

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 230

Introduced by Mello, 5.

Read first time January 13, 2015

Committee:

- 1 A BILL FOR AN ACT relating to civil procedure; to amend sections
- 2 25-2170.01 and 25-2190, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to the parties that may compel partition
- 4 and the payment of encumbrances in partition actions; and to repeal
- 5 the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2170.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 25-2170.01 Any joint owner of any real estate or of any interest
4 therein or of any mineral, coal, petroleum, or gas rights, whether held
5 in fee or by lease or otherwise, may compel a partition thereof in the
6 manner provided in sections 25-2170 to 25-21,111. For purposes of
7 sections 25-2170 to 25-21,111, joint owner includes any grantee of real
8 estate pursuant to a treasurer's tax deed issued in connection with a tax
9 sale certificate acquired prior to January 1, 2015, for less than a one
10 hundred percent interest in the real estate described therein or any
11 holder of a tax sale certificate acquired prior to January 1, 2015, for
12 less than a one hundred percent interest in the real estate described
13 therein who forecloses the lien for taxes in the manner described in
14 section 77-1902.

15 Sec. 2. Section 25-2190, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 25-2190 (1) If any encumbrance is ascertained to exist, the
18 proceeds of the sale of that portion, after the payment of costs, or so
19 much thereof as is necessary, shall, if the owner consents, be paid over
20 to the encumbrancer.

21 (2) In the case of a partition action maintained by a grantee of
22 real estate pursuant to a treasurer's tax deed issued in connection with
23 a tax sale certificate acquired prior to January 1, 2015, for less than a
24 one hundred percent interest in the real estate described therein or a
25 holder of a tax sale certificate acquired prior to January 1, 2015, for
26 less than a one hundred percent interest in the real estate described
27 therein who forecloses the lien for taxes in the manner described in
28 section 77-1902, if the ascertained share payable to the holder of the
29 treasurer's tax deed or tax sale certificate is not sufficient to pay in
30 full the lien for taxes represented by such treasurer's tax deed or tax
31 sale certificate, then the proceeds of the sale of the real estate, after

1 the payment of costs, or so much thereof as is necessary to pay the full
2 amount of the lien for taxes represented by the treasurer's tax deed or
3 tax sale certificate, shall be first paid over to the holder of such
4 treasurer's tax deed or tax sale certificate in full satisfaction of the
5 ascertained share of the holder of such treasurer's tax deed or tax sale
6 certificate.

7 Sec. 3. Original sections 25-2170.01 and 25-2190, Reissue Revised
8 Statutes of Nebraska, are repealed.