

LEGISLATIVE BILL 58

Approved by the Governor May 5, 2021

Introduced by Pahls, 31.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-520.01, Reissue Revised Statutes of Nebraska; to change provisions relating to service of notice by publication in cases involving liens arising from city or village special assessments; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. Section 25-520.01, Reissue Revised Statutes of Nebraska, is amended to read:

25-520.01 (1) Except as provided in subsection (3) of this section, in In any action or proceeding of any kind or nature, as defined in section 25-520.02, where a notice by publication is given as authorized by law, a party instituting or maintaining the action or proceeding with respect to notice or such party's his attorney shall within five days after the first publication of notice send by United States mail a copy of such published notice or, if applicable, the notice described in subsection (4) of this section, to each and every party appearing to have a direct legal interest in such action or proceeding whose name and post office address are known to such party or attorney him.

(2) Proof by affidavit of the mailing of such notice shall be made by the party or such party's his attorney and shall be filed with the officer with whom filings are required to be made in such action or proceeding within ten days after mailing of such notice. Such affidavit of mailing of notice shall further be required to state that such party and such party's his attorney, after diligent investigation and inquiry, were unable to ascertain and do not know the post office address of any other party appearing to have a direct legal interest in such action or proceeding other than those to whom notice has been mailed in writing.

(3) It shall not be necessary to serve the notice prescribed by this section upon any competent person, fiduciary, partnership, or corporation, who has waived notice in writing, has entered a voluntary appearance, or has been personally served with summons or notice in such proceeding.

(4) In the case of a lien for a special assessment imposed by any city or village, in lieu of sending a copy of published notice, the city or village may instead send by United States mail, to each and every party appearing to have a direct legal interest in such action or proceeding whose name and post office address are known to the city or village or its attorney, a notice containing the amount owed, the date due, and the date the board of equalization meets in case of an appeal.

Sec. 2. Original section 25-520.01, Reissue Revised Statutes of Nebraska, is repealed.