

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 545

Introduced by Conrad, 46.

Read first time January 17, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant
- 2 Act; to amend section 76-1446, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to writs of restitution; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-1446, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1446 Trial of the action for possession shall be held not less
4 than ten nor more than fourteen days after the issuance of the summons,
5 unless additional time is granted pursuant to court order. The action
6 shall be tried by the court without a jury. If the plaintiff serves the
7 summons in the manner provided in section 76-1442.01, the action shall
8 proceed as other actions for possession except that a money judgment
9 shall not be granted for the plaintiff. If judgment is rendered against
10 the defendant for the restitution of the premises, the court shall
11 declare the forfeiture of the rental agreement, and shall, at the request
12 of the plaintiff or his or her attorney, issue a writ of restitution,
13 directing the constable or sheriff to restore possession of the premises
14 to the plaintiff on a specified date not less ~~more~~ than ten days after
15 issuance of the writ of restitution. The plaintiff shall comply with the
16 Disposition of Personal Property Landlord and Tenant Act and subsection
17 (5) of section 76-1414 in the removal of personal property remaining on
18 the premises at the time possession of the premises is restored.

19 Sec. 2. Original section 76-1446, Reissue Revised Statutes of
20 Nebraska, is repealed.