

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 725

Introduced by Schumacher, 22.

Read first time January 06, 2016

Committee: Revenue

- 1 A BILL FOR AN ACT relating to real property; to amend section 76-214,
- 2 Revised Statutes Cumulative Supplement, 2014; to change provisions
- 3 relating to a requirement to file statements regarding conveyances
- 4 of real estate; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-214, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 76-214 (1) Every grantee who has a deed to real estate recorded and
4 every purchaser of real estate who has a memorandum of contract or land
5 contract recorded shall, at the time such deed, memorandum of contract,
6 or land contract is presented for recording, file with the register of
7 deeds a completed statement as prescribed by the Tax Commissioner, except
8 that no such statement shall be required for recording a utility
9 easement. For all deeds and all memoranda of contract and land contracts
10 recorded on and after January 1, 2001, the statement shall not require
11 the social security number of the grantee or purchaser or the federal
12 employer identification number of the grantee or purchaser. This
13 statement may require the recitation of any information contained in the
14 deed, memorandum of contract, or land contract, the total consideration
15 paid, the amount of the total consideration attributable to factors other
16 than the purchase of the real estate itself, and other factors which may
17 influence the transaction. If a death certificate is recorded as provided
18 in subsection (2) of this section, this statement may require a date of
19 death, the name of the decedent, and whether the title is affected as a
20 result of a transfer on death deed, a joint tenancy deed, or the
21 expiration of a life estate or by any other means. This statement shall
22 be signed and filed by the grantee, the purchaser, or his or her
23 authorized agent. The register of deeds shall forward the statement to
24 the county assessor. If the grantee or purchaser fails to furnish the
25 prescribed statement, the register of deeds shall not record the deed,
26 memorandum of contract, or land contract. The register of deeds shall
27 indicate on the statement the book and page or computer system reference
28 where the deed, memorandum of contract, or land contract is recorded and
29 shall immediately forward the statement to the county assessor. The
30 county assessor shall process the statement according to the instructions
31 of the Property Tax Administrator and shall, pursuant to the rules and

1 regulations of the Tax Commissioner, forward the statement to the Tax
2 Commissioner.

3 (2)(a) The statement described in subsection (1) of this section
4 shall be filed at the time that a certified or authenticated copy of the
5 grantor's death certificate is filed if such death certificate is
6 required to be filed under section 76-2,126 and the conveyance of real
7 estate was pursuant to a transfer on death deed.

8 (b) The statement described in subsection (1) of this section shall
9 not be required to be filed at the time that a transfer on death deed is
10 filed or at the time that an instrument of revocation of a transfer on
11 death deed as described in subdivision (a)(1)(B) of section 76-3413 is
12 filed.

13 (3) Any person shall have access to the statements at the office of
14 the Tax Commissioner, county assessor, or register of deeds if the
15 statements are available and have not been disposed of pursuant to the
16 records retention and disposition schedule as approved by the State
17 Records Administrator.

18 (4) For purposes of this section, utility easement means an express
19 right conveyed to a utility company or political subdivision that
20 provides utility service to use and access the grantor's property for the
21 purpose of installing, operating, repairing, maintaining, or servicing
22 any gas, electric, water, telecommunications, or sewer lines and
23 facilities.

24 Sec. 2. Original section 76-214, Revised Statutes Cumulative
25 Supplement, 2014, is repealed.