

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 3

Introduced by Krist, 10.

Read first time January 10, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to real property; to change filing provisions

2 relating to nonconsensual liens.

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

1 Section 1. (1) In order that the owner of real property
2 upon which a nonconsensual lien is recorded shall have notice of the
3 lien, an envelope with the name and address of the owner of the real
4 property on the envelope, along with the proper postage affixed,
5 shall accompany the nonconsensual lien submitted for recordation at
6 the county recording office. Upon proper submittal and the
7 nonconsensual lien meeting all statutory recording requirements, the
8 county recording office shall record the nonconsensual lien and,
9 using the accompanying envelope, forward a certified copy of the
10 recorded lien to the owner as addressed on the envelope. If no
11 envelope is submitted with the nonconsensual lien or if the envelope
12 does not have the name and address of the owner of the real property
13 on it or the proper postage affixed, the county recording office
14 shall reject the lien.

15 (2) This section does not apply to mortgages, deeds of
16 trust, or any encumbrances in which all parties involved have
17 knowledge of or should have knowledge of the encumbrances.

18 (3) For purposes of this section, a nonconsensual lien is
19 any lien or encumbrance of which the real property owner is not
20 aware.