

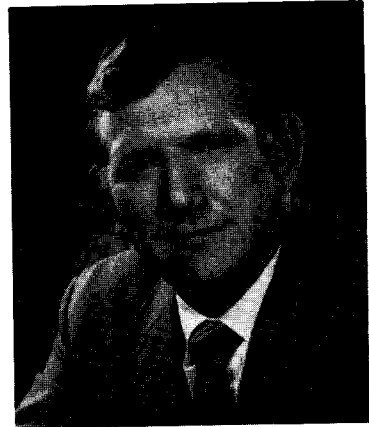


**MANUAL
FOR
NEBRASKA ABSTRACTERS**
(Revised, 1977)

Approved and edited by the Abstracters Board of Examiners



STATE OF NEBRASKA



J. JAMES EXON
GOVERNOR

October, 1977

Dear Abstracters:

I am pleased to add my support for this publication which should prove invaluable to the abstracting profession of this state.

To all of you involved with abstracting, I encourage your continued dedicated efforts to a very important phase of our property system. Your profession enjoys a good record in Nebraska, and I know you will make every effort to maintain that record. This manual is a good example of your desire to improve even more.

Best wishes, and thanks for your help in making the "good life" better.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Exon", written over the typed name.

J. James Exon
Governor

JJE:f



NEBRASKA LAND TITLE ASSOCIATION

This NEBRASKA LAND TITLE ASSOCIATION MANUAL has been prepared using abstracting procedures accepted and approved by both the Nebraska Land Title Association and the Abstracters Board of Examiners.

The Board of Directors of Nebraska Land Title Association recommends that all of its members use this Manual as a guide in preparing their Abstracts of Title, with the thought that perhaps our abstracting procedures throughout the State can become more unified.

All information and suggested abstract forms found herein have been accepted by the Abstracters Board of Examiners and will be accepted when shown in such manner on the State Abstracters examination.

JAMES E. LEHR, President
1977 NEBRASKA LAND TITLE ASSOCIATION



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March 20, 1978

Nebraska Land Title Association
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Lincoln, Nebraska

Dear Association Members:

The Abstracters Board of Examiners is enthusiastic about this edition of the Manual for Nebraska Abstracters. It has been kept concise, which is as it should be. It is not intended to be a complete course in real property law. But it does include the basic things that every abstractor is expected to know, and it answers the problems most frequently encountered. We are of the opinion that its content is accurate.

For those persons desiring to enter the abstracting profession, it is practically indispensable. It will also be of considerable value to all abstracters, and to examining attorneys.

All those who had a part in the revising, editing and publishing of this Manual are to be highly commended.

Sincerely,

Willis R. Hecht, Chairman
Abstracters Board of Examiners

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PART I

LESSON NO. 1

(A)

LAND SURVEY

(1) In the early settlement of the American Continent, great tracts of land were granted by the King to certain persons designated by the King. These tracts were described by "metes and bounds", that is, beginning at the junction of some river or range of mountains and extending west to some designated line or rivers, etc., many of which descriptions were so vague that disputes arose in later years as to the exact dividing line between certain grants. After the settlement of colonies and after the United States came into existence and began to acquire lands, the Government found it necessary to prepare these lands for settlement. In so doing they found it necessary to devise some plan of measurement, through which this land could be divided into small tracts of land for sale and homestead purposes.

(2) Many plans were suggested and several used, none of which is of any significance to Nebraska title men, until the year 1805 when the present system was adopted. This system is known as the "rectangular system."

(B)

THE RECTANGULAR SYSTEM

(3) This is the system used in Nebraska and in most all of the northwest. Under this system all land is divided into squares six miles north and south by six miles east and west, and containing 36 square miles, each square mile designated as a section and numbered 1 to 36, beginning at the northeast corner. See map, page 4.

(4) In order to start a survey under this system a surveyor was selected by the General Land Office of the U.S. Government to go out into the territory to survey and select a starting point. From this point a line is drawn due north and south from the south boundary line to the north boundary line of the territory to be surveyed. This line is known as the Principal Meridian. In Nebraska it is known as the Sixth Principal Meridian. This line extends from Oklahoma through Kansas and Nebraska to South Dakota. It is usually shown in the land description as 6th P.M.

(5) After this meridian is located and drawn, there is established a base line which is established at right angles to the meridian. The base line from which the land in Nebraska is surveyed is on the line between Kansas and Nebraska.

(6) After the meridian and base line are established, lines are next run due north and south parallel with the meridian at intervals of six miles each. Each of these strips are known as a Range, numbered 1, 2, 3, etc., east from the meridian and 1, 2, 3, etc., west from the meridian.

(7) Due to the curvature of the earth, if the meridian lines were drawn exactly due north and south, they would eventually meet at the north pole, and each township would be wider on the north line than on the south line. In order to prevent this and to keep the range lines as near six miles apart as possible, at regular intervals, a correction line is made, thus setting the lines over or moving them back, as the case may be. These correction lines are known as Standard Parallel. In Nebraska these lines are made at intervals of 30 miles north from the base line.

After the range lines are established, the east and west lines are run. These are called Township lines, drawn every six miles parallel with the base line, thus cutting the ranges into squares. These squares are known as Congressional Townships. Townships are numbered, commencing with one, both north and south from the base line.

Before proceeding further, we stop to digest the survey at this point. We have the entire territory cut into sections six miles each way, or containing 36 square miles each. At the intersection of the base line (between Nebraska and Kansas) and the Sixth Principal Meridian (which enters Nebraska on the line between Jefferson and Thayer Counties) the four townships cornering there are numbered as follows: In Nebraska, Township 1 North, Range 1, East of the 6th P.M., and Township 1 North, Range 1, West of the 6th P.M. In Kansas, Township 1 South, Range 1, East of

the 6th P.M. and Township 1 South, Range 1, West of the 6th P.M. It is vital that the words South and North be used in connection with the townships, and the words East and West be used in connection with ranges.

After the range lines and township lines have been run, and Congressional Townships established, each township is then divided into 36 sections of one square mile each and containing 640 acres. Sections are numbered from 1 to 36, commencing at 1 in the northeast corner. Surveying is begun at the southeast corner of the township and a stone is set at each corner of the sections, and sometimes at each quarter corner.

Due to the curvature of the earth, townships are not exactly square, and acreages may be uneven as a consequence. To take care of the shortage or surplus, sections bounding the north and west of each township are of irregular size and are known as "fractional sections." Thus, each township contains 25 640-acre sections, and normally 11 fractional sections.

Sections in each township that are normally fractional are Sections 1, 2, 3, 4, 5, 6, 7, 18, 19, 30 and 31. Sections 1 to 5 along the north are each surveyed so that the south half will contain 320 acres. The north half is surveyed so that the South Half of the Northeast Quarter ($S \frac{1}{2} NE \frac{1}{4}$) and the South Half of the Northwest Quarter ($S \frac{1}{2} NW \frac{1}{4}$) will contain 80 acres each. The remaining strip along the north is then divided into four lots to each section, each numbered. The northeast lot is numbered one, the remaining lots numbered 2, 3 and 4, running to the west.

In Sections 7, 18, 19, 30 and 31, the East Half of the Northwest Quarter and the East Half of the Southwest Quarter each contain 80 acres. The remaining strip along the west is then divided into four lots to each section. The northwest lot is numbered one, and the other lots are numbered 2, 3 and 4, running to the south.

Section 6 is the northwest section, and the last to be surveyed, has 7 lots. The Northeast Quarter is surveyed as in Sections 1 to 5. The Southwest Quarter is surveyed as in Sections 7, 18, etc. The Northwest Quarter is surveyed so the Southeast Quarter thereof will contain 40 acres. The remaining three quarters are divided into lots numbered 1 to 7, from northeast to southwest.

Government lots also appear in sections that border on Indian or Timber reservations, National Parks, rivers and lakes.

Usually the largest number of government lots appear in sections that border on a river. Occasionally where such lots appear along the river, they are designated as "Lot No. 3 on the North Bank" or "Lot No. 3 on the South Bank" of such river, etc. This is caused by two groups of surveyors. One group working on one side of the river and the other group on the other side.

The acreage of government lots is not computed by the surveyor on the ground, but is computed in the General Land Office. Therefore, it is necessary for the surveyor to establish or run a line along the bank of a river so such information will be available to the Land Office. This line is called a Meander Line. The general rule is to establish this line at Mean High Water Mark, meaning according to some court decisions, a line which lies beyond that part wresting from vegetation. A meander line has been held to be, not a boundary line, but merely a guide line.

See map, Page 5.

(C) **PLATTING AND SUBDIVIDING LAND**

In communities where the population becomes more thickly settled, such as cities and towns, it becomes necessary to cut land into smaller tracts, and leave between such tracts means of egress and ingress, such as streets and alleys, in order to make the descriptions less difficult, and to make tracts easier to locate. For this, the system of platting is used.

To plat a tract of land, the owner thereof has it carefully surveyed, locating its boundaries and ascertaining the area. The tract is then surveyed into lots of the size and number desired by the owner, allowing for streets and alleys, and if the tract is to form an addition to a city, usually conforming to the streets and alleys already established.

After this survey, the tract is platted on paper, showing all blocks, lots, streets, alleys, parks, etc., showing the exact size in feet and inches of each, and other information to assist in locating each part of the subdivision.

The plat is then signed and acknowledged by the owner of the land, and the streets, alleys and parks are dedicated to the public. The plat is then presented to the governing body of either the county board or city council for approval. Or if the tract is located outside of a city or village, such plat and abstract may be presented to the county commissioners for approval. After approval of the plat it is filed for record in the office of the Register of Deeds.

After the plat is filed and the streets and alleys are dedicated and opened to the public, they become the property of the public for public use, and cannot be reclaimed by the adjacent land owner until the same is vacated upon application to the City or County Commission, who have control of City and County public property.

Whenever any street or alley, in 2nd class cities or villages, are vacated, the same shall revert to the owners of the abutting real estate, one half on each side thereof and becomes a part of such property. (17-558 R.R.S.) In such cities and villages, the public merely has an easement in the streets. However, in cities of the first class, upon vacation of an alley, the same shall revert to the owner of the adjacent real estate — one half on each side thereof, except that when any alley is taken wholly from one or more lots, upon the vacation thereof, it shall revert to the owner of the abutting property and become a part of such property. However, upon the vacation of any street, in a city of the first class, the same so vacated shall be and remain the property of the city, but may be sold and conveyed by the city. (16-611 R.R.S.)

Many plats contain restrictions which regulate the use of the property, and may regulate the kind of improvements erected thereon, costs of construction, or other conditions. These restrictions are included to protect the owners and future owners and cannot be waived except in the manner provided therein. In the absence of such provision, they may be changed by the consent of all of the property owners in the addition.

Often the original plat or addition is subdivided or amended. Lots are changed, made to face in different directions, etc. Such plats are surveyed and platted in the same manner as the original addition.

We hear the expression, "unrecorded plat," which is a plat made but not recorded. Failure to record is sometimes caused by the lack of approval of such plat by the proper authorities when the owner fails to comply with some regulation. Sometimes lots are sold and described as shown on an unrecorded plat. Such descriptions are of no value as there is no public record from which the exact location of the lots can be ascertained. Such tracts should be described by metes and bounds in the manner hereinafter set forth.

(D)

QUESTIONS

Lesson Number 1.

1. What is the name of the present system of survey?
2. What is a Principal Meridian, and what meridian is Nebraska land described by?
3. What is a base line? Where is the base line located relative to Nebraska land?
4. What is a range? How are they numbered?
5. What is a township? How are they numbered?
6. Are Congressional Townships exactly square? Explain.
7. What is a correction line? How often were they established in Nebraska?
8. How many sections are there in a township? How are they numbered?
9. Are all sections in each township the same size?

10. What is the acreage of a regular section?
11. What are the numbers of the sections along the north side of a township?
12. Give the section numbers that are of irregular size.
13. What is the first section to be surveyed in each township?
14. What is a government lot?
15. Is there ever more than one lot in a section with the same number? Why?
16. What is a meander line?
17. What branch of government has charge of the surveying of public lands?
18. For what purpose is a meander line established?
19. What do surveyors usually use to mark section corners on land?
20. Where do government lots usually appear other than in the north and west sections of a township and along rivers?
21. Name the main essentials of platting a tract of land.
22. After a tract of land is platted, dedicated and filed, to whom do the streets and alleys belong?
23. What becomes of the land, in respect to ownership, after a street or alley is vacated?
24. What is the purpose of a restriction?
25. Name three kinds of restrictions?

LESSON NO. 2

(A) DESCRIPTIONS

1. (1) A description is a clear and accurate statement of the land involved in a real estate transaction.

Every description should be so clear and definite that a surveyor or engineer can definitely locate the same from the description only. It must not be vague or uncertain, or fit more than one parcel of property.

2. The purpose of a description is to furnish a means of identification of the property intended to be conveyed. Any description that enables a surveyor or engineer to locate the tract is considered to be a sufficient description.

3. Descriptions should always contain a reference point or monument of a permanent nature that can be located many years afterward. The reference point should not be something that might not be in existence 15 or 20 years afterward.

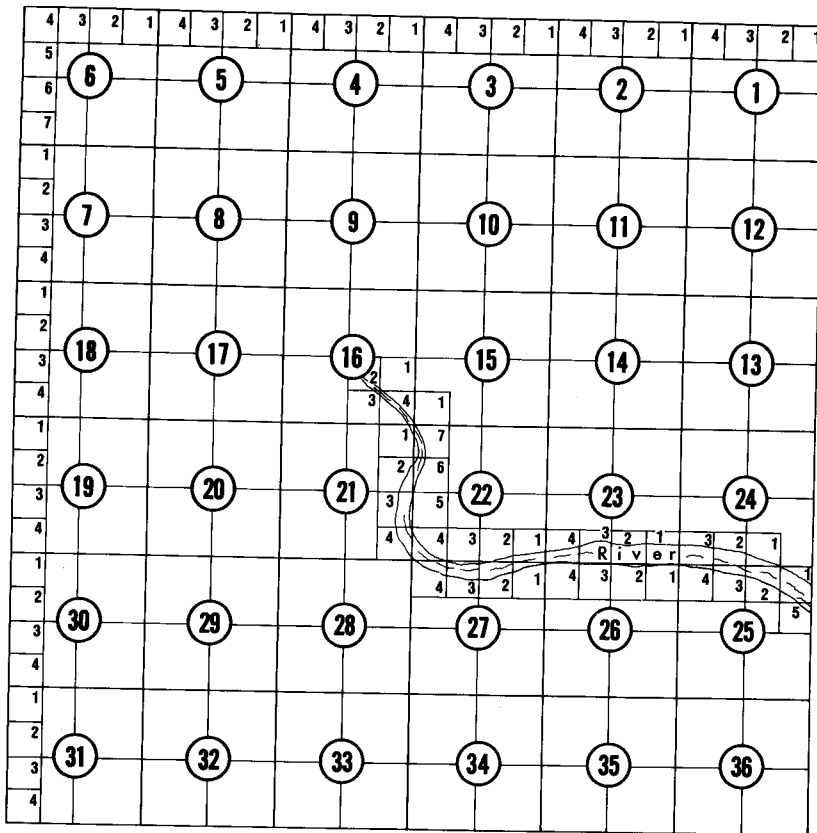
4. A government survey description is a description of a section, quarter section or government lot, as surveyed by the government.

5. Lot and block descriptions are descriptions according to a plat, which can be determined by referring to such plat or map.

6. Metes and bounds descriptions are descriptions that commence at a monument, such as a stone, or other object, going thence to another point, and thence continuing around a certain tract of land.

7. Natural monuments are rivers, lakes, streams, mountains, rocks, etc. Artificial monuments are landmarks erected by human means, such as fences, walls, posts, stakes, etc.

8. A monument may be an imaginary line along the side of a street or alley, produced to the intersection of some other line.



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The following table should be committed to memory by every abstractor:

1 link — 7.92 inches
1 rod, pole or perch — 16.5 feet
1 chain — 66 feet or 4 rods or 100 links
½ mile — 2640 feet or 40 chains or 160 rods
1 mile — 5280 feet or 80 chains or 320 rods
1 acre — 43,560 square feet
1 acre — 160 square rods
1 acre — 208¾ feet square
1 acre — 8 rods by 20 rods, or multiples of any two numbers of rods, whose product is 160

(2) **Description according to the Rectangular System:** As has been stated, every section surveyed by the government, except those along the north and west of each township, contains 640 acres. It is one mile or 80 chains square. Whenever a section is described, or any portion thereof, the township and range must also be given, keeping in mind to use the words north or south in connection with the townships, and east or west in connection with the ranges. The top of a section is always north, with east to the right and west to the left.

Sections are divided into four quarters, namely: NE ¼, NW ¼, SE ¼ and SW ¼, each quarter containing 160 acres each. If 80 acre tracts are desired, each of the quarter sections are divided into halves: N ½ NW ¼, E ½ NW ¼, etc. If 40 acre tracts are desired, 160 acres are divided into quarters, as NW ¼ NE ¼; NE ¼ NE ¼; SW ¼ NE ¼; and SE ¼ NE ¼, etc. If 10 acre tracts are desired, then the quarter quarter sections are divided into quarters: NE ¼ NE ¼ SE ¼; SE ¼ NE ¼ SE ¼, etc. If 5 acre tracts are desired, the 10 acre tracts are divided into halves. It is very important to notice the location of the comma in legal descriptions.

160 acre tracts are called quarter sections; 40 acre tracts are called quarter quarter sections. The point on the east line of sections, where quarter sections are divided, is referred to as the east quarter corner; the same on the south, west and north. However, it is less confusing to refer to it as the SE corner of the NE ¼, or the NE corner of the SE ¼, etc.

The foregoing diagram and explanations refer only to those sections which are regular, or that portion of fractional sections which are surveyed to be regular. The above descriptions are not strictly accurate when used in fractional quarter sections. Fractional sections or fractional quarters which are divided into government lots should be described as lots. For example, Section one, which is in the northeast corner of the township, assuming that the NE ¼ of the section is short 4 acres, contains only 156 acres. Normally, the S ½ NE ¼ contains 80 acres. Lot 1 in the northeast corner contains 38 acres, and Lot 2 contains 38 acres. We cannot describe Lot 1 as the NE ¼ NE ¼, because that would mean one-fourth of the entire area of 156 acres, which would be 39 acres. This would also be true if we described Lot 2 as the NW ¼ NE ¼. Therefore, we must use Lots 1 and 2 and not the NE ¼ NE ¼ or the NW ¼ NE ¼. The south half would be described as the South 80 acres of the NE ¼ of Section 1, Township ____ North, Range ____ East, etc., or the NE ¼ of Section 1, except Lots 1 and 2.

As explained in the description of land survey, sometimes there are two lots in the same section with the same number, occasioned by the sections being divided by a river. Such lots are described as Lot ____ on the north bank or left bank, or south bank or right bank of the river. In describing such lots the reference to the river bank should be used. To determine the left and right bank of a river, imagine yourself to be facing down the river, or the direction in which the river flows, and the left bank is to your left, the right bank to your right.

(3) **Government Field Notes:** These are notes made by the U.S. surveyor while out on the survey, or in the field. As provided by federal statute, a copy of the original field notes are furnished to the Secretary of State. Usually copies of such notes can be found in the office of the County Surveyor or Engineer.

(4) **Metes and Bounds Descriptions:** Such descriptions should always begin at a definite starting point. This point should be located by measurement from a permanent monument, prefer-

ably a government section corner. For example, beginning at a point so many feet north and so many feet west of the southeast corner of Section _____, or south and east, etc. It should never begin at a point such as a tree or a point where the creek comes nearest the road, or where the river bends. Where such beginning points are used, the description becomes useless as such points disappear from the land as the years pass. Trees are blown down, ravines become filled in, creeks and rivers change their courses, roads are vacated and closed, names of streets are changed, etc. Neither the beginning point, nor any part of the description should refer to the "corner or East line, etc., of John Smith's land" as this makes it necessary to refer to John Smith's land in order to locate your description.

After a starting point is definitely located, the remaining lines or bounds of the tract must be described. Each line should be described accurately. The true course of each line should be given; that is, it should say, "thence West, North, South or East and parallel with, or at right angles" to some definitely located line. If it does not run parallel or at right angles, it should state the angle that it takes. Where possible the measurements of each line should be given.

(5) **Angles:** This is probably the most confusing part of descriptions generally, as few persons clearly understand the angle or the direction of the lines.

Angles are used in descriptions where the lines do not run due north, south, east or west. Such angles are measured by degrees, minutes and seconds, and are divisions of the circumference of a circle containing 360 degrees. Each degree contains 60 minutes; each minute 60 seconds. Even though we frequently encounter minutes and seconds in descriptions, they are of such small variance that we shall deal here in degrees. Dividing a circle in four equal parts by two diameters, we have four right angles, containing 90 degrees. Most angles in descriptions are measured from a true meridian, which is a line running due north and south.

For example, the diagonal line running through the center of the Northeast Quarter of Diagram 1 would be described as follows:

"Beginning at the center of the section and running thence North 45 degrees East . . ." The line through the Northwest Quarter would be "thence North 45 degrees West . . ." In each instance the angle is measured between the meridian and the line drawn. Where the line passes through the Southwest Quarter the description would be, "thence South 45 degrees West . . ." So in the Southeast Quarter the description would be "thence South 45 degrees East . . ." Even though the angles in each instance between the base line and the line drawn are equal to the angles between the meridian and the line drawn, and not the angle between the base line and the line drawn. This is due to the methods of survey, whereby the angles are determined from a compass.

For further examples, take the lines A, B, C and D in Diagram 2, Page 9. Line A: thence North 45 degrees East. Line B: thence North 60 degrees (or 60°) East. Line C: thence North 75° East. Line D: thence South 75° East.

In descriptions we frequently encounter angles with no section line for a meridian. For example, the line in the NW ¼ of Diagram 2 would be described, "Beginning at the Southwest corner of the NW ¼; thence East 1,300 feet; thence North 60° East." In this description it is necessary for us to take the point where the angle begins and draw an imaginary meridian due North and South so we may measure the angle. Another example is the SW ¼ of Diagram 2. "Beginning at the Northwest corner of the SW ¼; thence South 660 feet; thence South 45° E 800 feet; thence North 75° E . . ."

It is never the responsibility of an abstractor to compose descriptions with angles, for that can be done only by a surveyor on the land, but it frequently becomes necessary for an abstractor to draw a plat of a description that contains angles. Therefore, he should equip himself with a protractor, which is an instrument for measuring angles. It is a half circle divided in degrees from 1 to 180.

Frequently another type of angle is encountered, on the same principal, yet not measured from true meridians. Following is an illustration: "Beginning at a point on the SE corner of the NE

¼ of the Section; thence North 60 degrees West, for a distance of 1,000 feet; thence deflecting to the left, on an angle of 15 degrees, from the last mentioned course, for a distance of 650 feet; thence to the left on an angle of 90 degrees from the last mentioned course, for a distance of 400 feet; thence deflecting to the right on an angle of 15 degrees, from the last mentioned course, for a distance of 400 feet."

By way of clarification, imagine yourself on the line you are drawing, facing the point where the description directs you to deflect to the left or right, and make the description accordingly.

Many descriptions are confusing because they are made with reference to rights of way of railroads. Later the railroad may be abandoned, additional trackage may be added, or the name of the railroad changed, thus making it impossible to determine the meaning of the description.

Again, descriptions beginning at some point along a river bank or creek cause similar difficulties. There is hardly a point on any river or creek where the course has not changed at one time or another.

In the making of every description some actual survey should be referred to wherever possible. In referring to street intersections or alleys, the description should give the name of the addition. In referring to a railroad, the description should definitely describe the line, such as the "main line" or "spur" or "relocated main line" of the _____ Railroad Company.

Keep in mind that the description is a vital part of a legal instrument, and that there is much danger of confusion, especially in metes and bounds descriptions.

The greatest care and patience should be used in working out descriptions. Every abstractor and his employees should be able to compose accurate descriptions.

(6) **Lot and Block Descriptions:** These descriptions are less complicated than the metes and bounds descriptions. In most instances they are merely described by numbers, as shown by a recorded plat. In many instances, fractional lots are described as: Lot 1 and the North half of Lot 2; or the North 10 feet of Lot 2.

The fact that lot and block descriptions are less complicated, does not mean that errors cannot be made. In the following paragraphs will be found illustrations of common errors that occur.

In some additions there are many lots with the same number, but which are distinguished by some reference, such as Lot 1 in Block 2; or Lot 1, Block 3, Jones Addition; or Lot 1 on Smith Street, or Lot 1 on Brown Street, Jones Addition. In describing such lots care should be taken in stating the Street or Block.

In many cities in years gone by, many persons have platted more than one addition with the same name. In order to distinguish between such additions they have been called First, Second and Third Addition, or Jones First Addition, Jones Second Addition. This is a factor that may cause confusion of descriptions in various instruments if descriptions read merely, "Jones Addition."

Another factor that has caused confusion is identifying lots by the Street, when the addition is divided by First Street, or some other dividing street of the City, thus dividing the streets running in the opposite direction into North Main Street or South Main Street. Inexperienced scriveners of legal instruments may omit "North" or "South," making the description read "Lot 1 on Main Street" when it should be "Lot 1 on North Main Street."

It is necessary to make descriptions complete in every detail, by naming the block, street or complete name of the addition. It is also considered precautionary at times to add to the description the location of the addition, such as "situated upon the NW ¼ of the NW ¼ of Sec. _____, Twp. _____ Range _____," for the reason that there may be more than one addition with the same name in the city or county.

Care should be used in the dividing of lots. A description calling for the North half of a lot may not show clearly what is intended to be covered. If a lot is square or rectangular, and the boundaries run either north and south or east and west, it may be divided by halves, or portions,

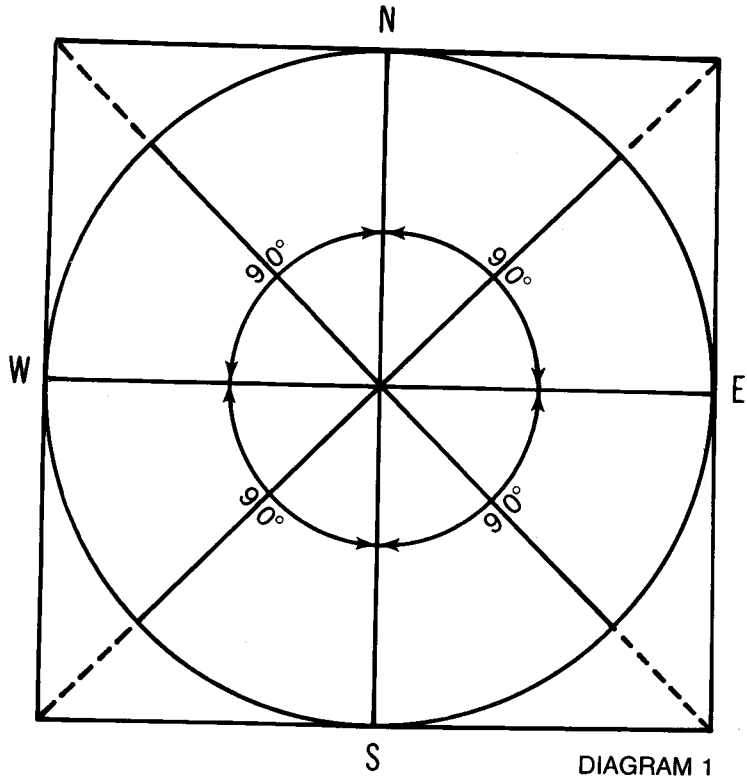


DIAGRAM 1

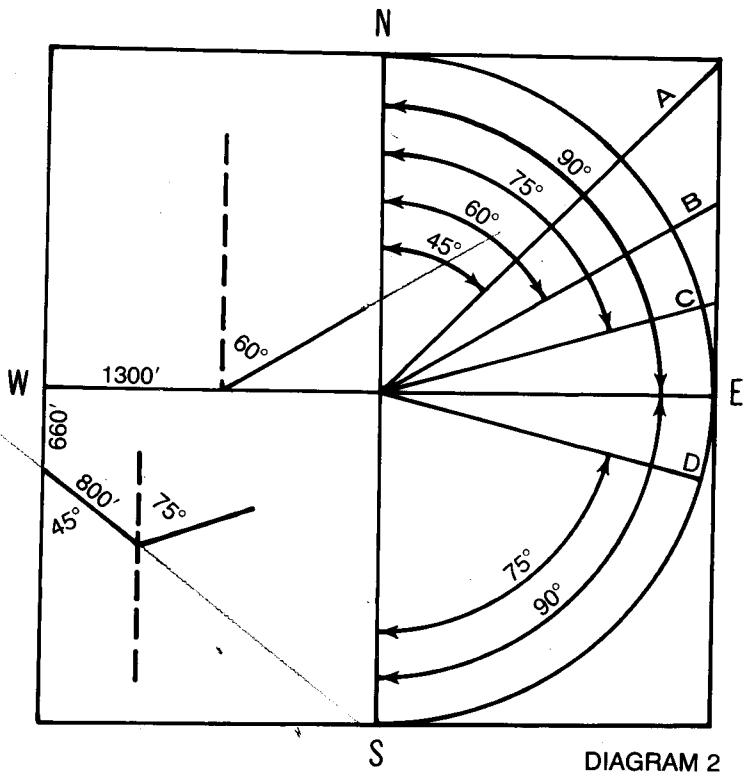


DIAGRAM 2



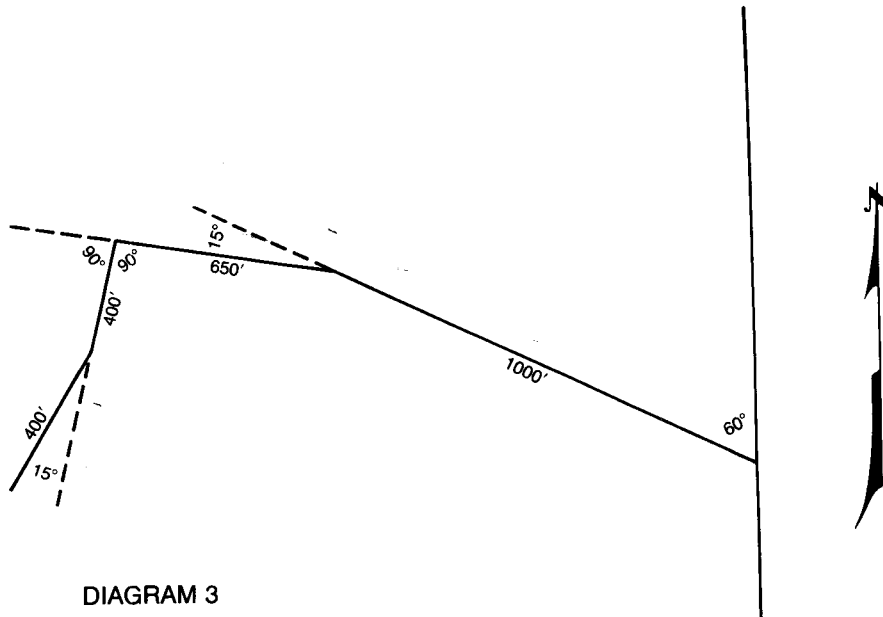


DIAGRAM 3

such as the North 10 feet, or the South half, etc.

If a lot is purported to be 100 feet wide, and the North 50 feet has been conveyed, it is best, although not always pleasing to the owner, to describe the remainder as "Lot 1 except the North 50 feet thereof." This will prevent any overlap if it is later discovered that the lot is only 99 feet wide.

After a plat has been vacated, descriptions should not be used of the lots and blocks in such addition, because after a plat is vacated the land is restored to its original description. Such tracts as were formerly lots should be described by metes and bounds. At the end of the metes and bounds description, add "Formerly Lots 1 and 2, Block 3, Jones Addition, now vacated." This will identify the metes and bounds description with the description of the lots prior to their vacation."

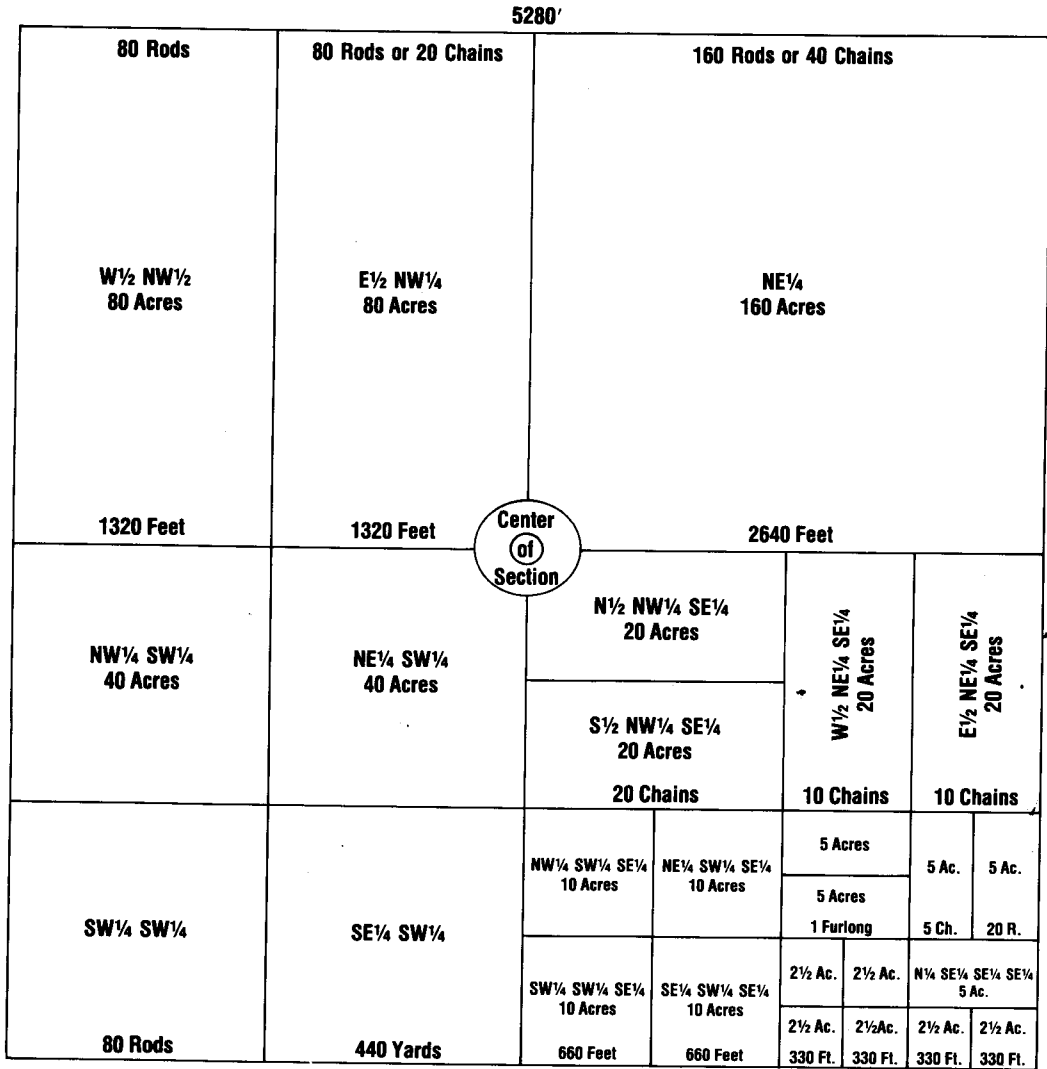
Always use great care and patience in working out descriptions.

(B)

QUESTIONS

Lesson Number 2.

1. What is a description?
2. What constitutes a sufficient description?
3. What is a metes and bounds description?
4. What is a lot and block description?
5. What is a monument? Name two classifications of monuments, and give four of each class.
6. (a) How many feet in a mile?
(b) How many feet in a chain?
(c) How many feet in a rod?
(d) How many square feet in an acre?
7. Describe a 5 acre tract according to the rectangular system, also by metes and bounds.
8. How do you determine the right and left bank of a river?
9. Write a metes and bounds description of your own, showing a diagram.



CONVERSION OF CHAINS TO RODS AND FEET

Chains	Rods	Feet	Chains	Rods	Feet	Chains	Rods	Feet
	1	16.5	14	56	924.	27	108	1782.
	2	33.		57	940.5		109	1798.5
	3	49.5		58	957.		110	1815.
1	4	66.		59	973.5		111	1831.5
	5	82.5	15	60	990.	28	112	1848.
	6	99.		61	1006.5		113	1864.5
	7	115.5		62	1023.		114	1881.
2	8	132.		63	1039.5		115	1897.5
	9	148.5	16	64	1056.	29	116	1914.
	10	165.		65	1072.5		117	1930.5
	11	181.5		66	1089.		118	1947.
3	12	198.		67	1105.5		119	1963.5
	13	214.5	17	68	1122.	30	120	1980.
	14	231.		69	1138.5		121	1996.5
	15	247.5		70	1155.		122	2013.
4	16	264.		71	1171.5		123	2029.5
	17	280.5	18	72	1188.	31	124	2046.
	18	297.		73	1204.5		125	2062.5
	19	313.5		74	1221.		126	2079.
5	20	330.		75	1237.5		127	2095.5
	21	346.5	19	76	1254.	32	128	2112.
	22	363.		77	1270.5		129	2128.5
	23	379.5		78	1287.		130	2145.
6	24	396.		79	1303.5		131	2161.5
	25	412.5	20	80	1320.	33	132	2178.
	26	429.		81	1336.5		133	2194.5
	27	445.5		82	1353.		134	2211.
7	28	462.		83	1369.5		135	2227.5
	29	478.5	21	84	1386.	34	136	2244.
	30	485.		85	1402.5		137	2260.5
	31	511.5		86	1419.		138	2277.
8	32	528.		87	1435.5		139	2293.5
	33	544.5	22	88	1452.	35	140	2310.
	34	561.		89	1468.5		141	2326.5
	35	577.5		90	1485.		142	2343.
9	36	594.		91	1501.5		143	2359.5
	37	610.5	23	92	1518.	36	144	2376.
	38	627.		93	1534.5		145	2392.5
	39	643.5		94	1551.		146	2409.
10	40	660.		95	1567.5		147	2425.5
	41	676.5	24	96	1584.	37	148	2447.
	42	693.		97	1600.5		149	2463.5
	43	709.5		98	1617.		150	2475.
11	44	726.		99	1633.5		151	2491.5
	45	742.5	25	100	1650.	38	152	2508.
	46	759.		101	1666.5		153	2524.5
	47	775.5		102	1683.		154	2541.
12	48	792.		103	1699.5		155	2557.5
	49	808.5	26	104	1716.	39	156	2574.
	50	825.		105	1732.5		157	2590.5
	51	841.5		106	1749.		158	2607.
13	52	858.		107	1765.5		159	2623.5
	53	874.5				40	160	2640.
	54	891.						
	55	907.5						

LINKS IN FEET AND INCHES								
Links	Feet	Inches	Links	Feet	Inches	Links	Feet	Inches
1	0	7.92	34	22	5.28	67	44	2.64
2	1	3.84	35	23	1.20	68	44	10.56
3	1	11.76	36	23	9.12	69	45	6.48
4	2	7.68	37	25	5.04	70	46	2.40
5	3	3.60	38	25	0.96	71	46	10.32
6	3	11.52	39	25	8.88	72	47	6.24
7	4	7.44	40	26	4.80	73	48	2.16
8	5	3.36	41	27	0.72	74	48	10.08
9	5	11.28	42	27	8.64	75	49	6.00
10	6	7.20	43	28	4.56	76	50	1.92
11	7	3.12	44	29	0.48	77	50	9.84
12	7	11.04	45	29	8.40	78	51	5.76
13	8	6.96	46	30	4.32	79	52	1.68
14	9	2.88	47	31	0.24	80	52	9.60
15	9	0.80	48	31	8.16	81	53	5.52
16	10	6.72	49	32	4.08	82	54	1.44
17	11	2.64	50	33	0.00	83	54	9.36
18	11	10.56	51	33	7.92	84	55	5.28
19	12	6.48	52	34	3.84	85	56	1.20
20	13	2.40	53	34	11.76	86	56	9.12
21	13	10.32	54	35	7.68	87	57	5.04
22	14	6.24	55	36	3.60	88	58	0.96
23	15	2.16	56	36	11.52	89	58	8.88
24	15	10.08	57	37	7.44	90	59	4.80
25	16	6.00	58	38	3.36	91	60	0.72
26	17	1.92	59	38	11.28	92	60	8.64
27	17	9.84	60	39	7.20	93	61	4.56
28	18	5.76	61	40	3.12	94	62	0.48
29	19	1.68	62	40	11.04	95	62	8.40
30	19	9.60	63	41	6.96	96	63	4.32
31	20	5.52	64	42	2.88	97	64	0.24
32	21	1.44	65	42	10.80	98	64	8.16
33	21	9.36	66	43	6.72	99	65	4.08
						100	66	0.00

DECIMAL EQUIVALENT IN CHAINS TO FEET							
Chains	Feet	Chains	Feet	Chains	Feet	Chains	Feet
.01	.66	.26	17.16	.51	33.66	.76	50.16
.02	1.32	.27	17.82	.52	34.32	.77	50.82
.03	1.98	.28	18.48	.53	34.98	.78	51.48
.04	2.64	.29	19.14	.54	35.64	.79	52.14
.05	3.30	.30	19.80	.55	36.30	.80	52.80
.06	3.96	.31	20.46	.56	36.96	.81	53.46
.07	4.62	.32	21.12	.57	37.62	.82	54.12
.08	5.28	.33	21.78	.58	38.28	.83	54.78
.09	5.94	.34	22.44	.59	38.94	.84	55.44
.10	6.60	.35	23.10	.60	39.60	.85	56.10
.11	7.26	.36	23.76	.61	40.26	.86	56.76
.12	7.92	.37	24.42	.62	40.92	.87	57.42
.13	8.58	.38	25.08	.63	41.58	.88	58.08
.14	9.24	.39	25.74	.64	42.24	.89	58.74
.15	9.90	.40	26.40	.65	42.90	.90	59.40
.16	10.56	.41	27.06	.66	43.56	.91	60.06
.17	11.22	.42	27.72	.67	44.22	.92	60.72
.18	11.88	.43	28.38	.68	44.88	.93	61.38
.19	12.54	.44	29.04	.69	45.54	.94	62.04
.20	13.20	.45	29.70	.70	46.20	.95	62.70
.21	13.86	.46	30.36	.71	46.86	.96	63.36
.22	14.52	.47	31.02	.72	47.52	.97	64.02
.23	15.18	.48	31.68	.73	48.18	.98	64.68
.24	15.84	.49	32.34	.74	48.84	.99	65.34
.25	16.50	.50	33.00	.75	49.50	1.00	66.00

10. Write a metes and bounds description that takes land in two different sections.
11. Write a lot and block description with a portion of a vacated alley adjoining.
12. Draw a plat of the following description: Beginning at a point on the East line of Section 1, Township 11 North, Range 15 West, which point is 660 feet North of the Southeast corner thereof; thence North along the East line of said Section 600 feet; thence West 1300 feet, more or less, to a point 100 feet Southeasterly of, measured at right angles to the center line of the Union Pacific Railway Company's Right of Way; thence Southwesterly along a line parallel with and 100 feet normally distant from the center line of said Right of Way to a point due west of the beginning; thence East 1450 feet, more or less, to the place of beginning.
13. Write a description 2,650 feet east and west, by 330 feet north and south.
14. If Lot 1, Block 12, Jones Addition, is 150 feet along the north line, 160 feet along the south line, 75 feet along the east line and 80 feet along the west line, how would you write a description of the North 35 feet of said lot?
15. What is wrong with the following description? Beginning at a point on the East line of Section 1, Township 43, Range 30; where the same intersects the center line of Cross creek; thence up said creek in a westerly direction to the East line of land belonging to John Smith; thence North along said East line to the center of Thompson Run; thence Easterly along said Thompson Run to the East line of said Section 30; thence South along said East line to the place of beginning.
16. Write a complete description by lot and block of your own composition.
17. Write a description using a government lot.
18. The NE $\frac{1}{4}$ of Section 1, Township 11, Range 15, contains 140 acres. Name three government divisions of said NE $\frac{1}{4}$.
19. Plat the following descriptions on diagrams. Write descriptions of remaining portions in blank spaces under questions.
 - (a) S 20' of West 50' of N 75' Lot One.

 - (b) N 35' Lot 3, less W 25' of E 50' of N 25'.

 - (c) N 35' of E 65' Lot 2.

 - (d) W 25' and W 25' of E 75' of S 50' of Lot 4.

20. Write a description of the remaining portion of Lot 4, after deducting the following: Beginning at Southeast corner of Lot 4; thence N 35'; thence West to point on West line of said Lot 36' North of Southwest corner; thence S 36'; thence E 100' to beginning.

21. On a section plat, locate with red pencil the following:
 - (a) 15 A. in the NE $\frac{1}{4}$

- (b) 90 A. in the NW $\frac{1}{4}$
 (c) 75 A. in the SW $\frac{1}{4}$
 (d) 42 $\frac{1}{2}$ A. in the SE $\frac{1}{4}$
22. On a section plat, locate with red pencil the following:
 (a) E $\frac{1}{2}$ of E $\frac{1}{2}$ of NE $\frac{1}{4}$
 (b) SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$
 (c) SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$
 (d) E $\frac{1}{2}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$
23. On a section plat, locate the following, and write a shorter description in the blank space under each section, and give acreage:
 (a) N $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$
-
- (b) S $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ & S $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$
-
- (c) NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ & S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
-
- (d) W $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$
-
24. Plat the following on a diagram and give acreage: Beginning at a point on the South line of Sec. 1, which is 1320 feet East of the SW corner thereof; thence West to the SW corner of said Section; thence North 45 degrees East to the intersection of the North line of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section; thence South 20 chains to the place of beginning.
25. Plat the following on a diagram and give acreage: Beginning at the NW corner of the NE $\frac{1}{4}$ of Section 2; thence South 40 rods; thence South 45 degrees East to a point 80 rods South and 40 rods East of the NW corner of said NE $\frac{1}{4}$; thence South 660 feet; thence East 330 feet; thence North 30 chains; thence West 990 feet to the place of beginning.

LESSON NO. 3

(A)

REAL PROPERTY

(1) It might be well to say at the beginning of this section, that law relating to real property is something that cannot be written in a few paragraphs. This course cannot be prepared to contain all the details of the law on this subject. Only a short outline of real property and title thereto will be attempted.

Land can never be without ownership. The rightful owner may be difficult to ascertain, but nevertheless he exists.

(2) **Classification of Property:** Property is either real or personal.

(3) **Real Property:** Real property is anything of a fixed, permanent, and immovable nature. It includes the soil of the earth, and everything erected upon its surface, or anything which is buried beneath it.

(4) **Personal Property:** Every kind of property that is not real property. There are two kinds of personal property, tangible, i.e., a typewriter, and intangible, i.e., a checking account.

(5) **Fixtures:** A fixture is a personal chattel substantially, actually or constructively affixed to the land or to a structure constituting a part of the land.

(6) **Tenements, Hereditaments and Appurtenances:** A tenement is anything of a permanent nature, that can be held of another. A hereditament is any property which can be inherited. Appurtenances are such things as are incidental to the use of land, such as a passage for light or air, etc.

(7) **Title to Real Property:** A title is the evidence of one's ownership or the means whereby the owner is enabled to assert or maintain his possession and enjoyment.

(8) **Estate:** The interest any person has in property, whether real or personal.

(9) **Estate in Fee Simple:** A fee simple title is a freehold estate of inheritance, free of conditions, and of unlimited duration. It is the highest estate known to law. It is the absolute ownership and control of property and land, subject only to the right of government.

(10) **Life Estate:** An estate for life is one whose duration is limited by life or lives of certain persons.

(11) **Joint Tenancy:** A joint tenancy is an estate held by two or more persons jointly, so that during their lives they are equally entitled to the enjoyment of the land, or its equivalent in rent and profits; but upon the death of one his share vests in the survivor or survivors. Also it is subject to the rights of severance on the part of any of the joint tenants.

(12) **Tenancy in Common:** An estate held by two or more owners and each of said owners has an undivided interest in the property. Such owners may dispose of his interest in such manner as he may choose, but his grantee or his heirs become a tenant in common with the other owner.

(13) **Remainder:** A future estate limited to take effect in possession after the expiration of a prior estate created at the same time and by the same instrument. Example: "To John for life, and upon his death, the remainder to Frank."

(14) **Tenant:** Any person in the possession of real property, with the consent of the owner, is presumed to be a tenant.

(15) **Homestead:** There are generally three kinds of homesteads in Nebraska. A homestead exempt from a levy of execution by the Sheriff is provided by the laws of Nebraska, and is limited to the dwelling, its appurtenances and the land on which the same is situated, not exceeding 160 acres of land, not in any incorporated city or village or a quantity of continuous land not exceeding two lots within any city or village, of a value not to exceed \$2,000.00.

A second type of homestead is that granted to the surviving spouse and/or minor children of a deceased person.

Prior to January 1, 1977 a surviving spouse had a life estate in the property occupied by the deceased and the spouse at the time of his or her death, and the minor children during their minority had the right to occupy the premises. There was no limitation of \$2,000.00 in value to a homestead created upon the death of an owner.

A homestead cannot be conveyed without both the husband and wife signing and acknowledging the deed. Unless both sign, the attempted deed is absolutely void. However, if the property is not the homestead, and, for example, was only in the husband's name, a deed by him will convey his title, subject however, to the wife's *inchoate* right to inherit her statutory share of the property, usually one third, if she survives her husband. Inchoate means a silent or sleeping right that may ripen or come of effect in event the wife survives the husband. The same rights are given to a husband who survives a wife concerning her property which she may have conveyed during her lifetime without his joining in the conveyance. This inchoate right is often confused with homestead, but it must be distinguished.

(16) **Marketable Title:** A title of such a nature that is free from reasonable doubt as to matters of law or fact upon which its validity depends. A marketable title is one which can be sold to a reasonable purchaser. Nebraska has a Marketable Title Act which generally provides that if a person has a good title for the last 23 years and files an Affidavit that he is the record title holder and in possession, that practically all defects prior to 23 years are waived and he is deemed to have a marketable title.

(17) **Rule against Perpetuities:** All through the history of real property, it has been a prominent trait of human nature to exercise control over property for generations to come. It has been the policy of the courts to prevent the creation of future estates which will become vested in such a remote time that the creator cannot possibly know the circumstances and conditions of the persons affected. The rule against perpetuities provided "that any estate created, to take effect on an event which may happen later than 21 years after lives in being is void." Or as defined another way, "no future interest in property can be lawfully created which does not necessarily vest within 21 years after some life or lives presently in being."

(18) **Rights in the Land of Another:** Ownership of land does not necessarily mean that the owner thereof has the complete control of such land. Property ownership is limited to certain uses, and cannot be held and controlled to the exclusion of all others.

(19) **Right of Lateral Support:** An adjacent property owner has right to insist that owners of surrounding property cannot cause his land to fall or sag. In other words, they cannot excavate their land to such an extent that his land will fall in. He is entitled to the support of their land to the natural weight of his own.

(20) **Light and Air:** A right to have light and air come to his land over that of another is not included in the ordinary rights of property ownership. However, the land owner has some rights concerning light and air. A land owner cannot pollute the air passing over his land to such an extent that will render it unhealthy or unreasonably unpleasant, without violating the rights of his neighbors.

(21) **Natural Water Courses:** A natural water course is a stream flowing permanently or regularly or at intervals along a definite channel. An owner of land along a natural water course cannot so interfere with such water course that it will damage the ordinary use of such stream to other property owners through which such stream may flow.

(22) **Easement:** A right in another to use the land or a portion thereof of another for a special purpose, i.e., a driveway, a water main, an electric line, a sewer.

(23) **Right of Way:** A right of way is an easement, or a right of an owner of one parcel of land to pass over a portion of an adjacent tract, for the purpose of ingress or egress to his own land. Such easements are obtained by grant from the land owner, or by prescription.

(24) **Easement by Prescription:** An easement to use a certain tract of land for a certain purpose, which has been exercised by the user for a sufficient time that the user thereof is deemed to have the right to the use thereof. Thus, if an owner of land had for the statutory period (usually ten years) used a road or right of way over an adjacent property for ingress and egress, with no objections from the owner of such adjacent property, he would have acquired an easement by prescription for that purpose.

(25) **Party Walls:** In cities, frequently buildings on adjoining lots will have a common wall running along the division line. Sometimes the wall stands wholly on one of the two tracts of land, and sometimes stands partially on each tract. Usually where the wall stands entirely on one parcel of land the wall belongs to the owner, and the other party has only an easement to use the same. If the wall stands partly on each parcel, generally each owns the portion on his land, with an easement in the other part. Most party walls are based upon some agreement in writing, and the use thereof is restricted to the terms and conditions thereof.

(B) ORIGINAL SOURCES OF TITLE IN NEBRASKA

At the end of the French and Indian War all the territory west of the Mississippi River had been given to Spain. Spain also held the city of New Orleans and the mouth of the Mississippi River. The United States government was anxious to secure an outlet of the Mississippi to the Gulf of Mexico, so western farmers and other producers could ship their goods to foreign markets.

In 1763 Spain sold this territory to France. Thomas Jefferson, who was president at that time, sent word to our minister in France to try to purchase that territory, and on April 30, 1803, the treaty was signed, and the territory passed to the United States. This is the western drainage

basin of the Mississippi River. The price paid was \$27,267,621.98 which included some interest. This was known as the Louisiana Purchase.

This became part of the public lands of the United States and subject to disposal by the federal government. In the beginning Congress had the conception that in dealing with public lands the government should get as much cash as possible to meet the immediate necessities of national enterprise. At this time the General Land Office was organized, and served as a real estate agency for the government. Later, a broader conception of development changed that theory, and it was seen the entire nation would profit most by agricultural development of the new land. The preemption law of September, 1841, was the first recognition of the new theory. This law gave a preference right to the purchase of 160 acres to those who settled on the land.

On May 20, 1862, the Homestead Act was passed, which made a home the unit of development, and citizenship a prerequisite to the right of final entry. After many entries upon the Homestead Act, which authorized the appropriation of 160 acres, when the better lands were practically exhausted, it was recognized that larger tracts of land were necessary for the maintenance of a home, and that the entry should be measured by the earning capacity of the land. The homestead entry was enlarged to include 320 acres by act of February 19, 1909, and later by the act of December 29, 1916, 640 acres was authorized.

As an outgrowth of the theory of development of the nation, Congress made liberal donations of the public lands to the new states as they were admitted to the Union for the support of schools and internal movements. To encourage the building of railroads, much land was granted to railroad companies. Much of the land donated to Nebraska has been sold and patented to the purchasers direct from the state. With the exception of the reserved set aside for other purposes as above set out, Section 16 and 36 in each township were donated to the state for the use or support of common schools.

(C)

QUESTIONS

Lesson Number 3.

1. Name two classifications of property.
2. Define real property.
3. Define a fixture.
4. What is the meaning of "title to real property?"
5. What is a fee simple estate?
6. What is a life estate?
7. What is a remainder?
8. What is a tenancy in common?
9. What is an easement?
10. What sections in each township were given to the state for school purposes?

LESSON NO. 4

(A)

TRANSFER OF TITLE TO REAL PROPERTY

(1) **Title:** The evidence of one's right, or the statement of his interest in a certain parcel of property. It is the means by which he can assert his ownership, and maintain his right to the possession, use, and enjoyment of such land.

Except for the attempt to defraud creditors, or to unreasonably control the ownership of land many years after the date of death of the owner thereof, it has been the policy of the law to allow a great degree of freedom in the transfer of real estate. However, there are many methods of

transfer of real property, and many formalities which are positively required for particular reasons. These required formalities differ considerably according to the subject matter of the transfer, and according to the manner in which the property is to be transferred.

(2) **Statute of Frauds:** This statute provides, among other things, that no sale or agreement to sell land or any interest therein, shall be binding unless the agreement or memorandum thereof be made in writing and signed either by the party to be bound, or some person lawfully authorized by him, in writing.

(3) **Transfer of Property:** Property may be transferred with the consent of the owner such as by direct conveyance or by will; or it may be transferred without the consent of the owner, such as by sale on execution or operation of law.

The usual method of transfer of property between living persons is by deed. There are a number of deeds. The two most commonly used are the Warranty Deed and the Quit Claim Deed. A Warranty Deed is one where the grantor (or seller) warrants title and obligates himself to defend the title and protect his grantee (or buyer) in the title to the property so conveyed. A Quit Claim Deed conveys only the interest the grantor has at the time of the execution thereof. If the grantor really has an interest at the time of the execution thereof, it would carry the title just as effectively as any other deed. There would, however, be no warranty on the part of the grantor that the quit claim deed conveyed any title at all.

After a deed has been properly executed, it must be delivered in order to become effective. To be valid against creditors and subsequent purchasers for value without notice, the deed must be filed for record in the office of the Register of Deeds of the appropriate county. In order to be recordable, the deed must be properly acknowledged as the voluntary act and deed of the grantors.

While no consideration is necessary to the validity of a deed after it has been delivered, the fact, nature, and type of consideration should be noted and examined. The lack of consideration may indicate that the deed is a gift and that, therefore, the transaction is subject to Federal Gift Tax; or it may indicate that the deed was a transfer in contemplation of death and might, therefore, be subject to inheritance or estate tax. Further, the recital of consideration in a deed may, under certain circumstances, show a lien upon the real estate for the unpaid consideration. Further, the failure to show any consideration, may make the warranties in the deed, if a warranty deed, unenforceable for lack of consideration. This would not affect the validity of the conveyance itself, but only the enforceability of the covenants of warranty. Thus, while the lack of consideration for a delivered deed may not affect the validity thereof, it is always important that the deed be examined for a statement of consideration, and the affect thereof considered.

Transfer by Death of Owner: If the owner of property died leaving a will, his property passes according to the terms of the will, subject to the surviving spouse's election, as hereinafter explained. If he died intestate, that is, without a will, prior to January 1, 1977, his property passed as follows:

1. If he leaves no widow, then to his children in equal shares or to the children of deceased children, who take the same share as the deceased parent would have taken if living; or if he leaves no children, then to the parents equally, or to the surviving parent; and if no parents survive him, then it passes as though both parents had died intestate after his death owning the property in equal shares.

2. If a spouse survives, the spouse takes one half if there are no surviving children, or if one child survives; one third if two or more children survive, provided that if the surviving spouse is not the parent of all the children of the deceased, such spouse takes one fourth only. The interest not passing to the spouse passes to the same persons who would have taken the whole if no spouse survived.

The estates of deceased persons, passing as hereinbefore set forth, are subject to the debts of the deceased. The matter of transfer of ownership by death will be discussed further in dealing with the probate court.

Surviving Spouse's Election: The surviving spouse may choose to take the statutory

share instead of the provisions made in the will, by filing an election in the probate court within one year of the issuance of letters testamentary.

(6) **Transfer by Court Proceedings:** Title may be transferred by execution sale where the property of the owner is taken and sold under order of court to satisfy a judgment, or is taken through some other legal court proceedings. This will be further discussed under District Court proceedings.

(7) **Marriage:** If the owner of real estate marries, the husband or wife becomes vested with an inchoate interest in his or her property, which becomes vested if the husband or wife survives the title owner. Thus, if Jones owns real property and marries, and afterward conveys real estate without his wife joining in the conveyance, then if she outlives him and was a resident of Nebraska, she may claim her statutory inheritance in such property.

(8) **Eminent Domain:** This is the right bestowed upon governing bodies and public corporations to take property by condemnation proceedings. In such cases appraisers are appointed by a court of proper jurisdiction to appraise the land taken, and the owner thereof is paid in accordance with such appraisalment.

(9) **Adverse Possession:** Open, notorious, continuous, exclusive and adverse possession for ten years or more. However, after a Quiet Title Case, when all necessary parties were properly made defendants, most titles would then be approved.

(10) **Operation of Law or Statutes of Limitations:** A person, who enters into possession of real property, and remains in the open, notorious, exclusive and undisputed possession thereof, for ten years or more, is said to have a good title by adverse possession. However, there are exceptions in such cases, and very rarely will attorneys approve title based on adverse possession, due to the fact that the statutes, among other things, do not run against persons under disability, such as insane persons or minors.

(11) **Accretion:** The increase in land caused by the gradual change of a water course such as a river, the moving back of the sea or lake shore. The added land becomes the property of the riparian owner.

(20) **Avulsion:** The sudden and complete change of part of the course of a stream does not affect preexisting boundaries.

(B)

THE RECORDING SYSTEM

For the protection of persons purchasing real property, or loaning money thereon, the recording system was adopted. This system has two purposes: the preservation of the evidence of the existence of instruments affecting real estate titles, and to give constructive notice thereof to subsequent purchasers, creditors or encumbrancers.

Subsequent encumbrancers and purchasers are not bound by the existence of a previous conveyance, transfer or encumbrance unless they have actual notice thereof, or are chargeable with notice thereof, unless the prior conveyance had been recorded before the conveyance to the subsequent encumbrancer. For the subsequent encumbrancer to claim priority, he must not only record his instrument first, but must also show that he was a bona fide good faith purchaser, for value, without notice.

Any person who deals in real estate is, under the law, charged with the knowledge of all facts which would ordinarily put a prudent person on inquiry. This is called a doctrine of notice.

(1) **Actual Notice:** This is express information, or personal knowledge of a fact. For instance, a person dealing in real estate is bound to take actual notice of the rights of any party in possession.

(2) **Constructive Notice:** A person may not have actual notice of a fact, but is by law charged with notice of it. The best example of constructive notice is that furnished by the public records. Every person dealing in real estate is charged with notice of all instruments on the public record, whether he has actual notice of the same or not.

However, it is to be remembered that a valid instrument is not rendered valueless through failure to record it. It is just as binding, unrecorded as recorded, between the parties thereto and all other parties who have actual notice of its existence.

Unless an instrument is properly executed and acknowledged, it is not entitled to record. A Register of Deeds may properly refuse to accept an instrument for record which has not been properly acknowledged.

(C) ABSTRACTS OF TITLE

It is presumed that most persons who may study this course are familiar with abstracts and their purpose, and little will be set out in that respect.

An abstract may be defined as a compilation, a synopsis, or a statement of all recorded facts which in any material way affect the title to the property abstracted.

Its purpose is to give a prospective buyer or mortgagee, a convenient and safe method of ascertaining the condition of the title as the same appears of record.

It should contain all the material parts of each instrument recorded affecting such title, and all court proceedings in which the property abstracted is affected. It should be so complete that no reasonable inquiry remains unanswered, and yet brief enough that an examiner will not have to read unnecessary matters.

It should be so arranged that an examiner may follow the title as he examines the abstract sheet by sheet. For instance, if a mortgage is foreclosed, the proceedings should be shown either in the place in the title where they appear or, if the proceedings are attached at the back of the abstract as an exhibit, an entry should appear in its chronological place making reference to the exhibit and to what the exhibit covers.

(D) QUESTIONS

Lesson Number 4.

1. Name two ways in which real property may be transferred.
2. Select a warranty deed form used in your community, and make a conveyance of real estate, using a description of your own composition, also selecting your own parties. Attach it to your answers to this set of questions.
3. After a deed is drawn, what is necessary to be done to make it effective?
4. What is the meaning of eminent domain?
5. What is the meaning of "died intestate"?
6. If the owner of real estate dies intestate, leaving a widow and two children, who becomes the owner of the real estate and in what proportion?
7. If he dies intestate, leaving no widow, but leaving two sons, John and William, and two grandchildren, Mary and Agnes, the children of the prior deceased daughter, who inherits the real estate and in what proportions?
8. John Jones owned real estate that he purchased and paid for with his own money in 1927. In 1933 he marries. In January, 1934, he conveys his property to John Smith. His wife does not sign the deed. In February, 1934, John Jones dies, Mary Jones, his widow, claims an interest in the land conveyed to John Smith. Does she have any interest? Why?
9. What is the purpose of the office of the Register of Deeds?
10. What is the "doctrine of notice" and name two classifications?
11. From your experience in abstracting, name ten different kinds of instruments that may be found recorded in the office of the Register of Deeds.

12. Is a deed valid that has not been recorded?
13. What is an abstract of title?
14. What is the purpose of an abstract?
15. What is necessary to be done to be permitted to become an abstracter?
16. To whom and under what conditions is an abstracter liable for errors?
17. Name the county offices that must be searched when preparing an abstract.

LESSON NO. 5

(A) TAXES — SPECIAL ASSESSMENTS

(1) Taxes: The taxing power is vested in the state and in political subdivisions of the state, as authorized by the state legislature. The power to tax is inherent in the government, in that it is essential to the production of revenue to defray the expense of operating and performing the functions of government.

All real property is taxable and is assessable at its actual value. All property is listed and valued as of January 1st of each year in which it is assessed.

(2) Taxes are a first lien upon real estate, and even have priority over a first mortgage, mechanic and materialmen liens, or purchase price money. The consolidated State, County, School District and City levies of ad valorem taxes is called the "General Tax" and is extended on the tax rolls against each piece of property assessed. General taxes are due on January 1st of each year and may be paid in two equal installments. The 1st installment becomes delinquent after May 1, and 2nd installment becomes delinquent after September 1 of each year, except in counties with population of more than 100,000 the delinquency dates are April 1 and August 1. Each installment bears penalty from date of delinquency at rate of 9%. The general tax rolls are prepared by the County Assessor and certified to the County Treasurer for collection.

(3) The County Treasurer by law is made the collector of all general taxes, and if special assessments or paving taxes are not paid to the City Clerk on or before date prescribed by statute, the special assessment rolls are certified to the County Treasurer and such collections thereafter are made by him.

(4) Certain property is excluded and exempt from taxation. In substance, such property is that of the following categories:

- a. The land and buildings devoted to public worship and public schools and the land and buildings of literary, educational, scientific, religious, benevolent or charitable corporations in which a lodge assembly or audience room of such corporations are located.
- b. All lands used as grave yards.
- c. All land and buildings used by scientific, benevolent and literary organizations and devoted to such purposes.
- d. All property of the State of Nebraska or the United States.
- e. All property owned by any county, city, town or school district except land bid off by counties or cities at tax sales.
- f. All works, machinery or fixtures used by a city, town or village exclusively for conveying water to such city, town or village.
- h. All public libraries.

(5) Since all real estate is subject to taxation (except as above mentioned) the abstract should so show if no assessment has been made, and if the property is listed as an "EXEMPT" that notation shall be made.

Because of the new homestead act, some properties may not have a tax shown against it and the abstract should so state.

(6) Railroad property is taxed as personal property, so if railroad property is abstracted be sure and check the personal property tax records for these taxes.

(7) Special Assessments. When the City, Town or Village create a special improvement district, such as paving, sewer or water, and after statutory notice has been given, an improvements district is created. The cost of such improvement is divided equitably, upon a square foot basis, and spread over an area within one-half of a block each direction of the pavement or the district served by sewer improvement and charged entirely against the property. Bonds are issued to pay the costs. Property owners are given the option of paying cash for such improvements. If the special assessments are not paid for in full before the bonds are issued, the cost is divided and spread over a period of ____ years, payable in ____ equal installments, with interest, payable ____ of each year. There is a penalty after the payments are delinquent.

Be sure and check if there are any water, Irrigation drains and Ditches certified to the County Treasurer in your county. These become a lien against the property.

(B)

QUESTIONS

Lesson Number 5.

1. At what value is property supposed to be assessed?
2. When and how often is real estate assessed?
3. Who collects General Taxes? Special Assessments?
4. What constitutes "General Taxes"? When are they due and payable?
5. What liens have priority over the lien of taxes?
6. Who prepares the Tax Rolls?
7. Define "Personal Taxes".
8. Define a "Special Assessment".
9. In whom is the taxing power vested?

LESSON NO. 6

(A)

DISTRICT COURT PROCEEDINGS and COURTS OF RECORD GENERALLY

The purpose of the courts is to pass upon disputes arising between citizens which cannot be settled between themselves, and is one of the departments of our government, known as the judicial department.

Generally speaking, the only court having jurisdiction of suits involving real estate or the title thereto is the District Court.

It is impossible to explain here the details of the different kinds of cases that may be found in the District Court.

An abstracter to be safe should follow the theory that any case filed in the District Court may affect the title to the property abstracted. In the short space we have here, we will only attempt to explain some of the papers found in cases, and take note of their purposes.

Laymen generally believe that the pleadings in a lawsuit are arguments made by the attorneys to the court or jury. Pleadings are concluded before a jury is selected. Parties to a suit cannot try a case until it has been determined what the dispute is about. To clarify the dispute, the

law requires the parties to state the facts upon which each relies. These statements are the pleadings.

The first pleading to be filed is the plaintiff's statement of facts. This is called the declaration, and is found in the paper entitled "Petition." This petition must state facts under which the law gives a right to recover. For example, if the petition merely stated that the defendant made a contract with plaintiff, it would not be sufficient.

It must be stated that the defendant made a contract such as the law recognizes, and that the defendant has broken such contract. Sufficient facts must be alleged as will indicate a cause of action. There is no rule as to what facts are necessary to make a prima facie cause of action. Each case is solved on its own merits.

(B) CLERK OF THE DISTRICT COURT

Records of District Court proceedings are found in the office of the Clerk.

(1) **General Index:** Indices of plaintiffs' and defendants' named in all cases filed.

(2) **Appearance Docket:** This is the record in which a complete list of all proceedings can be found, beginning with the petition and listing all papers filed therein.

(3) **Journal:** A record showing a complete copy of all orders and judgments, and decrees of the court.

(4) **Judgment Docket:** Shows alphabetically the names of all parties against whom a judgment has been rendered.

(5) **Execution Docket:** Shows a complete record of all executions issued, with a copy of their return.

(6) **Trial Docket and Motion Docket:** These are the records of the court on which the court keeps a record on the cases before him and enters his notes thereon. On this docket the court writes his judgments in short form, which notes are called the court's or Judge's "minutes".

It is impossible to give a complete list and explanation of all pleadings and proceedings in the various suits that may be found in the courts. It is impossible to formulate strict rules governing the abstracting of proceedings, as the nature of the case must govern and an abstract must show that which is material.

Following are some of the common cases found directly affecting real estate:

(7) **Divorce:** An action brought to sever the bonds of matrimony consists generally of pleadings and judgment, including service.

(8) **Separate Maintenance:** An action when divorce is not wanted, to compel the support of wife and family. Consists generally of pleadings, service and judgment.

(9) **Foreclosure Suits:** Actions to foreclose mortgages, liens, contracts of sale, and such other instruments which may have been executed to secure the payment of money. Consists of pleadings, service and decree, order and notice of sale and proof thereof, Sheriff's return (showing proceedings of sale), and the Court's order confirming sale.

(10) **Partition of Real Estate:** An action brought to divide property owned by two or more persons, or if the same cannot be physically divided, to sell the same and divide the proceeds. Consists of pleadings, service and judgment, appointment of Referee to make partition, appraisal, report of referee.

a. Where division can be made without manifest injury, the court makes an order dividing the property.

b. Where division cannot be made, the court orders the property sold, and proceedings consist of an order of sale, notice of sale, publisher's affidavit, report of sale, and confirmation.

(11) **Specific Performance of a Contract:** An action to compel a person to comply with the terms of a contract. Consists of pleadings, service and judgment.

(12) **Quiet Title Suit:** The general purpose of this action is to remove a cloud from a title which may be caused by a break in the chain of title, or errors in deeds, court proceedings, etc. Consists of pleadings, service and judgment.

(13) **Condemnation Proceedings:** Suits brought by government bodies or public corporations to take property for public use, exercising their right of eminent domain, as was hereinbefore explained. Consists of pleadings, service, appointment of appraisers, report and award of appraisers, order approving, condemnation of property. May be appealed to District Court, in which case there will be a transcript, pleadings and judgment.

Many other cases are filed less frequently than those above mentioned. All should be carefully studied, and shown in such a manner that the examining attorney may know the disposition thereof, and that necessary proceedings were had.

(14) **Mechanic's and Materialmen's Liens:** Every person furnishing labor or material for the construction of improvements upon real estate under contract with the owner or his agents, for which he has not received payment, may within four months after the labor or material was last furnished, file a lien with the Register of Deeds, in the county in which such real estate is located, setting out the description of the property on which labor was performed or material furnished, and the amount due. If such person is a subcontractor, such lien must be filed within 90 days after the last labor or material was furnished.

This lien is termed a "Mechanic's Lien" and is recorded by the Register of Deeds upon a specific record known as the Mechanics' Lien Record. Upon the filing of such lien it becomes a lien on the real estate described therein. This lien operates as a lien against such property until satisfied, or until the expiration of two years after the date of filing the same, at which time it automatically ceases to be a lien unless within the two years there is filed a suit to foreclose the same.

In all actions brought to affect the title to real property, the plaintiff may file in the office of the Register of Deeds of the County where the real estate is located, a notice of the pendency of the action. This notice is designated as a Lis Pendens. The notice must contain certain information as prescribed by statute; and from the time of filing such notice the pendency of the action is constructive notice to any purchaser or encumbrancer who thereafter records or acquires any interest after the time of filing of the Lis Pendens is bound by all the proceedings taken in the action to the same extent as if he were made an original party to the action. If the land involved is located in more than one county, the Lis Pendens must be filed in each county wherein any of the land is located.

A judgment is a lien against real property for the entire day upon which the judgment is entered in the judgment record of the Clerk of the District Court of the County in which the land is located, and continues as a lien until satisfied or becomes dormant.

After a judgment has been rendered in one county affecting real property in another, a certified copy of such judgment must be filed in the office of the Clerk of the District Court in the county in which such real estate is situated, to operate as a notice to third parties.

(15) **United States Courts or Federal Courts:** Judgments of the Federal Court are to be shown. If the court sits in the particular county, then the judgments are to be shown from the records of that court; and if the court does not sit in that particular county, the abstractor should show any transcript of such judgment which are filed in the County.

(16) **Bankruptcy:** The theory of bankruptcy is not for the purpose of punishing the bankrupt, or to relieve him of his just debts and obligations, but rather to bring about an adjustment of his finances to the end that each of his creditors may have a proportionate share of his assets, and that he may be relieved or discharged from further liability from such debts as are listed, and thus have an opportunity to begin his business life anew.

Follow procedures as under Federal Courts, above. Nebraska law requires the Register of Deeds to keep an index of all notices of bankruptcies and the Abstractor's Certificate should

certify as to his findings in the "Notice of Bankruptcy Proceedings" kept by the Register of Deeds. Sec. 23-1527 R.R.S. 1943.

(C)

QUESTIONS

Lesson Number 6.

1. What is the purpose of the courts?
2. What are the pleadings in a law suit?
3. What is a petition and what is its purpose?
4. After a petition is filed, what is the defendant to do?
5. Plaintiff files his petition and alleges that he sold and delivered defendant a cow for the sum of \$100.00, to be paid at the end of 60 days, and that said 60 days had elapsed, and plaintiff has made demand for payment and defendant refused, and prays for recovery of said \$100.00. Defendant answers, admitting the facts above stated, but alleges that plaintiff represented that the cow was a thoroughbred and that he would deliver to defendant papers to that effect upon payment of said \$100.00, and that defendant had promised plaintiff he would pay upon delivery of said papers. Is the case ready for trial? Explain.
6. What is a demurrer? What is a motion?
7. What is Service of Process, and its purpose?
8. Name two kinds of service and how they should be abstracted.
9. What is an entry of Appearance?
10. What is a Judgment?
11. What is an Execution?
12. If a client brings you an abstract and tells you the property is his homestead, and you find a judgment against him, should you show it? Why?
13. Where is the record of all cases of the respective courts to be found?
14. Define the following:
 - (a) Appearance Docket
 - (b) Journal
 - (c) Judgment Docket
 - (d) Execution Docket
 - (e) Trial Docket
15. Give five different cases, through which title to real estate may pass.
16. What is a Mechanic's Lien?
17. If a mortgage covers land in both Adams and Clay Counties, and suit to foreclose such mortgage is filed in Adams County, what is necessary to be done to notify parties in Clay County of the pendency of said suit?
18. When does a judgment become a lien?
19. When a judgment has been rendered in one county affecting real estate in another, what must be done to notify parties in the other county of the existence of such judgment?
20. What is the purpose of bankruptcy, and who may file a petition in bankruptcy?

LESSON NO. 7

(A)

COUNTY COURT (Prior to Jan. 1, 1977)

An abstracter should be familiar with and have a working knowledge of the nature of the proceedings over which the County Court has jurisdiction. There is a County Court in each county and such courts are courts of record. The County Court has jurisdiction of the care and administration of the estates of deceased persons, minors and persons of unsound mind. Inasmuch as the assets of the estates of decedents, minors or incompetent persons are frequently composed of real estate, and further, inasmuch as proceedings affecting the title to the real estate in such estates are also frequent, it can be readily seen the complete knowledge by the abstracter of the matters disposed of in such courts is essential.

First, a brief treatment of decedents' estates. When a person dies, he is said to die testate if he leaves a will, or intestate, if not. After his death, his heirs or creditors may offer the will for probate, and request that an executor of the will be appointed by the court. If the decedent dies intestate, his heirs or creditors request the appointment of an administrator. The County Court acquires jurisdiction of the case when a petition requesting the appointment of such personal representative is filed in the court.

Notice of hearing on the petition for the appointment of a personal representative, whether an executor or administrator, as the case may be, must be published for three consecutive weeks in a paper qualified to handle legal publications in the county, and notice of hearing must also be mailed to all persons interested in said estate whose names and addresses are known after diligent investigation and inquiry, proof of such mailing to be shown by affidavit.

On the date of the hearing, the court, after being fully advised, appoints a personal representative of the decedent's estate. The personal representative must qualify by executing an oath that he will discharge his duties as such personal representative faithfully, and by executing a bond in an amount fixed by the court. After the filing of the oath and bond, the court issues letters of administration to said personal representative if the decedent died intestate, or letters testamentary if the decedent died testate.

After issuance of the letters by the court, the court publishes a notice to creditors for three consecutive weeks in a paper in the county, authorized to take legal publications. The court sets the date for hearing on claims not less than three months away, by which time claims must be filed, or be forever barred. This is stated in an order and in the notice issued pursuant thereto, and published.

After his appointment, the personal representatives should immediately proceed to make an inventory of the assets of the decedent's estate, including all real estate and personal property. It is the duty of the personal representative to collect, conserve and manage the assets of said estate and if the personal representative is negligent, or fails to diligently perform his duties, he may become liable on his bond for any loss which the estate may suffer thereby. After the inventory, the court may appoint appraisers or otherwise determine the value of the estate. This is generally used to determine the value of the estate for the computation of inheritance taxes due to the state of Nebraska, or federal estate taxes due the United States. These agencies are not bound by such figures, but may obtain a different appraisal if there is doubt about the accuracy of the value placed by the appraisers or the court.

The personal representatives is entitled to possession of the assets of said estate. Indeed, it is his duty to undertake such action as is essential to the best interest of said property. Real estate in an intestate estate may not be sold except to pay debts or legacies. License must be obtained from the District Court. If the decedent died testate and inserted express authority in his will permitting his executor to sell his property without the approval of the court, then none is needed. If there is no such provisions in the will, then the executor can sell the property, real or personal, only in the manner and for the same reasons as in the case of an administrator in an intestate estate.

In the event the decedent was engaged in a partnership venture at the time of his death, the partnership estate of the decedent may be administered separately with the surviving partner having the first privilege to serve as administrator of the said partnership estate if he should desire. The interest of the decedent in the partnership is determined and assigned to the administrator of his personal estate, who then closes the personal estate and assigns the partnership assets of the decedent to the person or persons entitled to share in the decedent's estate.

When time for closing the decedent's estate arrives, the personal representative files his petition for final settlement and publishes notice of hearing thereon for three consecutive weeks in the paper and mails notice thereof to all persons interested therein. The personal representative must attach a final account showing all of his receipts and disbursements as the personal representative of said estate. All receipts must be shown and all expenditures must be shown, to have been for obligations for which the personal representative could properly make payment. At the hearing, the court, if everything is in order, will approve the final account of the personal representative and determine the persons who are entitled to the balance of cash and property, real and personal, still in the hands of the personal representative after the payment of all expenses. In other words, the court determines who are the heirs, devisees, or legatees of the decedent and their respective interests in the estate of the decedent. And it is this function which is of such extreme importance to the abstractor.

With regard to the estates of minors and incompetent persons, the appointment of a guardian and the subsequent management and conservation of the estate by said guardian and the final closing thereof, bears a close resemblance to decedents' estates from a procedural standpoint. Notice of the hearing to appoint a guardian must be served on all interested parties. The guardian, after appointment and qualification by filing his bond and oath, undertakes the inventory and appraisal of the guardianship estate. At the time of the closing of the guardianship estate, said guardian must file his final account showing his receipts and disbursements as guardian, which final account must acquire the court's approval before the guardian will be discharged. With particular reference to real estate, it should be noted that the guardian may sell real estate:

1. To pay for the support, care and maintenance of his ward.
2. To pay the debts and demands of said estate.
3. Whenever sale will inure to the best interests of said estate.

The guardianship, once opened will be continued:

1. In the case of a minor until he attains the age of 21.
2. In the case of an incompetent, until he is restored to capacity or death ensues.
3. In either event until the assets of the guardianship estate are exhausted.

(A) LESSON NO. 8

It is important that every candidate for a Registered Abstractor's License read and know the Nebraska laws pertaining to abstractors. These laws are printed in the Directory of Abstractors of the State of Nebraska as revised from time to time which may be obtained from the Abstractors Board of Examiners of the State of Nebraska, Lincoln, Nebraska.

(B) RECORDING OF BANKRUPTCIES

The 1965 legislature enacted legislation affecting the filing of evidence of bankruptcies. The entire section is set out hereafter:

A certified copy of a petition, with schedules omitted, commencing a proceeding under the laws of the United States relating to bankruptcy, or a certified copy of the decree of adjudication or a certified copy of an order approving the bond of a trustee appointed in such proceedings, shall be filed, indexed and recorded in the office of the register of deeds of the county in which is

located real property in which the bankrupt has an interest, in the same manner as federal tax liens are filed, indexed and recorded pursuant to sections 23-1522 to 23-1526, Reissue Revised Statutes of Nebraska, 1943. The filing fee for such recording shall be the same as the fee for filing and recording federal tax liens. The register of deeds shall file the notices in a file kept for such purpose and designated Notice of Bankruptcy Proceedings.

This legislation, according to interpretation by the attorneys for the Nebraska Land Title Association, satisfies the basic requirements of notice in the federal bankruptcy act.

**(C) WHAT SHOULD THE ABTRACTER SHOW AS TO
UNIFORM COMMERCIAL CODE INSTRUMENTS?**

The abstracter should search the U. C. C. index of the County Clerk's office, the office of the Register of Deeds, and the grantor-grantee index. In the Clerk's office he should find financing statements filed on crops and timber. (Crops which are growing or are to be grown and goods which are or are to become fixtures are included within the filing provisions of the code that affect priority of other encumbrances on real property.) Any other financing statements found in the Clerk's office will not apply to real estate, but if any others are found that appear to cover goods that might be fixtures, i.e., a furnace, grain bins, built-in kitchen cabinets, etc., they should be shown on the abstract because U. C. C. 9-403 (2) (3) allows an improperly filed financing statement to be effective against all persons having actual notice of the filing. In the office of the Register of Deeds, the abstracter should find fixture financing statements on goods that have or will become affixed to realty. As to goods that are or will become fixtures, the Nebraska law of fixtures applies to guide the abstracter. It will suffice to mention here that in order for personal property to become affixed to realty, it must be integrated and attached to such a degree to the real property that it is irremovable from it and is permanent. If there is a borderline question as to whether it is a fixture, the abstracter should assume that the filing may affect real property, and show it on the abstract.

In the counties in Nebraska where the county clerk is the ex officio Clerk of the District Court, the abstracter should search and show all financing statements in both offices involving fixtures.

As to what information the abstracter should show from the financing statement or security agreement on the abstract, you should abstract the names of the debtor and creditor, the description of the fixtures, description of the real property, the record owner of the real property, if that person is not the debtor, the amount of the debt and due date, if shown and the filing date of the instrument. The real estate description in the financing statement does not have to conform to what we think of generally as a legal description. Even the use of a street address is sufficient as long as it reasonably identifies what it describes.

After the financing statements are found, a further search should be made for continuation statements and termination filings. Such instruments should be abstracted so that the examiner may check them for compliance with U. C. C. 9-402, 403, 404. If a financing statement has a stated maturity date of 5 years or less, the statement is effective until that date plus 60 days. Any other statement is effective for five (5) years unless terminated by the filing of a termination statement under U. C. C. 9-404. A sixty (60) day period is granted here too, for the remedy of lapses. A continuation statement may be filed to extend the original statement another five (5) years. Such statements may be filed within the period of six (6) months before or 60 days after the automatic termination date. Such continuation statements may be filed to extend priority as often as needed.

(D) TRUST DEEDS

The 1965 legislature enacted a statute giving recognition to a legal instrument known as a trust deed which conveys a power of sale to a trustee. The Nebraska Trust Deed Act is found at section 76-901 through section 76-907 of the statutes.

An abstracter should be generally familiar with the requirements of this act so that both the trust deed and any subsequent conveyances made pursuant to the trust deed are shown to the satisfaction of the examiner of the abstract.

(E)

TAX INFORMATION STATEMENT

The 1965 legislature also adopted a statute requiring the filing of a statement when a deed is recorded to indicate the sale price of the property.

This statute is as follows:

Section 1. That section 76-214, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 527, Seventy-fifth Session, Nebraska State Legislature, 1965, be amended to read as follows:

76-214. All deeds, mortgages and conveyances of real estate in this state shall truly and correctly state in the body of such instrument the actual consideration paid for such transfer; **Provided**, that where the actual consideration does not exceed one hundred dollars, said sum or any less sum, may be stated as the consideration in such instrument.

Every grantee who has a deed to real estate recorded which deed was executed after the effective date of this act, shall at the time such deed is presented for recording file with the register of deeds a completed statement as prescribed by the Tax Commissioner. This statement may require the recitation of any information contained in the deed, the total consideration paid, the amount of the total consideration attributable to factors other than the purchase of the real estate itself, and other factors which may influence the transaction. This statement shall be signed and filed by the grantee or his authorized agent. If the grantee fails to furnish such statement the register of deeds shall record the deed but shall notify the Tax Commissioner of the failure to file the statement. The register of deeds shall indicate on the statement the book and page on which the deed is recorded, and shall immediately forward the statement to the county assessor. The county assessor shall process the statement according to the instructions of the Tax Commissioner, and shall, when directed, forward the statement to the Tax Commissioner. This statement and the information contained therein shall be confidential and available to tax officials only.

PART II

(A)

THE NEBRASKA TITLE ASSOCIATION'S RECOMMENDED RULES AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF ABSTRACTING

"Since the object of an abstract of title is to enable the buyer and his counsel to determine the validity and marketability of the title, it should contain an abstract of every record upon which these depend, so full that no reasonable inquiry shall remain unanswered, so brief that the mind of the reader shall not be distracted by irrelevant details so methodical that counsel may form an opinion on each conveyance as he proceeds in his reading, and so clear that no new arrangement or dissection of the evidence may be required."

1. Each instrument which has been filed for record in the office of the Register of Deeds affecting the title to any part of the real estate described in the caption of the abstract shall be shown. This shall include federal tax liens, caveats, and other documents which affect the owner of the abstracted property. Affidavits, powers of attorney, and other pertinent matter of like nature shall be shown where needed and required.

2. Each proceeding in the Probate Court and the District Court which has affected or seeks to affect the title to any part of the real estate described in the caption of the abstract shall be shown.

3. Each judgment for money in the District Court against the owner of the realty shall be shown, including judgments of inferior courts which have been transcribed to that court.

4. Each mechanic's lien affecting the abstracted real estate shall be shown.

5. Complete information concerning tax and special assessment liens on the real estate described in the caption of the abstract shall be shown.

6. In those counties wherein the federal courts sit, the certificate of the abstract must include certification as to the federal courts. In those counties wherein the federal courts do not sit, there is no requirement to make any certification as to federal courts. Of course, if any transcripts from federal courts are filed in the local county, then such transcripts must be shown in the abstract.

(B)

FORM AND COMPILATION

1. The abstract shall be typewritten on legal size paper of good quality and durability, with a top margin of about two inches, and sides and bottom margins of about one inch. Whether material is typed single or double spaced seems to be a matter of local usage. The pages shall be bound at the top.

2. The first page of a complete or supplemental abstract shall be a Caption, setting out a clear, concise and accurate description of the real estate concerned. The Caption of a Supplemental Abstract must clearly show it is not a complete abstract, and should show the commencement date thereon.

3. Each abstract shall contain a neatly drawn or printed plat or plats, setting out such details as dimensions, acreage or lots, etc., as may be necessary to enable the examiner to locate readily the description shown in the abstract.

4. The order of arrangement of various matters shown in the abstract shall be substantially in accordance with the practice in your county.

(a) If exhibits are placed at the back of the abstract a reference to the exhibit and nature of the exhibit should be made as an entry in its proper chronological place in the abstract. If such

court proceedings do follow the entries then they should also be shown in their chronological order.

(b) When an abstract covers more than one fee title, and the several titles merge, each separate fee title, down to merger, shall be arranged as for a separate abstract of each chain.

(c) Money judgments, liens and suits pending which are subject to satisfaction or dismissal at any time, shall be shown on the last pages before the certificate, and/or referred to on Certificate itself.

(d) A Continuation or supplemental abstract shall be arranged as nearly as possible in accordance with the foregoing rules. Releases, assignments, etc., which affect instruments shown in the older part of the abstract shall be the first showings in the continuation or supplemental.

(e) Mortgages, leases, or similar instruments, followed by and affected by assignments, releases, etc., shall be indexed on the entry to show the location in the abstract by entry number of such assignments, releases, etc., and the assignments and releases shall be indexed on the entry to show the entry number of the mortgages, leases, or similar instruments affected thereby.

(f) Instruments outside of the chain of title, such as instruments covering realty bordering that of the abstracted real estate, shall be identified as follows: "ABSTRACTER'S NOTE: This instrument is shown for reference only."

5. The abstract shall be numbered by pages, with the number placed at the center of the bottom of each page. The caption of a complete or supplemental abstract shall be page No. 1. All supplemental abstracts shall be numbered. When an abstract is continued, the series of numbers started in the original abstract shall be continued; but the supplemental abstract shall start with Page 1 and Entry 1.

6. The certificate shall show the number of entries and exhibits certified, and each extension of the certificate shall show the entries added. The certificate shall always be the last page of the abstract. There shall be no lapse of time between the date ending the original abstract and the extension.

7. In old abstracts where there is no certificate as to probate court coverage, the abstracter extending or continuing the abstract shall add a probate court certificate covering the dates of the original abstract.

(C) FUNDAMENTALS AND ABBREVIATIONS
approved by the
NEBRASKA LAND TITLE ASSOCIATION

PAT	Patent
WD	Warranty Deed
CWD	Corporation Warranty Deed
QCD	Quit Claim Deed
CQCD	Corporation Quit Claim Deed
MTG	Mortgage
REL	Release
SH.D	Sheriff's Deed
ADM.D	Administrator's Deed
REF.D	Referee's Deed
AFF	Affidavit
ACK	Acknowledged
N P	Notary Public
C.EX	Commission Expires
VOL.	Voluntary act and deed
CON	Consideration

o.v.c. Other Valuable Considerations
a.k.a. Also Known As

A designation of deed recorded in Deed Book A, Page 150 of the records of the County where the legal description is shown, may be abbreviated to A-150. Likewise a mortgage in Mortgage Book 43, Page 472 may be shown as 43-472. Whether the instrument is recorded in a Deed, Mortgage or Miscellaneous Records, can be determined from the instrument.

The time of filing of an instrument need not be shown unless it appears material.

It is only necessary to show the book and page when abstracting a Mortgage Release and the legal description need not be shown unless there appears to be other good reason to do so.

If an acknowledgement shows that it was the voluntary act and deed, no showing of such need be abstracted. "Acknowledged" means voluntary act and deed and any irregularity or deficiency in the acknowledgment will be shown.

(D) ABTRACTER'S CERTIFICATE

(1) The abstracter closes his work with an instrument labeled "The Abstracter's Certificate." Upon his certificate he rests his case. It is his most important asset — and always his greatest liability.

It has been said by a distinguished authority that a qualified abstracter should possess these qualifications and assets:

- Experience and training
- Organization and Adequacy of records
- A good System of Abstracting Titles
- Financial Responsibility
- A good reputation in his community

The Certificates of the Abstracters vary in the respective counties by reason of local terminology, the state statutes, the requirements of the members of the Bar not only of his own community but also the requirements of attorneys of corporations and agencies located elsewhere; and, at all times, subject to local conditions, customs and practices.

If interested in determining exactly the form of Abstracter's Certificate used in the abstracters community, it is suggested that the abstracter make inquiry of any of his local abstracters, not only for a copy but also for an interpretation of the various clause in said certificate.

(2) The abstracter's certificate in most common use in Nebraska is the Nebraska Uniform Abstracter's Certificate, approved and copyrighted by the Nebraska Land Title Association, and available in printed form to all members of the association by order placed with the Secretary of the Association.

(3) "See Sheet Page 00" ABSTRACTERS CERTIFICATE

- (a) The County in which property is abstracted.
- (b) Complete description of the property being abstracted.
- (c) Complete, continuation or supplemental abstract.
- (d) Entries certified to.
- (e) Exhibits certified to.
- (f) Suits pending — Judgments — Executions.
- (g) Real Estate Taxes.
- (h) Special assessment taxes.
- (i) Taxes prior to the last 15 years need not be certified. Sec. 77-1862.

(j) Number received from Abstracters Board of Examiners.

(k) Sign as a Registered Abstracter, Abstract Company or Corporation.

Example:

/s/ John Doe
Registered Abstracter
Certificate of Authority #8

Doe County Abstract Co.
By: /s/ John J. Smith
Registered Abstracter
Certificate of Authority #9

(E) **NEBRASKA UNIFORM ABSTRACTER'S CERTIFICATE**
(Approved by Nebraska Land Title Association)

STATE OF NEBRASKA }
COUNTY OF _____ (a) } SS.

The undersigned, under a Certificate of Authority, duly qualified as required by the laws of the State of Nebraska hereby certifies that the foregoing is a true and correct abstract of the title to:

(b)

that said _____ (c) abstract, consisting of entries numbered from No. _____ (d) to No. _____ (d), both inclusive, and exhibits from No. _____ (e) to No. _____ (e) both inclusive, is a complete abstract of all instruments of writing on record or on file in the office of the Register of Deeds and in the County Court and District Court records, of said County, that affect the title to said real estate, that said instruments contain no unusual conditions, limitations, recitals or covenants, except as noted.

Specifically excluded from this abstract are all documents filed in the office of the County Clerk and/or Register of Deeds under the Uniform Commercial Code signed by persons not appearing in this abstract to have an interest in said real estate, unless indexed against the same.

The undersigned further certifies that the records in the office of the Clerk of the District Court of said county show no instruments of record or on file against any owner of record as named herein, which in any way affect the title to said real estate; except as herein shown.

(f)

The undersigned hereby certifies that the records in the office of the Treasurer of said county show no taxes due and unpaid and no special assessments due and unpaid, which are a lien on said real estate, and no tax sales of said real estate unredeemed, and that no tax deeds have been given thereon, except as herein shown; **Taxes**

(g)

(i)

(h)

Dated this _____ (j) day of _____, 19____ at _____ o'clock _____ M.

Certificate of Authority No. _____ (k) _____ (l)
Registered Abstracter

Foregoing certificate extended to include entries _____ to _____, both inclusive, and exhibits _____ to _____. **Taxes**

Dated this _____ day of _____, 19____ at _____ o'clock _____ M.

Certificate of Authority No. _____
Registered Abstracter

SUGGESTED FORM OF WORKSHEET

Abstract No. _____ Description _____

Entries _____

Filings _____

Plat(s) _____

Interloper(s) County Fee _____

Title Plant Guardianship From and after _____, 19____

Indexed County Civil at _____ o'clock _____m.

BOOKS — Deed Mtge Rel Misc. ML

Grantors and Grantees	State lien	Fed lien	Judgment	Suit by	Suit ag	Insane	UC code	Bankruptcy
	++	++	++++	++	++	+	++	+

- Estate of
- In the matter of the estate of
- Re-opened estates
- Inheritance Tax proceedings
- Sewer assessments
- Paving Assessments
- Oil Dust Treatment
- City Water assessments
- Ord curb & gutter assessments
- Irrigation water assessments

CHARGE TO:

Real estate taxes VALUATION

Certified: _____, 19____,

at _____ o'clock _____m.

Delivered to: _____

(A)

SHOWING INSTRUMENTS

(1) The abstracter shall abstract instruments in clear, concise, logical and neat form, similar to the forms following. Abstracters should have an appearance of uniformity and neatness.

(2) The forms and manner in setting out the details of an instrument which is abstracted are shown in the pages following.

(1) FINAL RECEIPT AMOUNT: \$ _____

_____, RECEIVER, DATED: _____
UNITED STATES LAND OFFICE;

— to —

FILED: _____ and
recorded in book _____
on page _____

(show grantee(s) as named)

Acknowledges the payment in full for the _____

(show here the description of said real estate)

NOTE: This is usually the first entry of any new abstract of title. The Final Receipt is evidence of final payment, issued pending final approval and delivery of Patent.

NOTE: Any real estate located in Sections 16 and 36 is "school land" and the first entry would be the "Organic Act" shown on Page 3.

(2) PATENT

UNITED STATES OF AMERICA,
By the President,
By the Secretary,
By the Recorder of the General
Land Office (Seal)

CONSIDERATION: Act of Congress

DATED: _____

FILED: _____ and
recorded in book _____
on page _____

— to —

(show grantee(s) as named)

Gives and grants _____

(show here the description of said real estate)

containing _____ acres, more or less, according to the government survey thereof.

NOTE: *This is usually the second entry of any new abstract of title. The Patent is a conveyance from the government issued to homesteaders who have made final payment as evidenced by the Final Receipt and proved up on the land.*

NOTE: *Any real estate located in Sections 16 and 36 is "school land" and the second entry would be the "Enabling Act" shown on Page 4.*

(3) ORGANIC ACT

AN ACT OF CONGRESS TO ORGANIZE
THE TERRITORIES OF NEBRASKA AND
KANSAS;

APPROVED: May 30, 1854

— to —

TERRITORY OF NEBRASKA.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that all that part of the territory of the United States included within the following limits, excepting such portions thereof as are hereinafter expressly exempted from the operations of this act, to-wit:

Beginning at a point in the Missouri river where the fortieth parallel of north latitude crosses the same, thence west on said parallel to the east boundary of the Territory of Utah on the summit of the Rocky mountains, thence on said summit northward to the forty-ninth parallel of north latitude, thence east on said parallel to the west boundary line of the Territory of Minnesota, thence southward on said boundary to the Missouri River, thence down the main channel of said river to the place of beginning,

be, and the same is hereby created into a temporary government, by the name of the Territory of Nebraska.

And be it further enacted, that when the lands in said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, Sections 16 and 36 in each township in said territory shall be, and the same are hereby reserved for the purpose of being applied to schools in said territory, and in the states and territories hereafter to be erected out of the same.

NOTE: *This is the first entry of any new abstract of title for real estate located in Sections 16 and 36.*

(4) ENABLING ACT

AN ACT TO ENABLE THE PEOPLE
OF NEBRASKA TO FORM A
CONSTITUTION AND STATE
GOVERNMENT, AND FOR THE
ADMISSION OF SUCH STATE INTO
THE UNION ON AN EQUAL FOOTING
WITH THE ORIGINAL STATES;

PASSED: April 10, 1864

— to —

THE STATE OF NEBRASKA.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the inhabitants of that portion of the Territory of Nebraska, included, in the boundaries hereinafter designated be, and they are hereby authorized for form for themselves a constitution and state government, with the name aforesaid, which state, when so formed, shall be admitted into the Union as hereinafter provided.

Section 2 of the above Act gives the boundaries of the State of Nebraska. Section 3 provides for the election of the members of the constitutional convention. Section 4 designates the date of the convention, etc. Section 5 provides that if a majority of the legal votes cast at an election to be held on the second Tuesday of October, 1864, shall be cause for the constitution to be submitted at that time, the then acting Governor of the territory shall certify the same to the President of the United States, etc., whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress. Section 6 provides for the number of representatives, etc.

Section 7 provides that Sections 16 and 36 in every township shall be, and are hereby granted to said State for the support of common schools.

The President of the United States having returned to the Senate of the United States, where it originated, the bill entitled "an Act for the admission of the State of Nebraska into the Union", with his objections thereto, the Senate proceeded in pursuance of the Constitution the same, and the same was passed by a two-thirds vote on the 8th day of February, 1867. Said bill was also passed by the required two-thirds vote of the House of Representatives on the 9th day of February, 1867. The State of Nebraska was proclaimed duly admitted into the Union by the President of the United States on the 1st day of March, 1867, and accepted by Act of Legislature of the State of Nebraska approved February 21, 1867.

NOTE: This is the second entry of any new abstract of title for real estate located in Sections 16 and 36.

(5) STATE DEED

STATE OF NEBRASKA (Seal)
By the Governor,
By the Secretary,
By the Commissioner of Public
Lands and Buildings;

CONSIDERATION: \$ _____

DATED: _____

FILED: _____ and

recorded in book _____

on page _____

— to —

(show grantee(s) as named)

Conveys _____

(Show here the description of said real estate)

containing _____ acres, more or less, according to the government survey.

Note: This is the third entry of any new abstract of title for real estate located in Section 16 and 36.

(6) QUIT CLAIM DEED

CONSIDERATION: \$ _____

\$ _____ revenue stamps affixed
OR

(show here grantor(s) and
marital status)

\$ _____ Nebraska documentary
stamp tax

(a)

DATED: _____

FILED: _____ and

— to —

recorded in book _____

on page _____

ACK'd: _____ before

(show here grantee(s))

A Notary Public (c)

(b)

_____ Co., _____

Com exp: _____

Seal.

Quit claims and conveys _____

(show here the description of said real estate)

Recites in part: _____

(show here any reservations, restrictions or
reasons for the quit claim deed, if any)

NOTE: *Quit Claim Deed is usually a correction deed, to remove a cloud or where the grantor refuses to warrant the title.*

NOTE: (a) *show here any further or additional qualifying remarks included in the deed pertaining to said grantor(s), for example: "each in his and her own right and as spouse of the other".*

NOTE: (b) *show here any further or additional qualifying remarks included in the deed pertaining to said grantee(s), for example: "to _____ an undivided one-fourth interest and to _____ an undivided three-fourths interest".*

NOTE: (c) *show here the actual title of the acknowledging officer, i.e. Notary Public, County Judge, County Clerk, etc.*

(7) WARRANTY DEED

(show here grantor(s) and marital status)

(a)

— to —

(show here grantee(s))

(b)

CONSIDERATION: \$ _____

\$ _____ revenue stamps affixed
OR

\$ _____ Nebraska documentary stamp tax

DATED: _____

FILED: _____ and recorded in book _____

on page _____

ACK'd: _____ before

_____ a Notary Public, (c) _____ Co., _____

Com. exp: _____ Seal.

Conveys _____

(show here the description of said real estate)

Recites in part: _____

(show here any reservations, restrictions, etc.)

NOTE: Warranty Deed provides full warranty.

NOTE: (a) show here any further or additional qualifying remarks included in the deed pertaining to said grantors, for example: "each in his and her own right and as spouse of the other".

NOTE: (b) show here any further or additional qualifying remarks included in the deed pertaining to said grantees, for example: "to _____ an undivided one-fourth interest and to _____ an undivided three-fourths interest".

NOTE: (c) show here the actual title of the acknowledging officer, i.e. Notary Public, County Judge, County Clerk, etc.

(8) SPECIAL WARRANTY DEED

(show here grantor(s) and marital status)

(a)

— to —

(show here grantee(s))

(b)

Conveys _____

(show here the description of said real estate)

Recites in part: _____

(show here any reservations, restrictions, etc., if any)

CONSIDERATION: _____

\$ _____ revenue stamps affixed

OR

\$ _____ Nebraska documentary stamp tax

DATED: _____

FILED: _____ and

recorded in book _____
on page _____

ACK'd: _____ before

_____ before
A Notary Public (c)

_____ Co., _____

Com. exp: _____

Seal.

NOTE: *Special Warranty Deed limits the warranty to grantors only.*

NOTE: (a) *show here any further or additional qualifying remarks included in the deed pertaining to said grantor(s), for example: "each in his and her own right and as spouse of the other".*

NOTE: (b) *show here any further or additional qualifying remarks included in the deed pertaining to said grantee(s), for example: "to _____ an undivided one-fourth interest and to _____ an undivided three-fourths interest".*

NOTE: (c) *show here the actual title of the acknowledging officer, i.e. Notary Public, County Judge, County Clerk, etc.*

(9) WARRANTY DEED

(show here grantor(s) and marital status)

(a)

— to —

as Joint Tenants, and not as tenants in common.

(b)

CONSIDERATION: _____

\$ _____ revenue stamps affixed OR

\$ _____ Nebraska documentary stamp tax

DATED: _____

FILED: _____ and recorded in book _____ on page _____

ACK'd: _____ before a Notary Public (c)

_____ Co., _____

Com. exp: _____ Seal.

Conveys _____

Recites in part: It being the intention of all parties hereto, that in the event of the death of either of said grantees, the entire fee simple title to the real estate described herein shall vest in the surviving grantee. (d)

Recites in part: _____

(show here any reservations, restrictions, etc. if any)

NOTE: (a) show here any further or additional qualifying remarks included in the deed pertaining to said grantor(s), for example: "each in his and her own right and as spouse of the other".

NOTE: (b) show here exactly the wording used in the deed, for example the recitation might be "as Joint Tenants, with right of survivorship, and not as tenants in common".

NOTE: (c) show here the actual title of the acknowledging officer, i.e. Notary Public, County Judge, County Clerk, etc.

NOTE: (d) show here exactly the wording used in the deed, for example: "It is the intention of all parties hereto that in the event of the death of one or more of said grantees, the entire fee simple title to the real estate described herein shall vest in the surviving grantees until only one of said grantees shall survive, and thereupon shall vest in such ultimate surviving grantee". (When more than two Joint Tenants)

(10) CERTIFICATE

Clerk of the District Court of
_____ County, Nebraska.

DATED: _____
FILED: _____ and
recorded in book _____
on page _____

Recites in brief that the mortgage recorded in book _____ on page _____, has
been duly satisfied by foreclosure thereof in the District Court of _____
County, Nebraska.

(11) SHERIFF'S DEED

(name of Sheriff) _____
Sheriff of _____ County,
Nebraska;

— to —

(Name or names of grantees and
any qualifying remarks i.e. as
joint tenants or other) _____

CONSIDERATION: \$ _____
\$ _____ revenue stamp

DATED: _____
FILED: _____ and
recorded in book _____
on page _____

ACK'd: _____ before

Notary Public,
_____ Co. Neb.

Com. exp: _____
Seal.

Conveys _____

(12) MORTGAGE

CONSIDERATION: \$ _____
Due (b) _____

DATED: _____

(show here mortgagor(s) and marital status)

FILED: _____ and
recorded in book _____
on page _____

(a)

— to —

ACK'd: _____ before

_____ A Notary Public (d)

(show here grantee(s))

_____ Co., _____

(c)

Com. exp: _____
Seal.

Encumbers _____

_____ (show here the description of said real estate)

Recites in part: _____

_____ (show here any reservations, restrictions, etc.)

NOTE: (a) Show here husband and wife, or single, or any other qualifying remarks for example: "each in his and her own right and as spouse of the other".

NOTE: (b) Show here the maturity date of the loan, or, in the event there is no maturity date then state: "Due date not shown", or, "in _____ payments beginning _____, 19 _____"

1. The maturity date is shown so that in the event there is no formal release of the mortgage, the mortgage automatically expires 10 years thereafter unless renewed by affidavit or refiling.

2. In the event there is no maturity or due date the mortgage then automatically expires 20 years thereafter unless likewise renewed.

NOTE: (c) Show here any qualifying remarks pertaining to mortgages, for example: "as Joint Tenants and not as tenants in common", or, "each an undivided _____ interest herein".

NOTE: (d) Show here the actual title of the acknowledging officer, i.e. Notary Public, County Judge, County Clerk, etc.

CORPORATE

(13) **MORTGAGE**

(show here name and title of corporation)
(Seal) or (No Seal)

by the President (or the name of the
official if not the President)
(a) _____

attested by the Secretary (or the name
of the official if not the Secretary) (b)

— to —

(show here mortgagee, either a
corporation, individual or

individuals) (e)

CONSIDERATION: \$ _____
Due _____ (c)

DATED: _____

FILED: _____ and
recorded in book _____
on page _____

ACK'd: _____ before

a Notary Public, (d)
_____ Co., _____
Com. exp: _____ 19 _____
Seal.

Encumbers _____
(show here description of real estate)

Recites in part: _____
(show here any reservations, restrictions,
special covenants or limitations, etc.)

NOTE: (a) *In the event an official other than the President signs the mortgage, check the instrument or acknowledgement for some remarks as to the authority of that official, otherwise look to the records for a possible filing of a Certificate of a Resolution granting such officer the power and authority to so act.*

NOTE: (b) *In the event an official other than the Secretary signs the mortgage, show the title of such official. It is not necessary for any other certificate or authority for same.*

NOTE: (c) *Show here the maturity date of loan, or, in the event there is no maturity date then state "Due date not shown", or "in installments beginning _____, 19 _____"*

1. *The maturity date is shown so that in the event there is no formal release of the mortgage, the mortgage automatically expires 10 years thereafter unless renewed by affidavit or refiling.*

2. *In the event there is no maturity or due date the mortgage then automatically expires 20 years thereafter unless likewise renewed.*

NOTE: (d) *Show here the actual title of the acknowledging officer, i.e. Notary Public, County Judge, County Clerk, etc.*

NOTE: (e) *Show here any qualifying remarks pertaining to mortgagees, for example: "as Joint Tenants and not as tenants in common", or, "each an undivided _____ interest herein".*

(14) RELEASE

— to —

DATED: _____

FILED: _____ and

recorded in book _____

on page _____

ACK'd: _____ before

_____ a Notary Public,

_____ Co., _____

Com. exp: _____

Seal. _____ Witness _____

Recites in part that the grantor(s) release(s) the mortgage recorded in book _____

_____ on page _____

NOTE: This is the general format of a RELEASE of mortgage, but can be used for the release of other instruments also.

NOTE: The usual NOTES set forth in entires on MORTGAGES as to grantor, grantee, acknowledgement, also apply to RELEASE.

NOTE: In the event real estate is described verify that the same real estate is described in the mortgage but do not show in RELEASE unless real estate described is not the same or only a part of said real estate is described.

NOTE: In the event only a part of the real estate is described in the RELEASE be particularly careful to check that this might be a PARTIAL release, in which event there might also be such qualifying remarks as "releases said mortgage only as to the land described retaining the lien of said mortgage upon the remainder of said real estate", or some similar recitation.

NOTE: In the event the grantor is an Executor, Executrix, Administrator, Administratrix, or other court appointed officer, show any qualifying statements that he or she is duly qualified and acting on the date of the execution of said instrument, as follows:

"Certificate of the County Judge of _____ County, Nebraska appended, reciting in brief that said grantor is duly qualified and acting as such officer on the date of the execution of said instrument."

In the event NO qualifying statements are shown upon the said instrument, check the county court records, if in your county, for the date of said officer's appointment and for the date of his or her discharge. In the event the execution of said instrument is within these dates then show the following as a part of said abstract entry:

"Abstracter's note: The records of the County Court of _____ County, Nebraska, show said grantor duly qualified and acting on the date of the execution of said instrument."

CORPORATE

(15) RELEASE

(show here name of corporation) _____

DATED: _____

(show here Seal or No Seal) _____

FILED: _____ and

(show here name and title of officer _____

recorded in book _____

signing release) _____

on page _____

— to —

ACK'd: _____ before

(show here name of grantee(s) _____

_____ a Notary Public,
_____ Co., Neb.

Com. Exp: _____

Seal. _____ Witness _____

Recites in part that grantor releases the mortgage recorded in book _____

_____ on page _____.

NOTE: This is the general format of a RELEASE of mortgage, but can be used for the release of other instruments also.

NOTE: The usual NOTES set forth in entires on MORTGAGES as to grantor, grantee and acknowledgement may also apply to RELEASE.

NOTE: In the event real estate is described, verify that the same real estate is described in the mortgage but do not show in RELEASE unless real estate described is not the same or only a part of said real estate is described.

NOTE: In the event only a part of the real estate is described in the RELEASE be particularly careful to check that this might be a PARTIAL release, in which event there might be such qualifying remarks as "releases said mortgage only as to the land described retaining the lien of said mortgage upon the remainder of said real estate", or some similar recitation.

NOTE: In the event the RELEASE is signed by any other officer except the President, then check the instrument for any remarks as to his authority. In the event the release contains no such authority check miscellaneous records for a possible certificate or resolution of said company granting such authority to sign.

(16) RELEASE

The record of the mortgage recorded in book _____ on page _____ is endorsed upon the margin thereof, as follows:

"I (or we) hereby acknowledge payment in full for the within mortgage this _____ day of _____, 19 _____.

(signature of mortgagee or grantor)

Attested by the
Register of Deeds,
_____ Co., Nebraska
(Seal)"

NOTE: *The above and foregoing is an abstract entry of a release on margin of a mortgage where such release is shown subsequent to a continuation of title or following an assignment of mortgage or other similar circumstance whereby the release on margin is not shown at the time of the abstract entry of the mortgage.*

The record of the foregoing mortgage is endorsed upon the margin thereof:

"I (or we) hereby acknowledge payment in full for the within mortgage this _____ day of _____, 19 _____.

(signature of mortgagee or grantor)

Attested by the
Register of Deeds,
_____ Co., Nebraska
(Seal)"

NOTE: *The above and foregoing is a showing of a release on margin of mortgage where such release is made a part of the mortgage entry.*

(17) ASSIGNMENT

-- to --

DATED: _____

FILED: _____ and

recorded in book _____

on page _____

ACK'd: _____ before

a Notary Public,

_____ Co., _____

Com. Exp: _____

Seal. _____ Witness _____

Recites in part that the grantor(s) assign(s) the mortgage recorded in book _____

_____ on page _____.

NOTE: *This is the general format of an assignment of mortgage, but can be used for the assignment of other instruments also.*

NOTE: *The usual NOTES set forth in entries on MORTGAGES as to grantor, grantee, acknowledgement, also apply to ASSIGNMENT.*

NOTE: *In the event real estate is described verify that the same real estate is described in the mortgage but do not show in ASSIGNMENT unless real estate described is not the same or only a part of said real estate is described.*

(18) ASSIGNMENT

— to/with —

DATED: _____
FILED: _____ and
recorded in book _____
on page _____.
ACK'd: _____ before

A Notary Public (c)
_____ Co., _____
Com. exp: _____
Seal.
(As to grantor(s) _____)
ACK'd: _____ before

a Notary Public,
_____ Co., _____
Com. Exp: _____
Seal.
As to grantee(s) _____)

Grantor(s) assign and transfer all interest under a Contract for Water and Irrigation dated _____, 19 _____ covering _____ acres of land in the

and the grantee(s) accept the assignment of said contract and assume the obligations thereof and agree to make all payments thereunder and fully comply with the provisions thereof.

Assignment and assumption of said contract is shown duly approved by the North Loup River Public Power and Irrigation District.

NOTE: In the event the grantor is an Executor, Executrix, Administrator, Administratrix, or other court appointed officer, show any qualifying statements that he or she is duly qualified and acting on the date of the execution of said instrument, as follows:

"Certificate of the County Judge of _____ County, Nebraska appended, reciting in brief that said grantor is duly qualified and acting as such officer on the date of the execution of said instrument."

In the event NO qualifying statements are shown upon the said instrument, check the county court records, if in your county, for the date of said officer's appointment and for the date of his or her discharge. In the event the execution of said instrument is within these dates then show the following as a part of said abstract entry:

"Abstracter's note: The records of the County Court of _____ County, Nebraska, show said grantor duly qualified and acting on the date of the execution of said instrument."

CORPORATE

(19) ASSIGNMENT

(show here name of corporation) _____

DATED: _____

(show here Seal or No Seal) _____

FILED: _____ and

(show here name and title of _____

recorded in book _____

officer signing assignment) _____

on page _____

— to —

ACK'd: _____ before

(show here name of grantee(s) _____

_____ a Notary Public,

_____ Co., Neb.

Com. Exp: _____

Seal. _____ Witness _____

Recites in part that the grantor assigns the mortgage recorded in book _____

_____ on page _____.

NOTE: *This is the general format of an assignment of mortgage, but can be used for the assignment of other instruments also.*

NOTE: *The usual NOTES set forth in entries on MORTGAGES as to grantor, grantee, and acknowledgement may also apply to ASSIGNMENT.*

NOTE: *In the event real estate is described, verify that the same real estate is described in the mortgage but do not show in ASSIGNMENT unless real estate described is not the same or only a part of said real estate is described.*

NOTE: *In the event the ASSIGNMENT is signed by any other officer except PRESIDENT, then check the instrument for any remarks as to his authority. In the event the assignment contains no such authority, check miscellaneous records for a possible certificate or resolution of said company granting such authority to sign.*

(20) MECHANIC'S LIEN AMOUNT: \$ _____

(name of creditor) DATED: _____

FILED: _____ and

— vs — recorded in book _____

(name of debtor) on page _____

_____ SWORN: _____ before

_____ a Notary Public,

_____ Co., _____

Com. Exp: _____
Seal.

Describes _____

Recites that 1st item furnished and delivered on _____, 19 _____.

Recites that last item furnished and delivered on _____, 19 _____.

NOTE: On and after December 24, 1969, there should be an affidavit of mailing notice to the titleholder of the real estate described in said mechanic's lien, and if appended or included in said lien should be abstracted as a part thereof, as follows:

Duly sworn affidavit of _____ of mailing notice of mechanic's
lien shown duly mailed to _____ on _____,
19 _____.

NOTE: In the event such an affidavit is NOT included or incorporated in said mechanic's lien then look to the general index for miscellaneous records under creditor and debtor for a possible separate filing of an affidavit of such mailing of notice.

(21) LIS PENDENS

(show here name of plaintiff)

DATED: _____

FILED: _____ and

Plaintiff;

recorded in book _____

— vs —

on page _____.

(show here name(s) of defendant(s))

Defendant(s)

Notice of plaintiff's action in the District Court of _____ County,
Nebraska, for the foreclosure of taxes upon _____

(show here real estate described)

(22) LIS PENDENS

(show here name of plaintiff)

DATED: _____

FILED: _____ and

Plaintiff;

recorded in book _____

— vs —

on page _____.

(show here name(s) of defendant(s))

Defendant(s)

Notice of plaintiff's action in the District Court of _____ County,
Nebraska, for the foreclosure of its mortgage recorded in book _____ on
page _____.

(23) CERTIFICATE

County Judge of _____
County, _____;

DATED: _____
FILED: _____ and
recorded in book _____
on page _____.

— re —

In the matter of the estate of

_____ deceased.

Certificate of the said County Judge giving public notice of the pendency of a county court proceeding involving real estate for _____

_____ (a)
upon _____
(describe real estate)

NOTE: (a) Show here purpose, i.e., determination of inheritance tax; probate of will, etc.

(24) CERTIFICATE

County Judge of _____
County, _____
(Seal)

DATED: _____
FILED: _____ and
recorded in book _____
on page _____.

— re —

In the matter of the estate

of _____
deceased.

Certificate of the said County Judge giving public notice in compliance with LB 41 (1971) that a final decree has been entered in said estate involving the following real estate:

(copy here description of said real estate)

and that said decree designates the following persons as acquiring an interest in said real estate:

(copy here names and acquired interest)

(25) SUIT PENDING

(name of Plaintiff)

Plaintiff;

— vs —

(name of Defendant(s))

Defendant(s).

CASE NO. _____.

DATED: _____, 19 _____.

FILED: _____, 19 _____,
and entered in Appearance
Docket _____
on page _____.

Petition of the plaintiff filed in the District Court of _____ County,
Nebraska, against said defendant(s) for _____

(money judgment, or other cause)

(26) JUDGMENT

CASE NO. _____.

(name of Plaintiff or creditor)

DATED: _____, 19 _____,

Plaintiff;

and recorded in book _____

— vs —

on page _____.

(name of Defendant(s) or debtor(s))

Defendant(s)

Judgment rendered in the District Court of _____ County,
Nebraska, in favor of said Plaintiff and against said Defendant(s), in the amount of \$ _____,
plus interest thereon, costs and attorney fees.

NO execution shown issued.

— OR —

Execution shown duly issued on _____, 19 _____, and returned
wholly UNSATISFIED.

— OR —

Execution shown duly issued on _____, 19 _____, and returned
showing _____.

NOTE: Where no execution has issued on a Judgment for five years, other than a judgment for child support alone, or alimony alone, or a Judgment for child support which is accompanied by a Judgment allowing alimony, or a decree of foreclosure, the Judgment CEASES to be a lien and should not be treated as a defect of title.

NOTE: A Judgment may be revived within ten years but the lien of the revived Judgment COMMENCES only from the date of the order of revivor. Thus the abstractor SHOULD certify that any dormant Judgments appearing on the records have not been revived. This does not apply to decrees of foreclosure.

PART III

(A) COURT PROCEEDINGS

(1) The court in which the proceedings were had shall be designated at the top of the first page in capital letters. The style of the case shall be shown at the left side of the page below the designation of the court, and the case number opposite the style shall be shown at the right side of the page. The filing date shall be shown below the style of the case. Except for publications, the abstracter need not show the court, the style, or the number of the case again.

(2) The abstracter shall show the date of filing of each instrument on the left side of the page, and immediately to the right of the filing date the abstracter shall show the type of instrument filed.

(3) In district court suits, showing must be made by abstracter at end of proceedings as to whether court costs are paid, whether judgment, if any, be paid, whether support payments, if any, be current, with showing in full of releases, if any, of judgments.

(4) All histories of court proceedings in County or District Courts shall be ABSTRACTED not copied verbatim as to any instruments except legal notices. **Refer to model forms in the following proceedings.** There may occasionally be unusual instruments that will have to be copied, but this would be the exception.

(B) OMISSIONS IN COURT PROCEEDINGS

It is recommended:

(1) That praecipos be omitted.

(2) That copies of exhibits be omitted except in the event the exhibit contains information of value to the examiner which does not appear elsewhere in the abstract.

(3) That docket entries be omitted, except in cases where files and unrecorded pleadings are missing, when the information cannot be otherwise furnished.

(4) That pending cases for money judgments, subject to dismissal, be shown in very brief form, except on specific order of client for more complete showing.

(5) That identical notices attached to proofs of publication or mailing, be shown in full once only. Reference to first showing is sufficient, if careful comparison proves them identical.

(6) Court orders filed in the court records, with certified copy filed in the office of the Register of Deeds, shall be set out only once, with both filings shown on the same copy, except in case of error in recording which makes it necessary to set out each one to show the discrepancy.

(7) That answers and Cross-Petitions be shown in abstract form, except where jurisdiction of the court to enter the specific judgment which affects the title to the real estate abstracted is not otherwise shown.

(8) That officer's fee statements on returns, lists of property other than the abstracted realty (except total appraisals on inventories and inheritance tax orders) shall be omitted.

(9) That all motions, if shown, shall be in very brief form.

(10) That orders appointing appraisers, oaths of appraisers and reports of appraisers shall be abstracted.

Prior to January 1, 1977

(C)

ABSTRACTING PROBATE COURT MATTERS

- (1) An intestate proceeding should be abstracted as follows:

Abstract petition for administration.
Abstract order of hearing.
Abstract affidavit of publication and copy notice of hearing.
Abstract oath of administrator and bond of administrator.
Abstract order approving bond and granting letters.
Abstract letters of administration.
Abstract affidavit of publication and copy notice to creditors.
Abstract inventory and appraisal showing appraisal of realty and total value of estate.
Abstract petition for final settlement of estate.
Abstract affidavit of publication and copy notice of final settlement.
Abstract proof of service, waivers of notice and affidavit of mailing.
Abstract military affidavit, order and answer of military attorney, if any.
Abstract inheritance tax order and show receipt, if any.
Abstract federal estate tax closing letter and show receipt, if any.
Abstract journal entry of final settlement.
Abstract final discharge of fiduciary.
Copy family settlements and adverse proceedings which affect the title to the abstracted realty.
Show the status of the Court Costs.

- (2) A testate proceeding should be abstracted as follows:

Abstract petition for probate of Will
Copy Will and Abstract certificate of probate.
Abstract order for hearing.
Copy notice of hearing and abstract affidavit of publication.
Abstract proof of service, waivers of notice, and affidavit of mailing.
Abstract proof of Will filed, stating name of witness.
Abstract order admitting Will to probate.
Abstract oath and bond of administrator.
Abstract order approving oath and bond and granting letters testamentary.
Abstract letters testamentary.
Copy notice to creditors, and abstract affidavit of publication and affidavit of mailing.
Abstract proof of service and waivers of notice.
Abstract military affidavit, order, and answer of military attorney, if any.
Abstract inheritance tax order and show receipt, if any.
Abstract journal entry of final settlement.
Abstract final discharge of fiduciary.
Show the Status of the Court Costs.

(Form continued on following page)

(3) If there is a sale of the abstracted realty in the District Court in either the above proceedings, show the following:

- Abstract petition to sell realty.
- Abstract order for hearing petition.
- Copy notice of hearing and abstract affidavit of publication and affidavit of mailing.
- Abstract proof of service, and waivers of notice.
- Abstract military affidavit, and if there be an order of appointment and answer of military attorney, abstract them.
- Abstract order authorizing the sale.
- Copy notice of sale, abstract affidavit of publication and affidavit of mailing.
- Abstract report of sale.
- Abstract confirmation.

(4) A proceeding for the appointment of guardian of a minor or incompetent should be abstracted as follows:

- Abstract petition for appointment of a guardian.
- Abstract nomination of guardian by minor (over 14 years of age).
- Abstract proof of service.
- Abstract proof of service.
- Copy notice and abstract proof of publication.
- Abstract military affidavit, order, and if there be an order of appointment and answer of military attorney, abstract them.
- Abstract order appointing guardian.
- Abstract oath and bond of guardian.
- Abstract letters of guardianship.

If there is a sale of proceeding, the procedure under 3, above, is essentially the same.

(D) SHOWING COURT PROCEEDINGS

(1) The abstracter shall abstract court proceedings in a clear concise, logical and neat form, similar to the following proceedings.

(2) The Court Proceedings shown in the following pages are set out in two forms of abstracting. It is recommended that all Court Proceedings be abstracted in accordance with these forms.

(3) As previously stated court proceedings should be ABSTRACTED, not copied, except Wills and legal notices. There may be unusual instruments that will have to be copied, but this would be the exception. Court proceedings should not be photo copied and shown on the abstract. The Nebraska Land Title Association and the State of Nebraska Board of Examiners do not condone photo copying Court Proceedings and showing the same on the abstract.

(4) Abstracting of Court Proceedings may vary in the respective counties by reason of requirements of the attorneys in the various localities, and it is understood that these opinions have to be followed. Uniformity in abstracting is very important and this manual is written to do this and to also help prospective abstracters in their examinations and to help the new abstracter in abstracting the various proceedings and hopefully to have uniformity in abstracting.

(E)

TESTATE

(Prior to January 1, 1977)

PROBATE PROCEEDINGS IN THE MATTER OF THE ESTATE OF HERBERT McCULLOUGH

In the County Court of Chase County, Nebraska, Case No. _____

WILL filed October 25, 1966 (insert verbatim photo or typed copy of will); Certificate of Probate entered on November 16, 1966, and attached to Will.

VERIFIED PETITION FOR PROBATE filed October 25, 1966, of Ted McCullough, a son of the deceased, of legal age, petitioner, in the County Court of said County, stating that Herbert McCullough died testate on October 15, 1966, being a resident of said County; that the names, residences, age and relationship of the heirs at law of said deceased, and other persons interested in said estate, are as follows:

Fanny McCullough	widow	legal age	229 West 9th St. Imperial, Nebraska
Ted McCullough	son	legal age	310 Wellington St. Imperial, Nebraska

Petition prays that said Will be admitted to probate and that Ted McCullough be appointed as Executor.

ORDER entered October 25, 1966, appoints November 16, 1966 at 10:00 o'clock a.m. in this court, as the time and place for proving said will and directs publication of notice in The Imperial Republican as provided by law.

AFFIDAVIT OF MAILING NOTICE OF PROBATE filed October 28, 1966, made by Guy G. Curtis, one of the attorneys for the party instituting or maintaining said proceedings, states that on October 28, 1966, he sent by United States Mail a copy of such published notice to the following parties appearing to have a direct legal interest in said proceeding whose names and addresses are known to the petitioner or his attorneys, to-wit: Fannie McCullough, 229 West 9th St., Imperial, Nebraska; Ted McCullough, 310 Wellington St., Imperial, Nebraska. Such affidavit further states that such party and his attorneys, after diligent investigation and inquiry, were unable to ascertain and do not know a 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.

AFFIDAVIT OF PUBLICATION filed November 14, 1966, of Loral Johnson, publisher, States that public notice was published in The Imperial Republican, a legal newspaper of said county, three successive weeks beginning October 27, 1966, and the remaining two publications on November 3 and November 10, 1966. Said published notice is as follows:

NOTICE OF PROBATE OF WILL

County Court of Chase County, Nebraska.
Estate of Herbert McCullough, Deceased.

The State of Nebraska, to all concerned: Notice is hereby given that a petition has been filed for the probate of the will of said deceased, and for the appointment of Ted McCullough, as executor thereof, which will be for hearing in this court on November 16, 1966 at 10:00 o'clock a.m.

S. C. CROSS, County Judge

(SEAL)

ORDER entered November 16, 1966, admitting said Will to probate, finding that decedent died October 15, 1966, a resident of said County. Said Ted McCullough confirmed as executor with bond fixed at \$2,500.00; and on same date, OATH filed, BOND was filed and approved, and LETTERS TESTAMENTARY issued to Ted McCullough.

(Form continued on following page)

ORDER FOR NOTICE TO CREDITORS entered November 16, 1966, fixing March 2nd, 1967 at 11:00 o'clock a.m. in said court, for hearing on claims, and orders that all claims against said estate must be filed on or before the 1st day of March, 1967, or be forever barred. Orders notice thereof be published in The Imperial Republican as provided by law.

AFFIDAVIT OF MAILING NOTICE TO CREDITORS filed November 18, 1966, made by Guy G. Curtis, one of the attorneys for the party instituting or maintaining said proceedings, states that on November 17, 1966, he sent by United States Mail a copy of such published notice to the following parties appearing to have a direct legal interest in said proceeding whose names and addresses are known to the petitioner or his attorneys, to-wit:

Fannie McCullough, 229 West 9th St., Imperial, Nebraska
Ted McCullough, 310 Wellington St., Imperial, Nebraska
Litzenberg Memorial County Hospital, 1875 West 32nd St., Denver, Colorado

Such affidavit further states that such party and his attorneys, after diligent investigation and inquiry, were unable to ascertain and do not know a post office address of any other party appearing to have a direct legal interest in such action or proceedings other than those to whom notice has been mailed in writing.

AFFIDAVIT OF PUBLICATION filed December 5, 1966, of Loral Johnson, publisher. States that public notice was published in The Imperial Republican, a legal newspaper of said county, three successive weeks beginning November 17, 1966 and the remaining two publications on November 24 and December 1, 1966. Said published notice is as follows:

NOTICE TO CREDITORS

County Court of Chase County, Nebraska.
Estate of Herbert McCullough, Deceased.

The State of Nebraska to all concerned: Notice is hereby given that all claims against said estate must be filed on or before the 1st day of March, 1967, or be forever barred and that a Hearing on claims will be held in the Court on March 2, 1967 at 10:00 A.M.

/S/ S. C. CROSS, County Judge

(SEAL)

INVENTORY filed December 6, 1966, listing:

(Describe real estate showing value of estate abstracted and if other land involved note in which county the property is located.)

Total value of Entire Estate — \$ _____

ORDER ALLOWING CLAIMS entered March 2, 1967, allowing the claims filed. Receipts showing payment in full of all claims are on file, and on same date, the **ORDER BARRING CLAIMS** was entered.

PETITION FOR FINAL SETTLEMENT and **FINAL REPORT** filed February 5, 1968.

ORDER entered February 5, 1968, for final hearing to be held February 26, 1968 at 11:00 A.M., in said Court, and orders notice thereof be published in The Imperial Republican as provided by law.

AFFIDAVIT OF MAILING NOTICE OF HEARING OF PETITION FOR FINAL SETTLEMENT OF ACCOUNT filed February 15, 1968, made by Guy G. Curtis, one of the attorneys for the party instituting or maintaining said proceeding; states that on February 12, 1968, he sent by United States Mail a copy of such published notice to the following parties appearing to have a direct legal interest in said proceeding whose names and addresses are known to petitioner or his attorneys, to-wit:

Fannie McCullough, 229 West 9th St., Imperial, Nebraska;
Ted McCullough, 310 Wellington St., Imperial, Nebraska

(Form continued on following page)

Such affidavit further states that such party and his attorneys, after diligent investigation and inquiry, were unable to ascertain and do not know a 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.

AFFIDAVIT OF PUBLICATION filed February 26, 1968, of Loral Johnson, publisher; states that public notice was published in The Imperial Republican, a legal newspaper of said County, three successive weeks beginning February 8, 1968, and the remaining two publications on February 15, 1968, and February 22, 1968. Said published notice is as follows:

**NOTICE OF HEARING OF PETITION FOR FINAL
SETTLEMENT OF ACCOUNT**

County Court of Chase County, Nebraska.
Estate of Herbert McCullough, Deceased.

The State of Nebraska, to all concerned: Notice is hereby given that a petition has been filed for final settlement herein, determination of heirship, inheritance taxes, fees and commission, distribution of estate and approval of final account and discharge, which will be for hearing in this court on February 26, 1968, at 11:00 o'clock a.m.

S. C. CROSS, County Judge

(SEAL)

VOLUNTARY APPEARANCE filed _____, 19____, of _____, County Attorney of Chase County, Nebraska, on behalf of _____ County and the State of Nebraska, and waives service of notice upon him to show cause and waiving all notice required by law of time and place of hearing for the determination of values of property for inheritance tax purposes and for the purpose of assessing inheritance tax, if any, due under the laws of the State of Nebraska.

DETERMINATION OF INHERITANCE TAX entered February 26, 1968, finding that there is a total inheritance tax due in the amount of \$404.62 payable to the County Treasurer of Chase County, Nebraska. **RECEIPT** of County Treasurer of Chase County, Nebraska for \$404.62 filed on said date.

CERTIFICATE OF COUNTY ASSESSOR filed May 8, 1968, certifying that he has examined the inventory of the estate and that after diligent search he finds that all tangible and intangible personal property attributal to such estate has been entered on the tax list, and on the same date, **CERTIFICATE OF COUNTY TREASURER** filed, certifying that claims for all unpaid personal property taxes as shown by the records of such office have been filed.

FINAL DECREE entered February 26, 1968, finding that the said Herbert McCullough died testate on the 15th day of October, 1966, a resident of Chase County, Nebraska, and that the deceased died seized of (*describe property to be abstracted*) and the court orders said property to be assigned in accordance with decedent's will to _____. Ordered further that said final report of the executor be approved, and that the heirs at law of the deceased are: (*list*)

RECEIPTS filed showing payment of costs of administration including attorney fee and all amounts ordered paid by the court in said final decree.

ESTATE TAX CLOSING LETTER from district director of Internal Revenue dated _____, stating that the federal estate tax liability in the Amount of \$4,010.00 has been determined to be correct. **RECEIPT** filed showing payment of said federal estate tax in the sum of \$5,010.00.

DISCHARGE OF EXECUTOR filed February 28, 1968.

(F)

WILL CONTEST PROCEEDINGS

(Type caption)

PETITION filed May 25, 1973, contesting will of Jessie Garfield, prays that paragraph two of said will be denied probate and that remainder of will be admitted. Certified copies of will and proceedings admitting will to probate in County Court attached as Exhibit to petition *(See Exhibit "_____ " for history of the regular probate proceedings in County Court.)*

CERTIFICATE OF SERVICE by plaintiff's attorney, attached to said petition, filed May 25, 1973, certifies service by mail on attorneys of record for all adverse parties.

ANSWER filed May 25, 1973, of defendants Maude Davenport and Miriam Welton.

ORDER entered September 19, 1973, by the District Court admitting will to probate in its entirety.

(G)

TESTATE

Prior to January 1, 1977

() **IN THE COUNTY COURT OF VALLEY COUNTY, NEBRASKA**

In the matter of the estate of)
)
_____, deceased.)

CASE NO. _____

**ABSTRACT OF THE COURT PROCEEDINGS
LAST WILL AND TESTAMENT**

Last will and testament of _____ filed
_____ which reads in part, as follows:

(copy said will in full)

PETITION FOR PROBATE OF WILL

Duly verified petition of _____ for probate of said will
filed _____, reciting in part that said decedent died
_____, testate, a resident of Valley County, Nebraska, the owner
of real estate therein; that *(his or her)* heirs-at-law, devisees and legatees are, as follows:

*(copy here names, ages, and relationship
or other interests in said estate)*

Prays for probate of said will and letters testamentary thereon issue to _____,
and for such other proceedings as may be necessary.

(Form continued on following page)

ORDER FOR NOTICE OF HEARING

Order for notice of hearing entered and filed _____ wherein the court appoints _____, at _____ o'clock _____ .M., in the County Court of Valley County, Nebraska, as the time and place of proving said will and hearing said petition; further orders notice thereof by publication of a notice three weeks successively previous to the date of hearing in _____, a legal weekly newspaper, printed, published and of general ciruclation in said county; and further notice be given all persons having a direct legal interest in said proceeding, as required by law.

(PUBLISHED NOTICE)

(Copy published notice in full)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of _____ in proof of publication *(with a printed copy of the foregoing notice appended thereto)* filed _____, duly showing publication of said notice on

_____ 19 _____
_____ 19 _____
_____ 19 _____

AFFIDAVIT OF MAILING NOTICE

Duly sworn affidavit of _____ filed _____, reciting in brief that he is the attorney for said petitioner, and that on _____, he duly mailed a copy of the notice of probate required in this proceeding, first published in the _____ on _____, to

_____ *(Copy here only*
_____ *the names of*
_____ *persons herein)*

that after diligent investigation and inquiry, affiant and said petitioner are unable to ascertain and do not know the post office address of any other party appearing to have a direct legal interest in said action; except those who have waived such notice in writing.

VOLUNTARY APPEARANCE

Voluntary appearances of _____, _____, and _____, filed _____, entering their voluntary appearance in the above entitled proceeding, and waive any and all notices required by law to be mailed to them at any stage of this proceeding.

PROOF ON WILL

Duly sworn proof of _____ to admit said will to probate entered and filed _____

(Form continued on following page)

DECREE ON PROBATE OF WILL

Decree on probate of will dated and filed _____, wherein the court, upon hearing, finds that due and legal notice of this hearing has been given in accordance with law; finds the allegations of said petition substantially true, admitted said will to probate and ordered letters testamentary thereon issue to _____ upon his taking the oath required by law and giving bond in the amount of \$ _____, to be approved by the court.

CERTIFICATE OF PROBATE

Certificate of probate duly entered and filed _____, reciting in brief that said Last will and testament was duly proved, probated and allowed as such instrument by the court.

BOND OF EXECUTOR

Bond of _____, as executor of the said will and estate in the amount of \$ _____, with surety thereon, approved by the court and filed _____.

OATH OF EXECUTOR

Oath of executor duly subscribed and sworn to by _____ and filed _____.

LETTERS TESTAMENTARY

Letters testamentary duly issued to _____ as executor of the said will and estate and filed _____.

INVENTORY

Inventory, appointment and oath of appraisers, with appraisalment of estate filed _____, showing the total value of the assets of the estate to be \$ _____, and, describing, among other assets, the following real estate:

(copy here the real estate pertinent to said abstract)

(Described real estate showing value of the estate abstracted and if other land involved note in which county the property is located.)

CERTIFICATE

Certificate of county court proceeding involving real estate filed _____, in accordance with L.B. 771-1967.

Certificate also shown filed in the office of the Register of Deeds of said county on _____ and duly recorded in book _____ on page _____, of the records of said county.

(Form continued on following page)

ORDER FOR HEARING ON CLAIMS

Order for hearing on claims entered and filed _____, wherein the court allows creditors three months from and after _____, in which to file their claims against said estate; that such persons are required to present their claims on or before _____, and all claims filed will be heard by the County Court of Valley County, Nebraska, on _____, at _____ o'clock _____ M.; further orders that notice of hearing be given by publication of a notice in the _____, a legal weekly newspaper, published and of general circulation in said county, three successive weeks prior to _____; and further notice be given all persons having a direct legal interest in said proceeding as required by law.

(PUBLISHED NOTICE)

(Copy published notice in full)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of _____ in proof of publication *(with a printed copy of the foregoing notice appended thereto)* filed _____, duly showing publication of said notice on

_____ 19 _____
_____ 19 _____
_____ 19 _____

AFFIDAVIT OF MAILING NOTICE

Duly sworn affidavit of _____ filed _____, reciting in brief that he is the attorney for said executor, and that on _____, he duly mailed a copy of the notice on claims required in this proceeding, first published in the _____ on _____, to

_____ *(Copy here only the names of the persons herein)*

that after diligent investigation and inquiry, affiant and said executor are unable to ascertain and do not know the post office address of any other party appearing to have a direct legal interest in said action; except those who have waived such notice in writing.

ORDER ALLOWING AND BARRING CLAIMS

Order allowing and barring claims dated and filed _____, wherein the court, upon hearing, finds that due and legal notice of this hearing has been given in accordance with law; that the time has expired for filing claims; allows certain claims and directs the payment thereof; bars the filing of all other claims.

NOTE: *Claims allowed are shown paid.*

(Form continued on following page)

PETITION FOR DETERMINATION OF INHERITANCE TAX

Duly verified of the said executor for determination of inheritance tax filed _____, reciting that at the time of the death of said decedent he was possessed of the real estate and personal property described and set forth in the Inventory filed herein; prays the court to determine the amount of inheritance tax thereon.

That said deceased did not during his (or her) lifetime convey any property in trust or otherwise in contemplation of death or intended to take effect in possession or enjoyment after death, and neither your petitioner nor any other persons became entitled to any property by reason of the death of said deceased.

STIPULATION

Stipulation by and between the said executor of said estate, and the County Attorney of Valley County, Nebraska, filed _____, wherein it is stipulated and agreed that the value of said estate as set forth in the Inventory filed herein is the reasonable value thereof and prays the court to determine the amount of inheritance tax thereon without further notice.

ORDER DETERMINING INHERITANCE TAX

Order determining inheritance tax dated and filed _____, wherein the court, upon hearing said petition finds that due and legal notice thereof has been given, that the value of said estate as set forth in the Inventory filed herein is the reasonable value thereof; finds the allegations of said petition substantially true and determines the amount of inheritance tax and directs the payment thereof.

NOTE: *Inheritance tax assessed is shown paid.*

FINAL ACCOUNT AND PETITION FOR DISTRIBUTION

Duly verified final account of the said executor (or executrix) and his (or her) petition for distribution filed _____, showing a recapitulation of his receipts and disbursements, reciting that all debts of said deceased and claims against said estate and inheritance taxes have been paid; prays for allowance of his (or her) account and for distribution of the remaining assets of the estate in accordance with law and the said last will and testament.

ORDER FOR NOTICE OF HEARING

Order for notice of hearing dated and filed _____, wherein the court appoints _____, at _____ o'clock _____ M., in the County Court of Valley County, Nebraska, as the time and place of allowing said account and hearing said petition; further orders notice thereof by publication of a notice three weeks successively previous to the date of hearing in _____, a legal weekly newspaper, printed, published and of general circulation in said county; and further notice be given all persons having a direct legal interest in said proceedings, as required by law.

(Form continued on following page)

(PUBLISHED NOTICE)

(Copy published notice in full)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of _____ in proof of publication *(with a printed copy of the foregoing notice appended thereto)* filed _____, duly showing publication of said notice on

_____ 19 _____

_____ 19 _____

_____ 19 _____

AFFIDAVIT OF MAILING NOTICE

Duly sworn affidavit of _____ filed _____, reciting in brief that he is the attorney for said executor, and that on _____, he duly mailed a copy of the notice of final settlement required in this proceeding, first published in the _____ on _____, to

_____ *(Copy here only
the names of the
persons herein)*

that after diligent investigation and inquiry, affiant and said executor are unable to ascertain and do not know the post office address of any other party appearing to have a direct legal interest in said action; except those who have waived such notice in writing.

**ORDER APPROVING FINAL ACCOUNT
AND DECREE OF DISTRIBUTION**

Order approving final account and decree of distribution entered and filed _____, 19 _____, wherein the court, upon hearing, finds that due and legal notice of this hearing has been given in accordance with law; approves said final account; that said decedent died _____, 19 _____, testate, leaving as his (or her) sole and only heirs-at-law, devisees and legatees:

(Form continued on following page)

that the said real estate described as:

is hereby vested in said heirs in the proportions shown, by the terms of said last will and testament.

A duly certified copy of the foregoing decree, and of the said last will and testament has been filed in the office of the Register of Deeds of said county and recorded into the records of said county in book _____ on page _____.

CERTIFICATES

Certificate of the County Assessor and of the County Treasurer of said County, in accordance with Section 30-603, Revised Statutes of Nebraska, for 1943, as amended, filed _____.

STATE ESTATE TAX

State estate tax closing letter filed _____, showing _____.

FEDERAL ESTATE TAX

Federal estate tax closing letter filed _____, showing _____.

DISCHARGE

Discharge of executor duly entered and filed _____.

Court costs are shown paid and the proceedings recorded.

(H)

INTESTATE

Prior to January 1, 1977

**ESTATE PROCEEDINGS IN THE MATTER OF THE ESTATE OF
CECIL RHOADS, DECEASED.**

In the County Court of Chase County, Nebraska,

Case No. _____

VERIFIED PETITION filed June 10, 1968, of Luella Rhoads, spouse of the deceased, stating that Cecil Rhoads, a resident of Chase County, Nebraska, died on May 27, 1968, intestate, and that he was possessed of real estate in Chase County, Nebraska. That the names of the heirs-at-law and other persons interested in said estate, their relationship, age, and residence are as follows:

Luella Rhoads, legal age, 3210 Federal, Denver, Colo.; spouse
Carol Gardner, legal age, 1410 Chase St., Denver, Colo.; daughter
Gary Rhoads, legal age, 1565 Alkire St., Arvada, Colo.; son

Prays for administration of said estate and that Howard Surber be appointed administrator of said estate.

ORDER entered June 10, 1968, fixing time of hearing on said petition, setting July 1, 1968 at 10:00 o'clock a.m., in this court, as the time and place for hearing, and orders publication of notice in The Imperial Republican as provided by law.

AFFIDAVIT OF PUBLICATION filed July 1, 1968, of Loral Johnson, publisher; stating that public notice was published in The Imperial Republican, a legal newspaper of said county three successive weeks beginning June 13, 1968 and the remaining two publications on June 20, and June 28, 1968. Said published notice is as follows:

NOTICE OF ADMINISTRATION

County Court of Chase County, Nebraska.
Estate of Cecil Rhoads, Deceased.

The State of Nebraska, to all concerned: Notice is hereby given that a petition has been filed for the appointment of Howard Surber as administrator of said estate, which will be for hearing in this court on July 1, 1968 at 10:00 o'clock a.m.

S. C. CROSS, County Judge

(SEAL)

First Publication: June 13, 1968.

Last Publication: June 27, 1968.

AFFIDAVIT OF MAILING NOTICE OF ADMINISTRATION filed June 14, 1968, made by Guy G. Curtis, one of the attorneys for the party instituting or maintaining said proceeding, states that on June 14, 1968, he sent by United States Mail a copy of such published notice to the following parties appearing to have a direct legal interest in said proceeding whose names and addresses are known to the petitioner or her attorneys, to-wit:

Luella Rhoads, 3210 Federal, Denver, Colorado;
Carol Gardner, 1410 Chase St., Denver, Colorado;
Gary Rhoads, 1565 Alkire St., Arvada, Colorado.

Such affidavit further states that such party and her attorney, after diligent investigation and inquiry, were unable to ascertain and do not know a 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.

(Form continued on following page)

ORDER FOR NOTICE OF HEARING

Order for notice of hearing dated and filed _____, wherein the court appoints _____, at 10 o'clock A.M., in the County Court of Valley County, Nebraska, as the time and place of hearing said petition; further orders notice thereof by publication of a notice three weeks successively previous to the date of hearing in _____, a legal weekly newspaper printed, published and of general circulation in said county; and notice be given all persons having a direct legal interest in said proceedings, as required by law.

(PUBLISHED NOTICE)

(Copy published notice in full)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of _____ in proof of publication *(with a printed copy of the foregoing notice appended thereto)* filed _____, showing publication of said notice on

_____ 19 _____
_____ 19 _____
_____ 19 _____

AFFIDAVIT OF MAILING NOTICE

Duly sworn affidavit of _____ filed _____, reciting in brief that he is the attorney for said petitioner, and that on _____, he duly mailed a copy of the notice of probate required in this proceeding, first published in the _____ on _____, to

_____ *(Copy here only*
_____ *the names of the*
_____ *persons herein)*

that after diligent investigation and inquiry, affiant and said petitioner are unable to ascertain and do not know the post office address of any other party appearing to have a direct legal interest in said action; except those who have waived such notice in writing.

VOLUNTARY APPEARANCE

Voluntary appearances of _____, _____, and _____, filed _____, entering their voluntary appearances in the above entitled proceeding, and waive any and all notices required by law to be mailed to them at any stage of this proceeding.

(Form continued on following page)

DECREE APPOINTING ADMINISTRATOR

Decree appointing administrator dated and filed _____, wherein the court, upon hearing, finds that due and legal notice of this hearing has been given in accordance with law; finds the allegations of said petition substantially true and ordered letters of administration issue to _____, upon his taking the oath required by law and giving bond in the amount of \$ _____, to be approved by the court.

BOND OF ADMINISTRATOR

Bond of _____ as administrator of said estate in the amount of \$ _____, with surety thereon, approved by the court and filed _____.

OATH OF ADMINISTRATOR

Oath of administrator subscribed and sworn to by _____ and filed _____.

LETTERS OF ADMINISTRATION

Letters of administration issued to _____ as administrator of said estate and filed _____.

INVENTORY

Inventory, appointment and oath of appraisers, with appraisalment of estate filed _____, showing the total value of the assets of the estate to be \$ _____, and describing among other assets, the following real estate:

(Copy here the real estate pertinent to said abstract)

(Describe real estate showing value of estate abstracted and if other land involved note in which county the property is located.)

CERTIFICATE

Certificate of county court proceeding involving real estate filed _____, in accordance with L.B. 771-1967.

Certificate also shown filed in the office of the Register of Deeds of said county on _____, and duly recorded in book _____ on page _____, of the records of said county.

(Form continued on following page)

ORDER FOR HEARING ON CLAIMS

Order for hearing on claims dated and filed _____, wherein the court allows creditors three months from and after _____, in which to file their claims against said estate; that such persons are required to present their claims on or before _____, and all claims filed will be heard by the County Court of Valley County, Nebraska, on _____, at _____ o'clock _____M.; further orders that notice of hearing be given by publication of a notice in the _____, a legal weekly newspaper, published and of general circulation in said county, three successive weeks prior to _____; and further notice be given all persons having a direct legal interest in said proceeding as required by law.

(PUBLISHED NOTICE)

(Copy published notice in full)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of _____ in proof of publication (*with a printed copy of the foregoing notice appended thereto*) filed _____, showing publication of said notice on

_____ 19 _____

_____ 19 _____

_____ 19 _____

AFFIDAVIT OF MAILING NOTICE

Duly sworn affidavit of _____ filed _____, reciting in bief that he is the attorney for said administrator, and that on _____ he duly mailed a copy of the notice on claims required in this proceeding, first published in the _____ on _____, to

_____ *(Copy here only*

_____ *the names of*

_____ *persons herein)*

that after diligent investigation and inquiry, affiant and said administrator are unable to ascertain and do not know the post office address of any other party appearing to have a direct legal interest in said action; except those who have waived such notice in writing.

ORDER ALLOWING AND BARRING CLAIMS

Order allowing and barring claims dated and filed _____, wherein the court, upon hearing, finds that due and legal notice of this hearing has been given in accordance with law; that the time has expired for filing claims; allows certain claims and directs the payment thereof; bars the filing of all other claims.

NOTE: *Claims allowed are shown paid.*

(Form continued on following page)

PETITION FOR DETERMINATION OF INHERITANCE TAX

Duly verified petition of the said administrator of said estate for determination of inheritance tax filed _____, reciting that at the time of the death of the said decedent he was possessed of the real estate and personal property described and set forth in the Inventory filed herein; prays the court to determine the amount of inheritance tax thereon.

That said deceased did not during his (or her) lifetime convey any property in trust or otherwise in contemplation of death or intended to take effect in possession or enjoyment after death, and neither your petitioner nor any other persons became entitled to any property by reason of the death of said deceased.

STIPULATION

Stipulation by and between the said administrator of said estate, and the County Attorney of Valley County, Nebraska, filed _____, wherein it is stipulated and agreed that the value of said estate as set forth in the Inventory filed herein is the reasonable value thereof and prays the court to determine the amount of inheritance tax thereon without further notice.

ORDER DETERMINING INHERITANCE TAX

Order determining inheritance tax dated and filed _____ wherein the court, upon hearing on said petition and stipulation finds that the value of said estate as set forth in the Inventory filed herein is the reasonable value thereof; determines the amount of inheritance tax and directs the payment thereof.*

NOTE: *Inheritance tax assessed is shown paid.*

**(In event no tax is assessed, recite: "finds no tax due")*

FINAL ACCOUNT AND PETITION FOR DISTRIBUTION

Duly verified final account of the said administrator and his petition for distribution filed _____, showing a recapitulation of his receipts and disbursements, reciting that all debts of said deceased (*and claims against said estate and inheritance taxes*) have been paid; prays for allowance of his account and for distribution of the remaining assets of the estate in accordance with law.

ORDER FOR NOTICE OF HEARING

Order for notice of hearing dated and filed _____ wherein the court appoints _____, at _____ o'clock _____ M., in the County Court of Valley County, Nebraska, as the time and place of allowing said account and hearing said petition; further orders notice thereof by publication of a notice three weeks successively previous to the date of hearing in _____, a legal weekly newspaper, printed, published and of general circulation in said county; and further notice be given all persons having a direct legal interest in said proceedings, as required by law.

(Form continued on following page)

(PUBLISHED NOTICE)

(Copy published notice in full)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of _____ in proof of publication *(with a printed copy of the foregoing notice appended thereto)* filed _____, duly showing publication of said notice on

_____ 19 _____
_____ 19 _____
_____ 19 _____

AFFIDAVIT OF MAILING NOTICE

Duly sworn affidavit of _____ filed _____, reciting in brief that he is the attorney for said administrator, and that on _____, he duly mailed a copy of the notice of final settlement required in this proceeding, first published in the _____ on _____, to

_____ *(Copy here only*
_____ *the names of the*
_____ *person herein)*

that after diligent investigation and inquiry, affiant and said administrator are unable to ascertain and do not know the post office address of any other party appearing to have a direct legal interest in said action; except those who have waived such notice in writing.

ORDER APPROVING FINAL ACCOUNT AND DECREE OF DISTRIBUTION

Order approving final account and decree of distribution entered and filed _____, 19 _____, wherein the court, upon hearing, finds that due and legal notice of this hearing has been given in accordance with law; approves said final account; that said decedent died _____, 19 _____, intestate, leaving as his sole and only heirs-at-law:

that the said real estate is hereby assigned and set over to the heirs in the proportions and interests shown above.

A duly certified copy of the foregoing order and decree has been filed in the office of the Register of Deeds of said county and recorded into the records of said county in book _____ on page _____.

(Form continued on following page)

CERTIFICATES

Certificate of the County Assessor and of the County Treasurer of said county, in accordance with Section 30-603, Revised Statutes of Nebraska, for 1943, as amended, filed _____
_____.

STATE ESTATE TAX

State estate tax closing letter filed _____, showing _____
_____.

FEDERAL ESTATE TAX

Federal estate tax closing letter filed _____, showing _____
_____.

DISCHARGE

Discharge of administrator duly entered and filed _____.

Court costs are shown paid and the proceedings recorded.

(J)

(ESTATE: INTESTATE — ANCIENT*)

*When death of title holder occurred prior to September 14, 1953.

**ESTATE PROCEEDINGS IN THE MATTER OF THE ESTATE OF
HERBERT McCULLOUGH, DECEASED**

In the County Court of Chase County, Nebraska

PETITION FOR APPOINTMENT OF ADMINISTRATOR filed _____, 19 _____, stating that Herbert McCullough died intestate on _____, a resident of Chase County, Nebraska survived by _____, his widow, and _____, and _____, his children, all of whom were of legal age. He died seized of (*describe property being abstracted.*)

The administrator _____, appointed by order of the Court, and Letters of Administration filed on _____, after published notice as shown by publisher's affidavit of the Imperial Republican, filed _____, showing publication of following notice on _____, and _____, and _____, pursuant to order of court entered on _____, fixing as the date for hearing the _____ day of _____, 19 _____. Said notice is as follows: (*copy notice.*)

INVENTORY lists: (*describe real estate being abstracted*): total value of the entire estate of \$ _____.

AFFIDAVIT of publisher of The Imperial Republican filed showing publication of the following notice on _____, _____, and _____, pursuant to order of Court entered on _____, fixing _____, as the date for final hearing. Said notice as follows: (*copy notice in full*).

FINAL DECREE entered _____, finding that Herbert McCullough died intestate on _____, a resident of Chase County, Nebraska, and that the only heirs of Herbert McCullough, deceased are the following persons related to the deceased as hereafter stated, to-wit: _____, related as widow, _____, related as children of the deceased; that the deceased died seized of the following real estate: (*describe property being abstracted*). That such real property remaining of which the deceased died seized, was assigned: (*show how property was assigned.*)

(K)

INHERITANCE TAX

Prior to Jan 1, 1977

NOTE: *Inheritance tax proceedings are required when decedent's death occurred on or after September 24, 1953. Statute of Limitations 10 years after death. See LB 664.*

NOTE: *The following example may be used when the inheritance tax proceedings are NOT a part of a regular probate proceeding.*

IN THE COUNTY COURT OF VALLEY COUNTY, NEBRASKA

In the matter of the estate of)
)
_____, deceased.)

CASE NO. _____

ABSTRACT OF THE COURT PROCEEDINGS

PETITION

Duly verified petition of _____, for determination of inheritance tax, filed _____, 19 _____, reciting in part that said decedent died on _____, 19 _____, a resident of _____ County, Nebraska, who, together with said petitioner, owned the following described real estate as joint tenants with right of survivorship and not as tenants in common:

(describe here said real estate)

and certain personal property, the total value of all property on the date of the death of said decedent was \$ _____;

(show here any additional allegations)

That said deceased did not during his (or her) lifetime convey any property in trust or otherwise in contemplation of death or intended to take effect in possession or enjoyment after death and neither your petitioner nor any other person became entitled to any property by reason of the death of said deceased except those as above described.

Prays the court to determine the value of said property and assess an inheritance tax, if any.

VOLUNTARY APPEARANCE AND STIPULATION

Voluntary appearance of the County Attorney of Valley County, Nebraska, filed _____, 19 _____, entering the voluntary appearance of said County and State in said matter, waiving service of notice and stipulates that the valuation and other facts referred to in said petition are true and binding upon said county and state pursuant to authority by Section 77-2018.03 R.R.S.

(Form continued on following page)

DECREE

Decree on inheritance tax dated and filed _____, 19 _____, wherein the court, upon hearing said petition and voluntary appearance and stipulation, finds the allegations thereof substantially true and assesses an inheritance tax and directs the payment thereof. *(or finds that there is no inheritance tax due).*

NOTE: *Inheritance taxes are shown paid (In the event of such tax).*

STATE ESTATE TAX

State estate tax closing letter filed _____, 19 _____, showing

FEDERAL ESTATE TAX

Federal estate tax closing letter filed _____, 19 _____, showing

Court costs are shown paid and the proceedings recorded.

(L)

(SALE BY GUARDIAN)

Prior to January 1, 1977

EXHIBIT " "

**ABSTRACT OF PROCEEDINGS IN THE COUNTY COURT
OF CASS COUNTY, NEBRASKA
IN THE MATTER OF THE GUARDIANSHIP OF CHARLOTTE ANN TAYLOR, A MINOR.**

VERIFIED PETITION filed June 6, 1973, recites:

That petitioner is the guardian of said ward, a minor, age 14 years, said guardian and ward being residents of Caddo Parish, Louisiana. That no guardian has ever been appointed in Nebraska. That said minor owns an undivided one-half interest in Lot 1 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 12, Range 13, East of the 6th P.M., in Cass County, Nebraska, free of encumbrances. That it would be for the benefit and best interest of said ward to sell such real estate.

Prays for license to sell said real estate.

AUTHENTICATED COPY OF APPOINTMENT OF GUARDIAN filed June 6, 1973 as follows:

(show verbatim: authenticated copy of appointment).

ORDER entered June 6, 1973 setting June 26, 1973 at 10:00 a.m. in said court as the time and place to show cause why a license should not be granted for sale of said real estate and directs publication of notice in the Plattsmouth Journal as provided by law.

AFFIDAVIT OF MAILING OF NOTICE filed June 12, 1973.

(Abstracter's note: follow same abstract form of this instrument as set forth in Partition and Quiet Title proceedings in manual.)

AFFIDAVIT OF PUBLICATION filed June 26, 1973, by publisher of the Plattsmouth Journal, a legal weekly newspaper printed, published and of general circulation in said county, and reciting that the annexed notice was published therein for three consecutive weeks, commencing June 7, 1973. Annexed notice is as follows: *(copy notice verbatim)*

ORDER entered June 26, 1973, granting license to said Renwick V. Taylor as guardian to sell said real estate according to law and fixes bond of Guardian in the sum of \$9,000.00.

BOND AND OATH of Guardian filed June 28, 1973, for \$9,000.000, which was approved by the court.

AFFIDAVIT OF MAILING NOTICE of sale filed July 3, 1973. *(follow same form as above).*

AFFIDAVIT OF PUBLICATION of notice of sale filed July 17, 1973. *(follow same form as above).*

REPORT OF GUARDIAN filed July 27, 1973, reports that he sold at public auction at the south front door of the courthouse in Plattsmouth, Nebraska on July 27, 1973, at 2:00 p.m. the said real estate after holding said sale open for one hour, to Stephen M. Davis for the sum of \$8,000.00, he being the highest bidder therefor.

(Form continued on following page)

CONFIRMATION OF SALE entered August 1, 1973, finding the said sale and proceedings are regular and were conducted in all respects according to law, and that said real estate sold for its subsequent sale would not realize a greater amount.

Sale confirmed and deed ordered.

COSTS PAID.

DISCHARGE entered August 1, 1973.

(M) PARTITION ACTION

EXHIBIT " "

ABSTRACT OF PROCEEDINGS in the District Court of Merrick County, Nebraska, in which Eula McHargue and Hiram McHargue, her husband; Neil Willhoft and Annamud Willhoft, his wife; Cecil Willhoft and Alice Willhoft, his wife; Holly Willhoft and Alene Willhoft, his wife; Esther Strasburg and Leonard Strasburg, her husband; were plaintiffs, and Arnold Willhoft and Hildur Willhoft, his wife; Arnold Willhoft, Executor of the Estate of Ida Willhoft, Deceased; Loren Willhoft and Roberta Willhoft, his wife, were defendants.

Case No. 9999

VERIFIED PETITION FILED DECEMBER 22, 1969. PETITION RECITES:

That Ida Willhoft died May 20, 1969, and Arnol Willhoft is executor of her estate.

Ida Willhoft died owning an interest in Section 9 and Lots 1 and 2 in Section 4, all in Township 15 North, Range 6 West of the 6th P.M., Merrick County, Nebraska.

That under the will of deceased, the title to said real estate passed in equal shares to Holly Willhoft, Loren Willhoft, Cecil Willhoft, Neil Willhoft, Esther Strasburg and Eula McHargue, subject only to the payment of any debts, taxes and administration expenses of said estate if required for such purposes.

That the owners of said real estate are:

Holly Willhoft,	1/6	Neil Willhoft	1/6
Loren Willhoft,	1/6	Esther Strasburg,	1/6
Cecil Willhoft,	1/6	Eula McHargue,	1/6

That the plaintiffs and defendants, Hiram McHargue, Annamaud Willhoft, Alice Willhoft, Alene Willhoft, Hildur Willhoft, Leonard Strasburg, and Roberta Willhoft, are the husbands and wives of the respective plaintiffs and defendants and have no right, title or interest in said real estate other than their marital interest.

Prays that the Court confirm the interests of the parties, appoint a referee to partition said premises, and that if partition cannot be obtained, that the premises be sold and the proceeds divided.

(Form continued on following page)

VOLUNTARY APPEARANCES FILED DECEMBER 22, 1969, by Arnold Willhoft and Hildur Willhoft, his wife; Arnold Willhoft, Executor of the Estate of Ida Willhoft, Deceased, waiving the service of summons and the statutory time to plead.

AFFIDAVIT FILED DECEMBER 22, 1969, Made by Donald F. Sampson, who states that he is one of the attorneys for the plaintiff; that the action is for the partition of real estate and is one of those causes of action described in Section 25-517 R.R.S. 1943; that the defendants Loren Willhoft and Roberta Willhoft, his wife, are nonresidents of the State of Nebraska, and by reason thereof service cannot be had upon them within the State of Nebraska.

SUMMONS ISSUED FEBRUARY 2, 1970, Returned and filed February 24, 1970 with endorsement by Sheriff of Merrick County, Nebraska, appointing the Sheriff of St. Louis County, Missouri to serve said writ and make return thereon. Answer Day March 9, 1980, Return Day, February 16, 1970.

Attached is affidavit of Joe Smith Sheriff of St. Louis County, Missouri, sworn to February 10, 1970 before Bill Blue N P St. Louis Co., Mo. that he is the person who is appointed by the Sheriff of Merrick Co. Nebr. to serve the within writ of summons and that he received said writ February 9 and as therein commanded he served same on the within named defendants Loren Willhoft and Roberta Willhoft, his wife, by delivering to them in person in said county a true and certified copy of said writ with all endorsements thereon.

AFFIDAVIT FILED MARCH 16, 1970, Made by Donald F. Sampson, who states that he is one of the attorneys for the plaintiff, and that none of the defendants are in the military service as defined by the Soldiers and Sailors Civil Relief Act.

JUDGMENT ENTERED MARCH 17, 1970: Hearing had, and the Court finds that all of the defendants have not pled to the petition and are in default, and that none of the defendants are in the Military Service.

The Court further finds that the following are the owners of Section 9 and Lots 1 and 2 in Section 4, all in Township 15, Range 6 West, Merrick County, Nebraska in the following proportions:

Holly Willhoft,	1/6	Neil Willhoft,	1/6
Loren Willhoft,	1/6	Esther Strasburg,	1/6
Cecil Willhoft,	1/6	Eula McHargue,	1/6

The Court further finds that the defendants Hiram McHargue, Annamaud Willhoft, Alice Willhoft, Alene Willhoft, Hilder Willhoft, Leonard Strasburg, and Roberta Willhoft are the husbands and wives of the respective plaintiffs and defendants, and have no interest in said estate except as such spouses.

Ordered that said property be partitioned and that Charles H. Phares be appointed Referee.

OATH FILED MARCH 19, 1970, by Charles H. Phares, as Referee.

REPORT OF REFEREE FILED MARCH 19, 1970, Stating that said land cannot be divided without great prejudice to the owners thereof.

ORDER CONFIRMING REPORT AND DIRECTING SALE ENTERED MARCH 19, 1970; Confirms the report of referee and orders that Referee to proceed to sell said premises at public sale as upon execution at the north front door of the courthouse in the City of Central City, Merrick County, Nebraska, and fixed the bond of the referee at \$80,000.00.

BOND FILED MARCH 19, 1970, by Referee for \$80,000.00, which was approved by the Court.

(Form continued on following page)

AFFIDAVIT OF MAILING OF NOTICE FILED MARCH 30, 1970, Made by Donald F. Sampson, one of the attorneys for plaintiff and that on March 27, 1970 he mailed a copy of the notice required in this proceeding first published in the Central City Republican-Nonpareil on March 26, 1970, to:

Arnold Willhoft	Central City, Nebraska
Holly Willhoft	Central City, Nebraska
Esther Strasburg	Central City, Nebraska
Eula McHargue	Central City, Nebraska
Loren Willhoft	16 Lynbrook, St. Louis, Missouri
Cecil Willhoft	Box 271 Gold Beach, Oregon
Neil Willhoft	307 South 4th St., St. Helens, Oregon.

Such affidavit further states that such parties and his attorneys, 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 other than those to whom notice has been mailed in writing.

AFFIDAVIT OF PUBLICATION FILED APRIL 20, 1970, by publisher of the Central City Republican-Nonpareil, a legal weekly newspaper printed, published and of general circulation in said county, and reciting that the annexed notice was published therein five consecutive weeks, commencing March 19, 1970. Annexed notice is as follows:

“LEGAL NOTICE

Notice is hereby given that by virtue of an order of sale issued by the District Court of Merrick County, Nebraska, in an action pending in said Court wherein Eula McHargue and others are plaintiffs and Arnold Willhoft and others are defendants, directing me as Referee to sell the following described real estate, to wit:

Section Nine (9) and Lots One (1) and Two (2) in Section Four (4) and all in Township Fifteen (15) North, Range Six (6), West of the 6th P.M., in Merrick County, Nebraska,

I will sell said real estate at public auction on Monday, April 20, 1970, at 1:00 o'clock P.M. on said day at the North Front Door of the Merrick County Courthouse in Central City, Nebraska.

Terms of Sale: 15% cash, on day of sale, balance on confirmation by the Court.

CHARLES H. PHARES,
Referee”

REPORT OF REFEREE FILED APRIL 23, 1970; Recites that he sold at public auction at the North Front Door of the Courthouse in said county, on April 20, 1970, at one o'clock P.M., Section 9 and Lots 1 and 2, in Section 4, all in Township 15 North, Range West of the 6th P.M., Merrick County, Nebraska, to Louis Butts, for the sum of \$66,963.00, he being the highest bidder therefor.

OBJECTION TO CONFIRMATION FILED APRIL 23, 1970, by Loren Willhoft, Defendant.

CONFIRMATION OF SALE ENTERED MAY 4, 1970, The Court finding that all of the parties to said action except Loren Willhoft are desirous of having said sale confirmed, that neither the said Loren Willhoft, nor any other person has offered to pay a higher price for said real estate, that said sale was conducted in all respects according to law and that said property was sold for its fair value under the circumstances and conditions of said sale and that a subsequent sale would not realize a greater sum.

Sale confirmed and Deed ordered.

COSTS PAID.

(N)

MORTGAGE FORECLOSURE

EXHIBIT " "

ABSTRACT OF PROCEEDINGS had in the District Court of Buffalo County, Nebraska, in an action wherein The Federal Land Bank of Omaha, a corporation, was plaintiff, and Alfred I. Hunsberger and Lydia E. Hunsberger, husband and wife, were defendants.

Case No. 14297.

VERIFIED PETITION FILED, August 15, 1940. PETITION RECITES:

That on September 6, 1934, defendants Alfred I. Hunsberger and Lydia E. Hunsberger, husband and wife, made, executed and delivered to plaintiff their promissory note for \$2,000.00; and as security therefor, executed and delivered to plaintiff a mortgage conveying the South half of the Southwest Quarter of the Northeast Quarter, and the South Half of the Northwest Quarter of Section 15, Township 11 North, Range 13 West, Buffalo County, Nebraska, which mortgage was recorded in Book 128, Page 201, of the Mortgage Records of Buffalo County, Nebraska; that the mortgagors are still the record owners of the said mortgaged premises and are in actual possession thereof.

Default has occurred in the payment of said note and there is now due \$2,402.81 and taxes of \$50.38.

Plaintiff is the owner and holder of said note and mortgage, and no proceedings at law have been had for the recovery of the debt secured by the said mortgage.

Plaintiff prays for an accounting; that its mortgage be declared a first lien on said real estate, and for foreclosure thereof.

SUMMONS ISSUED, August 14, 1940, by Clerk of District Court of Buffalo County, Nebraska, directed to the County Sheriff thereof for defendants Alfred I. Hunsberger and Lydia E. Hunsberger, husband and wife. Return Day August 26, 1940. Answer Day, September 16, 1940.

SUMMONS RETURNED AND FILED, August 19, 1940, showing personal service by the County Sheriff of Buffalo County, Nebraska, made August 17, 1940, on defendants Lydia E. Hunsberger and Alfred I. Hunsberger, wife and husband, in said county, by handing to each of them a true copy of the summons with all endorsements thereon.

AFFIDAVIT, Filed September 21, 1940.

J. D. Wolf states that he is well acquainted with Alfred I. Hunsberger, and that said defendant is not in the military or naval service of the United States of America.

COMMENT: *In the event the military status of the defendants or any of them is unknown to plaintiff, the plaintiff will cause an affidavit to be filed showing such lack of knowledge coupled with a motion that an attorney be appointed guardian ad litem for such defendants as may be in the Military Service. The abstracter must show the Court's order, and any pleading or answer by the said guardian ad litem.*

(Form continued on following page)

DECREE ENTERED, September 21, 1940.

The Court finds service was duly had upon the defendants and said defendants failed to appear *(or said defendants except the guardian ad litem failed to appear)*, and are in default *(except as to the answer of the guardian ad litem)*.

The Court finds for the plaintiff and against the defendants, that there is due the plaintiff \$2,481.88 with interest; that the same is a first lien against said premises, and that the plaintiff is entitled to a decree of foreclosure; Ordered that if the sum found due be not paid within *(show days court sets to elapse, which must be at least 20)* days from date, said premises be sold, and the defendants foreclosed.

NOTE: *Note and mortgage are found in the files of the case.*

ORDER OF SALE ISSUED June 23, 1941, by the Clerk of the District Court of Buffalo County, Nebraska, directed to the County Sheriff thereof, commanding him to advertise and sell, as upon execution, said premises.

AFFIDAVIT OF PUBLICATION, Filed July 29, 1941, by the Publisher of the Shelton Clipper, a legal newspaper printed, published, and of general circulation in said county, and reciting that the annexed notice was published in said paper five consecutive weeks, commencing June 26, 1941.

(Show copy of this notice.)

RETURN TO ORDER OF SALE, Made July 29, 1941, by the County Sheriff of Buffalo County, Nebraska, reciting that he received said order on June 23, 1941, and according to the command thereof, he caused a notice to be published in the Shelton Clipper, that he would offer said lands for sale in the corridor of the Court House in Kearney, Nebraska, on July 29, 1941, at 10 o'clock a.m., and after having advertised the same for more than thirty days, and at the time and place stated in said notice, he offered for sale and sold the South Half of the Southwest Quarter of the Northeast Quarter, and the South Half of the Northwest Quarter of Section 15, Township 11, Range 13, Buffalo County, Nebraska, to The Federal Land Bank of Omaha, for \$2,596.89, it being the highest bidder therefor.

AFFIDAVIT, Filed September 2, 1941, by H. L. Blackledge, stating that neither of the defendants is in the military or naval service of the United States of America.

SALE CONFIRMED AND DEED ORDERED, on September 2, 1941.

COSTS PAID AND CASE CLOSED.

COMMENT: *In more recent proceedings, there will appear at least one Affidavit of Mailing Notice, which should be abstracted appropriately by following the form found in the proceedings in partition.*

If there is any objection to confirmation in a recent case, it should be shown, in which case the decree of court will be expanded to show the disposition of the objection. If the time for filing objections to confirmation is past, and the time for appeal has expired, the objection need not be shown.

(O)

MORTGAGE FORECLOSURE

IN THE DISTRICT COURT OF VALLEY COUNTY, NEBRASKA

_____))
 _____))
 _____))
 Plaintiff;))
))
 vs.))
))
 _____))
 _____))
 _____))
 Defendants.))

CASE NO. _____

ABSTRACT OF THE COURT PROCEEDINGS

PETITION

Duly verified petition of the plaintiff filed _____, 19 _____, for the fore-
 closure of plaintiff's mortgage upon _____

 which mortgage is recorded in book _____ on page _____, and was made by _____

 to _____
 to secure the payment of a note in the amount of \$ _____ and interest thereon, taxes and
 insurance, said note and mortgage dated _____, 19 _____; (*show here
 any other allegations pertinent to said case*); that said defendants have failed, neglected and
 refused to pay _____
 as provided for in said mortgage and the plaintiff has elected to declare the entire amount due;
 that plaintiff is the owner and holder of said note and mortgage and that no part thereof has been
 paid; that no action at law has been had for the recovery of the said debt or any part thereof.

Plaintiff prays for an accounting, for a decree of foreclosure and for such other and further relief as may be just and equitable.

SUMMONS

Summons duly issued to the Sheriff of _____ County, Nebraska, on
 _____, 19 _____, for the defendant(s) _____

 to answer said petition on or before _____, 19 _____.

Returnable on or before _____, 19 _____, and returned and filed _____, 19 _____, duly showing service upon said defendant(s) thereon.

(Form continued on following page)

AFFIDAVIT

Duly sworn affidavit of the attorney for the plaintiff as to military service filed _____, 19 _____, reciting in brief that plaintiff is not able to determine whether any of the said defendants are in the military service.

JOURNAL ENTRY

Journal entry filed _____, 19 _____, wherein the Court, upon hearing on said affidavit as to military service appoints _____, attorney, to appear for defendants in the military service, if any.

ANSWER

Duly verified answer of the attorney for said defendants in the military service, if any, filed _____, 19 _____, denying each and every material allegation of the said petition and prays the court to protect the interests of said defendants.

**SUMMONS
(Outside of State)**

Summons duly issued to the Sheriff of _____ County, Nebraska, on _____, 19 _____, for the defendant(s) _____
to answer said petition on or before _____, 19 _____.

Returnable on or before _____, 19 _____, and returned and filed _____, 19 _____, with the following endorsements thereon:

State of Nebraska, _____ County. ss.

I, _____, Sheriff in and for said County, and State of Nebraska, do hereby appoint _____ of _____ County, State of _____, to serve this writ.

_____ Sheriff

State of _____, _____ County, ss.

_____ being first duly sworn, deposes and says that he is the identical person who was appointed by the Sheriff of _____ County, Nebraska, to serve the within summons, that he served the within summons on the within named _____

on the _____ day of _____, 19 _____, by _____ in _____ County, State of _____, a true and certified copy thereof with all the endorsements thereon.

Subscribed in my presence and sworn to me this _____ day of _____, 19 _____.

Notary Public

(Form continued on following page)

DECREE OF FORECLOSURE

Decree of foreclosure dated and filed _____, 19 _____, wherein the court, upon hearing said petition finds that due and legal service has been had upon all defendants; that said defendants have failed to appear, plea or answer and a default is entered against them; that an answer has been filed for defendants in the military service, if any; finds the allegations of said petition substantially true; that plaintiff is the owner and holder of said note and mortgage which is decreed to be a first lien on said premises; orders payment made within twenty days of this decree, or upon default thereof an order of sale be issued.

ORDER OF SALE

Order of sale duly issued to the Sheriff of Valley County, Nebraska, on _____, 19 _____, commanding him to advertise and sell said premises according to law to satisfy the amount due on said decree.

Returned and filed _____, 19 _____.

(PUBLISHED NOTICE)

Notice of Sheriff's Sale.

(Copy published notice in full.)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of the _____ a legal newspaper published in said county, in proof of publication *(with a printed copy of the foregoing notice appended thereto)* filed _____, 19 _____, duly showing publication of said notice on:

- _____ , 19 _____
- _____ , 19 _____
- _____ , 19 _____
- _____ , 19 _____
- _____ , 19 _____

RETURN TO ORDER OF SALE

Return of the Sheriff to the order of sale filed _____, 19 _____, reciting that at the time and place stated in said notice of sale said real estate was sold to _____ for the sum of \$ _____, he being the highest bidder therefor.

DECREE OF CONFIRMATION

Decree of confirmation filed _____, 19 _____, wherein the court, upon hearing, finds that the said sale and all proceedings had, have been had and conducted in accordance with law, confirms the said sale and orders the Sheriff to make a deed to the purchaser.

The original note and mortgage referred to herein are shown cancelled and filed.

Court costs are shown paid and the proceedings recorded.

(Form continued on following page)

(P)

(TAX FORECLOSURE)

EXHIBIT " "

ABSTRACT OF PROCEEDINGS had in the District Court of Chase County, Nebraska, wherein the County of Chase, Nebraska was Plaintiff, and L. F. Gray et al were defendants.

Case No. 3660.

PETITION Filed November 13, 1967, reciting that the defendant, Carol Taylor, was the owner of record of Lot 8, Block 9, Goodrich Addition to the City of Imperial, Chase County, Nebraska (6th cause of action); further recites that the plaintiff purchased said real property for delinquent taxes for the years 1963, 1964, and 1965 under tax sales certificate No. 860 issued October 15, 1965 and that there is due and owing to the plaintiff the sum of \$329.16 including subsequent taxes and interest. That plaintiff has a valid first lien upon said property, and prays for foreclosure and sale as provided by law.

SUMMONS issued November 15, 1967, by Clerk of District Court of Chase County, Nebraska, to Sheriff of said county for defendant Carol Taylor. Return Day November 25, 1967. Answer Day, December 25, 1967.

SUMMONS RETURNED AND FILED, November 20, 1967, showing personal service by the County Sheriff of Chase County, Nebraska, made November 20, 1967, on defendant, Carol Taylor, in said county, by leaving at her usual place of residence a true and certified copy thereof with all endorsements thereon. *(or by handing her a true copy of the summons with all endorsements thereon)*

COMMENT: See *Model transcripts in Quiet Title and Partition for exhibit of abstracting Affidavit for Constructive Service, Order for Constructive Service, Publisher's Affidavit and Legal Notice, and Affidavit of Mailing Notice.*

APPLICATION and Affidavit for Appointment of Attorney for Defendants who may be in the Military Service filed March 11, 1968.

ORDER filed March 11, 1968, appointing D. E. Owens, for such defendants.

ANSWER of said attorney filed March 11, 1968, denying each and every allegation of said petition.

DECREE OF FORECLOSURE filed March 11, 1968, granting foreclosure upon the above described Sixth Cause of Action covering the above described lot for the amount as set forth in the petition, and adjudging such amount to be a first lien upon said real estate, and ordering the defendants above named to be foreclosed of all right, title, and interest in said real estate, and authorizing sale of said real estate.

ORDER OF SALE filed April 19, 1968, ordering sale of the above described property pursuant to said decree of foreclosure.

COMMENT: See *Model Transcripts in Quiet Title and Partition for Affidavit of Mailing Notice.*

(Form continued on following page)

PUBLISHER'S AFFIDAVIT OF NOTICE OF SHERIFF'S SALE filed May 27, 1968, by Loral Johnson, publisher of the Imperial Republican, showing publication of the attached notice for five consecutive weeks, the first publication being on the 25th day of April, 1968, and the last publication on May 23, 1968. Said notice is as follows: (*attach verbatim copy*)

RETURN TO ORDER OF SALE filed June 3, 1968, by Sheriff of Chase County, Nebraska, stating that the land above described constituting the Sixth Cause of Action was sold on the 28th day of May, 1968, to William B. Wier, for the sum of \$10.00, said William B. Wier being the highest bidder therefore, and reciting further that said property sold for a fair and reasonable value, and that a resale of said property would not realize a greater sum.

ORDER CONFIRMING SALE filed June 11, 1968, confirming the sale of the above described cause of action, and finding that said property sold for a fair and reasonable value under the conditions and circumstances of sale, and that if offered and sold again at such time, that a greater sum would not be realized, and that said sale should be approved, ratified, and confirmed, and that the sheriff be directed to execute a sheriff's deed to said William B. Wier for such property.

(Q)

TAX FORECLOSURE

IN THE DISTRICT COURT OF VALLEY COUNTY, NEBRASKA

_____)
 _____)
 _____)
 _____)
 Plaintiff, _____)
 _____)
 vs. _____)
 _____)
 _____)
 _____)
 Defendants. _____)

CASE NO. _____

ABSTRACT OF THE COURT PROCEEDINGS

PETITION

Petition of the plaintiff, duly verified by its attorney, filed _____, 19 _____, for the foreclosure of its tax sale certificate dated _____, 19 _____, upon _____

and subsequent taxes; that said certificate has not been redeemed or paid and plaintiff is the owner and holder thereof; that no action at law has been had for the recovery of the amount due plaintiff.

(show here any other allegations pertinent to said case)

Plaintiff prays for an accounting, for a decree of foreclosure and for such other and further relief as may be just and equitable.

SUMMONS

Summons duly issued to the Sheriff of _____ County, Nebraska, on _____, 19 _____, for the defendant(s) _____ to answer said petition on or before _____, 19 _____.

Returnable on or before _____, 19 _____, and returned and filed _____, 19 _____, duly showing service upon said defendant(s) thereon.

JOURNAL ENTRY

Journal entry filed _____, 19 _____, wherein the court, upon hearing on said affidavit as to military service appoints _____, attorney, to appear for defendants in the military service, if any.

(Form continued on following page)

ANSWER

Duly verified answer of the attorney for said defendants in the military service, if any, filed _____, 19 _____, denying each and every material allegation of the said petition and prays the court to protect the interests of said defendants.

DECREE OF FORECLOSURE

Decree of foreclosure filed _____, 19 _____, wherein the court, upon hearing said petition finds that due and legal service has been had upon all defendants; that said defendants have failed to appear, plea or answer and a default is entered against them; that an answer has been filed for defendants in the military service, if any; finds the allegations of said petition substantially true; that plaintiff is the owner and holder of said tax sale certificate which is decreed to be a first lien on said premises; orders payments made within twenty days of this decree, or upon default thereof an order of sale be ordered.

ORDER OF SALE

Order of sale duly issued to the Sheriff of Valley County, Nebraska, on _____, 19 _____, commanding him to advertise and sell said premises according to law to satisfy the amount due on said decree.

Returned and filed _____, 19 _____.

(PUBLISHED NOTICE)

Notice of Sheriff's sale.

(Copy published notice in full)

AFFIDAVIT FOR SERVICE BY PUBLICATION

Affidavit for service by publication filed _____, 19 _____, which, except for the heading of the action, reads in part, as follows:

(Copy affidavit in full)

ORDER FOR SERVICE BY PUBLICATION

Order for service by publication filed _____, 19 _____, wherein the court, upon hearing, finds the allegations set forth in said affidavit for service by publication substantially true and orders service by publication upon said defendants as provided by law.

(PUBLISHED NOTICE)

(Copy published notice in full)

(Form continued on following page)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of the _____, a legal newspaper published in said county, in proof of publication (*with a printed copy of the foregoing notice appended thereto*) filed _____, 19 _____, showing publication of said notice on:

_____ 19 _____
_____ 19 _____
_____ 19 _____
_____ 19 _____
_____ 19 _____

AFFIDAVIT

Duly sworn affidavit of the attorney for the plaintiff as to military service filed _____, 19 _____, reciting in brief that plaintiff is not able to ascertain whether any of the said defendants are in the military service.

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of the _____, a legal newspaper published in said county, in proof of publication (*with a printed copy of the foregoing notice appended thereto*) filed _____, 19 _____, duly showing publication of said notice on:

_____ 19 _____
_____ 19 _____
_____ 19 _____
_____ 19 _____
_____ 19 _____

RETURN TO ORDER OF SALE

Return of the Sheriff to the order of sale filed _____, 19 _____, reciting that at the time and place stated in said notice of sale said real estate was sold to _____ for the sum of \$ _____, he being the highest bidder therefor.

DECREE OF CONFIRMATION

Decree of confirmation filed _____, 19 _____, wherein the court, upon hearing, finds that the said sale and all proceedings had, have been had and conducted in accordance with law, confirms the said sale and orders the Sheriff to make a deed to the purchaser.

The original tax sale certificate is shown cancelled and filed.

Court costs are shown paid and the proceedings recorded.

(R)

QUIET TITLE ACTION

EXHIBIT " "

Abstract of Proceedings had in the District Court of Merrick County, Nebraska in an action wherein Jacob Edwin Gronewald and Julia Frances Gronewald, husband and wife, were Plaintiffs; and Lucille Odell; Willard L. Odell; The Unknown Children, Heirs, Devisees, Legatees, Legal Representatives and all other persons interested in the Estate of Lucille Odell, Deceased, real names unknown; and all other Persons having or claiming any right, title or interest in and to Lots Six (6) and Seven (7), Block Twenty-Nine (29), Jones Addition to Central City, Merrick County, Nebraska, real names unknown, were Defendants.

Case No. 9999.

VERIFIED PETITION FILED FEBRUARY 28, 1969. PETITION RECITES:

That plaintiffs are owners, as joint tenants with right of survivorship and not as tenants in common, of fee simple title in and to Lots 6 and 7, Block 29, Jones Addition to Central City, Merrick County, Nebraska; and that they have had continuous, notorious and exclusive adverse possession of said real estate under claim of title for more than ten years last past.

That the defendant, Lucille Odell, acquired title to various fractional interests in said real estate as heir of Anna Lindley, deceased, and as heir of Charles W. Lucas, deceased; that the said Lucille Odell was designated as a party defendant in a petition for partition filed on September 20, 1949, in the District Court of Merrick County, Nebraska wherein Thomas Lucas and Doris Lucas, husband and wife, and Emma A. Gregg and Charles A. Gregg, wife and husband, were designated as plaintiffs; that the court records in said partition proceedings show that no service of summons, either personal or constructive, was had upon the said Lucille Odell; that there are recitals in various court proceedings which indicate that the said Lucille Odell departed this life some time between April 3, 1950 and December 23, 1950; there is a further recital in the partition proceedings above referred to that the defendant herein, Willard L. Odell, was the sole and only heir of the said Lucille Odell; but that there has been no judicial finding and determination as to the death of the said Lucille Odell nor as to the identity of her heirs at law or other persons interested in her estate.

That in the partition proceedings above referred to, Ruth H. Hughes and Esther M. Mack are designated as parties defendant and were served with summons by constructive notice; that in the body of the petition filed therein and in the Decree Confirming Shares and Ordering Partition, there appears an allegation and finding, respectively, that Ruth Atherton and Esther Atherton were owners of fractional interests in the above described real estate; but that the said Ruth H. Hughes and Ruth Atherton were one and the same persons notwithstanding the discrepancy in names, and the said Esther M. Mack and Esther Atherton were one and the same persons notwithstanding the discrepancy in names.

That there are persons who claim or appear to have some interest in, right or title, to, or lien upon such property, and that the ownership of, interest in, right or title to, or lien upon such property of such persons does not appear of record in or by their respective names in Merrick County, Nebraska, and that the plaintiffs, after diligent investigation and inquiry, are unable to ascertain and do not know the names or whereabouts, if in this state, or the residence of such persons, and they are therefore designated herein as "all persons having or claiming any interest in and to Lots Six (6) and Seven (7), Block Twenty-nine (29), Jones Addition to Central City, Merrick County, Nebraska, real names unknown".

(Form continued on following page)

That none of the defendants to this action, to-wit: Lucille Odell; Willard L. Odell; The Unknown Children, Heirs, Devisees, Legatees, Legal Representatives and all other persons interested in the Estate of Lucille Odell, Deceased, real names unknown; and all other Persons having or claiming any right, title, or interest in and to Lots Six (6) and Seven (7), Block Twenty-nine (29), Jones Addition to Central City, Merrick County, Nebraska, has any right, title, or interest in said real estate, and any interest which any of them may have had in said real estate has long been barred by the statute of limitations.

That by virtue of the facts set out above, there is cast a cloud upon the title of plaintiffs in said real estate which prevents the quiet use and enjoyment of said premises, and which tends to impair and lessen the value of the same, and will, unless plaintiff's title as against them is quieted and established, cause plaintiffs irreparable injury, and that plaintiffs have no adequate remedy at law.

Pray that their title to said real estate be quieted and confirmed in them as against each of said defendants, and against all persons having or claiming any interest in said real estate, real names unknown, and that each of them be enjoined forever from asserting any claim of interest in said real estate or any portion thereof; and for such other and further relief as equity may require.

AFFIDAVIT FOR SERVICE BY PUBLICATION FILED FEBRUARY 28, 1969.

Made by Jacob Edwin Gronewald who states that he is one of the plaintiffs herein; that the subject matter of this action is as described in Section 25-517, Reissue Revised Statutes of Nebraska, 1943; that after diligent investigation and inquiry, he is unable to ascertain and does not know the whereabouts, if in this state, or the residence, of Lucille Odell; Willard L. Odell; the unknown children, heirs, devisees, legatees, legal representatives and all other persons interested in the Estate of Lucille Odell, Deceased, real names unknown; and all other persons having or claiming any right, title or interest in and to Lots Six (6) and Seven (7), Block Twenty-nine (29), Jones Addition to Central City, Merrick County, Nebraska, real names unknown and plaintiff prays for constructive service.

NOTE: *If there is no prayer in the above Affidavit for Service by Publication, you should then show a Motion, either out of the Judge's Notes or in the File itself, for an Order of the Court authorizing the Service by Publication upon all the defendants and each of them in said cause.*

Order entered March 10, 1969 for Service by Publication on all Defendants named in the above Affidavit for Service:

"LEGAL NOTICE

To: Lucille Odell; Willard L. Odell, the unknown children, heirs, devisees, legatees, legal representatives and all other persons interested in the Estate of Lucille Odell, Deceased, real names unknown; and all other persons having or claiming any right, title, or interest in and to Lots 6 and 7, Block 29, Jones Addition to Central City, Merrick County, Nebraska, real names unknown.

You are hereby notified that on February 28, 1969, Jacob Edwin Gronewald and Julia Frances Gronewald, husband and wife, filed their petition in the District Court of Merrick County, Nebraska, against you, the object and prayer of which is to quiet title in fee in them, the said Jacob Edwin Gronewald and Julia Frances Gronewald, husband and wife, to the real estate above specifically described as against you, and each of you, and for such other and further relief as equity may require.

You are required to answer said petition on or before April 29, 1969.

JACOB EDWIN GRONEWALD
AND
JULIA FRANCES GRONEWALD"

(Form continued on following page)

AFFIDAVIT OF PUBLICATION FILED APRIL 18, 1969.

By Affidavit of the Publisher of the Central City Republican-Nonpareil, a legal weekly newspaper, printed, published and of general circulation in Merrick County, Nebraska and reciting that the attached notice was published four consecutive weeks, the first publication having been March 20, 1969. Attached to this affidavit is the above legal notice.

DECREE ENTERED MAY 5, 1969.

Cause came on for hearing and the Court finding that the defendants and all of them were duly served with process but failed to plead, they were hereby found to be in default, and their default is entered against them; that the allegations of the petition are true and that plaintiffs are the owners of Lots Six (6) and Seven (7), Block Twenty-nine (29), Jones Addition to Central City, Merrick County, Nebraska.

It is therefore ordered, considered, adjudged, and decreed by the court that the title of the plaintiffs, Jacob Edwin Gronewald and Julia Frances Gronewald, to the following described real estate, to-wit:

Lots Six (6) and Seven (7), Block Twenty-nine (29), Jones Addition to Central City, Merrick County, Nebraska,

is quieted and confirmed in them.

COSTS PAID.

(S)

MECHANIC'S LIEN FORECLOSURE

(Type caption)

PETITION filed August 22, 1973 alleges work performed and materials furnished under written contract (*copy attached to petition*) on Lot 35, Bel Air Addition to the City of Omaha; commencement of such labor and materials on May 2, 1973, last date May 3, 1973; Mechanic's lien filed July 27, 1973, in Book "143, Page 143; that no action at law has been brought. Prays for foreclosure of said lien in default of payment of amount due of \$144.70 and costs and for deficiency judgment.

AFFIDAVIT filed July 31, 1973, by the plaintiff stating that it sent notice of such filing by U. S. Mail, postage prepaid to the party or parties shown on the indexes of the Register of Deeds to be the owners of record of such real property on the date of the filing of the lien whose name and post office address are known to the plaintiff.

COMMENT: *Above notice of filing and affidavit required by Sec. 52-103 R.R.S. Neb. Abstracter should make a comment note on abstract if affidavit of notice of filing was not made.*

For balance of proceedings follow same recommendations as in FORECLOSURE OF MORTGAGES. Show appearances and answers filed. If default is entered show endoresements on summons.

(T)

CONSERVATORSHIP

(_____) **IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA**

In the matter of the Conservatorship)
of _____)

CASE NO. _____

**ABSTRACT OF THE COURT PROCEEDINGS
PETITION**

Duly verified petition of _____ for appointment of _____
_____, as Conservator of his estate, filed _____, 19 _____.

ORDER

Order appointing conservator entered and filed _____, 19 _____,
wherein the court, upon hearing said petition, finds that a conservator should be appointed as
prayed for and appoints _____ as such conservator, upon his (her or its)
giving bond in the amount of \$ _____, to be approved by the court.

BOND OF CONSERVATOR

Bond of _____ as conservator of said estate in the amount of
\$ _____, with surety thereon, approved by the court and filed _____
_____, 19 _____.

OATH OF CONSERVATOR

Oath of conservator duly subscribed and sworn to by _____
and filed _____, 19 _____.

LETTERS OF CONSERVATORSHIP

Letters of conservatorship duly issued to _____ as conservator of said
estate and filed _____, 19 _____.

INVENTORY

Inventory, appointment and oath of appraisers, with appraisal of estate filed _____
_____, 19 _____, showing the total value of the assets of said estate to be
\$ _____, and describing among other assets, the following real estate:

(Form continued on following page)

PETITION

Duly verified petition of the conservator filed _____, 19 _____, praying the court for a license to sell said real estate and for such other and further relief as may be just and equitable; that the only persons having a direct legal interest in said estate are, as follows:

ASSENT

Assents and consents to the sale of said real estate filed _____, 19 _____, wherein

assent and consent to the sale of said real estate; waiving the service of personal notice, all in accordance with Section 38-609 RSN as amended.

ORDER

Order entered and filed _____, 19 _____, wherein the court, upon hearing said petition, finds that all persons having a direct legal interest in said estate have filed their assents and consents to the sale of said real estate; that it would be for the best interests of said estate to sell said real estate and directs the conservator to sell said real estate in accordance with law; that the said conservator give bond in the amount of \$ _____, to be approved by the court.

BOND

Bond of conservator in the amount of \$ _____, filed _____, 19 _____, and approved by the court.

OATH

Oath of conservator on sale of said real estate duly subscribed and sworn to by said conservator and filed _____, 19 _____.

(PUBLISHED NOTICE)

Notice of conservator's sale of real estate.

(copy here published notice in full)

(Form continued on following page)

AFFIDAVIT OF PUBLICATION

Duly sworn affidavit of the _____ of the _____, in proof of publication (with a printed copy of the foregoing notice appended thereto) filed _____, 19 _____, duly showing publication of said notice on:

AFFIDAVIT OF MAILING NOTICE

Duly sworn affidavit of _____ filed _____, 19 _____, reciting in brief that he is the attorney for said conservator, and that on _____, 19 _____, he duly mailed a copy of the notice of conservator's sale of real estate required in this proceeding, first published in the _____, on _____, 19 _____, to:

REPORT OF SALE BY CONSERVATOR

Return of the conservator to the order of sale filed _____, 19 _____, reciting that at the time and place stated in said notice of sale said real estate was sold to _____ for the sum of \$ _____, he (or she or it) being the highest bidder therefor.

DECREE OF CONFIRMATION

Decree of confirmation entered and filed _____, 19 _____, wherein the court, upon hearing, finds that said sale and all proceedings had have been had and conducted in accordance with law, confirms the said sale and orders the conservator to make a deed to the purchaser.

Court costs are shown paid and the proceedings recorded.

(U)

DIVORCE

EXHIBIT " "

ABSTRACT OF PROCEEDINGS had in the District Court of Dundy County, Nebraska, in an action wherein Ella M. Talmon was plaintiff and Carl A. Talmon was defendant.

Case No. 3780.

VERIFIED PETITION FILED September 20, 1960, alleging that the plaintiff and defendant were married on March 28, 1948, and have resided together in Dundy County, Nebraska, continuously since said time; that three children have been born to the marriage, all of whom are now living, namely, Anthony, age ten years, Timothy, age eight years and Angela, age six years; that defendant has been guilty of extreme cruelty to the plaintiff. (*If real estate is described, it should be set forth together with the interest of the parties in said real estate*). Prays for divorce, custody of minor children and other relief.

SUMMONS ISSUED September 20, 1960, by the Clerk of the District Court of Dundy County, Nebraska, directed to the County Sheriff thereof for the defendant Carl A. Talmon. Return Day October 3, 1960, Answer Day October 24, 1960.

SUMMONS RETURNED AND FILED October 3, 1960, showing personal service by the County Sheriff of Dundy County, Nebraska, made October 2, 1960, on defendant Carl A. Talmon, in said county by handing to him a true copy of the summons with all endorsements thereon.

DEMURRER filed October 31, 1960.

NOTE: *The reason for showing a demurrer is that it frequently can and does correct errors in the service of process; however, a special demurrer may object to the jurisdiction of the court for lack of service).*

APPLICATION filed November 15, 1960, requesting temporary support, alimony, attorney fees and court costs. Attached to application is return of the County Sheriff of Dundy County, Nebraska, certifying that personal service was made November 15, 1960 on the defendant Carl A. Talmon by handing to him a true copy of said application together with all endorsements thereon.

ORDER entered November 14, 1960, for temporary support of \$75.00 per month commencing said date, \$50.00 attorney fees and \$36.00 court costs.

AFFIDAVIT IN RE NON MILITARY SERVICE filed February 27, 1961.

JOURNAL ENTRY entered February 27, 1961:

On the 27th day of February, 1961, the same being one of the days of the regular February, 1961 term of the District Court in and for Dundy County, Nebraska this cause came on to be heard upon the pleadings and the evidence. The court finds that the defendant has failed to appear, either by himself or by counsel and it appearing from the sworn statement of the plaintiff that the defendant is not now in the military service of the United States nor any of its Allies, the default of the defendant is hereby entered in open court.

Thereafter and on the same date the plaintiff offered her testimony and that of her witnesses together with her evidence. The defendant offered no testimony nor evidence.

(Form continued on following page)

From the files and the evidence the court finds generally in favor of the plaintiff and against the defendant, that the defendant has been guilty of extreme cruelty and that the plaintiff is entitled to an absolute divorce from the defendant, the custody of the minor children, alimony, child support and court costs and attorney fees.

IT IS THEREFORE CONSIDERED, ORDERED AND DECREED by the Court, that the plaintiff be and she hereby is granted an absolute divorce from the defendant on the ground of extreme cruelty. It is further ordered that the plaintiff be awarded the care, custody and control of the minor children of the marriage until the further order of the court. It is further ordered that the defendant be permitted to visit the minor children at seasonable times. It is further ordered that the plaintiff have and recover from the defendant as support money for the minor children the sum of \$30.00 per month commencing on the 14th day of March, 1961 and on the 14th day of each month thereafter until the said minors shall arrive at the age of 18 years respectively or until the further order of this Court. The sum so allowed to be reduced by the sum of \$10.00 per month as each child shall become 18 years of age. It is further ordered that the plaintiff have as permanent alimony the residence of the parties described as follows: Lot Numbered One (1), in Block Numbered Sixteen (16), Hiddleston Addition to Benkelman, Nebraska, and that title thereto be and the same hereby is confirmed and quieted in the said plaintiff Ella M. Talmon. It is further ordered that the plaintiff have and recover as permanent alimony from the defendant the sum of \$1,000.00, payable \$500.00 on or before May 1, 1961 and \$500.00 payable on or before August 1, 1961, defaulted payments to draw interest at the rate of 6% per annum until fully paid.

The divorce herein granted does not become final for a period of six months from this date except for the purpose of appeal or review, and during this period neither party is permitted to re-marry in this or in any other state. The costs of this proceeding are hereby taxed to the defendant, including a fee for the plaintiff's attorney in the sum of \$250.00.

NOTE: *In the event the District Judge's signature does not appear at the bottom of the Journal Entry, this fact should be noted.*

ALL COSTS ARE PAID. The Clerk of the District Court's record indicates receipts for all payments due in Order dated November 14, 1960, and Journal Entry entered February 27, 1961, to date, are on file.

(V)

(NO FAULT DIVORCE — DISSOLUTION OF MARRIAGE)

EXHIBIT " "

ABSTRACT OF PROCEEDINGS in the District Court of Chase County, Nebraska, wherein John Smith was petitioner, and Mary Smith was the Respondent.

Case No. 900

PETITION filed January 1, 1973, reciting that Petitioner (*or respondent*) is a resident of Chase County, Nebraska, and has been a resident of the State of Nebraska for at least one year prior to the date of filing of petition. That there was born as issue of said marriage one child, Joe Smith, age 10. That the marriage between the parties is irretrievably broken. That the petitioner was not a party to any other pending action for divorce, separation or dissolution of marriage.

PRAYS for dissolution of marriage, custody of the child, and other relief.

COMMENT: *Abstracting of summons and Return of Sheriff would be identical as in regular divorce proceeding or as in Foreclosure, partition or Quiet Title model transcripts.*

APPEARANCE AND RESPONSIVE PLEADING OF RESPONDENT filed January 15, 1973 and states: Acknowledges receipt of copy of Petitioner's petition; enters the appearance of respondent in the case; alleges that respondent is not in the Military Service of the United States or its allies; alleges that every reasonable effort to effect reconciliation has been made and that the marriage is irretrievably broken; joins in the prayer of petitioner and consents to hearing without further notice.

COMMENT: *Balance of proceeding identical with regular divorce proceedings regarding temporary support, etc. See model transcript of divorce proceedings.*

(W)

ABSOLUTE DIVORCE

EXHIBIT " "

ABSTRACT OF PROCEEDINGS had in the District Court of Dundy County, Nebraska, in an action wherein Ella M. Talmon was plaintiff, and Carl A. Talmon was defendant.

Case No. 3780.

PETITION filed September 20, 1960, alleging that plaintiff and defendant were married March 28, 1948, and have resided together in Nebraska continuously since said time; that three children have been born to the marriage, all of whom are now living, namely Anthony, age 10 years, Timothy, age 8 years, and Angela, age 6 years; that defendant has been guilty of extreme cruelty toward plaintiff, and it is impossible to remain together as husband and wife; (*if real estate is shown, describe it*)

Plaintiff prays for absolute divorce, custody of the minor children, and other relief.

SUMMONS, Issued September 20, 1960, by Clerk of District Court of Dundy County, directed to the sheriff thereof, for defendant Carl A. Talmon. Return day October 3, 1960. Answer Day October 24, 1960.

RETURN OF SUMMONS filed October 3, 1960, showing personal service on October 2, 1960 on Carl A. Talmon, in the county aforesaid.

DEMURRER, Filed October 31, 1960.

ORDER, Entered December 14, 1960, for \$75.00 per month commencing this date as temporary support, that the defendant pay the sum of \$50.00 temporary attorney fees and \$36.00 court costs.

JOURNAL ENTRY, Entered February 27, 1961, the court finding that defendant is not now in the military service, and default is entered against him. Evidence of plaintiff and her witnesses were adduced, and the Court finds generally that the allegations of plaintiff's petition are true, that she is entitled to an absolute divorce, custody of the minor children, alimony, child support and her costs and attorney fees.

ORDERED, that the plaintiff is hereby granted an absolute divorce from the defendant; that she be awarded custody of the children of the marriage until further order of the court; with reasonable visitation rights granted defendant; that plaintiff have and recover from defendant as support money the sum of \$30.00 per month per child, until said children shall reach the age of 18 years, or until further order of this court; that the plaintiff shall have as permanent alimony the residence of the parties described as Lot 1, Block 16, Hiddleston Addition to Benkelman, Nebraska, and that title thereto is hereby confirmed and quieted in said Ella M. Talmon, together with \$1,000.00, payable \$500.00 on May 1, 1961, and \$500.00 payable August 1, 1961, defaulted payments to draw 6% interest per annum until fully paid. Divorce herein granted is not final for a period of six months except for purposes of appeal or review, costs taxed to defendant.

COSTS PAID. Clerk's Record shows full payment of order of December 14, 1960.