

argument in my opinion because it would be no different than the current situation in a situation where the husband does not remarry and buys a new house. For example if a man divorces, has a child support lien attached, and then instead of remarrying, he just goes on living single but he buys a new house. Bingo, the minute he buys that, the child support lien attaches, and if he wants to get it removed, he has to go to the court and tell the judge that there is sufficient funds there to pay the child support, that he is paid up-to-date, and there will be sufficient funds in the future to pay up-to-date, and the judge will look at the situation individually and decide whether the child support lien should be removed. There are a number of different things that the judge could do to assure that the proceeds of the sale of the property might be protected for the payment of child support. So all we are saying here is if that person remarries instead of live single and buys a house, the lien is going to attach in that situation too, even if he leaves that house in the new spouses name alone. So that is no different than the current situation. We are just extending it to another fact situation. With regard to fraudulent conveyances, Senator Hoagland said to you, well, the court, they can come back to the court and say there is a fraudulent conveyance here and go after the proceeds of the sale of the house. Well, as a practical matter, that is not very practical, because once somebody turns real estate into money, there are a hundred different ways that you can lose that money. You can dig a hole and bury it in it. You can invest it in some other proceeds. You can hide it in bank accounts. It is almost impossible to track it down. I think, personally I think there is only one argument that you should consider and it is a real argument but the argument is, is what we are purporting to do, extending that lien to this situation, is that fair to new spouse? Does new spouse marry this person knowing that there are children there to be supported and, consequently, he or she should accept the fact that if they buy property the lien is going to attach, or should new spouse be allowed to marry somebody, and when she buys property, it should be clean from the child support lien? It really all depends on what your philosophy is about what expectation we should impose or what we should impose upon this new spouse. That is the fairness question, I think. I think that is the real question. Senator Johnson.

SPEAKER NICHOL: Senator Vard Johnson, you have got two