

1 not exceed the number of days specified by the court unless the
2 respondent shows cause why the order should not remain in effect.

3 (5) The court shall also cause the notice created under
4 section 17 of this act to be served upon the respondent notifying
5 the respondent that it may be unlawful under federal law for a
6 person who is subject to a protection order to possess or receive
7 any firearm or ammunition.(1) If the specific facts included in
8 the affidavit do not show that the petitioner will be in immediate
9 danger of abuse or (2) if the court does not issue an ex parte
10 order or grants only part of the relief sought, the court or
11 judge may forthwith cause notice of the petition to be given to
12 the respondent stating that he or she may show cause, not more
13 than fourteen days after service upon him or her, why such order
14 should not be entered. If such ex parte order is issued to the
15 respondent, the court shall forthwith cause notice of the petition
16 and order to be given the respondent stating that, upon service
17 on the respondent, the order shall remain in effect for a period
18 of one year and, if the order grants temporary custody, that
19 such custody shall not exceed the number of days specified by the
20 court unless the respondent shows cause why the order should not
21 remain in effect. The court shall also cause to be served upon the
22 respondent a form with which to request a show-cause hearing. If
23 the respondent wishes to appear and show cause why the order should
24 not remain in effect, he or she shall affix his or her current
25 address, telephone number, and signature to the form and return it

1 of section 42-924 may be issued ex parte to the respondent if
2 it reasonably appears from the specific facts included in the
3 affidavit that the petitioner will be in immediate danger of abuse
4 before the matter can be heard on notice. If an order is issued ex
5 parte, the court shall immediately schedule an evidentiary hearing
6 to be held within thirty days after service of such order, and
7 the court shall cause notice of the hearing to be given to the
8 petitioner and the respondent. If the respondent appears at the
9 hearing and shows cause why such order should not remain in effect,
10 the court shall rescind the order. If the respondent does not so
11 appear and show cause, the order shall be affirmed.

12 (2) If an order under subsection (1) of section 42-924
13 is not issued ex parte, the court shall immediately schedule an
14 evidentiary hearing to be held within fourteen days after the
15 filing of the petition, and the court shall cause notice of the
16 hearing to be given to the petitioner and the respondent. If the
17 respondent does not appear at the hearing and show cause why such
18 order should not be issued, the court shall issue such order.

19 (3) The court may by rule or order refer or assign all
20 matters regarding orders issued under subsection (1) of section
21 42-924 to a referee for findings and recommendations.

22 (4) An order issued under subsection (1) of section
23 42-924 shall remain in effect for a period of one year from
24 the date of issuance, unless vacated by the court prior to such
25 date. If the order grants temporary custody, such custody shall

1 either to current payments or to reduce any accumulated arrearage;
2 ~~(7)(a)~~ (8)(a) The lien of a mortgage or deed of trust
3 which secures a loan, the proceeds of which are used to purchase
4 real property, and (b) any lien given priority pursuant to a
5 subordination document under this section shall attach prior to
6 any lien authorized by this section. Any mortgage or deed of trust
7 which secures the refinancing, renewal, or extension of a real
8 property purchase money mortgage or deed of trust shall have the
9 same lien priority with respect to any lien authorized by this
10 section as the original real property purchase money mortgage or
11 deed of trust to the extent that the amount of the loan refinanced,
12 renewed, or extended does not exceed the amount used to pay the
13 principal and interest on the existing real property purchase money
14 mortgage or deed of trust, plus the costs of the refinancing,
15 renewal, or extension; and

16 ~~(8)~~ (9) Any lien authorized by this section against
17 personal property registered with any county consisting of a motor
18 vehicle or mobile home shall attach upon notation of the lien
19 against the motor vehicle or mobile home certificate of title
20 and shall have its priority established pursuant to the terms of
21 section 60-164 or a subordination document executed under this
22 section.

23 Sec. 36. Section 42-925, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 42-925 Any (1) An order issued under subsection (1)

1 in this state. The filing process required by this section shall
2 not be construed as requiring an application, complaint, answer,
3 and hearing as might be required for the filing or registration of
4 foreign judgments under the Nebraska Uniform Enforcement of Foreign
5 Judgments Act or the Uniform Interstate Family Support Act;

6 ~~(4)~~ (5) Support order judgments shall cease to be liens
7 on real or registered personal property ten years from the date (a)
8 the youngest child becomes of age or dies or (b) the most recent
9 execution was issued to collect the judgment, whichever is later,
10 and such lien shall not be reinstated;

11 ~~(5)~~ (6) Alimony and property settlement award judgments,
12 if not covered by subdivision ~~(4)~~ (5) of this section, shall cease
13 to be a lien on real or registered personal property ten years
14 from the date (a) the judgment was entered, (b) the most recent
15 payment was made, or (c) the most recent execution was issued to
16 collect the judgment, whichever is latest, and such lien shall not
17 be reinstated;

18 ~~(6)~~ (7) The court may in any case, upon application or
19 its own motion, after notice and hearing, order a person required
20 to make payments to post sufficient security, bond, or other
21 guarantee with the clerk to insure payment of both current and
22 any delinquent amounts. Upon failure to comply with the order, the
23 court may also appoint a receiver to take charge of the debtor's
24 property to insure payment. Any bond, security, or other guarantee
25 paid in cash may, when the court deems it appropriate, be applied

1 or issue an order subordinating the lien. As a condition for such
2 release or subordination, the court may require the posting of a
3 bond with the clerk in an amount fixed by the court, guaranteeing
4 payment of the judgment.

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

9 (3) (4) Full faith and credit shall be accorded to a lien
10 arising by operation of law against real and personal property for
11 amounts overdue relating to a support order owed by an obligor who
12 resides or owns property in this state when another state agency,
13 party, or other entity seeking to enforce such lien complies with
14 the procedural rules relating to the filing of the lien in this
15 state. The state agency, party, or other entity seeking to enforce
16 such lien shall send a certified copy of the support order with
17 all modifications, the notice of lien prescribed by 42 U.S.C.
18 652(a)(11) and 42 U.S.C. 654(9)(E), and the appropriate fee to
19 the clerk of the district court in the jurisdiction within this
20 state in which the lien is sought. Upon receiving the appropriate
21 documents and fee, the clerk of the district court shall accept the
22 documents filed and such acceptance shall constitute entry of the
23 foreign support order for purposes of this section only. Entry of a
24 lien arising in another state pursuant to this section shall result
25 in such lien being afforded the same treatment as liens arising

1 judgment. For purposes of this section, a current certified copy of
2 support order payment history from the Title IV-D Division of the
3 Department of Health and Human Services setting forth evidence that
4 all support payments are current is prima facie evidence that such
5 payments are in fact current and is valid for thirty days after the
6 date of certification;

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

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

1 (c) Release of a judgment for child support or spousal
2 support or subordination of a lien of a judgment for child support
3 or spousal support shall be approved by the court which rendered
4 the judgment if all such payments are not current. The judgment
5 debtor may file a motion in the court which rendered the original
6 judgment for an order releasing or subordinating the lien as to
7 specific real or personal property. The court shall grant such
8 order upon a showing by the judgment debtor that sufficient real or
9 personal property or property interests will remain subject to the
10 lien or will maintain priority over other liens sufficient to cover
11 all support due and which may become due;

12 (3) Whenever a judgment creditor refuses to execute a
13 release of the judgment or subordination of a lien as provided
14 in this section, the person desiring such release or subordination
15 may file an application for the relief desired. A copy of the
16 application and a notice of hearing shall be served on the judgment
17 creditor either personally or by registered or certified mail no
18 later than ten days before the date of hearing. If the court finds
19 that the release or subordination is not requested for the purpose
20 of avoiding payment and that the release or subordination will not
21 unduly reduce the security, the court may issue an order releasing
22 real or personal property from the judgment lien or issue an order
23 subordinating the judgment lien. As a condition for such release or
24 subordination, the court may require the posting of a bond with the
25 clerk in an amount fixed by the court, guaranteeing payment of the

1 ordered, a warrant shall be issued for his or her arrest.

2 Sec. 35. Section 42-371, Revised Statutes Supplement,
3 2007, is amended to read:

4 42-371 Under the Uniform Interstate Family Support Act
5 and sections 42-347 to 42-381, 43-290, 43-512 to 43-512.10, and
6 43-1401 to 43-1418:

7 (1) All judgments and orders for payment of money shall
8 be liens, as in other actions, upon real property and any personal
9 property registered with any county office and may be enforced or
10 collected by execution and the means authorized for collection of
11 money judgments;

12 (2) (a) The judgment creditor may execute a partial or
13 total release of the judgment or a document subordinating the lien
14 of the judgment to any other lien, generally or on specific real or
15 personal property.

16 (b) Release of a judgment for child support or spousal
17 support or subordination of a lien of a judgment for child support
18 or spousal support may, if all such payments are current, be
19 released or subordinated by a release or subordination document
20 executed by the judgment creditor, and such document shall be
21 sufficient to remove or subordinate the lien. A properly executed,
22 notarized release or subordination document explicitly reciting
23 that all child support payments or spousal support payments are
24 current is prima facie evidence that such payments are in fact
25 current.