

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 58

Introduced by Pahls, 31.

Read first time January 07, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to civil procedure; to amend section
2 25-520.01, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to service of notice by publication in cases
4 involving liens arising from city or village special assessments;
5 and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-520.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 25-520.01 (1) Except as provided in subsection (3) of this section,
4 in ~~In~~ any action or proceeding of any kind or nature, as defined in
5 section 25-520.02, where a notice by publication is given as authorized
6 by law, a party instituting or maintaining the action or proceeding with
7 respect to notice or such party's ~~his~~ attorney shall within five days
8 after the first publication of notice send by United States mail a copy
9 of such published notice or, if applicable, the notice described in
10 subsection (4) of this section, to each and every party appearing to have
11 a direct legal interest in such action or proceeding whose name and post
12 office address are known to such party or attorney ~~him~~.

13 (2) Proof by affidavit of the mailing of such notice shall be made
14 by the party or such party's ~~his~~ attorney and shall be filed with the
15 officer with whom filings are required to be made in such action or
16 proceeding within ten days after mailing of such notice. Such affidavit
17 of mailing of notice shall further be required to state that such party
18 and such party's ~~his~~ attorney, after diligent investigation and inquiry,
19 were unable to ascertain and do not know the post office address of any
20 other party appearing to have a direct legal interest in such action or
21 proceeding other than those to whom notice has been mailed in writing.

22 (3) It shall not be necessary to serve the notice prescribed by this
23 section upon any competent person, fiduciary, partnership, or
24 corporation, who has waived notice in writing, has entered a voluntary
25 appearance, or has been personally served with summons or notice in such
26 proceeding.

27 (4) In the case of a lien for a special assessment imposed by any
28 city or village, in lieu of sending a copy of published notice, the city
29 or village may instead send by United States mail, to each and every
30 party appearing to have a direct legal interest in such action or
31 proceeding whose name and post office address are known to the city or

1 village or its attorney, a notice containing the amount owed, the date
2 due, and the date the board of equalization meets in case of an appeal.

3 Sec. 2. Original section 25-520.01, Reissue Revised Statutes of
4 Nebraska, is repealed.