



Hundredth Legislature - First Session - 2007
Introducer's Statement of Intent
LB 225

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 14, 2007

The following constitute the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 225 is intended to accomplish two goals: first, to require judgment creditors to file a written satisfaction of a judgment within a reasonable time (30 days) of receiving payment or settlement in full and second, to enable parties to civil litigation or their attorneys, at their option, to file any motion or other document which currently requires an affidavit executed before a Notary Public to replace the “jurat” (the portion of an affidavit with which the notary is concerned) with a statement that the document is signed under the penalties of perjury as provided in the laws of this State.

While fairness and good practice require that a judgment creditor file a satisfaction of judgment when it is paid or satisfied, there are many cases where this does not happen. This is exacerbated when a judgment in one court is transcribed to another court for the purpose of enforcing the judgment. The proposed language in this bill (modeled after an Iowa statute) would help avoid the complications that arise for consumers whose credit reports will not reflect that their judgments have been paid since there is no official record of the satisfaction.

The second part of the legislation also is modeled after an Iowa statute which permits (but does not require) the use of the “under penalty of perjury” statement as an alternative to the use of a Notary Public. The volume of documents involved (currently requiring the use of a Notary Public) and the cost have become a significant issue in the process. The passage of this bill would ease the burden and help streamline the process.

Principal Introducer: _____
Senator Mike Friend