

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 907

Introduced by Conrad, 46.

Read first time January 12, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to homesteads; to amend sections 40-102 and
2 40-105, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to property exempt from execution;
4 and to repeal the original sections.

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

1 Section 1. Section 40-102, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 40-102 (1) If the claimant ~~be~~ is married, the homestead
4 may be selected from the separate property of the husband, or with
5 the consent of the wife from her separate property.

6 (2) When the claimant is not married, but is the head of
7 a family within the meaning of section 40-115 or is age sixty-five
8 or older, the homestead may be selected from any of his or her
9 property.

10 Sec. 2. Section 40-105, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 40-105 When an execution for the enforcement of a
13 judgment obtained in a case not within the classes enumerated
14 in section 40-103 is levied upon the lands or tenements of a head
15 of a family or an unmarried person age sixty-five or older, such
16 ~~head of a family person~~ may at any time prior to confirmation
17 of sale apply to the district court in the county in which the
18 homestead is situated for an order to determine whether or not such
19 lands or tenements, or any part thereof, are exempt as a homestead
20 and, if so, the value thereof.

21 Sec. 3. Original sections 40-102 and 40-105, Reissue
22 Revised Statutes of Nebraska, are repealed.