

LEGISLATIVE BILL 1116

Approved by the Governor March 15, 1994

Introduced by Beutler, 28

AN ACT relating to decedents' estates; to amend section 30-2313, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the elective share of a spouse of a nonresident decedent when real estate in this state is involved; and to repeal the original section.

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

Section 1. That section 30-2313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2313. (a) If a married person domiciled in this state dies, the surviving spouse has a right of election to take an elective share in any fraction not in excess of one-half of the augmented estate under the limitations and conditions hereinafter stated.

(b) ~~Except as provided in subsection (c) of this section, if a married person not domiciled in this state dies, the right, if any, of the surviving spouse to take an elective share in property in this state and the amount or extent of such share are governed by the law of the decedent's domicile at death.~~

(c) If a married person not domiciled in this state dies and such person (1) had been an owner of real estate in this state, (2) had conveyed the real estate during his or her lifetime without joinder of his or her spouse in the conveyance, and (3) was not domiciled in this state at the time of the conveyance, such conveyance shall be valid regardless of the law of the decedent's domicile at death. The real estate shall not be subject to any claims or interests derived from the grantor or the grantor's estate because the spouse did not join in the conveyance.

Sec. 2. That original section 30-2313, Reissue Revised Statutes of Nebraska, 1943, is repealed.