

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 776**

Introduced by Wightman, 36.

Read first time January 09, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to registers of deeds; to amend sections  
2 25-2154, 33-109, 33-112, and 52-1004, Reissue Revised  
3 Statutes of Nebraska, and section 77-3903, Revised  
4 Statutes Supplement, 2007; to change fees received by  
5 the registers of deeds; to harmonize provisions; to  
6 provide an operative date; and to repeal the original  
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 25-2154, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           25-2154 In all cases of foreclosure of mortgages in  
4 the several counties in the state, it shall be the duty of the  
5 clerk of the district court, on the satisfaction or payment of  
6 the amount of the decree, to forward to the register of deeds  
7 a certificate setting forth the names of parties, plaintiff and  
8 defendant, descriptions of the premises mentioned in the decree,  
9 and the book and page where the mortgage foreclosed is recorded,  
10 for which certificate such clerk shall collect a fee of ~~three~~  
11 dollars, the fee required pursuant to sections 33-109 and 33-112  
12 for recording the certificate, which amount shall be taxed as part  
13 of the costs in the case, and ~~said~~ such sum shall be paid to the  
14 register of deeds as his or her fee for recording the certificate.

15           Sec. 2. Section 33-109, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           33-109 The register of deeds and the county clerk shall  
18 receive for recording a deed, mortgage, or release, recording and  
19 indexing of a will, recording and indexing of a decree in a testate  
20 estate, recording proof of publication, or recording any other  
21 instrument, a fee of ~~five dollars per page. ten dollars for the~~  
22 first page and six dollars for each additional page. The cost for  
23 a certified copy of any instrument filed or recorded in the office  
24 of county clerk or register of deeds shall be one dollar and fifty  
25 cents per page.

1           Sec. 3. Section 33-112, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           33-112 For entering each instrument presented for record  
4 in the numerical index, the clerk or register of deeds shall record  
5 up to five indexes per instrument for which the fee required by  
6 section 33-109 has been paid. For more than five, the clerk or  
7 register of deeds shall receive the sum of fifty cents for each lot  
8 and each single block without lots in platted areas and fifty cents  
9 for each section in unplatted areas. The fees shall ~~to~~ be paid in  
10 advance by the person offering the instrument for record.

11          Sec. 4. Section 52-1004, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13          52-1004 (1) Beginning July 1, 1999, the uniform fee,  
14 payable to the Secretary of State, for presenting for filing  
15 and indexing and for filing and indexing each notice of lien or  
16 certificate or notice affecting the lien pursuant to the Uniform  
17 Federal Lien Registration Act shall be ~~six dollars.~~ two times  
18 the fee required for recording instruments with the register of  
19 deeds as provided in sections 33-109 and 33-112. There shall be  
20 no fee for the filing of a termination statement. The uniform fee  
21 for each county more than one designated pursuant to subsection  
22 (1) of section 52-1001 shall be ~~three dollars.~~ the fee required  
23 for recording instruments with the register of deeds as provided  
24 in sections 33-109 and 33-112. The Secretary of State shall  
25 deposit each fee received pursuant to this section in the Uniform

1 Commercial Code Cash Fund. Of the fees received and deposited  
2 pursuant to this section, the Secretary of State shall remit  
3 ~~three dollars~~ the fee required for recording instruments with the  
4 register of deeds as provided in sections 33-109 and 33-112 to the  
5 register of deeds of a county for each designation of such county  
6 in a filing pursuant to subsection (1) of section 52-1001.

7 (2) The Secretary of State shall bill the district  
8 directors of internal revenue or other appropriate federal  
9 officials on a monthly basis for fees for documents presented or  
10 filed by them.

11 Sec. 5. Section 77-3903, Revised Statutes Supplement,  
12 2007, is amended to read:

13 77-3903 (1)(a) A notice of lien provided for in the  
14 Uniform State Tax Lien Registration and Enforcement Act upon real  
15 property shall be presented in the office of the Secretary of  
16 State. Such notice of lien shall be transmitted by the Secretary  
17 of State to and filed in the office of the register of deeds  
18 by the register of deeds of the county or counties in which the  
19 real property subject to the lien is situated as designated in  
20 the notice of lien. The register of deeds shall enter the notice  
21 in the alphabetical state tax lien index, showing on one line  
22 the name and residence of the person liable named in such notice,  
23 the last four digits of the social security number or the federal  
24 tax identification number of such person, the Tax Commissioner's  
25 or Commissioner of Labor's serial number of such notice, the date

1 and hour of filing, and the amount due. Such presentments to the  
2 Secretary of State may be made by direct input to the Secretary of  
3 State's data base or by other electronic means. All such notices  
4 of lien shall be retained in numerical order in a file designated  
5 state tax lien notices, except that in offices filing by the roll  
6 form of microfilm pursuant to section 23-1517.01, the original  
7 notices need not be retained. A lien subject to this subsection  
8 shall be effective upon real property when filed by the register of  
9 deeds as provided in this subsection.

10 (b) A notice of lien provided for in the Uniform State  
11 Tax Lien Registration and Enforcement Act upon personal property  
12 shall be filed in the office of the Secretary of State. The  
13 Secretary of State shall enter the notice in the state's central  
14 tax lien index, showing on one line the name and residence of the  
15 person liable named in such notice, the last four digits of the  
16 social security number or the federal tax identification number  
17 of such person, the Tax Commissioner's or Commissioner of Labor's  
18 serial number of such notice, the date and hour of filing, and the  
19 amount due. Such filings with the Secretary of State may be filed  
20 by direct input to the Secretary of State's data base or by other  
21 electronic means. All such notices of lien shall be retained in  
22 numerical order in a file designated state tax lien notices.

23 (2) Beginning July 1, 1999, the uniform fee, payable  
24 to the Secretary of State, for presenting for filing, releasing,  
25 continuing, or subordinating or for filing, releasing, continuing,

1 or subordinating each tax lien pursuant to the Uniform State Tax  
2 Lien Registration and Enforcement Act shall be ~~six dollars~~, two  
3 times the fee required for recording documents with the register  
4 of deeds as provided in sections 33-109 and 33-112. There shall be  
5 no fee for the filing of a termination statement. The uniform fee  
6 for each county more than one designated pursuant to subdivision  
7 (1)(a) of this section shall be ~~three dollars~~, the fee required  
8 for recording documents with the register of deeds as provided  
9 in sections 33-109 and 33-112. The Secretary of State shall  
10 deposit each fee received pursuant to this section in the Uniform  
11 Commercial Code Cash Fund. Of the fees received and deposited  
12 pursuant to this section, the Secretary of State shall remit ~~three~~  
13 ~~dollars~~ the fee required for recording documents with the register  
14 of deeds as provided in sections 33-109 and 33-112 to the register  
15 of deeds of a county for each designation of such county in a  
16 filing pursuant to subdivision (1)(a) of this section.

17 (3) The Secretary of State shall bill the Tax  
18 Commissioner or Commissioner of Labor on a monthly basis for fees  
19 for documents presented to or filed with the Secretary of State.  
20 No payment of any fee shall be required at the time of presenting  
21 or filing any such lien document.

22 Sec. 6. This act becomes operative on January 1, 2009.

23 Sec. 7. Original sections 25-2154, 33-109, 33-112, and  
24 52-1004, Reissue Revised Statutes of Nebraska, and section 77-3903,  
25 Revised Statutes Supplement, 2007, are repealed.