

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 105

Introduced by Brasch, 16.

Read first time January 06, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1552
- 2 and 25-1556, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to personal property exemptions in cases of
- 4 forced sale on execution or attachment; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1552, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-1552 Each natural person residing in this state shall have exempt
4 from forced sale on execution the sum of five thousand ~~two thousand five~~
5 ~~hundred~~ dollars in personal property, except wages. The provisions of
6 this section do not apply to the exemption of wages, that subject being
7 fully provided for by section 25-1558. In proceedings involving a writ of
8 execution, the exemption from execution under this section shall be
9 claimed in the manner provided by section 25-1516. The debtor desiring to
10 claim an exemption from execution under this section shall, at the time
11 the request for hearing is filed, file a list of the whole of the
12 property owned by the debtor and an indication of the items of property
13 which he or she claims to be exempt from execution pursuant to this
14 section and section 25-1556, along with a value for each item listed. The
15 debtor or his or her authorized agent may select from the list an amount
16 of property not exceeding the value exempt from execution under this
17 section according to the debtor's valuation or the court's valuation if
18 the debtor's valuation is challenged by a creditor.

19 Sec. 2. Section 25-1556, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 25-1556 No property hereinafter mentioned shall be liable to
22 attachment, execution, or sale on any final process issued from any court
23 in this state, against any person being a resident of this state: (1) The
24 immediate personal possessions of the debtor and his or her family; (2)
25 all necessary wearing apparel of the debtor and his or her family; (3)
26 the debtor's interest, not to exceed an aggregate fair market value of
27 three thousand ~~one thousand five hundred~~ dollars, in household
28 furnishings, household goods, household computers, household appliances,
29 books, or musical instruments which are held primarily for personal,
30 family, or household use of such debtor or the dependents of such debtor;
31 (4) the debtor's interest, not to exceed an aggregate fair market value

1 of five thousand ~~two thousand four hundred~~ dollars, in implements, tools,
2 or professional books or supplies, other than a motor vehicle, held for
3 use in the principal trade or business of such debtor or his or her
4 family, ~~which may include one motor vehicle used by the debtor in~~
5 ~~connection with his or her principal trade or business or to commute to~~
6 ~~and from his or her principal place of trade or business; and (5) the~~
7 debtor's interest, not to exceed five thousand dollars, in a motor
8 vehicle; and (6) the debtor's interest in any professionally prescribed
9 health aids for such debtor or the dependents of such debtor. The
10 specific exemptions in this section shall be selected by the debtor or
11 his or her agent, clerk, or legal representative in the manner provided
12 in section 25-1552.

13 Sec. 3. Original sections 25-1552 and 25-1556, Reissue Revised
14 Statutes of Nebraska, are repealed.