

LEGISLATIVE BILL 253

Approved by the Governor May 13, 2015

Introduced by Morfeld, 46.

A BILL FOR AN ACT relating to homesteads; to amend section 40-104, Reissue Revised Statutes of Nebraska; to provide when acknowledgment is not required; and to repeal the original section.

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

Section 1. Section 40-104, Reissue Revised Statutes of Nebraska, is amended to read:

40-104 Except as otherwise provided in this section, the The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both spouses ~~husband and wife except as otherwise provided in this section~~. The interest of either or both spouses may be conveyed or encumbered by a conservator acting in accordance with the provisions of the Nebraska Probate Code and may also be conveyed or encumbered by an attorney in fact appointed by and acting on behalf of either spouse under any power of attorney which grants the power to sell and convey real property. Any claim of invalidity of a deed of conveyance of homestead property because of failure to comply with the provisions of this section must be asserted within the time provided in sections 76-288 to 76-298.

A purchase agreement or contract for sale of homestead property signed by both spouses does not require acknowledgment to be enforceable.

Sec. 2. Original section 40-104, Reissue Revised Statutes of Nebraska, is repealed.