

LEGISLATIVE BILL 314

Approved by the Governor March 30, 1987

Introduced by Rogers, 41

AN ACT relating to petroleum products liens; to amend section 52-903, Reissue Revised Statutes of Nebraska, 1943; to change the time in which foreclosure proceedings are to be instituted; and to repeal the original section.

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

Section 1. That section 52-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-903. From and after the date of filing of the notice provided for in section 52-902, the claimant shall have a lien upon the crops produced and owned by the person to whom the fuel or lubricant, referred to in section 52-901, ~~had~~ has been furnished to the amount of the purchase price of such fuel or lubricant so sold to such person. In the event the person to whom such fuel or lubricant was furnished desires to sell or deliver any portion of the crop so produced, such person so desiring to sell or deliver the same shall notify the consignee or purchaser that such petroleum bill has not been paid. Such lien shall shift to the purchase price thereof in the hands of the purchaser or consignee above mentioned in this section. In the event any portion of such crops is sold or consigned with the consent or knowledge of the person entitled to a lien thereon within six months after the date such fuel or lubricant was furnished, such lien shall not attach to any portion of such crops or to the purchase price thereof, unless the person entitled to such lien ~~shall notify~~ notifies the purchaser in writing thereof. Such lien may be foreclosed in the manner and form provided for the foreclosure of secured transactions as provided in article 9, Uniform Commercial Code, except that such foreclosure proceedings shall be instituted within ninety days after the filing of the lien. ; ~~PROVIDED,~~ such foreclosure shall be instituted within thirty days after the filing of the lien.

Sec. 2. That original section 52-903, Reissue Revised Statutes of Nebraska, 1943, is repealed.