

AMENDMENTS TO LB 536

(Amendments to Standing Committee amendments, AM1668)

Introduced by Wightman

1 1. Insert the following new sections:

2 Sec. 9. A transfer on death deed shall be signed by
3 the transferor or by some person in his or her presence and by
4 his or her direction and shall be attested in writing by two
5 or more disinterested witnesses, whose signatures along with the
6 transferor's signature shall be made before an officer authorized
7 to administer oaths under the laws of this state or under the laws
8 of the state where execution occurs and evidenced by the officer's
9 certificate, under official seal, in form and content substantially
10 as follows:

11 I, the transferor, sign my name to this
12 instrument this day of 20, and being first duly
13 sworn, do hereby declare to the undersigned authority that I sign
14 and execute this transfer on death deed to transfer my interest
15 in the described real property and that I sign it willingly or
16 willingly direct another to sign for me, that I execute it as my
17 free and voluntary act for the purposes therein expressed, that
18 I am eighteen years of age or older or am not at this time a
19 minor, and that I am of sound mind and under no constraint or undue
20 influence.

21 Transferor

22 We, and, the witnesses, sign our names to

1 this instrument, being first duly sworn, and do hereby declare to
2 the undersigned authority that the transferor signs and executes
3 this transfer on death deed to transfer his or her interest in
4 the described real property and that he or she signs it willingly
5 or willingly directs another to sign for him or her, and that he
6 or she executes it as his or her free and voluntary act for the
7 purposes therein expressed, and that each of us, in the presence
8 and hearing of the transferor, hereby signs this deed as witness
9 to the transferor's signing, and that to the best of his or her
10 knowledge the transferor is eighteen years of age or older or is
11 not at this time a minor and the transferor is of sound mind and
12 under no constraint or undue influence.

13 Witness

14 Witness

15 THE STATE OF

16 COUNTY OF

17 Subscribed, sworn to, and acknowledged before me by
18, the transferor, and subscribed and sworn to before me
19 by and, witnesses, this day of
20 20..... .

21 (SEAL) (Signed)

22 (Official capacity of officer)

23 Sec. 26. Section 76-201, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 76-201 ~~The term real estate,~~ as used in For purposes of
26 sections 76-201 to 76-281 and section 31 of this act, the term real
27 estate shall be construed as coextensive in meaning with lands,

1 tenements, and hereditaments, and as embracing all chattels real,
2 except leases for a term not exceeding one year.

3 Sec. 27. Section 76-202, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 76-202 The term purchaser, as used in sections 76-201 to
6 76-281 and section 31 of this act, shall be construed to embrace
7 every person to whom any real estate or interest therein shall
8 be conveyed for valuable consideration, and also any assignee of
9 mortgage or lease or other conditional estate.

10 Sec. 28. Section 76-203, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 76-203 The term deed, as used in sections 76-201 to
13 76-281 and section 31 of this act, shall be construed to embrace
14 every instrument in writing by which any real estate or interest
15 therein is created, aliened, mortgaged, or assigned, or by which
16 the title to any real estate may be affected in law or equity,
17 except last wills and leases for one year or for a less time.

18 Sec. 33. Section 76-246, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 76-246 No instrument containing a power to convey, or in
21 any manner to affect real estate, executed, acknowledged or proved,
22 and certified and recorded in conformity with the requirements of
23 sections 76-211 to 76-245 and section 31 of this act, can be
24 revoked by any act of the party or parties thereto until the
25 instrument of revocation is executed, acknowledged or proved, and
26 certified and filed for record with the register of deeds of the
27 county in which the power is recorded.

1 Sec. 34. Section 76-277, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 76-277 ~~The provisions of sections~~ Sections 76-201 to
4 76-281 ~~shall~~ and section 31 of this act apply to the conveyance of
5 all claims and improvements upon the public lands.

6 2. On page 1, line 3, strike "22" and insert "23".

7 3. On page 2, line 7, after the period insert "A transfer
8 on death deed is subject to the common-law principles of equity
9 except to the extent modified by the Nebraska Uniform Real Property
10 Transfer on Death Act."; and in line 13 after the period insert
11 "If the property is agricultural land, the transferor may designate
12 in the transfer on death deed the disposition of the transferor's
13 interest in growing crops to the transferor's estate or to one
14 or more of the designated beneficiaries. If the property is
15 agricultural land and the transfer on death deed does not contain
16 a designation of the disposition of the transferor's interest in
17 growing crops, the transferor's interest in the growing crops shall
18 pass to the transferor's estate.".

19 4. On page 3, strike lines 1 through 3 and insert the
20 following new subdivision:

21 "(4) Must be recorded (i) within thirty days after being
22 executed as required in section 9 of this act, (ii) before the
23 transferor's death, and (iii) in the public records in the office
24 of the register of deeds of the county where the property is
25 located.".

26 5. On page 4, line 16, after the second occurrence of
27 "deed" insert "and that is executed with the same formalities as

1 required in section 9 of this act"; and strike lines 20 through 23
2 and insert the following new subdivision:

3 "(2) Is acknowledged by the transferor after the
4 acknowledgment of the deed being revoked and is recorded (i) within
5 thirty days after being executed, (ii) before the transferor's
6 death, and (iii) in the public records in the office of the
7 register of deeds of the county where the deed is recorded.".

8 6. On page 5, line 19, strike "20" and insert "21".

9 7. On page 9, line 11, strike "16" and insert "17".

10 8. On page 19, line 27, strike "27" and insert "31".

11 9. On page 20, line 6, strike "12" and insert "13".

12 10. On page 21, line 4, strike "12, 13, and 14" and
13 insert "13, 14, and 15".

14 11. On page 25, line 20, after the second comma insert
15 "76-201, 76-202, 76-204,"; and in line 21 after the second comma
16 insert "76-246, 76-277,".

17 12. Renumber the remaining sections accordingly.