated for an order to determine whether or not such lands or tenements, or any part thereof, are exempt as a homestead and, if so, the value thereof.

Sec. 3. Original sections 40-102 and 40-105, Reissue Revised Statutes of Nebraska, are repealed.