

LEGISLATIVE BILL 441

Approved by the Governor April 26, 1971

Introduced by Donald Elrod, 35th District

AN ACT to amend section 30-810, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' estates; to provide that amounts over five thousand dollars recovered in wrongful death actions shall be placed out at interest pending court action; and to repeal the original section.

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

Section 1. That section 30-810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-810. Every such action, as described in section 30-809, shall be commenced within two years after the death of such person. It shall be brought by and in the name of his personal representatives, for the exclusive benefit of the widow or widower and next of kin. The verdict or judgment should be for the amount of damages which the persons in whose behalf the action is brought have sustained. The avails thereof shall be paid to and distributed among the widow or widower and next of kin in the proportion that the pecuniary loss suffered by each bears to the total pecuniary loss suffered by all such persons. A personal representative shall not compromise or settle a claim for damages hereunder until the court by which he was appointed shall first have consented to and approved the terms thereof. The amount so received in settlement, or recovered by judgment, shall be reported to and paid into such court for distribution, subject to the order of such court, to the persons entitled thereto after a hearing thereon and after notice of such hearing and of the time and place thereof has been given to all persons interested by publication three successive weeks in a legal newspaper published within the county or, if no legal newspaper is published within the county, then in a legal newspaper published in an adjoining county: Provided, such amount shall not be subject to any claims against the estate of such decedent. When the amount of such settlement or judgment is five thousand dollars or more, the county court shall forthwith upon such settlement or payment of such judgment place such amount in interest-bearing certificates of deposit or a savings account in a banking institution pending the entry of an

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order of distribution by the court, and such interest that may accumulate pending the entry of such order shall be distributed in the same proportions as the settlement or judgment.

Sec. 2. That original section 30-810, Reissue Revised Statutes of Nebraska, 1943, is repealed.