

AMENDMENTS TO LB1115

Introduced by Dungan, 26.

1 1. Strike original section 5 and insert the following new section:

2 Sec. 5. Section 76-1446, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 76-1446 (1) The proceedings shall be in all respects as in other
5 cases, except that if either party requests a trial by jury, the trial of
6 the action for possession shall be scheduled by the court as soon as is
7 practicable for the proper administration of justice. If, at the request
8 of the tenant, the jury trial is continued beyond the initial trial date
9 as determined by the court, the court may require the tenant to deposit
10 with the clerk of the court such rental payments as accrue during the
11 pendency of the suit. Trial of the action for possession shall be held
12 not less than ten nor more than fourteen days after the issuance of the
13 summons. The action shall be tried by the court without a jury.

14 (2) If the plaintiff serves the summons in the manner provided in
15 section 76-1442.01, the action shall proceed as other actions for
16 possession except that a money judgment shall not be granted for the
17 plaintiff.

18 (3) If judgment is rendered against the defendant for the
19 restitution of the premises, the court (a) shall declare the forfeiture
20 of the rental agreement, (b) and shall, at the request of the plaintiff
21 or his or her attorney, issue a writ of restitution, directing the
22 constable or sheriff to restore possession of the premises to the
23 plaintiff on a specified date not more than ten days after issuance of
24 the writ of restitution, and (c) may, if authorized under the Uniform
25 Residential Landlord and Tenant Act, award reasonable attorney's fees to
26 the plaintiff. The plaintiff shall comply with the Disposition of
27 Personal Property Landlord and Tenant Act and subsection (5) of section

- 1 76-1414 in the removal of personal property remaining on the premises at
- 2 the time possession of the premises is restored.