

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 289

Introduced by Lathrop, 12.

Read first time January 16, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to liens; to amend sections 52-130 and 52-140,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to the duration of a real estate
4 improvement contract lien; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 52-130, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 52-130 (1) Except as provided in subsection (2) of this
4 section, real estate improvement contract ~~shall mean~~ means an
5 agreement to perform services, including labor, or to furnish
6 materials for the purpose of producing a change in the physical
7 condition of land or of a structure, including:

8 (a) Alteration of the surface by excavation, fill, change
9 in grade, or change in a shore, bank, or flood plain of a stream,
10 swamp, or body of water;

11 (b) Construction or installation on, above, or below the
12 surface of land;

13 (c) Demolition, repair, remodeling, or removal of a
14 structure previously constructed or installed;

15 (d) Seeding, sodding, or other landscaping operation;

16 (e) Surface or subsurface testing, boring, or analyzing;

17 ~~and~~

18 (f) Preparation of plans, surveys, or architectural or
19 engineering plans or drawings for any change in the physical
20 condition of land or structures whether or not used incident to
21 producing a change in physical condition of the real estate; and -

22 (g) Services pursuant to a written agreement with a
23 designated broker as required by subsections (2) through (6) of
24 section 76-2422 when such services relate to real property other than
25 residential real property.

1 (2) A contract for the mining or removal of timber,
2 minerals, gravel, soil, sod, or things growing on land, or other
3 similar contracts in which the activity is primarily for the purpose
4 of realizing upon the disposal or removal of the objects removed, or
5 a contract for the planting, cultivation, or harvesting of crops or
6 for the preparation of the soil for planting of crops, is not a real
7 estate improvement contract.

8 Sec. 2. Section 52-140, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 52-140 (1) Except as provided in subsections ~~(2) and (3)~~
11 (3) and (4) of this section, a lien that has become enforceable as
12 provided in sections 52-125 to 52-159 continues enforceable for two
13 years after recording of the lien.

14 (2) Except as provided in subsections (3) and (4) of this
15 section, a lien based upon a contract with a designated broker under
16 subdivision (1)(g) of section 52-130 continues for two years after
17 the date that the payment was due under the contract.

18 ~~(2)-(3)~~ Except as provided in subsection ~~(3)-(4)~~ of this
19 section, if an owner, holder of a security interest, or other person
20 having an interest in the real estate gives the claimant written
21 demand to institute a judicial proceeding within thirty days, the
22 lien lapses unless, within thirty days after receipt of the written
23 demand, the claimant institutes judicial proceedings or records an
24 affidavit that the total contract price is not yet due under the
25 contract for which he or she recorded the lien.

1 ~~(3)~~(4) If a judicial proceeding to enforce a lien is
2 instituted while a lien is effective under subsection (1), (2), or
3 (3) ~~or (2)~~ of this section, the lien continues during the pendency of
4 the proceeding.

5 Sec. 3. Original sections 52-130 and 52-140, Reissue
6 Revised Statutes of Nebraska, are repealed.