

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 253

FINAL READING

Introduced by Morfeld, 46.

Read first time January 14, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to homesteads; to amend section 40-104,
- 2 Reissue Revised Statutes of Nebraska; to provide when acknowledgment
- 3 is not required; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 40-104, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 40-104 Except as otherwise provided in this section, the The
4 homestead of a married person cannot be conveyed or encumbered unless the
5 instrument by which it is conveyed or encumbered is executed and
6 acknowledged by both spouses ~~husband and wife~~ ~~except as otherwise~~
7 ~~provided in this section~~. The interest of either or both spouses may be
8 conveyed or encumbered by a conservator acting in accordance with the
9 provisions of the Nebraska Probate Code and may also be conveyed or
10 encumbered by an attorney in fact appointed by and acting on behalf of
11 either spouse under any power of attorney which grants the power to sell
12 and convey real property. Any claim of invalidity of a deed of conveyance
13 of homestead property because of failure to comply with the provisions of
14 this section must be asserted within the time provided in sections 76-288
15 to 76-298.

16 A purchase agreement or contract for sale of homestead property
17 signed by both spouses does not require acknowledgment to be enforceable.

18 Sec. 2. Original section 40-104, Reissue Revised Statutes of
19 Nebraska, is repealed.