

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB732

Hearing Date: Thursday January 28, 2010
Committee On: Judiciary
Introducer: Utter
One Liner: Change provisions relating to certain forced sales of real property

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh,
McGill, Rogert

Nay:

Absent:

Present Not Voting:

Proponents:

Sen. Dennis Utter
Bob Hallstrom

Representing:

Introducer
Nebraska Bankers Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 732 would amend statute sections 25-1326, 25-1327, 25-2144 and 77-1912 related to forced sales of real property. The bill would provide that sales conducted by a master commissioner or a sheriff may be postponed for up to 45 days without requiring an additional notice of sale be published. There must be a notice of postponement given by public declaration at the time and place designated for the sale. The bill does contain an emergency clause.

Explanation of amendments:

Committee Amendment AM 1727 provides greater clarification regarding the contents of the notice of postponement. Under the amendment, the notice of postponement must contain the new date, time and place for the postponed sale.

In addition, AM 1727 adds the clarifying language to the notice of postponement provisions in the Trust Deeds Act to provide uniformity.

Brad Ashford, Chairperson