

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 330

Introduced by DeBoer, 10.

Read first time January 11, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to decedents' estates; to amend section
- 2 30-24,125, Revised Statutes Cumulative Supplement, 2022; to provide
- 3 for the endorsement or negotiation of any instrument evidencing a
- 4 debt by a claiming successor; to repeal the original section; and to
- 5 declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 30-24,125, Revised Statutes Cumulative
2 Supplement, 2022, is amended to read:

3 30-24,125 (a) Thirty days after the death of a decedent, any person
4 indebted to the decedent or having possession of tangible personal
5 property or an instrument evidencing a debt, obligation, stock, or chose
6 in action belonging to the decedent shall make payment of the
7 indebtedness or deliver the tangible personal property or an instrument
8 evidencing a debt, obligation, stock, or chose in action to a person
9 claiming to be the successor of the decedent upon being presented an
10 affidavit made by or on behalf of the successor stating:

11 (1) the value of all of the personal property in the decedent's
12 estate, wherever located, less liens and encumbrances, does not exceed
13 one hundred thousand dollars;

14 (2) thirty days have elapsed since the death of the decedent as
15 shown in a certified or authenticated copy of the decedent's death
16 certificate attached to the affidavit;

17 (3) the claiming successor's relationship to the decedent or, if
18 there is no relationship, the basis of the successor's claim to the
19 personal property;

20 (4) the person or persons claiming as successors under the affidavit
21 swear or affirm that all statements in the affidavit are true and
22 material and further acknowledge that any false statement may subject the
23 person or persons to penalties relating to perjury under section 28-915;

24 (5) no application or petition for the appointment of a personal
25 representative is pending or has been granted in any jurisdiction; and

26 (6) the claiming successor is entitled to payment or delivery of the
27 property.

28 (b) A transfer agent of any security shall change the registered
29 ownership on the books of a corporation from the decedent to the
30 successor or successors upon the presentation of an affidavit as provided
31 in subsection (a).

1 (c) Upon the presentation of an affidavit as provided in subsection
2 (a), the claiming successor may endorse or negotiate any instrument
3 evidencing a debt belonging to the decedent that is a check, draft, or
4 other negotiable instrument that is payable to the decedent or the
5 decedent's estate. Notwithstanding the provisions of section 3-403,
6 3-417, or 3-420, Uniform Commercial Code, a financial institution
7 accepting such a check, draft, or other negotiable instrument presented
8 for deposit in such manner is discharged from all claims for the amount
9 accepted.

10 (d) ~~(e)~~ In addition to compliance with the requirements of
11 subsection (a), a person seeking a transfer of a certificate of title to
12 a motor vehicle, motorboat, all-terrain vehicle, utility-type vehicle, or
13 minibike shall be required to furnish to the Department of Motor Vehicles
14 an affidavit showing applicability of this section and compliance with
15 the requirements of this section to authorize the department to issue a
16 new certificate of title.

17 Sec. 2. Original section 30-24,125, Revised Statutes Cumulative
18 Supplement, 2022, is repealed.

19 Sec. 3. Since an emergency exists, this act takes effect when
20 passed and approved according to law.