

February 12, 1980

LB 306

SENATOR BEUTLER: Well I agree with it if read in context with the ensuing sentence.

SENATOR CHAMBERS: I want to get it step by step. Then we can construe it all together.

SENATOR BEUTLER: I refuse to deal with a long sentence step by step, if you are going to say that one step of it denotes the whole meaning.

SENATOR CHAMBERS: All right, let's go a bit further. The entry of a judgment against a surviving joint owner as the result of the personal liability created by Section 1 shall have the same effect as any other judgment lien in the State of Nebraska. Now does Section 1 create a lien or does it not?

SENATOR BEUTLER: It does not.

SENATOR CHAMBERS: What effect does any judgment lien, any other kind of judgment lien have in the State of Nebraska?

SENATOR BEUTLER: A judgment lien encumbers the property and gives you a right to enforce your judgment against the property.

SENATOR CHAMBERS: All right, so when a judgment is entered, a lien is then created by the judgment.

SENATOR BEUTLER: That is right.

SENATOR CHAMBERS: But the operation of Section 1 by itself does not in any manner nor can it be construed to create a lien.

SENATOR BEUTLER: That is right.

SENATOR CHAMBERS: So then it would be necessary for some action to be taken after death in order to obtain a judgment lien?

SENATOR BEUTLER: Correct.

SENATOR CHAMBERS: Now if the property were sold before such a judgment were obtained, then there would be no basis for obtaining a lien because there would be nothing to get a judgment against. Would that be correct?

SENATOR BEUTLER: Well, there may or may not be something to get a judgment against since that there may be other property.

SENATOR CHAMBERS: If we are talking about specific...