

AMENDMENTS TO LB 536

(Amendments to Standing Committee amendments, AM1668)

Introduced by Wightman

1           1. Insert the following new section:

2           Sec. 9. A transfer on death deed shall be signed by  
3 the transferor or by some person in his or her presence and by  
4 his or her direction and shall be attested in writing by two  
5 or more disinterested witnesses, whose signatures along with the  
6 transferor's signature shall be made before an officer authorized  
7 to administer oaths under the laws of this state or under the laws  
8 of the state where execution occurs and evidenced by the officer's  
9 certificate, under official seal, in form and content substantially  
10 as follows:

11           I, ..... the transferor, sign my name to this  
12 instrument this ..... day of ..... 20 ....., and being first duly  
13 sworn, do hereby declare to the undersigned authority that I sign  
14 and execute this transfer on death deed to transfer my interest  
15 in the described real property and that I sign it willingly or  
16 willingly direct another to sign for me, that I execute it as my  
17 free and voluntary act for the purposes therein expressed, that  
18 I am eighteen years of age or older or am not at this time a  
19 minor, and that I am of sound mind and under no constraint or undue  
20 influence.

21           Transferor .....

22           We, ..... and ....., the witnesses, sign our names to

1 this instrument, being first duly sworn, and do hereby declare to  
2 the undersigned authority that the transferor signs and executes  
3 this transfer on death deed to transfer his or her interest in  
4 the described real property and that he or she signs it willingly  
5 or willingly directs another to sign for him or her, and that he  
6 or she executes it as his or her free and voluntary act for the  
7 purposes therein expressed, and that each of us, in the presence  
8 and hearing of the transferor, hereby signs this deed as witness  
9 to the transferor's signing, and that to the best of his or her  
10 knowledge the transferor is eighteen years of age or older or is  
11 not at this time a minor and the transferor is of sound mind and  
12 under no constraint or undue influence.

13 Witness .....

14 Witness .....

15 THE STATE OF .....

16 COUNTY OF .....

17 Subscribed, sworn to, and acknowledged before me by  
18 ....., the transferor, and subscribed and sworn to before me  
19 by ..... and ....., witnesses, this ..... day of .....  
20 20..... .

21 (SEAL) (Signed) .....

22 (Official capacity of officer) .....

23 2. On page 1, line 3, strike "22" and insert "23".

24 3. On page 2, line 7, after the period insert "A transfer  
25 on death deed is subject to the common-law principles of equity  
26 except to the extent modified by the Nebraska Uniform Real Property  
27 Transfer on Death Act.".

1           4. On page 3, strike lines 1 through 3 and insert the  
2 following new subdivision:

3           "(4) Must be recorded (i) within thirty days after being  
4 executed as required in section 9 of this act, (ii) before the  
5 transferor's death, and (iii) in the public records in the office  
6 of the register of deeds of the county where the property is  
7 located.".

8           5. On page 4, line 16, after the second occurrence of  
9 "deed" insert "and that is executed with the same formalities as  
10 required in section 9 of this act"; and strike lines 20 through 23  
11 and insert the following new subdivision:

12           "(2) Is acknowledged by the transferor after the  
13 acknowledgment of the deed being revoked and is recorded (i) within  
14 thirty days after being executed, (ii) before the transferor's  
15 death, and (iii) in the public records in the office of the  
16 register of deeds of the county where the deed is recorded.".

17           6. On page 5, line 19, strike "20" and insert "21".

18           7. On page 9, line 11, strike "16" and insert "17".

19           8. On page 19, line 27, strike "27" and insert "28".

20           9. On page 20, line 6, strike "12" and insert "13".

21           10. On page 21, line 4, strike "12, 13, and 14" and  
22 insert "13, 14, and 15".

23           11. Renumber the remaining sections accordingly.