

ENGROSSED LEGISLATIVE BILL 85

Introduced by DeBoer, 10; Hallstrom, 1.

A BILL FOR AN ACT relating to decedents' estates; to amend section 30-24,125, Revised Statutes Cumulative Supplement, 2024; to change requirements for collection of personal property by affidavit as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 30-24,125, Revised Statutes Cumulative Supplement, 2024, is amended to read:

30-24,125 (a) Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating:

(1) the value of all of the personal property in the decedent's estate, wherever located, less liens and encumbrances, does not exceed one hundred thousand dollars;

(2) thirty days have elapsed since the death of the decedent as shown in a certified or authenticated copy of the decedent's death certificate, or in the event of a delay in the production of a certified death certificate, an abstract of death as defined in section 71-601.01, attached to the affidavit;

(3) the claiming successor's relationship to the decedent or, if there is no relationship, the basis of the successor's claim to the personal property;

(4) the person or persons claiming as successors under the affidavit swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement may subject the person or persons

to penalties relating to perjury under section 28-915;

(5) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and

(6) the claiming successor is entitled to payment or delivery of the property.

(b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a).

(c) Upon the presentation of an affidavit as provided in subsection (a), the claiming successor may endorse or negotiate any instrument evidencing a debt belonging to the decedent that is a check, draft, or other negotiable instrument that is payable to the decedent or the decedent's estate. Notwithstanding the provisions of section 3-403, 3-417, or 3-420, Uniform Commercial Code, a financial institution accepting such a check, draft, or other negotiable instrument presented for deposit in such manner is discharged from all claims for the amount accepted.

(d)(1) Except as provided in subdivision (d)(2), in addition to compliance with the requirements of subsection (a), a person seeking a transfer of a certificate of title to a motor vehicle, motorboat, all-terrain vehicle, utility-type vehicle, or minibike shall be required to furnish to the Department of Motor Vehicles an affidavit showing applicability of this section and compliance with the requirements of this section to authorize the department to issue a new certificate of title.

(2) After ten years have elapsed since the estate has closed, the Department of Motor Vehicles shall waive the requirements of subdivision (a)(5) if the person seeking a transfer of a certificate of title provides evidence that the estate has closed and a certified authenticated copy of the decedent's death certificate.

Sec. 2. Original section 30-24,125, Revised Statutes Cumulative Supplement, 2024, is repealed.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 85 was passed by the One Hundred Ninth
Legislature of Nebraska at its First Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR