

## LEGISLATIVE BILL 42

Approved by the Governor February 20, 1981

Introduced by Judiciary Committee, Nichol, 48, Chpn.;  
Chambers, 11; Chronister, 18; Von Minden, 17;  
Beyer, 3; Pirsch, 10

AN ACT relating to court procedures; to change provisions for appeal from county and municipal courts; to amend sections 24-582, 24-583, 25-534, 25-1916, 30-1601, 30-2436, 30-2486, 30-2488, 43-112, 43-202.03, 71-3605, and 77-2023, Reissue Revised Statutes of Nebraska, 1943, and sections 24-525, 24-527, and 45-103, Revised Statutes Supplement, 1980; to provide appeal procedures; to provide duties; to provide for preservation of testimony; to provide for review; to provide for the payment of costs in certain cases; to harmonize provisions; to provide for transfer from certain courts as prescribed; to change service by mail provisions; to change procedures under the Nebraska Probate Code; to provide for allowance of interest on judgments as prescribed; to repeal the original sections, and also sections 24-541 to 24-550 and 30-1602 to 30-1610, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. (1) Any party may appeal from the final judgment or final order of the county or municipal court to the district court of the county where the county or municipal court is located.

(2) In cases of appeals from adoption proceedings and proceedings under the Nebraska Probate Code an appeal may also be taken by any person against whom the final judgment or final order may be made or who may be affected thereby.

(3) In cases of appeals from proceedings in the county court sitting as a juvenile court an appeal may be taken by:

(a) The child;

(b) The child's parent, custodian, or guardian;

or

(c) The county attorney or petitioner, except that in any case determining delinquency issues in which the child has been placed legally in jeopardy an appeal of such issues may only be taken by exception proceedings pursuant to sections 29-2317 to 29-2319.

(4) In cases of appeals from inheritance tax matters an appeal may also be taken by any person dissatisfied with and affected by the appraisal or assessment.

(5) The provisions of sections 1 to 10 of this act and section 24-551 shall not apply to appeals in eminent domain proceedings as provided in sections 76-715 to 76-723.

Sec. 2. (1) In order to perfect an appeal from the county or municipal court the appealing party shall within thirty days after the rendition of the judgment or making of the final order complained of:

(a) File with the clerk of the county or municipal court a notice of appeal; and

(b) Deposit with the clerk of the county or municipal court a docket fee in the amount of the filing fee in district court for cases originally commenced in district court.

(2) Satisfaction of the requirements of subsection (1) of this section shall perfect the appeal and give the district court jurisdiction of the matter appealed, except that in appeals from the county court sitting as a juvenile court the county court may act in accordance with section 43-202.03.

(3) The time of rendition of a judgment or making of a final order is the time at which the action of the judge in announcing the judgment or final order is noted on the trial docket or, if the action is not noted on the trial docket, the time at which the journal entry of the action is filed.

(4) The appealing party shall also within the time fixed by subsection (1) of this section:

(a) In matters arising under the Nebraska Probate Code only, when the appeal is by someone other than an executor, administrator, personal representative, conservator, trustee, guardian, or guardian ad litem, deposit with the clerk of the county court a cash bond or undertaking in such sum as the court shall direct, with at least one good and sufficient surety approved by the

court, conditioned that the appellant will satisfy any judgment and costs that may be adjudged against him or her, including costs under subsection (2) of section 10 of this act, unless the court directs that no cash bond or undertaking need be deposited; and

(b) In appeals from the Small Claims Court only, deposit with the clerk of the county or municipal court a cash bond or undertaking, with at least one good and sufficient surety approved by the court, in the amount of fifty dollars, conditioned that the appellant will satisfy any judgment and costs that may be adjudged against him or her.

(5) A notice of appeal or docket fee filed or deposited after the announcement of a decision or final order but before the rendition of the judgment or making of the final order shall be treated as filed or deposited after the rendition of the judgment or making of the final order and on the day thereof.

(6) The party appealing shall serve a copy of the notice of appeal upon all parties who have appeared in the action or upon their attorney of record. Proof of service shall be filed with the notice of appeal.

(7) If an appellant fails to comply with any provision of subsection (4) or (6) of this section the district court on motion and notice may take such action, including dismissal of the appeal, as is just.

Sec. 3. (1) In cases involving a money judgment or a judgment for the possession of specified personal property no appeal shall operate as a supersedeas, unless the appellant within thirty days after the rendition of the judgment deposits with the clerk of the county or municipal court a cash bond or an undertaking with at least one good and sufficient surety approved by the court. In cases involving a money judgment the bond or undertaking shall be in the amount of the judgment, costs, and estimated interest pending appeal, and conditioned that the appellant shall pay the judgment, interest, and costs adjudged against him or her on appeal. In cases involving a judgment for the possession of specified personal property the bond or undertaking shall be in an amount at least double the value of the property, and conditioned that the appellant shall pay all costs and damages adjudged against him or her on appeal and deliver the property in accordance with the judgment on appeal.

(2) In appeals in matters arising under the Nebraska Probate Code the appeal shall be a supersedeas

for the matter from which the appeal is specifically taken, but not for any other matter.

(3) In appeals in cases of forcible entry and detainer no appeal shall operate as a supersedeas unless the party appealing shall deposit an undertaking or cash bond in accordance with section 24-583.

(4) In appeals in cases under the Uniform Residential Landlord and Tenant Act no appeal shall operate as a supersedeas of any writ of restitution until the defendant shall deposit an undertaking or cash bond in accordance with section 76-1447.

(5) In all other cases perfection of an appeal shall not stay the proceedings.

(6) In any case the district court, on motion after notice and hearing and upon such terms as justice shall require, may stay any order or judgment appealed from, order a renewal or additional surety of an undertaking, or order the amount of the undertaking increased or decreased. The action of the district court shall be certified by the clerk to the clerk of the county or municipal court.

Sec. 4. (1) Upon perfection of the appeal the clerk of the county or municipal court shall transmit within ten days to the clerk of the district court a certified copy of the transcript and the docket fee, whereupon the clerk of the district court shall docket the appeal. Any bond or undertaking shall be transmitted to the clerk of the district court within ten days of filing.

(2) The transcript shall contain all pleadings, orders, filings, and docket entries in the case.

Sec. 5. (1) Testimony in all civil and criminal cases in county or municipal court shall be preserved by tape recording, but the court may order the use of a court reporter in any case.

(2) Standards for equipment for tape recording testimony and rules for using such equipment shall be prescribed by the Supreme Court. Such standards shall require that the equipment be capable of multiple track recording and of instantaneous monitoring by the clerk or other court employee operating the equipment.

(3) The transcription of such testimony, when certified to by the stenographer or court reporter who made it and settled by the court as such, shall

constitute the bill of exceptions in the case. The cost of preparing the bill of exceptions shall be paid initially by the party for whom it is prepared.

(4) Within sixty days of a demand by any party the clerk of the county or municipal court shall prepare the bill of exceptions and file it with the clerk of the district court.

Sec. 6. (1) In all cases other than appeals from the Small Claims Court, the district court shall review the case for error appearing on the record made in the county or municipal court. The district court shall render a judgment, which may affirm, affirm but modify, or reverse the judgment or final order of the county or municipal court. If the district court reverses, it may enter judgment in accordance with its findings, or remand the case to the county or municipal court for further proceedings consistent with the judgment of the district court.

(2) The bill of exceptions, if filed with the clerk at or before the hearing, shall be considered admitted in evidence on the hearing of the appeal, unless the court on objection by a party shall exclude all or part of it.

(3) In all cases other than appeals from the county court sitting as a juvenile court, appeals in adoption proceedings, and appeals under the Nebraska Probate Code, the judgment of the district court shall vacate the judgment in the county or municipal court. The taxation of costs in the district court shall include the costs in the county or municipal court. If a judgment of the county or municipal court is affirmed or affirmed but modified, interest on the amount of the judgment in the district court that does not exceed the amount of the judgment in the county or municipal court shall run from the date of the judgment appealed from the county or municipal court.

(4) In all appeals from the county court sitting as a juvenile court, appeals in adoption proceedings, and appeals under the Nebraska Probate Code the judgment of the district court shall be certified without cost to the county court for further proceedings consistent with the determination of the district court.

Sec. 7. In all cases of appeals from the Small Claims Court the district court shall try the case de novo without a jury. The judgment of the district court shall vacate the judgment in the county or municipal court. The taxation of costs in the district court shall

include the costs in the county or municipal court.

Sec. 8. When an appeal shall be dismissed or when judgment shall be entered in the district court against the appellant, the sureties in the undertaking shall be liable to the appellee for the amount of the judgment, interest, and costs recovered against the appellant, but not to exceed the amount of the undertaking.

Sec. 9. If an appeal is dismissed for procedural reasons, the clerk of the district court shall certify the order without cost to the county or municipal court. Thereafter the proceedings in the county or municipal court shall continue as if no appeal had been taken.

Sec. 10. (1) In all cases involving a money judgment, if any person appealing from a judgment rendered in his or her favor shall not recover a greater sum than the amount for which judgment was rendered, besides costs and the interest accruing thereon, such appellant shall pay the costs of such appeal.

(2) In all matters arising under the Nebraska Probate Code, if it shall appear to the district court that an appeal was taken vexatiously or for delay, the court shall adjudge that the appellant shall pay the cost thereof, including an attorney's fee, to the adverse party in an amount fixed by the district court, and any bond required under subdivision (4)(a) of section 2 of this act shall be liable therefor.

Sec. 11. That section 24-525, Revised Statutes Supplement, 1980, be amended to read as follows:

24-525. All matters in the Small Claims Court shall be tried to the court without a jury. Any defendant in an action may transfer the case to the regular docket of the county or municipal court by giving notice to the court at least two days prior to the time set for the hearing; upon such notice the case shall be transferred to the regular docket of the county or municipal court. The party causing the transfer of a case from the Small Claims Court to the regular docket shall pay as a fee the difference between the fee for filing a claim in Small Claims Court and the fee for filing a claim on the regular docket.

In any action transferred to the regular docket there shall be no further pleadings, demurrers, motions challenging pleadings, or discovery unless ordered by the court upon a showing that any such procedure is necessary

to the prompt and just determination of the action.

Sec. 12. That section 24-527, Revised Statutes Supplement, 1980, be amended to read as follows:

24-527. ~~If either party is dissatisfied with the judgment of the Small Claims Court, he or she~~ Any party may appeal to the district court as provided in sections 1 to 10 of this act and section 24-551. ~~of the county where the judgment was rendered. Any such appeal shall be subject to the provisions of sections 24-542 to 24-544, except that no bill of exceptions nor any cash bond or undertaking in excess of fifty dollars, shall be required. Parties may be represented by attorneys on appeal. and the district court shall try any such appeal de novo with or without a jury, as may be requested by either party, pursuant to the rules of civil procedure in the district courts.~~

Sec. 13. That section 24-582, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-582. Any party against whom judgment has been entered in an action of forcible entry and detention, or forcible detention only, of real property, may appeal as provided in sections 1 to 10 of this act and section 24-551. ~~therefrom to the district court, except that the right of appeal shall not be granted from judgments entered by default.~~

Sec. 14. That section 24-583, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-583. ~~The party appealing shall within ten days from the rendition of the judgment give an appeal bond with two or more sureties to be approved by the court, or deposit a cash bond~~ No appeal shall operate as a supersedeas unless the appellant within thirty days after the rendition of the judgment deposits with the clerk of the county or municipal court a cash bond or undertaking with at least one good and sufficient surety approved by the court, conditioned in case of appeal by the plaintiff that he or she will satisfy the final judgment and costs; and in case of appeal by the defendant, that he or she will satisfy the final judgment and costs, and will pay a reasonable rent for the premises during the time he or she shall have unlawfully withheld the same. ~~Provided, that the party appealing may in lieu of the appeal bond provided for in this section give a cash bond in sufficient amount and held subject to the same terms as the bond herein provided~~

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Sec. 15. That section 25-534, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-534. Whenever in any action or proceeding, any order, motion, notice, or other document, except a summons, is required by statute or rule of the Supreme Court to be served upon or given to any party represented by an attorney whose appearance has been noted on the record, or is thus required to be served upon or given to the attorney for any party, such service or notice may be made upon or given to such attorney, unless service upon the party himself or herself is ordered by the court. Service upon such attorney or upon a party shall be made by delivering a copy to him or her or by mailing it to him or her.

Delivery of a copy shall mean handing it to the attorney or to the party; or leaving it at his or her office with his or her clerk or other person in charge thereof; or, if the office is closed or the person to be served has no office, leaving it at his or her dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

Every party appearing in an action without an attorney, and every attorney appearing in an action, shall designate on the record an address to which mail addressed to such party or attorney may be sent. Service by mail shall be by certified-mail-or-registered ordinary first class mail addressed to such designated address, or if none is so designated, to the last-known address of such party or attorney. Service by mail is complete upon mailing.

Proof of service may be made by certificate of the attorney causing the service to be made. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him or her and the notice or paper is served upon him or her by mail, three days shall be added to the prescribed period.

Sec. 16. That section 25-1916, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1916. No appeal in any case shall operate as a supersedeas, unless the appellant or appellants shall within twenty-days-next one month after the rendition of such judgment or decree, or the making of such final



order, execute to the adverse party a bond with one or more sureties or in lieu thereof make a cash deposit with the clerk for the benefit of the adverse party, as follows:

(1) When the judgment, decree, or final order appealed from directs the payment of money, the bond shall be in the amount of the judgment, decree, or final order and the taxable court costs in the district court, plus the estimated amount of interest that will accrue on the judgment, decree, or final order between its date and the final determination of the cause in the Supreme Court and the estimated amount of the costs of appeal, said estimated interest to accrue and estimated court costs to be determined by the trial court, said supersedeas bond or cash deposit to be conditioned that the appellant or appellants will prosecute such appeal without delay and pay all condemnation money and costs which may be found against him, her, or them on the final determination of the cause in the Supreme Court; Provided, that when a cash deposit is made or a bond is provided herein, written by a corporate surety company authorized to do business within the State of Nebraska, is approved by the trial court in which said judgment was rendered, and filed in said court the general lien of the judgment shall be dissolved;

(2) When the judgment, decree, or final order directs the execution of a conveyance or other instrument, the bond or cash deposit shall be in such sum as shall be prescribed by the district court, or judge thereof in vacation, conditioned that the appellant or appellants will prosecute such appeal without delay; and will abide and perform the judgment or decree rendered, or final order which shall be made by the Supreme Court in the cause;

(3) When the judgment, decree, or order directs the sale or delivery of possession of real estate, the bond or cash deposit shall be in such sum as the court, or judge thereof in vacation, shall prescribe, conditioned that the appellant or appellants will prosecute such appeal without delay and will not during the pendency of such appeal commit, or suffer to be committed, any waste upon such real estate, and pay all costs, and all rents or damages to such real estate which may accrue during the pendency of such appeal and until the appellee is legally restored thereto;

(4) When the judgment, decree, or final order dissolves or modifies any order of injunction which has been or hereafter may be granted, the supersedeas bond or cash deposit shall be in such reasonable sum as the court

or judge thereof in vacation shall prescribe, conditioned that the appellant or appellants will prosecute such appeal without delay, and will pay all costs which may be found against him, her, or them on the final determination of the cause in the Supreme Court; and such supersedeas bond or cash deposit shall stay the doing of the act or acts sought to be restrained by the suit, and continue such injunction in force until the case is heard and finally determined in the Supreme Court. The undertaking given upon the allowance of the injunction shall be and remain in effect until it is finally decided whether or not the injunction ought to have been granted.

Sec. 17. That section 30-1601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1601. In all matters arising under the Nebraska Probate Code, appeals shall be allowed as provided in sections 1 to 10 of this act and section 24-551. ~~from any final order, judgment or decree of the county court to the district court by any person against whom any such order, judgment or decree may be made or who may be affected thereby.~~

Sec. 18. (1) If there is an objection to probate of a will, the county court shall continue the originally scheduled hearing for at least fourteen days from the date of the hearing. At any time within fourteen days from the date of the originally scheduled hearing any party may transfer the proceeding to determine whether the decedent left a valid will to the district court by filing with the county court a notice of transfer, depositing with the clerk of the county court a docket fee in the amount of the filing fee in district court for cases originally commenced in district court, and paying to the clerk of the county court the fee required by section 33-125 for proceedings under the Nebraska Probate Code.

(2) Within ten days of the completion of the requirements of subsection (1) of this section the clerk of the county court shall transmit to the clerk of the district court a certified transcript of the complete record of the matter transferred and the docket fee.

(3) Upon the filing of the transcript in the district court such court shall have jurisdiction over the proceeding on the contest. Within thirty days of the filing of the transcript any party may file additional objections.

(4) The district court may order such additional pleadings as necessary, and shall thereafter determine whether the decedent left a valid will. Trial shall be to a jury unless a jury is waived by all parties who have filed pleadings in the matter.

(5) The final decision and judgment in the matter transferred shall be certified to the county court and proceedings shall be had thereon necessary to carry the final decision and judgment into execution.

Sec. 19. That section 30-2436, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2436. Subject to appeal and subject to vacation as provided herein and in section 30-2437, a formal testacy order under sections 30-2433 to 30-2435, including an order that the decedent left no valid will and determining heirs, is final as to all persons with respect to all issues concerning the decedent's estate that the court considered or might have considered incident to its rendition relevant to the question of whether the decedent left a valid will, and to the determination of heirs, except that:

(1) The court shall entertain a petition for modification or vacation of its order and probate of another will of the decedent if it is shown that the proponents of the later-offered will were unaware of its existence at the time of the earlier proceeding or were unaware of the earlier proceeding and were given no notice thereof, except by publication.

(2) If intestacy of all or part of the estate has been ordered, the determination of heirs of the decedent may be reconsidered if it is shown that one or more persons were omitted from the determination and it is also shown that the persons were unaware of their relationship to the decedent, were unaware of his or her death or were given no notice of any proceeding concerning his or her estate, except by publication.

(3) A petition for vacation under either (1) or (2) above must be filed prior to the earlier of the following time limits:

(i) If a personal representative has been appointed for the estate, the time of entry of any order approving final distribution of the estate, or, if the estate is closed by statement, six months after the filing of the closing statement.

(ii) Whether or not a personal representative has been appointed for the estate of the decedent, the time prescribed by subdivision (1), (2), or (3) of section 30-2408 when it is no longer possible to initiate an original proceeding to probate a will of the decedent.

(iii) Twelve months after the entry of the order sought to be vacated.

(4) The order originally rendered in the testacy proceeding may be modified or vacated, if appropriate under the circumstances, by the order of probate of the later-offered will or the order redetermining heirs.

(5) The finding of the fact of death is conclusive as to the alleged decedent only if notice of the hearing on the petition in the formal testacy proceeding was sent by registered or certified mail addressed to the alleged decedent at his or her last-known address and the court finds that a search under section 30-2427 (b) was made.

If the alleged decedent is not dead, even if notice was sent and search was made, he or she may recover estate assets in the hands of the personal representative. In addition to any remedies available to the alleged decedent by reason of any fraud or intentional wrongdoing, the alleged decedent may recover any estate or its proceeds from distributees that is in their hands, or the value of distributions received by them, to the extent that any recovery from distributees is equitable in view of all of the circumstances.

(6) In a contested will case in which the district court heard a transferred proceeding and certified the results to the county court under section 18 of this act, any petition for modification under subsection (1) of this section shall be filed in the county court from which the proceedings were transferred; any party may thereafter remove the proceedings for modification or vacation in accordance with section 18 of this act.

Sec. 20. That section 30-2486, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2486. Claims against a decedent's estate may be presented as follows:

(1) The claimant may file a written statement of the claim, in the form prescribed by rule, with the clerk of the court. The claim is deemed presented on the

filing of the claim with the court. If a claim is not yet due, the date when it will become due shall be stated. If the claim is contingent or unliquidated, the nature of the uncertainty shall be stated. If the claim is secured, the security shall be described. Failure to describe correctly the security, the nature of any uncertainty, and the due date of a claim not yet due does not invalidate the presentation made.

(2) The claimant may commence a proceeding against the personal representative in any court which has subject matter jurisdiction and the county--court--in which the claim is presented without regard to the amount in controversy or in any federal or state court where the personal representative may be subjected to jurisdiction, to obtain payment of his or her claim against the estate, but the commencement of the proceeding must occur within the time limited for presenting the claim. No presentation of claim is required in regard to matters claimed in proceedings against the decedent which were pending at the time of his or her death.

(3) If a claim is presented under subsection (1), no proceeding thereon may be commenced more than sixty days after the personal representative has mailed a notice of disallowance; but, in the case of a claim which is not presently due or which is contingent or unliquidated, the personal representative may consent to an extension of the sixty-day period, or to avoid injustice the court, on petition, may order an extension of the sixty-day period, but in no event shall the extension run beyond the applicable statute of limitations.

Sec. 21. That section 30-2488, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2488. (a) As to claims presented in the manner described in section 30-2486 within the time limit prescribed in section 30-2485, the personal representative may mail a notice to any claimant stating that the claim has been disallowed. If, after allowing or disallowing a claim, the personal representative changes his or her decision concerning the claim, he or she shall notify the claimant. The personal representative may not change a disallowance of a claim after the time for the claimant to file a petition for allowance or to commence a proceeding on the claim has run and the claim has been barred. Every claim which is disallowed in whole or in part by the personal representative is barred so far as not allowed unless the claimant files a petition for allowance in the court or

commences a proceeding against the personal representative not later than sixty days after the mailing of the notice of disallowance or partial allowance if the notice warns the claimant of the impending bar. Failure of the personal representative to mail notice to a claimant of action on his or her claim for sixty days after the time for original presentation of the claim has expired has the effect of a notice of allowance.

(b)(1) At any time within fourteen days of the filing of a petition for allowance of a claim not in excess of five thousand dollars, the personal representative may transfer the claim to the regular docket of the county court by filing with the court a notice of transfer. The county court shall hear and determine the claim in the same manner as actions originally filed in the county court on the regular docket. The county court may order such additional pleadings as are necessary.

(2) At any time within fourteen days of the filing of a petition for allowance of a claim in excess of five thousand dollars, the personal representative may transfer the claim to the district court by filing with the county court a notice of transfer and depositing with the clerk a docket fee in the amount of the filing fee in district court for cases originally commenced in district court. Upon the filing of a notice of transfer and the deposit of the docket fee the clerk of the county court shall transmit to the clerk of the district court a certified copy of the notice of transfer, a certified copy of the petition for allowance of the claim, and the docket fee. Upon the filing of the notice and petition the district court shall have jurisdiction over the proceedings on the claim. The district court may order such additional pleadings as are necessary. The district court shall adjudicate the claim in the manner provided in section 25-1104 as to actions for the recovery of money or of specific real or personal property.

**{b}** **{c}** Upon the petition of the personal representative or of a claimant in a proceeding for the purpose, the court may allow in whole or in part any claim or claims filed with the clerk of the court in due time and not barred by subsection (a) of this section. Notice in this proceeding shall be given to the claimant, the personal representative and those other persons interested in the estate as the court may direct by order entered at the time the proceeding is commenced.

**{c}** **{d}** A final judgment in a proceeding in any ~~federal-or-state~~ court against a personal representative

to enforce a claim against a decedent's estate is an allowance of the claim.

~~(d)~~ (e) Unless otherwise provided in any final judgment in any federal-or-state court entered against the personal representative, allowed claims bear interest at the legal rate for the period commencing sixty days after the time for original presentation of the claim has expired unless based on a contract making a provision for interest, in which case they bear interest in accordance with that provision.

Sec. 22. That section 43-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-112. An appeal shall be allowed from any final order, judgment, or decree, rendered under the authority of sections 43-101 to 43-115, from the county court to the district court as provided in sections 1 to 10 of this act and section 24-551. ~~by any person against whom such order, judgment or decree may be made or who may be affected thereby, in the manner provided for appeals in probate matters.~~

Sec. 23. That section 43-202.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-202.03. When a juvenile court proceeding has been instituted before a county court sitting as a juvenile court, the original jurisdiction of the county court shall continue until the final disposition thereof, and appeal may be had to the district court as in civil cases provided in sections 1 to 10 of this act and section 24-551, but no such appeal shall stay the enforcement of any order entered in the county court. After appeal has been filed, the district court, upon application and hearing, may stay any order, judgment, or decree on appeal if suitable arrangement is made for care and custody of the child. The county court shall continue to exercise supervision over the child until a hearing is had in the district court and the district court enters an order making other disposition. If the district court adjudges the child to be a child defined in section 43-202, the district court shall affirm the disposition made by the county court, unless it is shown by clear and convincing evidence that the disposition of the county court is not in the best interest of such child. ~~Upon determination of the appeal, the district court shall remand the case to the county court for further proceedings consistent with the determination of the district court.~~

Sec. 24. That section 45-103, Revised Statutes Supplement, 1980, be amended to read as follows:

45-103. Interest on all decrees and judgments for the payment of money shall be from the date of the rendition thereof at the rate of twelve dollars for the period commencing on March 19, 1980, through August 31, 1983, and at the rate of eight dollars commencing on September 1, 1983, upon each one hundred dollars annually until the same shall be paid; Provided, if said judgment or decree shall be founded upon any contract, either verbal or written, by the terms of which a greater rate of interest, not exceeding the amount allowed by law, than twelve per cent for the period commencing on March 19, 1980, through August 31, 1983, and then eight per cent per annum commencing on September 1, 1983, shall have been agreed upon, the rate of interest upon such judgment or decree shall be the same as provided for by the terms of the contract upon which the same was founded. Interest on a judgment appealed to the district court shall be determined in accordance with subsection (3) of section 6 of this act.

Sec. 25. That section 71-3605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-3605. Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review under the provisions of sections 74-3604--to 74-3642 1 to 10 of this act and section 24-551.

~~Proceedings for review in the district court for the county in which such hearing was held shall be instituted by filing, within ten days after rendition of such order or judgment, a petition on appeal to which shall be attached, as an exhibit or otherwise, a copy of the order or judgment appealed from and copy of the petition filed in the county court. As a part of such appeal and within such ten-day period, the party filing the petition on appeal shall also serve notice on the adverse party to appear for trial and determination of such matter de novo in the district court at 9:00 a.m. on the tenth day after filing such petition on appeal or as soon thereafter as the parties may be heard by the court. Such cause shall be tried de novo in the district court and judgment shall be rendered thereon promptly. Any appeal from the district court shall be in the same manner as appeals in civil actions from the district court to the Supreme Court; except that no appeal from the judgment of the district court shall prevent or supersede the execution of the judgment of the district~~



~~court while such appeal is pending.~~

Sec. 26. That section 77-2023, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~77-2023. Any person or persons, dissatisfied with the appraisal or assessment, may appeal. An appeal may be taken from the determination of the tax due made by the county court to the district court as provided in sections 1 to 10 of this act and section 24-551. for the proper county within thirty days after the entry of order determining the tax upon the giving of bond conditioned to pay all costs and all taxes that may be found due by the district court.~~

Sec. 27. That original sections 24-582, 24-583, 25-534, 25-1916, 30-1601, 30-2436, 30-2486, 30-2488, 43-112, 43-202.03, 71-3605, and 77-2023, Reissue Revised Statutes of Nebraska, 1943, and sections 24-525, 24-527, and 45-103, Revised Statutes Supplement, 1980, and also sections 24-541 to 24-550 and 30-1602 to 30-1610, Reissue Revised Statutes of Nebraska, 1943, are repealed.