

LEGISLATIVE BILL 960

Approved by the Governor April 15, 1974

Introduced by Goodrich, 20

AN ACT relating to personal property; to provide for the disposition of property as to which services have been performed or money or material advanced; to amend sections 52-603 and 52-604, Reissue Revised Statutes of Nebraska, 1943; to change the manner of sale and the disposition of funds; and to repeal the original sections, and also section 52-602, Reissue Revised Statutes of Nebraska, 1943, and section 52-601, Revised Statutes Supplement, 1972.

Be it enacted by the people of the State of Nebraska,

Section 1. A person who shall perform work or labor, or exert care or diligence, or who shall advance money or material upon personal property under a contract, expressed or implied, and who holds such property for a period of one hundred eighty days, may dispose of the property by sale or other manner. Such disposition shall not occur until thirty days after the mailing of a written notice of the intended disposition by certified mail, return receipt requested, to the last-known address of the owner of the personal property to be disposed of, and to any lien or security interest holder of record.

Sec. 2. That section 52-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-603. In accordance with the terms of the notice given as provided by section ~~52-602~~ 1 of this act, a sale of the goods by auction for reasonable value may be had to satisfy any valid claim of the claimant for which he has a lien on the goods. ~~the sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, the nearest suitable place, after the time for the payment of the claim specified in the notice to the debtor has lapsed and an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such~~

~~place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.~~

Sec. 3. That section 52-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

52-604. From the proceeds of such sale the claimant shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. The balance, if any, of such proceeds shall be held ~~by the claimant and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods; Provided, however, in the event such balance remains unclaimed in the hands of such claimant for a period of six months after the sale as herein provided, then the claimant shall, immediately upon the expiration of such period of six months, deliver such balance in money as shall be in his hands as a result of the sale, to the~~ delivered to the county treasurer of the county in which the sale was made. The treasurer of the county in which the property was sold, ~~who~~ shall issue his receipt therefor. The county treasurer shall make proper entry in the books of his office of all money so paid over to him, and shall hold the money for a period of five years, and immediately thereafter shall pay the same into the school fund of the proper county, to be appropriated for the support of the schools, unless the owner of the property sold, or his legal representatives, shall within such period of five years after such money shall have been deposited with the treasurer, furnish satisfactory evidence of the ownership of such property, in which event he or they shall be entitled to receive from such treasurer the amount so deposited with him.

Sec. 4. That original sections 52-603 and 52-604, Reissue Revised Statutes of Nebraska, 1943, and also section 52-602, Reissue Revised Statutes of Nebraska, 1943, and section 52-601, Revised Statutes Supplement, 1972, are repealed.