

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 406

Introduced by Morfeld, 46.

Read first time January 16, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section 25-202,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to actions for the recovery of vacant, platted, and subdivided real
- 4 property as prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-202, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-202 (1) Except as provided in subsection (2) of this section, an
4 ~~an~~ action for the recovery of the title or possession of lands,
5 tenements, or hereditaments, or for the foreclosure of mortgages or the
6 foreclosure of deeds of trust as mortgages thereon, can only be brought
7 within ten years after the cause of action accrues. No limitation shall
8 apply to the time within which any county, city, town, village, other
9 municipal corporation, public power and irrigation district, public power
10 district, public irrigation district organized under Chapter 70, article
11 6, irrigation district organized under Chapter 46, article 1, or natural
12 resources district may begin an action for the recovery of the title or
13 possession of any public road, street, or alley, other public or
14 political subdivision grounds or lands, or city or town lots.

15 (2) No action shall be maintained against any person for the
16 recovery of vacant, platted, and subdivided real property if such person
17 has been in actual, continuous, exclusive, notorious, and adverse
18 possession of such real property under a claim of ownership for a period
19 of twenty years.

20 (~~3~~ 2) For the purposes of this section as relates only to the rights
21 and interests of subsequent purchasers and encumbrancers for value:

22 (a) The cause of action for foreclosure of the mortgage or
23 foreclosure of the deed of trust as a mortgage accrues on the last date
24 of maturity of the debt or other obligation secured by the mortgage or
25 deed of trust as the date is stated in or is ascertainable from the filed
26 record of the mortgage or deed of trust or the filed record of an
27 extension of the mortgage or deed of trust;

28 (b) If no date of maturity is stated or is ascertainable from the
29 filed mortgage or deed of trust or the filed extension, the cause of
30 action for foreclosure of the mortgage or foreclosure of the deed of
31 trust as a mortgage accrues no later than thirty years after the date of

1 the mortgage or deed of trust; or

2 (c) If the mortgage creditor files an affidavit to the effect that
3 the mortgage or deed of trust is unpaid and is still a valid lien, the
4 affidavit is filed before the cause of action is barred under this
5 section, and the affidavit is filed for record in the office of the
6 register of deeds, the cause of action is not barred until ten years
7 after the date the affidavit is filed. The period of ten years shall not
8 be extended by nonresidence, legal disability, partial payment,
9 acknowledgment of debt, or promise to pay.

10 Sec. 2. Original section 25-202, Reissue Revised Statutes of
11 Nebraska, is repealed.