

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 384

Introduced by Wightman, 36

Read first time January 16, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to executions against property; to prohibit
2 certain executions on exempt property as prescribed; and
3 to provide penalties.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) If a judgment debtor files, with the court
2 that rendered the judgment, an affidavit, duly sworn upon oath,
3 that he or she owns no real or personal property or has no income
4 exceeding the value of exemptions allowed under state or federal
5 law and provides a copy of the affidavit by certified mail, return
6 receipt requested, to the judgment creditor, the affidavit shall
7 be presumed to be true and, if the judgment creditor proceeds
8 with further collection efforts, including attachment or execution,
9 unless the judgment creditor provides sufficient proof to the
10 court of the falsity of the affidavit to overcome the presumption
11 of truthfulness of the affidavit, the judgment debtor shall be
12 entitled to an award of triple the attorneys fees and court costs
13 expended by the judgment debtor in such proceeding.

14 (2) If the affidavit filed by the judgment debtor is
15 determined by the court to be false, the judgment debtor shall be
16 subject to prosecution under section 28-915.01.