

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1075

FINAL READING

Introduced by Schilz, 47.

Read first time January 20, 2016

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Disposition of Personal Property
2 Landlord and Tenant Act; to amend sections 69-2304 and 69-2308,
3 Revised Statutes Cumulative Supplement, 2014; to change a provision
4 relating to the disposition of personal property; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-2304, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 69-2304 A notice given pursuant to section 69-2303 shall contain one
4 of the following statements, as appropriate:

5 (1) "If you fail to reclaim the property, it will be sold at a
6 public sale after notice of the sale has been given by publication. You
7 have the right to bid on the property at this sale. After the property is
8 sold and the costs of storage, advertising, and sale are deducted, the
9 remaining money will be turned over to the State Treasurer pursuant to
10 the Uniform Disposition of Unclaimed Property Act. You may claim the
11 remaining money from the office of the State Treasurer as provided in
12 such act."; or

13 (2) "Because this property is believed to be worth less than two ~~one~~
14 thousand dollars, it may be kept, sold, or destroyed without further
15 notice if you fail to reclaim it within the time indicated in this
16 notice."

17 Sec. 2. Section 69-2308, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 69-2308 (1) If the personal property is not released pursuant to
20 section 69-2307, it shall be sold at public sale by competitive bidding,
21 except that if the landlord reasonably believes that the total resale
22 value of the property not released is less than two ~~one~~ thousand dollars,
23 he or she may retain such property for his or her own use or dispose of
24 it in any manner he or she chooses. At such time as the decision to sell
25 or to retain is made, any locked trunk, valise, box, or other container
26 shall be opened, if practicable, with as little damage as possible, and
27 its contents evaluated. Nothing in this section shall be construed to
28 preclude the landlord or the tenant from bidding on the property at the
29 public sale. The successful bidder's title shall be subject to ownership
30 rights, liens, and security interests which have priority by law.

31 (2) Notice of the time and place of the public sale shall be given

1 by advertisement of the sale published once a week for two consecutive
2 weeks in a newspaper of general circulation in the county where the sale
3 is to be held. If there is no newspaper of general circulation in the
4 county where the sale is to be held, the advertisement shall be posted no
5 fewer than ten days before the sale in not less than six conspicuous
6 places in the neighborhood of the proposed sale. The sale shall be held
7 at the nearest suitable place to the place where the personal property is
8 held or stored. The advertisement shall include a description of the
9 goods, the name of the former tenant, and the time and place of the sale.
10 The sale shall take place no sooner than ten days after the first
11 publication. The last publication shall be no less than five days before
12 the sale is to be held. Notice of sale may be published before the last
13 of the dates specified for taking possession of the property in any
14 notice given pursuant to section 69-2303.

15 (3) The notice of the sale shall describe the property to be sold in
16 a manner reasonably adequate to permit the owner of the property to
17 identify it. The notice may describe all or a portion of the property,
18 but the limitation of liability provided by section 69-2309 shall not
19 release the landlord from any liability arising from the disposition of
20 property not described in the notice.

21 (4) After deduction of the reasonable costs of storage, advertising,
22 and sale, any proceeds of the sale not claimed by the former tenant, an
23 owner other than such tenant, or another person having an interest in the
24 proceeds shall, not later than thirty days after the date of sale, be
25 remitted to the State Treasurer for disposition pursuant to the Uniform
26 Disposition of Unclaimed Property Act. The former tenant, other owner, or
27 other person having interest in the proceeds may claim the proceeds by
28 complying with the act. If the State Treasurer pays the proceeds or any
29 part thereof to a claimant, neither the State Treasurer nor any employee
30 thereof shall be liable to any other claimant as to the amount paid.

31 Sec. 3. Original sections 69-2304 and 69-2308, Revised Statutes

1 Cumulative Supplement, 2014, are repealed.