

AMENDMENTS TO LB 14

Introduced by Government, Military and Veterans Affairs

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 25-529, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           25-529 The register of deeds of each county shall record  
6 such appointment as shall be filed under the provisions of section  
7 25-528 and any revocation thereof in the Miscellaneous Record,  
8 shall enter such instruments in the numerical index against the  
9 lands described therein, and shall be entitled to demand and  
10 receive fees as provided in ~~sections~~ section 33-109. ~~and 33-112.~~

11           Sec. 2. Section 25-531, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           25-531 When the summons has been served or publication  
14 made, the action is pending so as to charge third persons with  
15 notice of pendency. While the action is pending no interest can be  
16 acquired by third persons in the subject matter thereof, as against  
17 the plaintiff's title. In all actions brought to affect the title  
18 to real property, the plaintiff may either at the time of filing  
19 his or her complaint or afterwards, file, or in case any defendant  
20 sets up an affirmative cause of action and demands relief which  
21 shall affect the title to real estate, he or she may, at the time  
22 of filing such answer or at any time afterwards, file with the  
23 clerk or register of deeds of each county in which the real estate

1 thus to be affected, or any part thereof, is situated, a notice  
2 of the pendency of such action. The notice shall contain the names  
3 of the parties, the object of the action, and a description of  
4 the property in such county sought to be affected thereby. If the  
5 action is for foreclosure of a mortgage, such notice shall contain  
6 the date of the mortgage, the parties thereto, and the time and  
7 place of recording the same. The clerk or register of deeds of such  
8 county shall record the notice thus filed and enter the same upon  
9 the numerical index of all lands, any part of which is included  
10 in the description in the notice, for which he or she shall be  
11 entitled to receive filing fees in accordance with ~~sections~~ section  
12 33-109, ~~and 33-112,~~ to be paid by the person filing such notice,  
13 and which shall be taxed as part of the costs in the action.  
14 From the time of filing such notice the pendency of such action  
15 shall be constructive notice to any purchaser or encumbrancer to  
16 be affected thereby. Every person whose conveyance or encumbrance  
17 is subsequently executed or subsequently recorded shall be deemed  
18 to be a subsequent purchaser or encumbrancer and shall be bound  
19 by all proceedings taken in the action after the filing of such  
20 notice to the same extent as if he or she were made a party to the  
21 action. The court in which such action was commenced or any judge  
22 thereof may at any time thereafter on the application of any person  
23 aggrieved, on good cause shown, and on such notice as the court or  
24 judge may determine, order the notice to be canceled by the clerk  
25 or register of deeds of any county in which the notice may have  
26 been filed or recorded by filing a notice of release. In actions  
27 in which such notice is filed in a county or counties, other than

1 the county in which the action is pending, the county clerk or the  
2 register of deeds of the county in which the action was begun may  
3 cancel such notice by executing a written release under his or her  
4 hand and seal by reason of the order of the court or judge, and  
5 forward such release by mail to the county clerk or register of  
6 deeds of the county in which the notice has been filed or recorded,  
7 and which certificate such county clerk or register of deeds shall  
8 record in the records of his or her office. At any time after such  
9 notice of pendency is recorded, the party on whose behalf the same  
10 was filed or the party's attorney of record may cause the notice  
11 to be canceled in the office of the county clerk or register of  
12 deeds of any county in which the notice has been filed or recorded.  
13 Such cancellation may be made by written release in the same manner  
14 as such cancellations are entered on order of the court. For the  
15 service required by this section, the county clerk or register of  
16 deeds shall be entitled to charge and receive fees in accordance  
17 with ~~sections~~ section 33-109, and ~~33-112,~~ to be paid by the party  
18 causing the service to be performed.

19           Sec. 3. Section 25-2154, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           25-2154 In all cases of foreclosure of mortgages in  
22 the several counties in the state, it shall be the duty of the  
23 clerk of the district court, on the satisfaction or payment of  
24 the amount of the decree, to forward to the register of deeds  
25 a certificate setting forth the names of parties, plaintiff and  
26 defendant, descriptions of the premises mentioned in the decree,  
27 and the book and page where the mortgage foreclosed is recorded.

1 For such ~~7~~ ~~for~~ which certificate such ~~the~~ clerk of the district  
2 court shall collect, until January 1, 2018, the fee required  
3 pursuant to section 33-109 for recording the certificate or, on and  
4 after January 1, 2018, a fee of three dollars. Such ~~7~~ ~~which~~ amount  
5 shall be taxed as part of the costs in the case, and ~~said~~ such sum  
6 shall be paid to the register of deeds as ~~his~~ the fee for recording  
7 the certificate.

8           Sec. 4. Section 33-109, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           33-109 (1)(a) This subdivision applies until January 1,  
11 2018. The register of deeds and the county clerk shall receive for  
12 recording a deed, mortgage, or release, recording and indexing of  
13 a will, recording and indexing of a decree in a testate estate,  
14 recording proof of publication, or recording any other instrument,  
15 a fee of ~~five dollars per page~~ ten dollars for the first page and  
16 six dollars for each additional page. Two dollars and fifty cents  
17 of the ten-dollar fee for recording the first page and fifty cents  
18 of the six-dollar fee for recording each additional page shall be  
19 used exclusively for the purposes of preserving and maintaining  
20 public records of the office of the register of deeds and for  
21 modernization and technology needs relating to such records. The  
22 funds allocated under this subdivision shall not be substituted for  
23 other allocations of county general funds to the register of deeds  
24 for the purposes enumerated in this subdivision.

25           (b) This subdivision applies on and after January 1,  
26 2018. The register of deeds and the county clerk shall receive for  
27 recording a deed, mortgage, or release, recording and indexing of

1 a will, recording and indexing of a decree in a testate estate,  
2 recording proof of publication, or recording any other instrument,  
3 a fee of five dollars per page. For entering each instrument  
4 presented for record in the numerical index, the clerk or register  
5 of deeds shall receive the sum of fifty cents for each lot and  
6 each single block without lots in platted areas and fifty cents for  
7 each section in unplatted areas to be paid in advance by the person  
8 offering the instrument for record.

9           (2) The cost for a certified copy of any instrument filed  
10 or recorded in the office of county clerk or register of deeds  
11 shall be one dollar and fifty cents per page.

12           Sec. 5. Section 52-1004, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           52-1004 (1) (a) This subdivision applies until January 1,  
15 2018. The Beginning July 1, 1999, the uniform fee, payable to  
16 the Secretary of State, for presenting for filing and indexing  
17 and for filing and indexing each notice of lien or certificate  
18 or notice affecting the lien pursuant to the Uniform Federal Lien  
19 Registration Act shall be ~~six dollars,~~ two times the fee required  
20 for recording instruments with the register of deeds as provided  
21 in section 33-109. There shall be no fee for the filing of a  
22 termination statement. The uniform fee for each county more than  
23 one designated pursuant to subsection (1) of section 52-1001 shall  
24 be ~~three dollars,~~ the fee required for recording instruments with  
25 the register of deeds as provided in section 33-109. The Secretary  
26 of State shall deposit each fee received pursuant to this ~~section~~  
27 subdivision in the Uniform Commercial Code Cash Fund. Of the fees

1 received and deposited pursuant to this ~~section~~, subdivision, the  
2 Secretary of State shall remit ~~three dollars~~ the fee required for  
3 recording instruments with the register of deeds as provided in  
4 section 33-109 to the register of deeds of a county for each  
5 designation of such county in a filing pursuant to subsection (1)  
6 of section 52-1001.

7 (b) This subdivision applies on and after January 1,  
8 2018. The uniform fee, payable to the Secretary of State, for  
9 presenting for filing and indexing and for filing and indexing each  
10 notice of lien or certificate or notice affecting the lien pursuant  
11 to the Uniform Federal Lien Registration Act shall be six dollars.  
12 There shall be no fee for the filing of a termination statement.  
13 The uniform fee for each county more than one designated pursuant  
14 to subsection (1) of section 52-1001 shall be three dollars. The  
15 Secretary of State shall deposit each fee received pursuant to this  
16 subdivision in the Uniform Commercial Code Cash Fund. Of the fees  
17 received and deposited pursuant to this subdivision, the Secretary  
18 of State shall remit three dollars to the register of deeds of a  
19 county for each designation of such county in a filing pursuant to  
20 subsection (1) of section 52-1001.

21 (2) The Secretary of State shall bill the district  
22 directors of internal revenue or other appropriate federal  
23 officials on a monthly basis for fees for documents presented or  
24 filed by them.

25 Sec. 6. Section 60-169, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 60-169 (1) (a) Except as otherwise provided in subdivision

1 (b) of this subsection, each owner of a vehicle and each person  
2 mentioned as owner in the last certificate of title, when the  
3 vehicle is dismantled, destroyed, or changed in such a manner  
4 that it loses its character as a vehicle or changed in such a  
5 manner that it is not the vehicle described in the certificate  
6 of title, shall surrender his or her certificate of title to the  
7 county clerk or designated county official of the county where such  
8 certificate of title was issued or, if issued by the department,  
9 to the department. If the certificate of title is surrendered  
10 to the county clerk or designated county official, he or she  
11 shall, with the consent of any holders of any liens noted thereon,  
12 enter a cancellation upon his or her records and shall notify the  
13 department of such cancellation. If the certificate is surrendered  
14 to the department, it shall, with the consent of any holder of any  
15 lien noted thereon, enter a cancellation upon its records.

16 (b) (i) In the case of a mobile home or manufactured  
17 home for which a certificate of title has been issued, if such  
18 mobile home or manufactured home is affixed to real property in  
19 which each owner of the mobile home or manufactured home has any  
20 ownership interest, the certificate of title may be surrendered  
21 for cancellation to the county clerk or designated county official  
22 of the county where such certificate of title is issued or, if  
23 issued by the department, to the department, if at the time of  
24 surrender the owner submits to the county clerk, the designated  
25 county official, or the department an affidavit of affixture on a  
26 form provided by the department that contains all of the following,  
27 as applicable:

1           (A) The names and addresses of all of the owners of  
2 record of the mobile home or manufactured home;

3           (B) A description of the mobile home or manufactured  
4 home that includes the name of the manufacturer, the year of  
5 manufacture, the model, and the manufacturer's serial number;

6           (C) The legal description of the real property upon which  
7 the mobile home or manufactured home is affixed and the names of  
8 all of the owners of record of the real property;

9           (D) A statement that the mobile home or manufactured home  
10 is affixed to the real property;

11           (E) The written consent of each holder of a lien duly  
12 noted on the certificate of title to the release of such lien and  
13 the cancellation of the certificate of title;

14           (F) A copy of the certificate of title surrendered for  
15 cancellation; and

16           (G) The name and address of an owner, a financial  
17 institution, or another entity to which notice of cancellation of  
18 the certificate of title may be delivered.

19           (ii) The person submitting an affidavit of affixture  
20 pursuant to subdivision (b)(i) of this subsection shall swear or  
21 affirm that all statements in the affidavit are true and material  
22 and further acknowledge that any false statement in the affidavit  
23 may subject the person to penalties relating to perjury under  
24 section 28-915.

25           (2) If a certificate of title of a mobile home or  
26 manufactured home is surrendered to the county clerk or designated  
27 county official, along with the affidavit required by subdivision



1 (1) (b) of this section, he or she shall enter a cancellation upon  
2 his or her records, notify the department of such cancellation,  
3 forward a duplicate original of the affidavit to the department,  
4 and deliver a duplicate original of the executed affidavit under  
5 subdivision (1) (b) of this section to the register of deeds for the  
6 county in which the real property is located to be filed by the  
7 register of deeds. The county clerk or designated county official  
8 shall be entitled to collect fees from the person submitting the  
9 affidavit in accordance with ~~sections~~ section 33-109 and 33-112 to  
10 cover the costs of filing such affidavit. If the certificate of  
11 title is surrendered to the department, along with the affidavit  
12 required by subdivision (1) (b) of this section, the department  
13 shall enter a cancellation upon its records and deliver a duplicate  
14 original of the executed affidavit under subdivision (1) (b) of  
15 this section to the register of deeds for the county in which the  
16 real property is located to be filed by the register of deeds.  
17 The department shall be entitled to collect fees from the person  
18 submitting the affidavit in accordance with ~~sections~~ section 33-109  
19 ~~and 33-112~~ to cover the costs of filing such affidavit. Following  
20 the cancellation of a certificate of title for a mobile home or  
21 manufactured home, neither the county clerk, the designated county  
22 official, nor the department shall issue a certificate of title  
23 for such mobile home or manufactured home, except as provided in  
24 subsection (5) of this section.

25 (3) If a mobile home or manufactured home is affixed to  
26 real estate before June 1, 2006, a person who is the holder of a  
27 lien or security interest in both the mobile home or manufactured

1 home and the real estate to which it is affixed on such date may  
2 enforce its liens or security interests by accepting a deed in lieu  
3 of foreclosure or in the manner provided by law for enforcing liens  
4 on the real estate.

5 (4) A mobile home or manufactured home for which the  
6 certificate of title has been canceled and for which an affidavit  
7 of affixture has been duly recorded pursuant to subsection (2) of  
8 this section shall be treated as part of the real estate upon which  
9 such mobile home or manufactured home is located. Any lien thereon  
10 shall be perfected and enforced in the same manner as a lien on  
11 real estate. The owner of such mobile home or manufactured home may  
12 convey ownership of the mobile home or manufactured home only as a  
13 part of the real estate to which it is affixed.

14 (5) (a) If each owner of both the mobile home or  
15 manufactured home and the real estate described in subdivision  
16 (1) (b) of this section intends to detach the mobile home or  
17 manufactured home from the real estate, the owner shall do both of  
18 the following: (i) Before detaching the mobile home or manufactured  
19 home, record an affidavit of detachment in the office of the  
20 register of deeds in the county in which the affidavit is recorded  
21 under subdivision (1) (b) of this section; and (ii) apply for a  
22 certificate of title for the mobile home or manufactured home  
23 pursuant to section 60-147.

24 (b) The affidavit of detachment shall contain all of the  
25 following:

26 (i) The names and addresses of all of the owners of  
27 record of the mobile home or manufactured home;

1           (ii) A description of the mobile home or manufactured  
2 home that includes the name of the manufacturer, the year of  
3 manufacture, the model, and the manufacturer's serial number;

4           (iii) The legal description of the real estate from which  
5 the mobile home or manufactured home is to be detached and the  
6 names of all of the owners of record of the real estate;

7           (iv) A statement that the mobile home or manufactured  
8 home is to be detached from the real property;

9           (v) A statement that the certificate of title of the  
10 mobile home or manufactured home has previously been canceled;

11           (vi) The name of each holder of a lien of record against  
12 the real estate from which the mobile home or manufactured home  
13 is to be detached, with the written consent of each holder to the  
14 detachment; and

15           (vii) The name and address of an owner, a financial  
16 institution, or another entity to which the certificate of title  
17 may be delivered.

18           (6) An owner of an affixed mobile home or manufactured  
19 home for which the certificate of title has previously been  
20 canceled pursuant to subsection (2) of this section shall not  
21 detach the mobile home or manufactured home from the real estate  
22 before a certificate of title for the mobile home or manufactured  
23 home is issued by the county clerk, designated county official,  
24 or department. If a certificate of title is issued by the county  
25 clerk, designated county official, or department, the mobile home  
26 or manufactured home is no longer considered part of the real  
27 property. Any lien thereon shall be perfected pursuant to section

1 60-164. The owner of such mobile home or manufactured home may  
2 convey ownership of the mobile home or manufactured home only by  
3 way of a certificate of title.

4 (7) For purposes of this section:

5 (a) A mobile home or manufactured home is affixed to real  
6 estate if the wheels, towing hitches, and running gear are removed  
7 and it is permanently attached to a foundation or other support  
8 system; and

9 (b) Ownership interest means the fee simple interest in  
10 real estate or an interest as the lessee under a lease of the real  
11 property that has a term that continues for at least twenty years  
12 after the recording of the affidavit under subsection (2) of this  
13 section.

14 (8) Upon cancellation of a certificate of title in the  
15 manner prescribed by this section, the county clerk or designated  
16 county official and the department may cancel and destroy all  
17 certificates and all memorandum certificates in that chain of  
18 title.

19 Sec. 7. Section 77-3903, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 77-3903 (1)(a) A notice of lien provided for in the  
22 Uniform State Tax Lien Registration and Enforcement Act upon real  
23 property shall be presented in the office of the Secretary of  
24 State. Such notice of lien shall be transmitted by the Secretary  
25 of State to and filed in the office of the register of deeds  
26 by the register of deeds of the county or counties in which the  
27 real property subject to the lien is situated as designated in

1 the notice of lien. The register of deeds shall enter the notice  
2 in the alphabetical state tax lien index, showing on one line  
3 the name and residence of the person liable named in such notice,  
4 the last four digits of the social security number or the federal  
5 tax identification number of such person, the Tax Commissioner's  
6 or Commissioner of Labor's serial number of such notice, the date  
7 and hour of filing, and the amount due. Such presentments to the  
8 Secretary of State may be made by direct input to the Secretary of  
9 State's data base or by other electronic means. All such notices  
10 of lien shall be retained in numerical order in a file designated  
11 state tax lien notices, except that in offices filing by the roll  
12 form of microfilm pursuant to section 23-1517.01, the original  
13 notices need not be retained. A lien subject to this subsection  
14 shall be effective upon real property when filed by the register of  
15 deeds as provided in this subsection.

16 (b) A notice of lien provided for in the Uniform State  
17 Tax Lien Registration and Enforcement Act upon personal property  
18 shall be filed in the office of the Secretary of State. The  
19 Secretary of State shall enter the notice in the state's central  
20 tax lien index, showing on one line the name and residence of the  
21 person liable named in such notice, the last four digits of the  
22 social security number or the federal tax identification number  
23 of such person, the Tax Commissioner's or Commissioner of Labor's  
24 serial number of such notice, the date and hour of filing, and the  
25 amount due. Such filings with the Secretary of State may be filed  
26 by direct input to the Secretary of State's data base or by other  
27 electronic means. All such notices of lien shall be retained in

1 numerical order in a file designated state tax lien notices.

2           (2) (a) This subdivision applies until January 1,  
3 2018. The Beginning July 1, 1999, the uniform fee, payable to  
4 the Secretary of State, for presenting for filing, releasing,  
5 continuing, or subordinating or for filing, releasing, continuing,  
6 or subordinating each tax lien pursuant to the Uniform State Tax  
7 Lien Registration and Enforcement Act shall be ~~six dollars,~~ two  
8 times the fee required for recording instruments with the register  
9 of deeds as provided in section 33-109. There shall be no fee for  
10 the filing of a termination statement. The uniform fee for each  
11 county more than one designated pursuant to subdivision (1) (a) of  
12 this section shall be ~~three dollars,~~ the fee required for recording  
13 instruments with the register of deeds as provided in section  
14 33-109. The Secretary of State shall deposit each fee received  
15 pursuant to this ~~section~~ subdivision in the Uniform Commercial  
16 Code Cash Fund. Of the fees received and deposited pursuant to  
17 this ~~section,~~ subdivision, the Secretary of State shall remit  
18 ~~three dollars~~ the fee required for recording instruments with the  
19 register of deeds as provided in section 33-109 to the register of  
20 deeds of a county for each designation of such county in a filing  
21 pursuant to subdivision (1) (a) of this section.

22           (b) This subdivision applies on and after January 1,  
23 2018. The uniform fee, payable to the Secretary of State, for  
24 presenting for filing, releasing, continuing, or subordinating or  
25 for filing, releasing, continuing, or subordinating each tax lien  
26 pursuant to the Uniform State Tax Lien Registration and Enforcement  
27 Act shall be six dollars. There shall be no fee for the filing

1 of a termination statement. The uniform fee for each county more  
2 than one designated pursuant to subdivision (1) (a) of this section  
3 shall be three dollars. The Secretary of State shall deposit each  
4 fee received pursuant to this subdivision in the Uniform Commercial  
5 Code Cash Fund. Of the fees received and deposited pursuant to this  
6 subdivision, the Secretary of State shall remit three dollars to  
7 the register of deeds of a county for each designation of such  
8 county in a filing pursuant to subdivision (1) (a) of this section.

9           (3) The Secretary of State shall bill the Tax  
10 Commissioner or Commissioner of Labor on a monthly basis for fees  
11 for documents presented to or filed with the Secretary of State.  
12 No payment of any fee shall be required at the time of presenting  
13 or filing any such lien document.

14           Sec. 8. This act becomes operative on January 1, 2013.

15           Sec. 9. Original sections 25-529, 25-531, 25-2154,  
16 33-109, 52-1004, 60-169, and 77-3903, Reissue Revised Statutes of  
17 Nebraska, are repealed.

18           Sec. 10. The following section is outright repealed:  
19 Section 33-112, Reissue Revised Statutes of Nebraska.