

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 693

Introduced by Seiler, 33.

Read first time January 08, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to decedents' estates; to amend section
2 30-24,129, Revised Statutes Cumulative Supplement, 2012;
3 to change provisions relating to succession of real
4 property for small estates; to provide an operative date;
5 and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 30-24,129, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 30-24,129 (a) Thirty days after the death of a decedent,
4 any person claiming as successor to the decedent's interest in real
5 property in this state may file or cause to be filed on his or her
6 behalf, with the register of deeds office of a county in which the
7 real property of the decedent that is the subject of the affidavit is
8 located, an affidavit describing the real property owned by the
9 decedent and the interest of the decedent in the property. The
10 affidavit shall be signed by all persons claiming as successors or by
11 parties legally acting on their behalf and shall be prima facie
12 evidence of the facts stated in the affidavit. The affidavit shall
13 state:

14 (1) the value of the decedent's interest in all real
15 property in the decedent's estate located in this state does not
16 exceed ~~thirty~~fifty thousand dollars. The value of the decedent's
17 interest shall be determined from the value of the property as shown
18 on the assessment rolls for the year in which the decedent died less
19 liens and encumbrances, including real estate taxes;

20 (2) thirty days have elapsed since the death of the
21 decedent as shown in a certified or authenticated copy of the
22 decedent's death certificate attached to the affidavit;

23 (3) no application or petition for the appointment of a
24 personal representative is pending or has been granted in any
25 jurisdiction;

1 (4) the claiming successor is entitled to the real
2 property by reason of the homestead allowance, exempt property
3 allowance, or family allowance, by intestate succession, or by devise
4 under the will of the decedent;

5 (5) the claiming successor has made an investigation and
6 has been unable to determine any subsequent will;

7 (6) no other person has a right to the interest of the
8 decedent in the described property;

9 (7) the claiming successor's relationship to the decedent
10 and the value of the entire estate of the decedent; and

11 (8) the person or persons claiming as successors under
12 the affidavit swear or affirm that all statements in the affidavit
13 are true and material and further acknowledge that any false
14 statement may subject the person or persons to penalties relating to
15 perjury under section 28-915.

16 (b) The recorded affidavit and certified or authenticated
17 copy of the decedent's death certificate shall also be recorded by
18 the claiming successor in any other county in this state in which the
19 real property of the decedent that is the subject of the affidavit is
20 located.

21 Sec. 2. This act becomes operative on January 1, 2015.

22 Sec. 3. Original section 30-24,129, Revised Statutes
23 Cumulative Supplement, 2012, is repealed.