

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 979

Introduced by Harr, 8.

Read first time January 17, 2014

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend sections
2 77-1829, 77-1840, and 77-1917, Reissue Revised Statutes
3 of Nebraska, section 77-1837.01, Revised Statutes
4 Cumulative Supplement, 2012, and sections 77-1822,
5 77-1823, 77-1824, 77-1825, and 77-1831, Revised Statutes
6 Supplement, 2013; to change provisions relating to tax
7 sales for delinquent property taxes; to harmonize
8 provisions; to provide an operative date; and to repeal
9 the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-1822, Revised Statutes Supplement,
2 2013, is amended to read:

3 77-1822 The certificate of purchase shall be assignable
4 by endorsement, and an assignment thereof shall vest in the assignee,
5 or his or her legal representatives, all the right and title of the
6 original purchaser. The statement in the treasurer's deed of the fact
7 of the assignment shall be presumptive evidence thereof. An
8 assignment shall be recorded by the county treasurer who shall
9 collect a reassignment fee of twenty dollars and issue a new
10 certificate to the assignee. The fee ~~is not~~ shall be refundable upon
11 redemption.

12 Sec. 2. Section 77-1823, Revised Statutes Supplement,
13 2013, is amended to read:

14 77-1823 The county treasurer shall charge a twenty-dollar
15 issuance fee for each deed or certificate made by him or her for a
16 sale of real property for taxes together with the fee of the notary
17 public or other officer acknowledging the deed. The issuance fee
18 shall not be required if the tax sale certificate is issued in the
19 name of the county, but the issuance fee is due from the purchaser
20 when the county assigns the certificate to another person. The fee ~~is~~
21 ~~not~~ shall be refundable upon redemption. Whenever the county
22 treasurer makes a deed to any real property sold for taxes, he or she
23 shall enter an account thereof in the record opposite the description
24 of the real property conveyed.

25 Sec. 3. Section 77-1824, Revised Statutes Supplement,

1 2013, is amended to read:

2 77-1824 The owner or occupant of any real property sold
3 for taxes or any person having a lien thereupon or interest therein
4 may redeem the same. The right of redemption expires when the
5 purchaser files an application for tax deed with the county
6 treasurer. A redemption shall not be accepted by the county
7 treasurer, or considered valid, unless received prior to the close of
8 business on the day the application for the tax deed is received by
9 the county treasurer. Redemption shall be accomplished by paying the
10 county treasurer for the use of such purchaser or his or her heirs or
11 assigns (1) the sum mentioned in his or her certificate, with
12 interest thereon at the rate specified in section 45-104.01, as such
13 rate may from time to time be adjusted by the Legislature, from the
14 date of purchase to date of redemption, ~~together with~~ (2) all other
15 taxes subsequently paid, whether for any year or years previous or
16 subsequent to the sale, and interest thereon at the same rate from
17 date of such payment to date of redemption, and (3) the issuance fee
18 charged pursuant to section 77-1823. The issuance fee charged
19 pursuant to section 77-1823 is refundable only upon redemption or
20 pursuant to a decree of foreclosure pursuant to section 77-1909. The
21 ~~amount due for redemption shall include the issuance fee charged~~
22 ~~pursuant to section 77-1823.~~

23 Sec. 4. Section 77-1825, Revised Statutes Supplement,
24 2013, is amended to read:

25 77-1825 The county treasurer shall enter a memorandum of

1 redemption of real property in the record and shall give a receipt
2 therefor to the person redeeming the same, for which the county
3 treasurer may charge a fee of two dollars. The county treasurer shall
4 send written notice of redemption to the holder of the county
5 treasurer's certificate of tax sale by first-class mail if the post
6 office address of the holder of the certificate is filed in the
7 office of the county treasurer or by electronic means if previously
8 agreed to by the parties. The money received for redemption ~~money~~
9 pursuant to section 77-1824 shall be paid to or upon the order of the
10 holder on return of the certificate.

11 Sec. 5. Section 77-1829, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 77-1829 ~~If~~ All deeds issued to any purchaser of real
14 property sold for taxes under sections 77-1801 to 77-1860 ~~suffers the~~
15 ~~same to be again sold for taxes before the expiration of the last day~~
16 ~~of the second annual sale thereafter, such purchaser shall not be~~
17 ~~entitled to a deed for such real property until the expiration of a~~
18 ~~like term from the date of the second sale, during which time the~~
19 ~~real property shall be subject to redemption upon the terms and~~
20 ~~conditions prescribed by law.~~ shall pass subject to all the rights
21 and interests of a holder of a tax sale certificate from a tax sale
22 occurring subsequent to the tax sale for which the deed was issued. A
23 second sale of real property for taxes subsequent to the issuance of
24 a prior tax sale certificate has no effect on the rights of the
25 holder of the prior tax sale certificate to apply for a treasurer's

1 tax deed under section 77-1837 or proceed with judicial foreclosure
2 under section 77-1902. The most recent tax sale certificate
3 constitutes a lien superior to the lien of a tax sale certificate
4 issued prior thereto.

5 Sec. 6. Section 77-1831, Revised Statutes Supplement,
6 2013, is amended to read:

7 77-1831 Except as otherwise provided in this section, no
8 purchaser at any sale for taxes or his or her assignees shall be
9 entitled to a tax deed from the county treasurer for the real
10 property so purchased unless such purchaser or assignee, at least
11 three months before applying for the tax deed, serves or causes to be
12 served a notice that states, after the expiration of at least three
13 months from the date of service of such notice, the tax deed will be
14 applied for. In the case of owner-occupied property, no purchaser at
15 any sale for taxes or his or her assignees shall be entitled to a tax
16 deed from the county treasurer for the real property so purchased
17 unless such purchaser or assignee, at least three months and forty-
18 five days before applying for the tax deed, serves or causes to be
19 served a notice that states, after the expiration of at least three
20 months and forty-five days from the date of service of such notice,
21 the tax deed will be applied for.

22 The notice shall include:

23 (1) The following statement in sixteen-point type: UNLESS
24 YOU ACT YOU WILL LOSE THIS PROPERTY;

25 (2) The date when the purchaser purchased the real

1 property sold by the county for taxes;

2 (3) The description of the real property;

3 (4) In whose name the real property was assessed;

4 (5) The amount of taxes represented by the tax sale
5 certificate at the date of the sale by the county as stated in the
6 tax sale certificate originally issued, the year the taxes which were
7 sold by the county were levied or assessed as stated in the tax sale
8 certificate originally issued, and a statement that subsequent taxes
9 may have been paid and interest may have accrued ~~as of the date the~~
10 ~~notice is signed by the purchaser; to date;~~ and

11 (6) The following statements:

12 (a) That the issuance of a tax deed is subject to the
13 right of redemption under sections 77-1824 to 77-1830;

14 (b) The right of redemption requires payment to the
15 county treasurer, for the use of such purchaser, or his or her heirs
16 or assigns, the amount of taxes represented by the tax sale
17 certificate for the year the taxes were levied or assessed and any
18 subsequent taxes paid and interest accrued as of the date payment is
19 made to the county treasurer; and

20 (c) Except as provided for real property that is actually
21 occupied by the record owner of the real property, the surviving
22 spouse of the record owner, or a minor child of the record owner,
23 right of redemption expires at the close of business on the date of
24 application for the tax deed, and a deed may be applied for after the
25 expiration of three months from the date of service of this notice.

1 For real property that is actually occupied by the record owner of
2 the real property, the surviving spouse of the record owner, or a
3 minor child of the record owner, a deed may be applied for after the
4 expiration of three months and forty-five days after the service of
5 this notice.

6 Sec. 7. Section 77-1837.01, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 77-1837.01 ~~The~~ (1) Except as otherwise provided in
9 subsections (2) and (3) of this section, the laws in effect on the
10 date of the issuance of a tax sale certificate govern all matters
11 related to tax deeds—deed proceedings, including noticing and
12 application, and foreclosure proceedings. Changes in law shall not
13 apply retroactively with regard to the tax sale certificates
14 previously issued.

15 (2) Any holder of a tax sale certificate purchased by
16 virtue of a bid down for a portion at less than a one hundred percent
17 interest in the real property who is issued a treasurer's tax deed
18 under section 77-1837 shall take title under such treasurer's tax
19 deed to the entirety of the real property therein described, and the
20 treasurer's tax deed shall have conveyance language conveying an
21 entire absolute one hundred percent undivided interest in the real
22 property to the holder of the tax sale certificate. Any holder of a
23 tax sale certificate purchased by virtue of a bid down for a portion
24 at less than a one hundred percent interest in the real property who
25 files a foreclosure action in district court under section 77-1902

1 shall have a lien that attaches to the entirety of the real property
2 therein described at an absolute one hundred percent undivided
3 interest, and the applicable court in its decree of foreclosure shall
4 order the sale of the entire one hundred percent interest of the
5 property to satisfy the lien.

6 (3) Tax sale certificates sold and issued between January
7 1, 2010, and December 31, 2014, shall be governed by the laws and
8 statutes that were in effect on December 31, 2009, with regard to all
9 matters relating to tax deed proceedings, including noticing and
10 application, and foreclosure proceedings, and subsection (2) of this
11 section shall also apply to all such tax sale certificates.

12 Sec. 8. Section 77-1840, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 77-1840 The register of deeds shall record ~~the evidence~~
15 ~~upon which the tax deeds are issued,~~ and be entitled to the same fee
16 therefor that may be allowed by law for recording deeds., ~~and the~~
17 ~~county treasurer shall deliver the same to the register of deeds for~~
18 ~~that purpose.~~

19 Sec. 9. Section 77-1917, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 77-1917 (1) Any person entitled to redeem real property
22 may do so at any time prior to the institution of foreclosure
23 proceedings by paying the county treasurer for the use of such holder
24 of a tax sale certificate or his or her heirs or assigns (a) the sum
25 mentioned in his or her certificate, with interest thereon at the

1 rate specified in section 45-104.01, as such rate may from time to
2 time be adjusted by the Legislature, from the date of purchase to the
3 date of redemption, ~~together with (b)~~ all other taxes subsequently
4 paid, whether for any year or years previous or subsequent to the
5 sale, and interest thereon at the same rate from the date of such
6 payment to the date of redemption, and (c) the issuance fee charged
7 pursuant to section 77-1823.

8 (2) Any person entitled to redeem real property may do so
9 at any time after the decree of foreclosure and before the final
10 confirmation of the sale by paying to the clerk of the district court
11 the amount found due against the property, with interest and costs to
12 the date of redemption and, in addition thereto, when the real
13 property has been sold at sheriff's sale to a purchaser other than
14 the plaintiff, any subsequent taxes paid by such purchaser, as shown
15 by tax receipts filed by such purchaser with the clerk of the
16 district court, with interest at the rate specified in section
17 45-104.01, as such rate may from time to time be adjusted by the
18 Legislature, from the date or dates of payment of such taxes, and
19 also interest on the purchase price at the same rate, for the use of
20 the purchaser, from the date of sale to the date of redemption.
21 During the pendency of a foreclosure action any person entitled to
22 redeem any lot or parcel may do so by paying to the court the amount
23 due with interest and costs, including attorney's fees, provided for
24 in section 77-1909, if requested in the foreclosure complaint. The
25 amount due for redemption under this subsection shall include the

1 issuance fee charged pursuant to section 77-1823. Within thirty days
2 after receipt of payment of all amounts due, the holder of the tax
3 sale certificate shall dismiss its claim in the foreclosure
4 proceeding with respect to any redeemed tax sale certificate. The
5 holder of the tax sale certificate shall be required to provide the
6 county treasurer with written notice that a foreclosure suit has been
7 instituted and provide the county treasurer with an affidavit setting
8 forth the costs incurred in the foreclosure action and indicating
9 whether attorney's fees were requested in the foreclosure complaint.

10 (3) The person redeeming any lot or parcel shall be
11 required to provide the county treasurer with an appropriate receipt
12 evidencing the payment to the court of the amount due with interest
13 and costs and the holder of the tax sale certificate shall file with
14 the county treasurer notice of its dismissal of the claim in the
15 foreclosure proceeding.

16 Sec. 10. This act becomes operative on January 1, 2015.

17 Sec. 11. Original sections 77-1829, 77-1840, and 77-1917,
18 Reissue Revised Statutes of Nebraska, section 77-1837.01, Revised
19 Statutes Cumulative Supplement, 2012, and sections 77-1822, 77-1823,
20 77-1824, 77-1825, and 77-1831, Revised Statutes Supplement, 2013, are
21 repealed.