

Disposition of Personal Property Checklist

This checklist is based upon Neb. Rev. Stat. §§ 69-2301 through 69-2314.

Procedure

- Written notice must be given to the person you reasonably believe is the owner.
 - Property must be described in a manner reasonably adequate to permit the owner to identify it.
 - Notice shall state reasonable costs of storage may be charged before property is returned; location where the property may be claimed; and the date on or before which the property must be claimed.
 - The date in the notice shall be more than 7 days after the notice is personally delivered, OR 14 days after the notice is deposited in the mail.
 - The notice must be given within 6 months after the expiration of the lease.
 - The notice must be personally delivered or sent by first-class mail at the last known address or to another address known to the landlord which the person would reasonably be expected to receive notice.
- Notice must contain one of these statements:
 - (1) "If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising, and sale are deducted, the remaining money will be turned over to the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act. You may claim the remaining money from the office of the State Treasurer as provided in such act."; or
 - (2) "Because this property is believed to be worth less than **two thousand dollars**, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated in this notice."
- Draft form of notice is located in Neb. Rev. Stat. § 69-2305 (Reissue 2009).

Liability

- Landlord may leave the personal property on the vacated premises or store it in a place of safekeeping until the landlord releases or disposes of the property pursuant to the notice.
 - Landlord must exercise reasonable care in storing the property, but is not liable to the tenant for any loss not cause by the landlord's intentional or negligent acts.

- Property shall be released to the former tenant or to any person reasonably believed to be the owner if the tenant or other person pays the reasonable costs of storage and advertising and takes possession by the date in the notice.
 - If notice states there will be a public sale, landlord shall release property to the tenant prior to sale if the tenant claims it and pays reasonable costs of storage, advertising, and preparation of sale.

Disposal of Property

- If resale value of property is greater than \$2,000.00, public sale.
- If resale value of property is less than \$2,000.00, landlord may retain such property or dispose as he/she wishes.
- FOR PUBLIC SALES:
 - Notice shall be given of the time and place of sale by advertisement published once a week for two consecutive weeks in a newspaper of general circulation in the county.
 - If no newspaper available for general publication - ad must be posted at least ten days before sale in at least six conspicuous places in the neighborhood of proposed sale.
 - Sale must be at the nearest suitable place where the property is held.
 - Ad must include a description of the goods, name of the former tenant, and the time and place of sale.
 - Sale must take place no sooner than 10 days after first publication.
 - Last publication shall be no less than 5 days before the sale.
 - Landlord may deduct reasonable costs of storage, advertising, and sale.
 - Any proceeds not claimed by the tenant shall be remitted to the State Treasurer within 30 days after the date of sale.