

February 10, 1981

LB 33, 96

advanced to E & R Initial.

PRESIDENT: No further discussion, so the question is the advance of LB 33 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 1 nay, Mr. President.

PRESIDENT: Motion carries and LB 33 is advanced to E & R Initial. We will go on then to LB 96, Mr. Clerk.

CLERK: LB 96 is offered by Senator Bill Barrett. (Read title.) The bill was read on January 12th and referred to the Judiciary Committee. It was advanced to General File. I have no amendments pending, Mr. President.

PRESIDENT: The Chair recognizes Senator Barrett.

SENATOR BARRETT: Mr. Speaker and members, I move that LB 96 be moved to E & R Initial. LB 96 is a curative bill. It is designed to cure certain defects in real estate titles where persons attempt to take title as for example, John Smith or Mary Smith, using the disjunctive "or" as opposed to the conjunctive "and". Common law dictates that real estate conveyances should use the word "and" between the names of the two grantors, and because of the times in which we live I presume, people are so accustomed to taking title to personal property using the word "or" and this sometimes extends over to real estate conveyances which is improper, it renders the title ineffective, renders the instrument ineffective and can create some problems down the line. The bill itself as you will read in your bill book is very short, very much to the point, only five lines. It simply creates the presumption that deeds using the word "or" between the names of the grantees are presumed to have the same effect as deeds which use the word "and" between the names of the grantees. Therefore, the obvious intent of the people to the conveyances will not be disregarded simply because of a technicality in the law. That is it in a nutshell and I would urge your support for LB 96, and if the passing of the cake around to the body, the cake being supplied by Senator Pirsch, is not intimidation enough, I don't know what is. I urge the support.

PRESIDENT: Any further discussion on LB 96? Hearing none, Senator Barrett, I guess that is your opening and your closing because there is no one else who wants to discuss it. So the question is the advance of LB 96 to E & R Initial. All those in favor vote aye, opposed nay. Record the vote.