

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 535

Introduced by Hughes, 44.

Read first time January 18, 2017

Committee: Revenue

- 1 A BILL FOR AN ACT relating to real property conveyances; to amend section
- 2 76-214, Revised Statutes Cumulative Supplement, 2016; to change a
- 3 provision relating to a requirement to file a statement regarding
- 4 the conveyance of real estate; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-214, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 76-214 (1) Except as provided in subsection (4) of this section,
4 every grantee who has a deed to real estate recorded and every purchaser
5 of real estate who has a memorandum of contract or land contract recorded
6 shall, at the time such deed, memorandum of contract, or land contract is
7 presented for recording, file with the register of deeds a completed
8 statement as prescribed by the Tax Commissioner. For all deeds and all
9 memoranda of contract and land contracts recorded on and after January 1,
10 2001, the statement shall not require the social security number of the
11 grantee or purchaser or the federal employer identification number of the
12 grantee or purchaser. This statement may require the recitation of any
13 information contained in the deed, memorandum of contract, or land
14 contract, the total consideration paid, the amount of the total
15 consideration attributable to factors other than the purchase of the real
16 estate itself, and other factors which may influence the transaction. If
17 a death certificate is recorded as provided in subsection (2) of this
18 section, this statement may require a date of death, the name of the
19 decedent, and whether the title is affected as a result of a transfer on
20 death deed, a joint tenancy deed, or the expiration of a life estate or
21 by any other means. This statement shall be signed and filed by the
22 grantee, the purchaser, or his or her authorized agent. The register of
23 deeds shall forward the statement to the county assessor. If the grantee
24 or purchaser fails to furnish the prescribed statement, the register of
25 deeds shall not record the deed, memorandum of contract, or land
26 contract. The register of deeds shall indicate on the statement the book
27 and page or computer system reference where the deed, memorandum of
28 contract, or land contract is recorded and shall immediately forward the
29 statement to the county assessor. The county assessor shall process the
30 statement according to the instructions of the Property Tax Administrator
31 and shall, pursuant to the rules and regulations of the Tax Commissioner,

1 forward the statement to the Tax Commissioner.

2 (2)(a) The statement described in subsection (1) of this section
3 shall be filed at the time that a certified or authenticated copy of the
4 grantor's death certificate is filed if such death certificate is
5 required to be filed under section 76-2,126 and the conveyance of real
6 estate was pursuant to a transfer on death deed.

7 (b) The statement described in subsection (1) of this section shall
8 not be required to be filed at the time that a transfer on death deed is
9 filed or at the time that an instrument of revocation of a transfer on
10 death deed as described in subdivision (a)(1)(B) of section 76-3413 is
11 filed.

12 (3) Any person shall have access to the statements at the office of
13 the Tax Commissioner, county assessor, or register of deeds if the
14 statements are available and have not been disposed of pursuant to the
15 records retention and disposition schedule as approved by the State
16 Records Administrator.

17 (4) The statement described in subsection (1) of this section shall
18 not be required if the document being recorded is an easement or an oil,
19 gas, or mineral lease, except that such statement shall be required for
20 conservation easements and preservation easements as such terms are
21 defined in section 76-2,111.

22 Sec. 2. Original section 76-214, Revised Statutes Cumulative
23 Supplement, 2016, is repealed.