

1 (5) Unless otherwise specified by the court, an equal and
2 proportionate share of any child support awarded shall be presumed
3 to be payable on behalf of each child subject to the order, decree,
4 or judgment for purposes of an assignment under section 43-512.07.

5 Sec. 36. Section 42-371, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 42-371 Under the Uniform Interstate Family Support Act
8 and sections 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and
9 43-1401 to 43-1418:

10 (1) All judgments and orders for payment of money shall
11 be liens, as in other actions, upon real property and any personal
12 property registered with any county office and may be enforced or
13 collected by execution and the means authorized for collection of
14 money judgments; ~~The judgment creditor may execute (a) a partial~~
15 ~~or total release of the judgment or (b) a document subordinating~~
16 ~~the lien of the judgment to any other lien, generally or on~~
17 ~~specific real or personal property. Release of a judgment for child~~
18 ~~support or spousal support or subordination of a lien of a judgment~~
19 ~~for child support or spousal support must be approved by the court~~
20 ~~which rendered the judgment unless all such payments are current,~~
21 ~~in which case a release or subordination document executed by the~~
22 ~~judgment creditor shall be sufficient to remove or subordinate~~
23 ~~the lien. A properly executed, notarized release or subordination~~
24 ~~document, explicitly reciting that all child support payments or~~
25 ~~spousal support payments are current, shall be prima facie evidence~~

1 ~~that such payments are in fact current. The judgment debtor may~~
2 ~~file a motion in the court which rendered the original judgment for~~
3 ~~an order releasing or subordinating the lien as to specific real or~~
4 ~~personal property. The court shall grant such order upon a showing~~
5 ~~by the judgment debtor that sufficient real or personal property or~~
6 ~~property interests will remain subject to the lien or will maintain~~
7 ~~priority over other liens sufficient to cover all support due and~~
8 ~~which may become due;~~

9 (2) (a) If support order payments are current, a partial
10 or total release of the judgment or subordination of a lien
11 for a support order, generally or on specific real or personal
12 property, may be accomplished by filing (i) a current certified
13 copy of support order payment history from the Title IV-D Division
14 explicitly reciting that all support order payments are current and
15 (ii) a partial or total release of the judgment or subordination
16 document in the county office where the lien is registered.

17 (b) If support order payments are not current, the person
18 desiring such release or subordination may file an application
19 for the relief desired in the court which rendered the original
20 judgment or support order. A copy of the application and a
21 notice of hearing shall be served on the judgment creditor either
22 personally or by registered or certified mail no less than ten days
23 before the date of hearing. If the court finds that the release or
24 subordination is not requested for the purpose of avoiding payment
25 and that the release or subordination will not unduly reduce the

1 security, the court may issue an order for a total or partial
2 release of all or specific real or personal property from the lien
3 or issue an order subordinating the lien. As a condition for such
4 release or subordination, the court may require the posting of a
5 bond with the clerk in an amount fixed by the court, guaranteeing
6 payment of the judgment.

7 (c) For purposes of this section, a current certified
8 copy of support order payment history from the Title IV-D Division
9 explicitly reciting that all support payments are current is valid
10 for thirty days after the date of certification;

11 ~~(2)~~ (3) Full faith and credit shall be accorded to
12 a lien arising by operation of law against real and personal
13 property for amounts of overdue relating to a support order owed
14 by an obligor who resides or owns property in this state when
15 another state agency, party, or other entity seeking to enforce
16 such lien complies with the procedural rules relating to the
17 filing of the lien in this state. The state agency, party, or
18 other entity seeking to enforce such lien shall send a certified
19 copy of the support order with all modifications, the notice of
20 lien prescribed by 42 U.S.C. 652(a)(11) and 42 U.S.C. 654(9)(E),
21 and the appropriate fee to the clerk of the district court in
22 the jurisdiction within this state in which the lien is sought.
23 Upon receiving the appropriate documents and fee, the clerk of
24 the district court shall accept the documents filed and such
25 acceptance shall constitute entry of the foreign support order for

1 purposes of this section only. Entry of a lien arising in another
2 state pursuant to this section shall result in such lien being
3 afforded the same treatment as liens arising in this state. The
4 filing process required by this section shall not be construed as
5 requiring an application, complaint, answer, and hearing as might
6 be required for the filing or registration of foreign judgments
7 under the Nebraska Uniform Enforcement of Foreign Judgments Act or
8 the Uniform Interstate Family Support Act;

9 ~~(3) Child support and spousal support~~ (4) Support order
10 judgments shall cease to be liens on real or registered personal
11 property ten years from the date (a) the youngest child becomes
12 of age or dies or (b) the most recent execution was issued to
13 collect the judgment, whichever is later, and such lien shall not
14 be reinstated;

15 ~~(4)~~ (5) Alimony and property settlement award judgments,
16 if not covered by subdivision ~~(3)~~ (4) of this section, shall cease
17 to be a lien on real or registered personal property ten years
18 from the date (a) the judgment was entered, (b) the most recent
19 payment was made, or (c) the most recent execution was issued to
20 collect the judgment, whichever is latest, and such lien shall not
21 be reinstated;

22 ~~(5) Whenever a judgment creditor refuses to execute a~~
23 ~~release of the judgment or subordination of a lien as provided~~
24 ~~in this section, the person desiring such release or subordination~~
25 ~~may file an application for the relief desired. A copy of the~~

1 application and a notice of hearing shall be served on the judgment
2 creditor either personally or by registered or certified mail no
3 less than ten days before the date of hearing. If the court finds
4 that the release or subordination is not requested for the purpose
5 of avoiding payment and that the release or subordination will not
6 unduly reduce the security, the court may issue an order releasing
7 real or personal property from the judgment lien or issue an order
8 subordinating the judgment lien. As a condition for such release or
9 subordination, the court may require the posting of a bond with the
10 clerk in an amount fixed by the court, guaranteeing payment of the
11 judgment;

12 (6) The court may in any case, upon application or its
13 own motion, after notice and hearing, order a person required to
14 make payments to post sufficient security, bond, or other guarantee
15 with the clerk to insure payment of both current and any delinquent
16 amounts. Upon failure to comply with the order, the court may
17 also appoint a receiver to take charge of the debtor's property
18 to insure payment. Any bond, security, or other guarantee paid in
19 cash may, when the court deems it appropriate, be applied either to
20 current payments or to reduce any accumulated arrearage;

21 (7) (a) The lien of a mortgage or deed of trust which
22 secures a loan, the proceeds of which are used to purchase
23 real property, and (b) any lien given priority pursuant to a
24 subordination document under this section shall attach prior to
25 any lien authorized by this section. Any mortgage or deed of trust

1 which secures the refinancing, renewal, or extension of a real
2 property purchase money mortgage or deed of trust shall have the
3 same lien priority with respect to any lien authorized by this
4 section as the original real property purchase money mortgage or
5 deed of trust to the extent that the amount of the loan refinanced,
6 renewed, or extended does not exceed the amount used to pay the
7 principal and interest on the existing real property purchase money
8 mortgage or deed of trust, plus the costs of the refinancing,
9 renewal, or extension; and

10 (8) Any lien authorized by this section against personal
11 property registered with any county consisting of a motor vehicle
12 or mobile home shall attach upon notation of the lien against the
13 motor vehicle or mobile home certificate of title and shall have
14 its priority established pursuant to the terms of section 60-164 or
15 a subordination document executed under this section.

16 Sec. 37. Section 42-934, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 42-934 (a) A person authorized by the law of this state
19 to seek enforcement of a protection order may seek enforcement of
20 a valid foreign protection order in a tribunal of this state. The
21 tribunal shall enforce the terms of the order, including terms that
22 provide relief that a tribunal of this state would lack power to
23 provide but for this section. The tribunal shall enforce the order,
24 whether the order was obtained by independent action or in another
25 proceeding, if it is an order issued in response to a complaint,