

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 939

Introduced by Harr, 8.

Read first time January 11, 2012

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to conservators; to amend sections 30-2641 and
- 2 30-2642, Reissue Revised Statutes of Nebraska; to change
- 3 notice provisions; and to repeal the original sections.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 30-2641, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 30-2641 (a) The following requirements and provisions
4 apply to any bond required under section 30-2640:

5 (1) Unless otherwise provided by the terms of the
6 approved bond, sureties are jointly and severally liable with the
7 conservator and with each other;

8 (2) By executing an approved bond of a conservator, the
9 surety consents to the jurisdiction of the court which issued letters
10 to the primary obligor in any proceeding pertaining to the fiduciary
11 duties of the conservator and naming the surety as a party defendant.
12 Notice of any proceeding shall be delivered to the surety or mailed
13 to him ~~by registered or certified mail or her by regular mail or~~
14 electronic media at his or her address as listed with the court where
15 the bond is filed and to his or her address as then known to the
16 petitioner;

17 (3) On petition of a successor conservator or any
18 interested person, a proceeding may be initiated against a surety for
19 breach of the obligation of the bond of the conservator;

20 (4) The bond of the conservator is not void after the
21 first recovery but may be proceeded against from time to time until
22 the whole penalty is exhausted.

23 (b) No proceeding may be commenced against the surety on
24 any matter as to which an action or proceeding against the primary
25 obligor is barred by adjudication or limitation.

1 Sec. 2. Section 30-2642, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 30-2642 By accepting appointment, a conservator submits
4 personally to the jurisdiction of the court in any proceeding
5 relating to the estate that may be instituted by any interested
6 person. Notice of any proceeding shall be delivered to the
7 conservator, or mailed to him ~~by registered or certified mail or her~~
8 by regular mail or electronic media at his or her address as listed
9 in the petition for appointment or as thereafter reported to the
10 court and to his or her address as then known to the petitioner.

11 Sec. 3. Original sections 30-2641 and 30-2642, Reissue
12 Revised Statutes of Nebraska, are repealed.