

E AND R AMENDMENTS TO LB 732

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 25-1326, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 25-1326 (1) Real property may be conveyed by a master
6 commissioner ~~commissioners~~ (1) when (a) by an order or judgment
7 in an action or a proceeding, a party is ordered to convey such
8 property to another, and he shall neglect or refuse he or she
9 neglects or refuses to comply with such order or judgment, (2) when
10 or (b) specific real property is required to be sold under an order
11 or judgment of the court.

12 (2) A master commissioner may, for any cause he or she
13 deems expedient, postpone the sale of all or any portion of the
14 real property from time to time until it is completed, and in
15 every such case, notice of postponement shall be given by public
16 declaration thereof by such master commissioner at the time and
17 place last appointed for the sale. The public declaration of the
18 notice of postponement shall include the new date, time, and place
19 of sale. No other notice of the postponed sale need be given unless
20 the sale is postponed for longer than forty-five days beyond the
21 day designated in the notice of sale, in which event the notice
22 thereof shall be given in the same manner as the original notice of
23 sale is required to be given.

1 Sec. 2. Section 25-1327, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-1327 A sheriff may act as a master commissioner under
4 ~~the provisions of section 25-1326, subdivision (2).~~ subdivision
5 (1)(b) of section 25-1326. Sales made under ~~the same~~ such
6 subdivision shall conform in all respects to the laws regulating
7 sales of land upon execution.

8 Sec. 3. Section 25-2144, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 25-2144 (1) All sales of mortgaged premises under a
11 decree shall be made by a sheriff or some other person authorized
12 by the court in the county where the premises or some part of
13 them are situated. ~~In~~ and in all cases where the sheriff ~~shall~~
14 ~~make~~ makes such sale, ~~he or she~~ shall act in his or her official
15 capacity, ~~he~~ shall be liable on his or her official bond for all
16 his or her acts therein, and ~~he~~ shall receive the same compensation
17 as is provided by law for like services upon sales under execution.

18 (2) The sheriff or other person conducting the sale may,
19 for any cause he or she deems expedient, postpone the sale of all
20 or any portion of the real property from time to time until it is
21 completed, and in every such case, notice of postponement shall be
22 given by public declaration thereof by the sheriff or such other
23 person at the time and place last appointed for the sale. The
24 public declaration of the notice of postponement shall include the
25 new date, time, and place of sale. No other notice of the postponed
26 sale need be given unless the sale is postponed for longer than
27 forty-five days beyond the day designated in the notice of sale, in

1 which event notice thereof shall be given in the same manner as the
2 original notice of sale is required to be given.

3 Sec. 4. Section 76-1009, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 76-1009 On the date and at the time and place designated
6 in the notice of sale, the trustee shall sell the property at
7 public auction to the highest bidder. The attorney for the trustee
8 may conduct the sale. Any person, including the beneficiary, may
9 bid at the sale. Every bid shall be deemed an irrevocable offer.
10 If the purchaser refuses to pay the amount bid by him or her for
11 the property struck off to him or her at the sale, the trustee may
12 again sell the property at any time to the highest bidder, except
13 that notice of the sale shall be given again in the same manner
14 as the original notice of sale was required to be given. The party
15 refusing to pay shall be liable for any loss occasioned thereby,
16 and the trustee may also, in his or her discretion, thereafter
17 reject any other bid of such person.

18 The person conducting the sale may, for any cause he or
19 she deems expedient, postpone the sale of all or any portion of
20 the property from time to time until it is completed, and in
21 every such case, notice of postponement shall be given by public
22 declaration thereof by such person at the time and place last
23 appointed for the sale. The public declaration of the notice of
24 postponement shall include the new date, time, and place of sale.
25 No other notice of the postponed sale need be given unless the
26 sale is postponed for longer than forty-five days beyond the day
27 designated in the notice of sale, in which event notice thereof

1 shall be given in the same manner as the original notice of sale is
2 required to be given.

3 Sec. 5. Section 77-1912, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 77-1912 (1) The sheriff shall sell the real property
6 in the same manner provided by law for a sale on execution
7 and shall at once pay the proceeds thereof to the clerk of
8 the district court. Any governmental subdivision of the state,
9 municipal corporation, or drainage or irrigation district to which
10 any part of the taxes included in the decree of foreclosure is
11 due may purchase any real property sold at sheriff's sale. The
12 provisions of the law for the protection of the purchasers at tax
13 sales shall apply to purchasers at foreclosure sales provided for
14 in this section. The sheriff or officer conducting the sale shall
15 not be entitled to any commission on the money received and paid
16 out on foreclosure sales provided for herein.

17 (2) The sheriff or officer conducting the sale may, for
18 any cause he or she deems expedient, postpone the sale of all or
19 any portion of the real property from time to time until it is
20 completed, and in every such case, notice of postponement shall
21 be given by public declaration thereof by the sheriff or officer
22 at the time and place last appointed for the sale. The public
23 declaration of the notice of postponement shall include the new
24 date, time, and place of sale. No other notice of the postponed
25 sale need be given unless the sale is postponed for longer than
26 forty-five days beyond the day designated in the notice of sale,
27 in which event notice shall be given in the same manner as the

1 original notice of sale is required to be given.

2 Sec. 6. Original sections 25-1326, 25-1327, 25-2144,
3 76-1009, and 77-1912, Reissue Revised Statutes of Nebraska, are
4 repealed.

5 Sec. 7. Since an emergency exists, this act takes effect
6 when passed and approved according to law.

7 2. On page 1, line 2, after the second comma insert
8 "76-1009,".