

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 99**

Introduced By: Wightman, 36; Nelson, 6;  
Read first time: January 5, 2007  
Committee: Judiciary

A BILL

1 FOR AN ACT relating to receivers; to amend section 25-1081,  
2 Reissue Revised Statutes of Nebraska; to change provisions  
3 relating to the appointment of receivers; to repeal the  
4 original section; and to declare an emergency.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 25-1081 Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           25-1081. A receiver may be appointed by the district court  
4 (1) in an action by a vendor to vacate a fraudulent purchase of  
5 property, by a creditor to subject any property or fund to his or her  
6 claim, or between partners, limited liability company members, or  
7 others jointly owning or interested in any property or fund on the  
8 application of any party to the suit when the property or fund is in  
9 danger of being lost, removed, or materially injured, (2) in an action  
10 for the foreclosure of a mortgage or in an action to foreclose a  
11 trust deed as a mortgage when the mortgaged property or property  
12 subject to the trust deed is in danger of being lost, removed, or  
13 materially injured or is probably insufficient to discharge the  
14 mortgage debt secured by the mortgage or trust deed, (3) in  
15 connection with the exercise of the power of sale under a trust deed  
16 and following the filing of a notice of default under the Nebraska  
17 Trust Deeds Act when the property subject to the trust deed is in  
18 danger of being lost, removed, or materially injured or is probably  
19 insufficient to discharge the debt secured by the trust deed, (4) in  
20 an action brought pursuant to section 52-1705 to enforce a written  
21 assignment of rents provision contained in any agreement and the  
22 agreement provides for the appointment of a receiver, (5) in any  
23 other case in which a mortgagor or trustor has agreed in writing to  
24 the appointment of a receiver, ~~(3)~~ (6) after judgment or decree  
25 to carry the judgment into execution, to dispose of the property  
26 according to the decree or judgment, or to preserve it during the  
27 pendency of an appeal, ~~(4)~~ (7) in all cases provided for by

1 special statutes, and ~~(5)~~ (8) in all other cases when receivers  
2 have heretofore been appointed by the usages of courts of equity.

3 Sec. 2. Original section 25-1081, Reissue Revised Statutes  
4 of Nebraska, is repealed.

5 Sec. 3. Since an emergency exists, this act takes effect  
6 when passed and approved according to law.