

Legislature - First Session - 2019

Introducer's Statement of Intent

LB708

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: March 14, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 708 The Uniform Partition of Heirs Property Act (UPHPA) is a partition law to provide a legal mechanism that enables those that own undivided, fractional interests in tenancy-in-common or joint tenancy properties to exit such common ownership arrangements through litigation when the common owners do not come to a consensual agreement on the terms for exit. The UPHPA is a uniform statute that facilitates the preservation of real property within a family after the death of the property holder. If a landowner dies without a will, the property is passed on to the heirs as tenants-in-common under state law. When property is owned as tenants-in-common, any one tenant can compel a partition of the land through a court-ordered sale. In order to prevent the unwanted divestment of inherited property, UPHPA provides a series of protections and procedures for those who inherit property in this manner.

Principal Introducer: _____

Senator Tom Brandt