

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 253

Introduced by Morfeld, 46.

Read first time January 14, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to homesteads; to amend section 40-104,
- 2 Reissue Revised Statutes of Nebraska; to provide when acknowledgment
- 3 is not required; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 40-104, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 40-104 Except as otherwise provided in this section, the The
4 homestead of a married person cannot be conveyed or encumbered unless the
5 instrument by which it is conveyed or encumbered is executed and
6 acknowledged by both husband and wife ~~except as otherwise provided in~~
7 ~~this section~~. The interest of either or both spouses may be conveyed or
8 encumbered by a conservator acting in accordance with the provisions of
9 the Nebraska Probate Code and may also be conveyed or encumbered by an
10 attorney in fact appointed by and acting on behalf of either spouse under
11 any power of attorney which grants the power to sell and convey real
12 property. Any claim of invalidity of a deed of conveyance of homestead
13 property because of failure to comply with the provisions of this section
14 must be asserted within the time provided in sections 76-288 to 76-298.

15 A purchase agreement or contract for sale of homestead property
16 signed by both spouses does not require acknowledgment to be enforceable.

17 Sec. 2. Original section 40-104, Reissue Revised Statutes of
18 Nebraska, is repealed.