

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 254

Introduced by Campbell, 25.

Read first time January 11, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the register of deeds; to amend sections
2 23-1503.01 and 23-1510, Reissue Revised Statutes of
3 Nebraska; to provide and change requirements for
4 instruments to be recorded in the office of the register
5 of deeds; to provide for applicability; and to repeal the
6 original sections.

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

1 Section 1. Section 23-1503.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 23-1503.01 (1) Any instrument submitted for recording in
4 the office of the register of deeds shall contain a blank space at
5 the top of the first page which is at least ~~two and one half~~ three
6 inches by ~~six~~ eight and one-half inches in size for recording
7 information required by section 23-1510 by the register of deeds. If
8 this space or the information required by such section is not
9 provided, the register of deeds may add a page or use the back side
10 of an existing page and charge for the page a fee established by
11 section 33-109 for the recording of an instrument. No attachment or
12 affirmation shall be used in any way to cover any information or
13 printed material on the instrument.

14 (2) Printed forms primarily intended to be used for
15 recordation purposes shall have a ~~one-half-inch~~ one-inch margin on
16 the two vertical sides ~~except in the space reserved for recording~~
17 information. Any printed form accepted for recordation that does not
18 comply with this section shall not affect the validity of or the
19 notice otherwise given by the recording. and a one-inch margin on the
20 bottom of the page. Nonessential information such as page numbers or
21 customer notations may be placed within the side and bottom margins.

22 (3) All instruments submitted for recording shall be on
23 paper measuring at least eight and one-half inches by eleven inches
24 and not larger than eight and one-half inches by fourteen inches. The
25 instrument shall be printed, typewritten, or computer-generated in

1 black ink on white paper of not less than twenty-pound weight without
2 watermarks or other visible inclusions. The instrument shall be
3 sufficiently legible to allow for a readable copy to be reproduced
4 using the method of reproduction used by the register of deeds. A
5 font size of at least eight points shall be presumed to be
6 sufficiently legible. Each signature on an instrument shall be in
7 black or dark blue ink and of sufficient color and clarity to ensure
8 that the signature is readable when the instrument is reproduced. The
9 name of each party to the instrument shall be typed, printed, or
10 stamped beneath the original signature. An embossed or inked stamp
11 shall not cover or otherwise materially interfere with any part of
12 the instrument.

13 (4) This section does not apply to:

14 (a) Instruments signed before the effective date of this
15 act;

16 (b) Instruments executed outside of the United States;

17 (c) Certified copies of instruments issued by
18 governmental agencies, including vital records;

19 (d) Instruments signed by an original party who is
20 incapacitated or deceased at the time the instruments are presented
21 for recording;

22 (e) Instruments formatted to meet court requirements;

23 (f) Federal and state tax liens;

24 (g) Forms prescribed by the Uniform Commercial Code; and

25 (h) Plats, surveys, or drawings related to plats or

1 surveys.

2 Sec. 2. Any printed form accepted for recordation that
3 does not comply with sections 23-1503 to 23-1527 shall not affect the
4 validity of or the notice otherwise given by the recording.

5 Sec. 3. Section 23-1510, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 23-1510 (1) The register of deeds shall endorse upon
8 every instrument properly filed in his or her office for ~~record~~
9 recording the minute, hour, day, month, and year when it was so filed
10 and shall forthwith enter the same in the proper indices herein
11 provided for in sections 23-1508 to 23-1517.02.

12 (2) Every instrument presented for recording shall have,
13 on the first page below the three-inch margin prescribed in section
14 23-1503.01, the following information:

15 (a) A return address; and

16 (b) The title of the instrument.

17 (3) After the ~~same~~ instrument has been recorded, the book
18 and page or computer system reference where it may be found shall be
19 endorsed thereon.

20 Sec. 4. Original sections 23-1503.01 and 23-1510, Reissue
21 Revised Statutes of Nebraska, are repealed.