

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 85

Introduced by DeBoer, 10; Hallstrom, 1.

Read first time January 10, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to decedents' estates; to amend section
- 2 30-24,125, Revised Statutes Cumulative Supplement, 2024; to change
- 3 requirements for collection of personal property by affidavit as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 30-24,125 (a) Thirty days after the death of a decedent, any person
4 indebted to the decedent or having possession of tangible personal
5 property or an instrument evidencing a debt, obligation, stock, or chose
6 in action belonging to the decedent shall make payment of the
7 indebtedness or deliver the tangible personal property or an instrument
8 evidencing a debt, obligation, stock, or chose in action to a person
9 claiming to be the successor of the decedent upon being presented an
10 affidavit made by or on behalf of the successor stating:

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

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

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

22 (4) the person or persons claiming as successors under the affidavit
23 swear or affirm that all statements in the affidavit are true and
24 material and further acknowledge that any false statement may subject the
25 person or persons to penalties relating to perjury under section 28-915;

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

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

30 (b) A transfer agent of any security shall change the registered
31 ownership on the books of a corporation from the decedent to the

1 successor or successors upon the presentation of an affidavit as provided
2 in subsection (a).

3 (c) Upon the presentation of an affidavit as provided in subsection
4 (a), the claiming successor may endorse or negotiate any instrument
5 evidencing a debt belonging to the decedent that is a check, draft, or
6 other negotiable instrument that is payable to the decedent or the
7 decedent's estate. Notwithstanding the provisions of section 3-403,
8 3-417, or 3-420, Uniform Commercial Code, a financial institution
9 accepting such a check, draft, or other negotiable instrument presented
10 for deposit in such manner is discharged from all claims for the amount
11 accepted.

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

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

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