

CHAPTER 6

TRIAL COURTS

ARTICLE 14

UNIFORM COUNTY COURT RULES OF PRACTICE AND PROCEDURE

Section.

- 6-1401. Conduct in the courtroom.
- 6-1402. Attendance and attire.
- 6-1403. Courtroom decorum.
- 6-1404. Stipulations.
- 6-1405. Recording of court proceedings; request for transcription; request for copy of digital recording.
- 6-1406. Withdrawal of counsel.
- 6-1407. Application for fees.
- 6-1408. Pleadings.
- 6-1409. Identification of pleadings.
- 6-1410. Copies of pleadings.
- 6-1411. Identification of attorney.
- 6-1412. Amendments.
- 6-1413. Public records.
- 6-1414. Costs.
- 6-1415. Waiver of preliminary hearings.
- 6-1416. Bail.
- 6-1417. Motions.
- 6-1418. Submission.
- 6-1419. Dismissal docket.
- 6-1420. Interrogatories.
- 6-1421. Pretrial conferences.
- 6-1422. Criminal complaints.
- 6-1423. Demand for jury trials.
- 6-1424. Instructions.
- 6-1425. Arguments to jury.
- 6-1426. Identification of exhibits.
- 6-1427. Exhibit procedure.
- 6-1428. Withdrawal or destruction.
- 6-1429. Return of exhibits.
- 6-1430. Record of withdrawal or destruction.
- 6-1431. Duties of prosecuting attorneys.
- 6-1432. Default judgments.
- 6-1433. Notice of interested person duty; guardian and conservator notice requirements; court notice requirements.
- 6-1434. Other children.
- 6-1435. Creditor-debtor information.
- 6-1436. Continuances.
- 6-1437. Claims of personal representatives, guardians, and conservators.
- 6-1438. Report of fees to personal representative.
- 6-1439. Time for increase in bonds; bond review.
- 6-1440. Surety requirements on bonds.

- 6-1441. Bonds in guardianship/conservatorship cases.
- 6-1442. Conservator/guardian inventory and accounts; initial filing; annual filing; amended inventories; restricted accounts; court review.
- 6-1443. Conservator/guardian Letters.
- 6-1444. Rules not jurisdictional.
- 6-1445. Filing requirements; guardian/conservatorship standardized forms.
- 6-1446. Personal representative's failure to qualify.
- 6-1447. Dismissal for failure to act.
- 6-1448. Local rules.
- 6-1449. Background checks on guardians or conservators; appointment of guardian ad litem.
- 6-1450. Provisions for deposit and investment of funds received by the clerk of the county court.
- 6-1451. County court records.
- 6-1452. Appeals taken from the county courts.
- 6-1453. Preliminary hearings in felony cases.
- 6-1454. Criminal proceedings before clerk magistrate.
- 6-1455. Uniform waiver system.
- 6-1456. [Reserved.]
- 6-1457. City or village ordinance guidelines.
- 6-1458. Petty cash funds.
- 6-1459. Presiding judges.
- 6-1460. Domestic relations.
- 6-1461. Modification of rules.
- 6-1462. County court and small claims court jurisdictional limits.
- 6-1463. Uniform traffic citation and complaint and citation in lieu of arrest.
- 6-1464. Protection of personal and financial information in court records.
- 6-1465. Bankruptcy; effect on pending cases; disbursing funds.
- Appendix 1. County court appeal to district court certificate of transcript.
- Appendix 2. Sample certificate – civil cases – for use in appeals to Supreme Court and Court of Appeals.
- Appendix 3. Sample certification of transcript for use in appeals to the Supreme Court and Court of Appeals.
- Appendix 4. Plaintiff's claim and notice to defendant (small claims court).
- Appendix 5. Manual uniform citation and complaint forms; electronic uniform citation and complaint forms (waiverable and nonwaiverable).
- Appendix 6. Waiver/fine schedule.
- Appendix 7. Personal and financial information in general civil cases.
- Appendix 8. Personal and financial information in Neb. Rev. Stat. Chap. 30 related cases.
- Appendix 9. Request form for copy of digital audio recording.

§ 6-1401. Conduct in the courtroom.

All statements and communications by counsel will be clearly and audibly made from the counsel table. While court is in session, counsel shall not leave their places at the counsel table for a conference at the bench unless permitted by the judge to do so. Counsel shall address witnesses, other counsel, and prospective jurors by their surnames. Counsel shall not comment on answers given by witnesses. Arguments by counsel shall be addressed to the court and not to each other. Counsel shall orally identify themselves on the record in open court.

Rule 1 amended September 1991. Renumbered and codified as § 6-1401, effective July 18, 2008.

§ 6-1402. Attendance and attire.

All parties and their attorneys shall be present in the courtroom and prepared to proceed at the hour set for hearing by the court. Unjustified failure to appear shall subject the case to dismissal or disciplinary action to the attorneys concerned. Attorneys shall be attired in ordinary business wear.

§ 6-1402 amended June 9, 2010.

§ 6-1403. Courtroom decorum.

All persons entering the courtroom while court is in session shall be seated immediately and shall conduct themselves in a quiet and orderly manner. No person shall smoke, eat, drink beverages, or engage in other distracting conduct in the courtroom while court is in session.

No person shall possess any firearm or other dangerous weapon in the courtroom or in any public area adjacent to it without the permission of the court.

Upon order of the court, any person may be subjected to a search of his or her person and possessions for any weapons, destructive device, or components thereof.

§ 6-1403 amended June 9, 2010.

§ 6-1404. Stipulations.

All stipulations and private agreements or understandings of counsel or of parties to a suit, unless made in open court during the trial, must be reduced to writing and signed by the parties or counsel for the parties making the same.

§ 6-1405. Recording of court proceedings.

(A) All proceedings in county court shall be recorded, and such proceedings shall be preserved as set forth in the County Court Records Retention Schedule. Requests for a transcription of such recording shall be made and paid for as in § 6-1452.

(B) Except for “restricted hearings,” as defined herein, in cases where the county court proceedings have been digitally recorded by the court, any person may request a copy of the audio record of a court proceeding. The request shall be made on a form approved by the State Court Administrator as set out at Appendix 9 and shall contain:

(1) The case number, case name, date, time and location, and judge of the hearing for which the copy of the recording is sought;

(2) That portion of the hearing requested;

(3) Acknowledgment that the recording is not the official court record; and

(4) Requesting party's agreement that it will comply with all laws regarding privacy of information; and agreement not to publish or disseminate any content that may be protected, including, but not limited to, the information described in §§ 6-1521, 6-1464, and 6-1701.

(C) A request to limit public access to information in a court recording may be made by any party to a case, an individual identified in the court record, or on the court's own motion. For good cause, the court may limit the manner or extent of public access. In limiting the manner or extent of access, the court will use the least restrictive means that achieves the purposes of these access rules and the needs of the requestor.

(D) "Restricted hearings" shall mean any court proceeding that is closed to the public for any reason or any proceeding subject to an order pursuant to § 6-1405(C). Parties, counsel of record, and individuals present and participating in "restricted hearings" may request a copy of the audio record of such restricted hearings. The requesting party shall be required to give notice of the request to all interested parties and advise them of their right to file, with the court within 10 days, an objection to the requested copy. If an objection is filed, the court shall set a hearing giving the objector an opportunity to show cause why the copy should not be provided, or why it should be redacted in some manner.

(E) Before providing an electronic copy, court staff shall review the court file of the proceeding subject to the request to determine if any access limitation under § 6-1405(C) has been ordered or is pending. Court staff shall also notify the judge presiding at the hearing which is the subject of the request(s), or the presiding judge of the jurisdiction, of the request for an electronic copy.

(F) The cost of the copy shall be paid prior to preparation of the copy. The cost shall be \$10 for the first hearing copied (\$5 for materials to the county and \$5 for court staff time spent on the recording). There shall be a \$5 charge for each additional hearing copied onto the same compact disc (CD) and a charge of \$5 for each additional CD required.

Rule 5 amended November 10, 2004. Renumbered and codified as § 6-1405, effective July 18, 2008; § 6-1405 amended June 8, 2011; § 6-1405(A)–(F) amended November 23, 2011.

§ 6-1406. Withdrawal of counsel.

Upon timely application and good cause shown, counsel shall be permitted to withdraw from a matter in which there has been filed with the application an affidavit which recites that counsel has served a copy of the application upon the client and all parties and which further recites the client's current address.

Rule 6 amended November 1991. Renumbered and codified as § 6-1406, effective July 18, 2008.

§ 6-1407. Application for fees.

Before the claim of any attorney appointed by the court is allowed in criminal and juvenile matters, such attorney shall make a written application for fees, positively verified, stating time and expenses in the case. Counsel shall also state in the application that counsel has not received and has no contract for the payment of any compensation by such defendant or anyone in the defendant's behalf, or, if counsel has received any fee or has a contract for the payment of same, shall disclose the same fully so that the proper credit may be taken on counsel's application. The application shall be filed with the clerk. If a hearing is required, the time and date of hearing shall be set by court order.

§ 6-1408. Pleadings.

All pleadings presented for filing with the county court shall comply with the rules as required for filing any matters with the Nebraska Supreme Court as to size, weight, color, and form.

§ 6-1409. Identification of pleadings.

A pleading offered for filing shall plainly show the caption of the case, the description and designation of its contents, and in whose behalf the same is filed. All pleadings subsequent to the pleading initiating the proceeding shall also show the case number.

§ 6-1410. Copies of pleadings.

Except where the action is filed electronically, upon the initial filing of a civil action, there shall be presented to the clerk clear and legible duplicate copies of each pleading, together with all exhibits, in sufficient number to provide one copy for each adverse party. After the filing of the initial pleading, copies of all other pleadings shall be served upon or mailed to all opposing parties or their counsel, and the pleading shall contain the certificate of counsel stating the date and manner thereof, the address to which said service was mailed or delivery was made, and that said service was made upon all attorneys of record and any party appearing pro se.

For electronically filed cases, the court shall provide copies, or shall return the summons to the filing party electronically for attachment of copies for service.

Rule 10 amended September 1991. Renumbered and codified as § 6-1410, effective July 18, 2008; amended; amended June 8, 2011.

§ 6-1411. Identification of attorney.

The name, address, Nebraska attorney identification number, and telephone number of the attorney handling the matter shall be typed on each pleading except for original charging documents in traffic, criminal, and juvenile matters.

Rule 11 adopted November 1990. Renumbered and codified as § 6-1411, effective July 18, 2008.

§ 6-1412. Amendments.

Amendments to pleadings may be allowed within the discretion of the court. In no instance shall an amendment to a pleading be made by interlineation or otherwise except by leave of the court. A party who has obtained leave to amend a pleading but fails to do so within the time limit shall be considered as electing to abide by the former pleading.

§ 6-1413. Public records.

In all cases where books, files, records, or parts thereof belonging to or taken from the records of public offices are offered in evidence or are marked for identification to be offered at a pretrial conference, it shall be the duty of the party offering the same to furnish copies to the court reporter or judge and to opposing counsel.

All exhibits marked at a pretrial conference for later admission shall be retained by the counsel intending to offer them and counsel shall be responsible for their production at the time of trial.

§ 6-1413 amended June 8, 2011.

§ 6-1414. Costs.

Except for criminal cases, juvenile cases, and proceedings in habeas corpus cases wherein a poverty affidavit is filed and approved by the court, costs shall be payable when actions are commenced and thereafter when liability for additional costs accrues. Counsel are responsible to the clerks for costs incurred at their request.

§ 6-1415. Waiver of preliminary hearings.

To insure a complete record and for the protection of all concerned, the personal right of a preliminary hearing may be waived by the defendant *on the record* only in the presence of a judge and the defendant's attorney, if any.

§ 6-1416. Bail.

When any person shall be taken into custody and charged with any misdemeanor, the sheriff or the jailer may admit such person to bail in an amount not in excess of that prescribed by the bond schedule furnished by the judges of that court, conditioned for his or her appearance in this court to answer the offense charged. In unusual cases, the sheriff or jailer may consult a judge of this court about the bond; a judge's verbal order setting such person's bond shall supersede the bond schedule.

§ 6-1417. Motions.

For purposes of these rules, the word "motion" shall include Neb. Ct. R. Pldg. § 6-1112(b) motions and all requests for an order of the court and the word "serve" shall mean service in accordance with Neb. Ct. R. Pldg. §§ 6-1105(b) and 6-1106(e). Motions shall be served not less than 10 days prior to date of hearing.

§ 6-1417 amended May 20, 2010.

§ 6-1418. Submission.

If oral argument is waived or the moving party fails to appear when the motion is set for argument, the motion shall be considered submitted. Failure to appear or serve a memorandum brief will not be considered as a confession of the motion.

§ 6-1419. Dismissal docket.

JUSTICE will prepare daily and the clerk review a list of all pending civil and criminal cases in which no action has been taken for at least 6 months prior thereto. The court shall examine the list and, in those cases in which it is deemed proper, shall enter an order to show cause why such cases should not be dismissed for want

of prosecution. A written response to the order to show cause must be filed in the action and a copy of the same provided to other counsel and the judges of the courts within 30 days, or said action shall be dismissed.

§ 6-1419 amended June 8, 2011.

§ 6-1420. Interrogatories.

Interrogatories shall be in the format prescribed by Neb. Ct. R. Disc. § 6-333.

§ 6-1421. Pretrial conferences.

The rules of the district court in the same county shall govern the procedure for pretrial conferences.

§ 6-1422. Criminal complaints.

All complaints filed in the county court in criminal matters shall have noted thereon the citation of the statute under which said complaint is brought together with the citation of the section prescribing the penalty and class of offense.

§ 6-1423. Demand for jury trials.

In misdemeanor cases, demands for a jury trial must be made within 10 days following entry of a not guilty plea.

§ 6-1424. Instructions.

The rules of the district court in the same county shall govern the procedure for instructions to the jury.

§ 6-1425. Arguments to jury.

The rules of the district court in the same county shall govern the procedure for arguments to the jury.

§ 6-1426. Identification of exhibits.

The rules of the district court in the same county shall govern the procedure for identification of exhibits.

§ 6-1427. Exhibit procedure.

The rules of the district court in the same county shall govern the procedure for exhibits.

§ 6-1428. Withdrawal or destruction.

After a judgment in a civil or probate case has become final, the exhibit(s) shall be claimed by the party to whom they belong. Any exhibit(s) not claimed and withdrawn within 60 days after judgment has become final may be destroyed or otherwise disposed of by the custodian after attorneys of record and parties appearing pro se in the case have been given written notice by the clerk. Said notice shall be by ordinary mail, postage prepaid, to the last known address as reflected in the particular file. The written notice shall provide the recipient a period of 30 days after the date of said written notice within which to claim the exhibit(s) pertaining to said file.

Rule 28 amended September 1991. Renumbered and codified as § 6-1428, effective July 18, 2008.

§ 6-1429. Return of exhibits.

Upon the final disposition of a case and after the time for making an appeal has expired, the trial judge may, upon application for motion of the parties or upon the court's own motion, direct the reporter or the clerk having custody thereof to return to the offering party any exhibits and to make a receipt therefore to be filed as a pleading in the case.

§ 6-1430. Record of withdrawal or destruction.

A receipt specifying the exhibits withdrawn shall be filed in the case by the party withdrawing them. Exhibits destroyed or otherwise disposed of will be accounted for by a statement prepared and filed by the custodian showing the date such action was taken and the date notice of intention to do so was given to the attorneys of record.

§ 6-1431. Duties of prosecuting attorneys.

Unless upon good cause shown the court in its discretion has ruled otherwise, the prosecuting attorney shall be present at all arraignments in all cases, all bond settings in felony cases, and all first hearings in juvenile cases. No trial of any such case will be conducted without the prosecuting entity being represented by a prosecutor. The court will not act as a prosecutor, nor will any law enforcement representative or any other nonattorney be permitted to act as a prosecutor. In all cases, the prosecuting attorney shall obtain the defendant's criminal history and provide the same to the court and the defendant prior to the setting of any bond or the imposing of any sentence.

Rule 31 amended April 1998. Renumbered and codified as § 6-1431, effective July 18, 2008.

§ 6-1432. Default judgments.

In cases where the defendant fails to answer, demur, or otherwise plead, the plaintiff may, after the day on which said action shall be set for answer, take default judgment upon a verified petition, affidavits, or sworn testimony establishing a claim. No judgment will be entered on a negotiable instrument unless the original is surrendered for cancellation to the court.

Rule 32 amended September 1987. Renumbered and codified as § 6-1432, effective July 18, 2008.

§ 6-1433. Notice of interested person duty; guardian and conservator notice requirements; court notice requirements.

(A) In all probate matters, it shall be the duty of the petitioner or applicant for probate of a will or appointment of a personal representative, guardian, or conservator to show in the petition or the application the names, relationship to the subject of the petition or application, and last known post office address of all interested persons. If any interested person is known by the petitioner, applicant, or the attorney for either to be incompetent or a minor, such fact shall be disclosed to the court.

(B) It shall be the duty of a guardian or conservator to:

- (1) notify the court of the change of address of the ward or protected person within 3 days of the change;
- (2) notify the court of the ward or protected person's death within 3 days;
- (3) send a notice of right to object form with all inventories, notices of newly discovered assets, annual accountings, and condition of ward reports that are sent to interested parties;
- (4) send a notice of interested party form to all interested parties at the time of mailing the initial inventory; and
- (5) send all annual accountings, all inventories, all notices of newly discovered assets, and all condition of ward reports filed with the court to all interested parties.

(C) All courts shall:

- (1) hand out the Quick Reference Guide with sample forms attached to guardians and conservators when Letters are delivered;
- (2) ensure that all interested parties are on the affidavit of mailing for inventories, annual accounting, condition of ward reports, and motions that are filed with the court. If all interested parties are not on the affidavit of mailing, the court shall issue a Notice of Need for Corrective Action(s) form and send it to the person who filed the document(s) to correct the affidavit of mailing and send the document to all interested parties; and
- (3) send out reminders to guardians and conservators indicating annual filing deadlines 45 days prior to the annual filing due date.

§ 6-1433 amended August 31, 2011.

§ 6-1434. Other children.

In matters of decedents' estates, if the surviving spouse is not the parent of all the children of the deceased, such fact shall be stated in the petition or application filed at the commencement of the proceeding.

§ 6-1435. Creditor-debtor information.

If the person nominated as personal representative, guardian, or conservator is indebted to the estate or is a creditor of the estate, it shall be his or her duty and the duty of his or her attorney to so inform the court in writing before the appointment is made.

§ 6-1436. Continuances.

Probate matters shall be presented to the judge for action at the time fixed by the order for hearing. In all cases where the matter is not heard at the time fixed by the original order or by an order of continuance, and it is desired to have the matter continued to a specific time rather than from day to day as a matter of law pursuant to statute, a written order of continuance shall be prepared by the attorney, presented to the court, and filed at the time the continuance is obtained.

§ 6-1437. Claims of personal representatives, guardians, and conservators.

(A) Personal Representatives; Individual Claims. No personal representative who has individual claims of his or her own which arose against the decedent prior to the death of the decedent shall pay the claims in excess of an aggregate amount of \$250 without first specifically informing the court of his or her adverse interest and obtaining the approval of the court.

(B) Guardian or Conservator; Individual Claims. No guardian or conservator who has individual claims of his or her own (other than compensation governed by § 6-1443) against the estate of the ward or protected person shall pay the claims which aggregate in excess of \$250 without first specifically informing the court of his or her adverse interest and obtaining the approval of the court.

(C) Form of Order. Any order entered pursuant to this section shall provide that any person aggrieved by payment of the claim may petition the court for a formal review of the claim.

Rule 37 amended September 1987. Renumbered and codified as § 6-1437, effective July 18, 2008.

§ 6-1438. Report of fees to personal representative.

In all probate matters where an interlocutory or final report is filed, or an account of administration to distributees is made in closing an estate by a sworn statement, or a schedule of distribution is filed with the court and any such document reports payment of any fee paid or to be paid to a personal representative, guardian, conservator, or attorney, the document must specify whether the fee was by agreement of the parties or was fixed by the court.

§ 6-1439. Time for increase in bonds; bond review.

(A) Where the amount of a personal representative's, guardian's, or conservator's bond has been fixed on the basis of known or anticipated assets only, and there is a subsequent material increase in the value of the assets or an increase is anticipated, the judge shall be promptly informed of such fact and an adequate bond to cover the increased responsibility of the personal representative, guardian, or conservator shall be furnished and filed if required by the judge.

(B) All initial inventories shall be reviewed by the judge prior to Letters being issued to determine if a bond needs to be set or if the previously set bond is adequate. If the judge finds the bond should be changed, the matter shall be set for hearing unless the hearing on the bond is waived by all interested parties present at the time the guardian or conservator is appointed.

(C) Every updated inventory filed with an accounting and every notice of newly discovered asset form filed with the court shall be reviewed by a clerk magistrate, probate supervisor, court staff, or guardian ad litem, if one is appointed, or by an independent third party approved by the State Court Administrator's Office, if available, to determine whether the bond previously set is adequate pursuant to Neb. Rev. Stat. § 30-2640 and Neb. Ct. R. § 6-1441. If there is a concern that the bond previously set is not adequate, the matter shall be set for hearing before the court with notice to all interested parties.

Rule 39 amended June 1988. Renumbered and codified as § 6-1439, effective July 18, 2008; § 6-1439 amended August 31, 2011.

§ 6-1440. Surety requirements on bonds.

Where a personal bond is tendered by fiduciary, it shall be accompanied by a justification of surety, which shall include the description (exact, if possible) of the property of the surety, the names of joint owners if any, its value above encumbrances and exemptions, and whether a homestead or not, and if signed by a married woman, the bond must include a "married woman" clause. Whenever any individual is offered as surety on any bond, the court may in its discretion require that the surety make justification in compliance with Neb. Rev. Stat. § 25-2223.

§ 6-1441. Bonds in guardianship/conservatorship cases.

In all guardianship/conservatorship cases, the court shall order that an approved corporate surety bond be filed in estates with a net value of more than \$10,000. The bond shall be in an amount of the aggregate capital value of the personal property of the estate in the guardian/conservator's control plus 1 year's estimated income from all sources minus the value of securities and other assets deposited under arrangements requiring an order of the court for their removal. The court, in lieu of sureties on a bond, may accept other security for the performance of the bond, including a pledge of securities or a mortgage of land owned by the conservator/guardian. This bond shall be reviewed by the court periodically and adjusted to reflect any increase as set out in § 6-1439.

The court may eliminate the requirement of bond or decrease or increase the required amount of any such bond previously furnished for good cause shown.

The court shall not require a bond if the protected person executed a written, valid power of attorney that specifically nominates a guardian or conservator and specifically does not require a bond.

The court shall consider as one of the factors of good cause, when determining whether a bond should be required and the amount thereof, the protected person's choice of any attorney in fact or alternative attorney in fact.

No bond shall be required of any financial institution, as that term is defined in Neb. Rev. Stat. § 8-101(12), or any officer, director, employee, or agent of the financial institution serving as a conservator, or any trust company serving as a conservator.

§ 6-1442. Conservator/guardian inventory and accounts; initial filing; annual filing; amended inventories; restricted accounts; court review.

(A) Within 30 days after appointment, every guardian or conservator shall prepare and file with the court a complete inventory of the estate of the protected person pursuant to Neb. Rev. Stat. § 30-2647, together with his or her oath or affirmation that it is complete and accurate as far as he or she is informed. The inventory shall be sent to all interested parties with a notice to object form, notice of interested party form, and affidavit of mailing showing copies were sent to all interested parties by first-class mail. If an inventory is not filed within 30 days after the date it is due, the court shall issue an order to show cause why the conservator should not be removed and shall set the same for hearing.

(B) Unless otherwise ordered by the court, every conservator or guardian that has control of the ward's estate shall, not later than 30 days after the expiration of 1 year after Letters are issued and annually thereafter, file with the court a complete accounting of his or her administration with a certificate of proof of possession form, along with the required fee and an affidavit of mailing showing that copies and a notice to object form were sent to all interested parties, including the bonding company by first-class mail postage prepaid. The accounting shall include an updated inventory. Bank statements and brokerage reports or statements shall be submitted with all accountings.

(C) All guardians who do not have control of the ward's estate shall file an updated inventory every year based on reasonably available information.

(D) A conservator who has restricted accounts shall file with the court a proof of restricted account form within 10 days of being appointed.

(E) A notice of newly discovered asset form is required to be filed within 30 days after the guardian or conservator becomes aware of additional assets, gifts, awards, settlements, or inheritances over \$500 not disclosed in the current inventory.

(F) The court shall monitor all cases in which annual accountings are required to see that the accountings are filed in a timely manner. If an accounting is not filed within 30 days after the date it is due, the court shall issue an order to show cause why the guardian/conservator should not be removed and shall set the same for hearing.

(G) All accountings, inventories, and condition of ward reports filed with the court shall be reviewed by a clerk magistrate, probate supervisor, court staff, or guardian ad litem, if one is appointed, or by an independent third party approved by the State Court Administrator's Office, if available, unless waived by the court. If there is a problem and/or concern with the report, the matter shall be set for hearing before the court with notice to all interested parties.

(H) The court shall schedule a formal due process hearing to approve the accounting upon (1) a petition requesting approval by the guardian/conservator, (2) the request or objection of any interested party, or (3) the court's own motion. Notice of such hearing must be given to all interested parties and the protected person's interest safeguarded as provided in the filing of the original petition (see Neb. Rev. Stat. § 30-2636).

§ 6-1443. Conservator/guardian Letters.

(A) Prior to being issued Letters, the guardian or conservator shall file the following with the court:

(1) an acceptance, address information sheet, general information sheet, inventory with an affidavit of due diligence, and a bond if required; and

(2) an acknowledgment of financial institution form showing that the order appointing them guardian or conservator was provided to each financial institution in which the ward, protected person, or minor has an account/assets;

(B) After the guardian or conservator has been issued Letters, the guardian or conservator shall file with the court an acknowledgment of financial institution form showing that Letters have been provided to each financial institution in which the ward, protected person, or minor has an account/assets. This form shall be filed with the court within 10 days of the Letters being issued. Failure to file the form shall result in suspension of your authority.

(C) Language expressly limiting powers shall be included on all Letters of guardian/conservator in the following language: “You shall not pay yourself or your attorney compensation from the assets or income of your ward, nor sell real property of the estate, without first obtaining an order therefor, after an application, notice to the interested persons, and hearing thereon. The order may be entered ex parte if all interested persons have waived notice of hearing or have executed their written consent to the fee.”

At the same time the annual accounting is filed with the court, the guardian/conservator shall file with the court an application for payment of the previous year’s fees to the attorney and to the guardian/conservator. The specific amount of the fees requested shall be set out in the application.

(D) The filing requirements of the guardian/conservator shall be included on all Letters of guardianship/conservatorship.

The language on the Letters should be as follows for a conservatorship:

You are further directed to file a complete accounting of your administration of this estate, along with the required fee, notice of right to object form, and an affidavit of mailing showing copies were sent to all interested parties, including the bonding company, by first-class mail, postage prepaid, not later than 30 days after the expiration of 1 year after the date of these Letters and annually thereafter. The accounting shall include an updated inventory at the end of the accounting period and shall include certificates of proof of possession for all intangible personal property existing at the end of the accounting period.

For a guardianship:

You are further directed to file a condition of ward report, a complete accounting of your administration of this estate, if you have possession of the estate, along with the required fee, notice of right to object form, and an affidavit of mailing showing copies were sent to all interested parties, including the bonding company, by first-class mail, postage prepaid, not later than 30 days after the expiration of 1 year after the date of these Letters and annually thereafter. If you are filing an accounting, the accounting shall include an updated inventory at the end of the accounting period and shall include certificates of proof of possession for all intangible personal property existing at the end of the accounting period.

For a guardianship and conservatorship:

You are further directed to file a condition of ward report and a complete accounting of your administration of this estate, along with the required fee, notice of right to object form, and an affidavit of mailing showing copies were sent to all interested parties, including the bonding company, by first-class mail, postage prepaid, not later than 30 days after the expiration of 1 year after the date of these Letters and annually thereafter. The accounting shall include an updated inventory at the end of the accounting period and shall include certificates of proof of possession for all intangible personal property existing at the end of the accounting period.

(E) Guardians/Conservators shall not make ATM withdrawals or receive cash back on a debit transaction on a ward's or protected person's bank account without first receiving a court order to do so. The following language shall be included on all Letters:

No ATM withdrawals or cash back on debit transactions without court order.

(F) The court shall order guardians/conservators to file Letters with the Register of Deeds in any county where the ward has real property or an interest in real property. The following language shall be included on all Letters.

Guardians/conservators shall file Letters with the Register of Deeds in any county where the ward has real property or an interest in real property.

Rule 43 amended November 1988. Renumbered and codified as § 6-1443, effective July 18, 2008; § 6-1443 amended August 31, 2011.

§ 6-1444. Rules not jurisdictional.

No rule adopted by this court shall be or be construed to be jurisdictional, nor shall failure to comply with any such rule in any proceeding impair or otherwise affect the legality of such proceedings.

§ 6-1445. Filing requirements; guardian/conservator standardized forms.

(A) Any order, notice signed by the court or the registrar, and the petition application or pleading on which it is based, is deemed to be immediately filed upon affixing of the court file stamp. In no instance shall any documents be taken from this court until they have been filed, posted, filed for permanent record, and placed in the court file.

(B) All courts shall accept for filing only the standardized forms approved by the State Court Administrator's Office as provided on the Nebraska Judicial Branch Web site in guardianship and conservatorship matters.

§ 6-1445 amended June 8, 2011; § 6-1445 amended August 31, 2011.

§ 6-1446. Personal representative's failure to qualify.

In all cases where a personal representative, guardian, or conservator has been formally or informally appointed and has failed to qualify by filing the required bond and acceptance within 60 days of appointment,

and nothing appears in the records of the court which may explain or excuse the delay, the appointment may be set aside by the court on its own motion with or without prior notice to interested persons. If prior notice is not given, the clerk shall promptly mail a copy of the order of the court to the petitioner or petitioner's attorney, and to the personal representative, guardian, or conservator.

§ 6-1447. Dismissal for failure to act.

A petition or application for probate of will, adjudication of intestacy, appointment of a personal representative, guardian or conservator shall be subject, on the court's own motion and with or without prior notice to interested persons, to dismissal without prejudice when it appears from the records of the court that no action on the petition or application has been taken by the petitioner or applicant for 4 months or longer, and nothing appears in the records of the court which may explain or excuse the delay. If the dismissal is ordered without notice, the clerk of the court shall promptly notify the petitioner or applicant and attorney of record of such action.

§ 6-1448. Local rules.

Each county court by action of a majority of its judges may from time to time recommend other local rules not inconsistent with these rules nor inconsistent with any directive of the Supreme Court or statutes of the State of Nebraska. Any such recommended rule shall not become effective until approved by the Supreme Court and published in the Nebraska Advance Sheets.

Rule 48 amended September 1987. Renumbered and codified as § 6-1448, effective July 18, 2008.

§ 6-1449. Background checks on guardians or conservators; appointment of guardian ad litem.

(A) Disclosure of the content of the following reports to nonparties of this pending action is prohibited without the court's written consent. All reports filed pursuant to this rule are confidential and shall be handled in the same manner as personal and financial information in court records under Neb. Ct. R. § 6-1464.

(1) A person, except for a financial institution as that term is defined in subsection (12) of Neb. Rev. Stat. § 8-101 or its officers, directors, employees, or agents or a trust company, who has been nominated for appointment as a guardian or conservator shall obtain a national criminal history record check, a check of the Abuse and Neglect Registries for adults and children, a check with the sex offender registry, and a credit check through a process approved by the State Court Administrator's Office. The nominated guardian or conservator shall file the results of the reports with the court at least 10 days prior to the appointment hearing date, unless waived or modified by the court (a) for good cause shown by affidavit filed simultaneously with the petition for appointment or (b) in the event the protected person requests an expedited hearing under Neb. Rev. Stat. § 30-2630.01.

(2) An order appointing a guardian or conservator shall not be signed by the judge until such reports have been filed with the court and reviewed by the judge. Such reports, or the lack thereof, shall be certified either by affidavit or by obtaining a certified copy of the reports. No reports or national criminal history record check shall be required by the court upon the application of a petitioner for an emergency temporary guardianship or emergency temporary conservatorship. The court may waive the requirements of this section for good cause shown.

(B) If there are no interested parties identified for a ward or a protected person, the court shall appoint a guardian ad litem.

§ 6-1449 amended July 13, 2010.

§ 6-1450. Provisions for deposit and investment of funds received by the clerk of the county court.

(A) Public Moneys Paid to County Court Officials; Depository Banks; Designation; Pledged Securities; List.

(1) All funds paid to any county court shall be deposited in such bank or banks as have been designated as official depositories for such funds. Depository banks shall be such banks as designated by the county judge or judges.

(2) Deposits in excess of the amount insured by the Federal Deposit Insurance Corporation shall be made only as authorized by the provisions of Neb. Rev. Stat. §§ 77-2326.04 through 77-2326.09.

(3) The clerk magistrate of each county court shall submit to the State Court Administrator a current and correct list and description of the securities pledged or in which a security interest has been granted by any depository bank to secure the deposits.

(B) Investment of Moneys Not Otherwise Provided for by Law.

(1) Individual trust funds. Trust funds in excess of \$5,000 that can be expected to be held in excess of 90 days in trust by a county court may be placed, upon written request of an interested party, in interest-bearing certificates of deposit or a savings account of a bank or other financial institution or interest-bearing obligations of the federal government. This provision is effective only for individual deposits in excess of \$5,000.

(2) Pooled trust funds. Other funds received by the court and pooled should be invested wherever possible with consideration to:

(a) the highest possible interest (such as NOW or SUPER NOW accounts);

(b) the least restrictions (such as minimum balances, limitations on withdrawals, or number of checks per month); and

(c) minimum or no service charges (to the extent service charges are incurred, such charges shall be paid out of state fees received that month).

(C) Distribution of Earned Interest.

(1) Individual funds. The interest earned from income accumulated from the investment of moneys from § 6-1450(B)(1) shall be retained for the benefit of the owner of the funds.

(2) Pooled funds. Each clerk of the court shall transmit the net of any interest from § 6-1450(B)(2), and fees for credit card use reduced first by any costs incurred as a result of credit card use and any other bank charges, to the State Treasurer along with the regular submissions of fees and costs.

Rule 50 amended June 1988. Renumbered and codified as § 6-1450, effective July 18, 2008.

§ 6-1451. County court records.

(A) Minimum Requirements. County court records shall be organized as set out in the Records Model in the County Court Procedures Manual.

(B) Media Used. County court records may be maintained on any media approved by the State Court Administrator. The requirements contained in the Rules and Regulations of the State Records Administrator shall be observed. Docket books, registers of action, and indexes are not required for that portion of a court's caseload which is part of the county court automation system.

(C) Paper Size. Pleadings filed in the county courts shall be on white paper measuring 8½ by 11 inches. Forms used in the courts shall be on paper no larger than 8½ by 11 inches and no smaller than 8½ by 5½ inches.

(D) Standard Forms. Approved standard forms contained on the Nebraska Supreme Court Web site shall be used without modification where possible. Modifications must be approved by the State Court Administrator before a modified form can be printed or used.

(E) Transcript and Bill of Exceptions Checkout. Any bill of exceptions prepared for appeal of a case to the Supreme Court or Court of Appeals and filed in the office of the clerk of the county court shall be made available for checkout to an attorney of record for a period of 30 days. A receipt shall be signed for such record and left with the clerk. If counsel is notified by the clerk of the county court within the 30-day checkout period that the bill of exceptions is required for filing with the appellate courts pursuant to Neb. Ct. R. App. P. § 2-105(B)(3)(d) the attorney shall immediately return the record to the clerk of the county court.

In the event that a brief date extension is requested by counsel of record pursuant to Neb. Ct. R. App. P. § 2-109, and the same is granted, the clerk of the county court shall afford counsel additional time to retain such bill of exceptions to complete the appellate brief. Such additional time shall be for either (1) a period not to exceed the date established as the Final Brief Date in the appellate court order or (2) a period of 30 days if no Final Brief Date is set therein. A copy of such extension request and order granting the same shall be sent to the clerk of the county court by counsel making such request.

Any litigant is entitled to inspect the original transcript and bill of exceptions in his or her case at the office of the clerk of the trial court. Transcripts and bills of exceptions shall not be checked out to litigants. Any nonincarcerated litigant is entitled to obtain a copy of his or her transcript or bill of exceptions by filing a written request with the clerk of the trial court. A copy of the transcript shall be prepared by the clerk of the trial court and a copy of the bill of exceptions shall be prepared by the court stenographer at litigant's cost unless the litigant has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the transcript and/or the bill of exceptions once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's costs.

When a request is made to the clerk of the trial court for a transcript of pleadings by or on behalf of any incarcerated person, the clerk of the trial court shall prepare two copies, one to be filed in the court to which the matter is being appealed and one to be sent to the incarcerated person at the correctional center where he or she resides. The cost shall be paid by the person making the request unless the person has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the transcript once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's cost.

When a request is made by or on behalf of any incarcerated person for a bill of exceptions, the court stenographer shall prepare the original to be filed with the clerk of the trial court. The court stenographer shall also prepare a duplicate copy at the statutory rate for copies and send it to the incarcerated person at the correctional center where he or she resides. The copy shall contain the index of exhibits but shall not include exhibits. The cost shall be paid by the person making the request unless that person has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the bill of exceptions once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's cost. An incarcerated person may request copies of exhibits by filing a motion with the court having jurisdiction of the case.

Where a request for a copy of a transcript or a bill of exceptions is made on an in forma pauperis basis and an action is not pending, good cause must be shown by the litigant making the request for the necessity of a copy. A copy shall be provided only upon an order of the court.

Rule 51 adopted September 1987; amended May 21, 2003. Renumbered and codified as § 6-1451, effective July 18, 2008; § 6-1451(A), (C), and (D) amended June 8, 2011.

§ 6-1452. Appeals taken from the county courts.

(A) Appeals from County Court to District Court.

(1) Transcript of pleadings; how ordered.

(a) Appellant shall file a request for preparation of the transcript of pleadings at the time of filing the notice of appeal. The request shall designate the pleadings to be included in the transcript by listing the name of the pleading and its date of filing.

(b) The transcript shall contain the documents set out in § 6-1452(A)(2)(a)(i) through (v).

(2) Transcript of pleadings; content.

(a) The transcript of pleadings shall contain:

(i) In criminal cases, the complaint and arraignment sheet showing the plea entered. In civil cases, a copy of the last amended petition and last amended answer;

(ii) The judgment, decree, or final order sought to be reversed, vacated, or modified, and the county court's opinion, if any;

(iii) Copies of the notice of appeal and request for transcript, and copies of the request for bill of exceptions, and the application to proceed in forma pauperis and accompanying poverty affidavit if those documents were filed;

(iv) A copy of any bond or undertaking given in the county court; and

(v) Any other parts of the county court record which appellant believes to be necessary. Only those portions of the record which are material to the assignments of error may be requested. Requests must be made in the manner set out in § 6-1452(A)(1)(b).

(b) The county court shall, in the absence of a request for the inclusion of additional filings, prepare a transcript containing the documents set out in § 6-1452(A)(2)(a)(i) through (iv). In appeals to the Supreme Court, the notice of appeal, praecipes for transcript and bill of exceptions, and poverty affidavits shall not be included in the transcript, since they have been previously certified and sent to the Supreme Court.

(c) In appeals to the district court involving small claims cases, the county court shall certify the complete transcript of pleadings to the district court if the appellant is not represented by counsel.

(3) Transcript of pleadings; form.

(a) The transcript shall be photocopied. The image shall be permanent, black on a white background, and sharply and clearly legible. Each document in the transcript shall bear a clear and distinct stamp or writing showing the date the document was filed by the clerk of the court.

(b) Transcripts shall be submitted on paper measuring 8½ x 11 inches. If the pleadings were filed in the county court on paper measuring 8½ x 14 inches, the entire transcript may be reproduced on 8½ x 14 inch paper. The paper shall be of standard 12- to 16-pound substance.

(c) The transcript shall be securely bound at the top center of each page with a fastener with prongs 2¾ inches apart on center. No pages in the transcript may be stapled.

(d) For appeals to the district court, the first two pages of the transcript shall be unnumbered and shall consist of (1) the clerk's certificate as set forth in Appendix 1 of these rules and (2) a properly prepared index. The index shall bear the caption of the case and the county court case identification number. The rest of the index shall be divided into three columns. The first column shall be used to number each item included in the transcript; the second column shall contain a brief description of the item; the third column shall show the transcript page number of the first page of the item described. Each page after the index shall be consecutively numbered. The number shall be centered at the bottom of each page.

(4) Payment for transcript.

(a) The party making the request shall pay the estimated cost of the transcript to the county court before preparation of the transcript may begin.

(b) An appeal may be dismissed for failure to make payment for the transcript except in cases where a poverty affidavit has been filed. If payment for the transcript has not been received within the time allowed under Neb. Rev. Stat. § 25-2731, and no poverty affidavit has been filed, the clerk of the county court shall send a certified copy of the notice of appeal to the clerk of the district court, together with a statement that the fee has not been paid.

(5) Supplemental transcript. After the original transcript is filed in the office of the clerk of the district court, any party may, without leave of court, request a supplemental transcript containing matters omitted from the original transcript and which are necessary to the proper presentation of the case in the district court.

(a) The request for a supplemental transcript shall be in writing and in the same form prescribed in § 6-1452(A)(1).

(b) Supplemental transcripts shall be filed within 10 days after the county court receives the request, unless the district court has extended the due date.

(c) Supplemental transcripts shall be in the form prescribed in § 6-1452(A)(3).

(d) No change in the original or supplemental transcript shall be made after filing, or papers added to or withdrawn from the transcript, without leave of the district court.

(6) Cases previously appealed. When a final order is appealed in a case which was previously appealed, the transcript should not contain pleadings already on file in the district court.

(7) Statement of errors. Within 10 days of the filing of the bill of exceptions in the district court, the appellant shall file with the district court a statement of errors, which shall consist of a separate, concise statement of each error a party contends was made by the trial court. Each assignment of error shall be separately numbered and paragraphed. Consideration of the case will be limited to errors assigned and discussed. The district court may, at its option, notice a plain error not assigned. This rule shall not apply to small claims appeals.

(B) Bills of Exceptions.

(1) How ordered. An appellant may order a bill of exceptions by filing a request with the clerk of the county court at the time the notice of appeal is filed. The request shall specifically identify each portion of the evidence and exhibits offered at any hearing which the party appealing believes material to the issues to be presented for review.

(2) Preparation. The county court stenographer shall prepare only the portions of evidence specified in the request for preparation of the bill of exceptions. At the same time, the appellant shall serve a copy of the request upon all parties.

(3) Supplements. If the appellee believes additional evidence should be included in the bill of exceptions, the appellee may, within 10 days after service of the request for bill of exceptions filed by the appellant, file a supplemental request for preparation of a bill of exceptions with the clerk of the county court. At the same time, a copy of the supplemental request shall be served upon all parties. The supplemental request shall be processed in the same way as the initial request.

(4) Settlement, signature, and allowance. When the bill of exceptions has been prepared, it shall be reviewed by the county judge or court stenographer, as the county judge elects, to determine whether the bill of exceptions conforms to applicable rules and is an accurate transcription of the tape recording. The person who completes the review and finds the bill of exceptions acceptable shall sign a certificate to be included in the bill of exceptions certifying that it is an accurate transcription of the proceeding.

(5) Filing. The bill of exceptions shall be filed in the office of the clerk of the district court by a county court employee as soon as the certificate is signed.

(6) Relevance. The bill of exceptions shall contain only matters of evidence or exhibits which are necessary to decide the issues presented on appeal.

(7) Payment. Except in cases where payment of the cost of preparing the bill of exceptions will be paid by the state, county, or other governmental subdivision, the cost shall be estimated at the time the request is received. The estimate shall be given or mailed to the party making the request.

(a) The appellant shall deposit the amount of the estimated cost with the clerk of the county court within 14 days after receipt of the estimate. Preparation of the bill of exceptions will not begin until the payment of the estimate is received.

(b) If the appellant fails to pay the deposit on time, the clerk magistrate shall notify the court stenographer and the district court in writing that the deposit has not been made. The time allowed the court stenographer for preparation shall be stayed until the deposit has been made. Appellant's time shall not be stayed by failure to make the deposit on time.

(8) Preparation and delivery.

(a) The bill of exceptions shall be filed with the clerk of the district court as soon as possible.

The following time limits apply unless an extension of time is approved by the district court in accordance with these rules. The time period begins on the date the request is filed in the county court.

Criminal trials	6 weeks
Civil trials	6 weeks
Preliminary hearings in felonies . . .	6 weeks
Guilty or nolo contendere pleas . . .	3 weeks

(b) If the bill of exceptions cannot be prepared within the time allowed by § 6-1452(B)(8)(a), the district court may grant additional time for preparation.

(i) The clerk magistrate or court stenographer shall file a request with the clerk of the district court for additional time at least 1 week prior to the date the bill of exceptions is due to be filed.

(ii) The request shall be in the form of a pleading, captioned and bearing the district court case number. The request shall specify the length of time requested for the extension and shall bear the signature of the clerk magistrate or court stenographer. A brief affidavit of the clerk magistrate or court stenographer shall accompany the request for extension of time and shall set forth the reasons why the bill of exceptions cannot be completed by the date due.

(iii) Copies of the request shall be served on all parties to the action or their attorneys at the time the request for extension of time is filed.

(iv) The district court shall rule upon the request as soon as possible. The clerk of the county court shall be notified of the decision as soon as possible, but not later than 2 business days after the decision.

(v) Requests for extension shall be allowed only upon a showing of good cause, and first extensions of time shall not be routinely granted.

(9) Notice of district court action. The clerk of the district court shall notify the clerk of the county court of action taken by the district court on the appeal as follows:

(a) Within 2 judicial days after the decision of the district court becomes final, the clerk of the district court shall issue a mandate and transmit the same to the clerk of the county court on the form prescribed by the Supreme Court together with a copy of the district court's decision.

(b) The following shall be the procedure in appeals to the Supreme Court from the district court:

(i) The clerk of the district court shall notify the clerk of the county court if any matter appealed from the county court is appealed to the Supreme Court. Such notice shall be sent to the county court within 2 days after the date the notice of appeal is filed in the district court.

(ii) The clerk of the district court shall notify the clerk of the county court of receipt of a mandate from the Supreme Court within 2 days after the mandate is received by the district court.

(C) Direct Appeals from County Courts to the Court of Appeals or Supreme Court.

(1) Notice of appeal; requests to prepare record. The appellant's notice of appeal to the Court of Appeals or Supreme Court shall be filed with the clerk of the county court within the time established by Neb. Rev. Stat. § 25-1912.

(a) At the same time the notice of appeal is filed, the appellant shall file a request for preparation of the transcript of pleadings and may file a request for preparation of the bill of exceptions. Those requests shall be in the form prescribed in § 6-1452(A) and (B).

(b) The court stenographer shall commence preparation of the bill of exceptions when notified to do so by counsel for the appellant. The time limits for preparation of the bill of exceptions contained in § 6-1452(B)(8)(a) shall apply, and the time shall begin from the date the notice of appeal is filed.

(c) The party requesting the preparation of the bill of exceptions may, at any time before the bill of exceptions is completed by the court stenographer, file with the clerk of the county court and serve upon the court stenographer a statement advising the court stenographer that settlement has been reached. Upon receipt of such statement, the court stenographer shall cease any further work upon the bill of exceptions. The county court shall be entitled to payment by the party ordering such bill of exceptions for the work performed up to the time that such notice was served upon the court stenographer, and rules with regard to payment of the fees to the county court for the bill of exceptions, as otherwise provided herein, shall apply.

(d) The court stenographer shall file the completed bill of exceptions with the clerk magistrate of the county court, who shall notify all parties and the Clerk of the Supreme Court and Court of Appeals of the filing.

(2) Payment of filing fee. The filing fee in the Court of Appeals or Supreme Court set by Neb. Rev. Stat. § 33-103 shall be first deposited with the clerk of the county court, who shall record receipt of the fee. The clerk of the county court may then write a check to the Clerk of the Supreme Court and Court of Appeals for the docket fee. If the county is to pay the fee (filing in forma pauperis), then the docket fee is not prepaid.

(3) Filing notice of appeal with the Court of Appeals or Supreme Court. The clerk of the county court shall, within 2 business days of receipt of a notice of appeal to the appellate court, send the following to the Clerk of the Supreme Court and Court of Appeals:

(a) A copy of the notice of appeal.

(b) The request for preparation of the transcript of pleadings.

(c) The request for preparation of the bill of exceptions (if filed).

(d) The clerk's certificate, set forth in Appendix 2 of these rules, which shall contain the following information:

(i) The caption of the case, including the names and adversary relationships of all the parties as the case was filed;

(ii) The name, address, city, state, zip code, telephone number, and Nebraska attorney identification number of each principal Nebraska attorney, and the name of the party or parties the attorney represents; or, if a party or parties represent themselves, the above information except for the identification number.

(iii) The date the notice of appeal was filed and the date the docket fee was paid.

(e) The court's check for the docket fee, or the application to proceed in forma pauperis and a poverty affidavit if the filing is in forma pauperis. If the State is prosecuting the appeal, no other notice is required.

(4) Processing appeals in the Court of Appeals or Supreme Court. Appeals from the county court will be processed in the same manner as other appeals. The Supreme Court and Court of Appeals Rules of Practice and Procedure shall be followed in appeals from the county courts. The county court transcript shall be certified by the clerk as a true copy of the proceedings contained therein. See Appendix 3.

(5) Notification of decision. The Clerk of the Supreme Court and Court of Appeals shall issue a mandate in appeals from county courts as in other cases. The county court will be officially notified of the action of the appellate court through the mandate.

Rule 52(A)(7) amended October 27, 1993; Rule 52(A)(3)(d) and (C)(3)(d) and (C)(4) amended April 13, 1994; Rule 52(C), (C)(1), (C)(1)(d), (C)(2), (C)(3), (C)(4), and (C)(5) amended June 2, 1994; Rule 52(C), (C)(3)(d), and (C)(4) amended January 31, 1996; Rule 52(C)(1)(c) amended September 17, 1997; Rule 52(A)(2)(a)(iii) and (C)(3)(e) amended October 14, 1999. Renumbered and codified as § 6-1452, effective July 18, 2008; §§ 6-1452(A)(4)(a) and (B)(7)(a) and (b) amended June 8, 2011; § 6-1452(C)(2) amended August 31 2011.

§ 6-1453. Preliminary hearings in felony cases.

(A) Transcript of Pleadings. In cases where the defendant is ordered bound over to the district court, the original case file shall be transmitted to the clerk of the district court. The register of actions of the case in the county court shall be updated to show the actions in the county court, and the action of transmitting the record shall be recorded on the register of actions.

(B) Transcript of Testimony.

(1) Request for transcription. A transcript of testimony may be ordered by a party to the action. The request shall specify which portions of the evidence should be included in the transcript.

(2) Payment. A transcript of testimony, when ordered, shall be prepared and paid for as described in § 6-1452(B)(7)(a).

(C) Cover Sheet. The county court shall prepare a cover sheet and a certificate of costs, showing whether costs have been paid or are still owed.

Rule 53 adopted September 1987. Renumbered and codified as § 6-1453, effective July 18, 2008.

§ 6-1454. Criminal proceedings before clerk magistrates.

Each clerk magistrate in the State of Nebraska is authorized to conduct arraignments, accept pleas of guilty and nolo contendere, and impose penalties as set forth below:

(A) Waivers. The clerk magistrate may accept pleas of guilty and impose fines on all offenses set out in the waiver/fine schedule approved by the Nebraska Supreme Court.

(B) Arraignments. The clerk magistrate may conduct arraignments and accept pleas of guilty, not guilty, and nolo contendere on any waivable offense, on any other infractions, misdemeanors, or violations of city ordinances. The clerk magistrate may impose penalties on any infractions, Class III, IV, or V misdemeanors, first offense Class W misdemeanors, or any violations of city ordinances. Penalties imposed by the clerk magistrate under this section are not limited to the fines on the uniform waiver schedule and may include probation. Such penalties shall not be in excess of statutory limits and shall not include imprisonment. A record shall be made of all arraignments conducted by the clerk magistrate. The presiding judge of each judicial district shall provide the clerk magistrate with a written verbatim arraignment form which shall be followed by the clerk magistrate to ensure that the defendant is properly advised of the charges made against him or her, the statutory language stating the offense, the possible penalties which could be imposed, and the necessary constitutional rights.

(C) Bond Setting. When a defendant appears before the clerk magistrate and the case is continued for further hearing, the clerk magistrate shall order the defendant to appear on a date certain and shall release the defendant or set bond with appropriate conditions as statutorily provided.

(D) Other Duties. All other duties of clerk magistrate shall be pursuant to state statute.

Rule 54 adopted September 1987. Renumbered and codified as § 6-1454, effective July 18, 2008.

§ 6-1455. Uniform waiver system.

(A) Uniform Waiver System. Each county court shall accept waivers of appearance and pleas of guilty in cases involving nonhazardous traffic violations, carrier violations, game and parks violations, and other violations in accordance with a schedule adopted by Supreme Court rule. Such waivers shall be on a form with uniform language in accordance with the Supreme Court rule.

(B) Guidelines for Use of Waiver System. Waivers shall be accepted in the following ways:

(1) Mail. Violators may be allowed by the law enforcement officer issuing the citation to use the waiver form contained on the defendant's copy of the citation. If the defendant is a resident of a state which is a member of the Nonresident Violator Compact, the defendant may then be released without the necessity of immediate collection of fine and costs.

If the defendant is a resident of a state which is not a member of the Nonresident Violator Compact, or is charged with an offense not covered by that compact, the officer shall

(a) allow the defendant to sign the waiver and pay the fine and costs or

(b) allow the defendant to sign the waiver and place it in an envelope along with the fine and costs in the presence of the officer. The officer shall then accompany the defendant to the nearest U.S. mailbox to observe the deposit therein of the envelope. The officer shall at no time take possession of the fine and costs.

(2) Locked waiver boxes. Carrier Enforcement officers who have a locked waiver box permanently attached to the inside of their portable unit or permanently affixed within the building of a fixed scale facility may allow the defendant, in the presence of the officer, to sign the waiver and to place it and the fine and costs in an

envelope. The officer shall then, in the presence of the defendant, seal and place the envelope in the locked waiver box.

(3) Personal appearance. Violators may appear personally at the office of the clerk of the appropriate court on or before the court appearance date.

(4) Application. Violators may make application for waiver of appearance prior to the court appearance date. Upon receipt of an application, the court shall determine whether or not the waiver privilege shall be granted and shall send either a waiver or a notice of an appearance date. If the waiver privilege is denied, the judge shall set forth within the notice of appearance a written explanation showing good and sufficient cause as to why the privilege was denied.

(5) Internet. Violators may access a web site approved by the Supreme Court and upon successful completion of required information and agreeing to all waiver and plea instructions, pay the fine and costs plus any convenience fees by using a credit/debit card processor authorized by the court. Convenience fees are established by the credit/debit card processor authorized by the court and are not a part of the fine and costs to the state.

(C) Fine Schedule. The Supreme Court shall establish a schedule of the amount of fines to be imposed for violations which are to be paid by waiver.

(D) Other Violations. Notwithstanding the provisions of § 6-1455(C), and except for violations in which mandatory jail time is required to be imposed as punishment, a waiver may be allowed for violations not listed on the schedule in individual cases when authorized by the county judge or judges of the county.

Rule 55 amended March 1991; Rule 55(B)(5) adopted September 20, 2007. Renumbered and codified as § 6-1455, effective July 18, 2008; § 6-1455(D) amended June 9, 2010; § 6-1455(B)(1)(a) amended June 8, 2011.

§ 6-1456. [Reserved,]

Rule 56 amended January 1991. Renumbered and codified as § 6-1456, effective July 18, 2008; § 6-1456 amended August 25, 2010.

§ 6-1457. City or village ordinance guidelines.

Pursuant to Neb. Rev. Stat. § 25-2703, the State Court Administrator established the following guidelines to prescribe the form that city or village ordinances shall be filed in the county courts:

(A) Initial Filing of City or Village Ordinances. City or village ordinances shall be compiled in either book or pamphlet form. The preferred format is a looseleaf book form. For municipal code books or pamphlets which have been adopted in their entirety by an adopting ordinance, such books or pamphlets shall be accompanied by a copy of the adopting ordinance with a certificate of the municipal clerk, under the seal of the municipality, certifying that such ordinance was passed and approved as required by law. For municipal code books or pamphlets containing a compilation of ordinances passed by the municipality, such books or pamphlets shall be accompanied with a certificate of the municipal clerk, under the seal of the municipality, certifying that such ordinances were passed and approved as required by law. Each municipal code book or pamphlet shall contain a date of publication and purport that it is being published by the authority of the city council or village board of trustees. Each municipal code book or pamphlet shall contain an index.

(B) Filing of New or Amended Ordinances. Copies of new or amended ordinances may be filed in the county court in typewritten, printed, or page form. For municipalities filing new or amended ordinances in ordinance form, such ordinances shall be accompanied with a certificate of the municipal clerk, under the seal of the municipality, certifying the date that such ordinances were passed and approved. For municipalities filing new pages for insertion in their municipal codes, such pages shall be accompanied with a certificate of the municipal clerk, under the seal of the municipality, listing the ordinance numbers which effectuated the changes therein and certifying the dates that such ordinances were passed and approved. The county court shall insert the new pages or firmly affix all new or amended ordinances to the published version of the respective city or village ordinances.

(C) Need for Record. The foregoing provisions do not in any way modify the rule of appellate practice that when an ordinance charging an offense is not properly made a part of the record on appeal, an appellate court presumes the existence of a valid ordinance creating the offense charged, and will not otherwise take judicial notice of an ordinance.

Rule 57 adopted May 1994. Renumbered and codified as § 6-1457, effective July 18, 2008.

§ 6-1458. Petty cash funds.

Whenever the need exists, a clerk magistrate, with the concurrence of the county judges of his or her district, may establish and maintain a petty cash fund of not more than \$50. The fund shall be used only in the event of special circumstances which require the item or expense to be purchased and paid for immediately in cash. The creation of the fund is contingent upon budget approval by the local county board. If the local county board approves the budget request, the clerk magistrate shall maintain an accurate, detailed accounting of the fund which shall be submitted to the auditors at the time of their annual audit.

Rule 58 adopted July 1995. Renumbered and codified as § 6-1458, effective July 18, 2008.

§ 6-1459. Presiding judges.

The presiding judge has primary responsibility for overseeing the delivery of county court services within the geographical area of the judicial district.

In districts where there is a judicial administrator, the presiding judge, in accordance with Nebraska Supreme Court Personnel Policies and Procedures, bears the responsibility for the hiring, evaluation, and discipline of the judicial administrator. The presiding judge is to provide direction to the judicial administrator in matters of local district policy. A presiding judge is to provide direction to the judicial administrator to ensure that state statutes, Supreme Court rules, and policies of the Administrative Office of the Courts are appropriately carried out. The presiding judge is the immediate supervisor of the judicial administrator and shall meet with the judicial administrator on a regular basis to coordinate the work of the judges and staff within the district.

In districts where there is no judicial administrator, the presiding judge bears the responsibility for the hiring, evaluation, and discipline of the clerk magistrates in the district. The presiding judge is to provide direction to the clerk magistrates in matters of local district policy. A presiding judge is to provide direction to the clerk magistrates to ensure that state statutes, Supreme Court rules, and policies of the Administrative Office of the Courts are appropriately carried out. The presiding judge is the immediate supervisor of the clerk magistrates and shall meet with the clerk magistrates on a regular basis to coordinate the work of the judges and staff

within the district. In districts with more than one county, these duties may be assigned to individual judges on a county-by-county basis.

It shall be the responsibility of the presiding judge to coordinate the work of all judges within the district. This may include assigning judges to various duties within a single county or among various counties of the district.

The presiding judge shall bear the responsibility of notifying the Administrative Office of the Courts if there is a need for a substitute judge anywhere in the district.

The presiding judge shall delegate appropriate administrative responsibility to the judicial administrator and the rest of the administrative staff of the district or to the clerk magistrates and the rest of the administrative staff of the counties relating to budget preparation and general administration, case management, facilities, personnel administration, and court records management. In districts with more than one county, these duties may be assigned to individual judges on a county-by-county basis.

The presiding judge shall be the liaison with the Administrative Office of the Courts and Supreme Court.

It shall be the responsibility of the presiding judge to plan and chair each year a meeting of all judges, judicial administrators, and clerk magistrates within a district. The presiding judge may plan and chair additional meetings as deemed necessary in the discretion of the presiding judge of all judges, judicial administrators, and clerk magistrates within a district.

The presiding judge shall be the liaison to the Nebraska State Bar Association and the press for the courts of the district. In districts with more than one county, these duties may be assigned to individual judges on a county-by-county basis.

The presiding judge shall be the liaison to other agencies of local and state government for the courts of the district. In districts with more than one county, these duties may be assigned to individual judges on a county-by-county basis.

It shall be the responsibility of the presiding judge of the district to review the audits of all county courts of the district to make sure that the accounting practices being followed are in accordance with the County Court Accounting Manual. It is the duty of the presiding judge to respond to any audit recommendation. It is also the duty of the presiding judge to make all records and information available to the individuals doing the audit.

It shall be the duty of the presiding judge to approve any reinstatement of bonds which have been forfeited for more than 90 days when the presiding judge determines it is in the best interests of justice. In districts with more than one county, these duties may be assigned to individual judges on a county-by-county basis.

The presiding judge shall be elected each year by a majority vote of the judges of the district subject to approval by the Supreme Court. Notification of the name of the individual elected as presiding judge of the district shall be given to the State Court Administrator no later than the last day of November of each year.

A presiding judge shall hold the position for a term of 1 year from the first day of January to the last day of December of the same year. There is no limit on the number of terms a presiding judge may serve. A judge who has served for two or more consecutive terms may decline to serve another consecutive term. The election of a presiding judge must be approved by the Supreme Court. If notice of disapproval of the person elected to be presiding judge is not given within 15 days of the submission of the name to the State Court Administrator, then the person shall be deemed approved. If the Supreme Court disapproves of the person elected to be

presiding judge, the district shall elect another person and submit that name to the State Court Administrator within 10 days of the notice of disapproval.

Rule 59 adopted October 1996. Renumbered and codified as § 6-1459, effective July 18, 2008; § 6-1459 amended August 27, 2008; § 6-1459 amended June 8, 2011.

§ 6-1460. Domestic relations.

The Uniform district court rules of practice and procedure, Chap. 6, Art. 15, shall govern the procedure for domestic relations cases heard by a county court judge.

Rule 60 adopted November 1997. Renumbered and codified as § 6-1460, effective July 18, 2008.

§ 6-1461. Modification of rules.

Any of the foregoing rules shall be subject to such modification by the court as may be necessary in special instances to meet emergencies or to avoid injustice or great hardship.

Renumbered to Rule 59, July 19, 1995; renumbered to Rule 60, October 17, 1996; renumbered to Rule 61 November 26, 1997. Renumbered and codified as § 6-1461, effective July 18, 2008.

§ 6-1462. County court and small claims court jurisdictional limits.

(A) County Court Civil Jurisdiction. The Nebraska Supreme Court has determined, pursuant to Neb. Rev. Stat. § 24-517(5), that on or after July 1, 2010, each county court shall have concurrent original jurisdiction with the district court in all civil actions of any type where the amount in controversy is \$52,000 or less.

(B) Small Claims Court Jurisdiction. The Nebraska Supreme Court has determined, pursuant to Neb. Rev. Stat. § 25-2802(4), that from July 1, 2010, through June 30, 2015, each small claims court shall have jurisdiction in all civil actions set forth in Neb. Rev. Stat. § 25-2802(1) and (2) where the amount in controversy is \$3,500 or less.

Rule 62 adopted June 22, 2005. Renumbered and codified as § 6-1462, effective July 18, 2008; § 6-1462 amended June 30, 2010.

§ 6-1463. Uniform traffic citation and complaint and citation in lieu of arrest.

(A) Traffic Complaint and Notice to Appear; Form.

(1) Form: hand-written citation and complaint. In traffic cases, the complaint and notice to appear shall be in the form known as the "Uniform Traffic Citation and Complaint," substantially the same as set out in Appendix 5 hereto. The Uniform Traffic Citation and Complaint shall consist of four parts:

- (a) the complaint, printed on white paper;
- (b) the officer's copy, printed on yellow paper;
- (c) the prosecutor's copy, printed on blue paper; and

(d) the defendant's copy, printed on card stock, with the waiver and plea printed on the reverse side.

The citation shall be 4.5 by 8 inches in size and printed in precisely the format approved by the Supreme Court. Three inches from the top of the citation there will be a 2-inch section listing offenses and statute numbers. Any agency wishing to replace the offenses in that section with other offenses unique to its enforcement responsibility may submit a proposal to the Administrative Office of the Courts and request approval for the same.

(2) Form: computer-generated citation and complaint. The "Uniform Traffic Citation and Complaint" may be created on a computer and printed. The information on the form shall be the same as on the hand-written form and shall be substantially the same as set out in Appendix 5 hereto. The law enforcement officer or prosecutor preparing the Uniform Traffic Citation and Complaint shall print at least two copies--the complaint, to be filed with the Court, and the defendant's copy, which shall contain the waiver and plea section if applicable. A copy may be printed for the law enforcement officer or her or his agency, and another for the prosecutor.

All computer-generated Uniform Traffic Citation and Complaint forms shall be at a minimum printed on letter-sized (8.5 by 11 inches) white paper with black printing, in the format approved by the Supreme Court. For agencies that use Mobile Data Terminals with continuous paper rolls, it is acceptable to exceed the minimum length described above. The offenses and statute numbers the defendant is accused of violating shall be listed in a separate section of the form.

(3) Numbering. All citations shall be numbered in consecutive order. Each number shall contain up to two alpha characters and up to seven numerals with no leading zeros. Any agency wishing a specific alpha designation shall request assignment of the same from the Administrative Office of the Courts.

The citation number shall be displayed at the top of the citation in Arabic characters and numerals. A machine-readable "3 of 9" barcode shall appear at the top of every copy of the citation. The barcode will not be required during the initial test period of citations generated electronically.

(4) When used. The complaint form shall be used in traffic cases in county courts, whether the complaint is made by a peace officer, prosecutor, or any other person.

(5) The motorist's signature promising to appear may be captured on paper which is filed with the court or a digital representation of the motorist's signature may be captured, stored, and filed with the court.

(B) Uniform Citation in Lieu of Arrest.

(1) Form. Any citation in lieu of arrest issued pursuant to Neb. Rev. Stat. §§ 29-422 through 29-430 or Neb. Rev. Stat. § 60-684 shall comply with the following minimum standards:

(a) the name and address of the cited person;

(b) the offense charged;

(c) the time and place the cited person is to appear in court;

(d) a written promise to appear in court (applicable only to citations issued by law enforcement personnel);

(e) a line on which the cited person shall place his or her signature thereby promising to appear in court (applicable only to citations issued by law enforcement personnel);

(f) a warning that failure to appear in accordance with the command of the citation is a punishable offense;

(g) the citation may constitute a complaint filed in the trial court (applicable only to citations issued by law enforcement personnel); and

(h) on computer-generated citations and complaints, a checkbox indicating if the cited person will require an interpreter when he or she appears in court.

Rule 63 adopted September 26, 2006. Renumbered and codified as § 6-1463, effective July 18, 2008; § 6-1463(B)(1)(f)-(h) amended June 8, 2011.

The County Court General Rules were adopted in July 1985. Renumbered and codified as §§ 6-1401 – 6-1463, effective July 18, 2008.

§ 6-1464. Protection of personal and financial information in court records.

The following privacy rules shall apply to all pleadings, documents, exhibits, court orders, judgments, and decrees filed in all civil actions in the county courts of Nebraska:

(A) This rule seeks to prevent birth dates, Social Security numbers, and financial account numbers of all persons, including minor children, from being included in court records generally available to the public.

(B) The personal and financial information identified in § 6-1464(A) shall be set forth in a separate document as set forth in Appendices 7 and 8 to these rules. Appendix 7 shall be used in general civil cases filed in the county court, and Appendix 8 shall be used in any case filed in the county court arising under Chapter 30 of the Nebraska Revised Statutes. Such separate document shall be submitted in either electronic form or paper form. If the document is submitted in paper form, it shall contain, at the top of the first page, the following language, in bold type: **This document is confidential and shall not be made part of the court file or provided to the public pursuant to Neb. Ct. R. § 6-1464.** The clerk of the court shall keep the document separate from the case file but accessible to judges and court staff. If the document is submitted in electronic form, or converted from paper form to electronic form, the electronic document or the data contained therein may be reproduced or stored in JUSTICE or other court case and financial management system and the paper form shall not be submitted. Such electronic document, image, or data shall be electronically marked and shall not be accessible or viewable by the public. The Appendices 7 and 8 information shall be provided to the child support division of the Nebraska Department of Health and Human Services, but shall not otherwise be made available without further court order.

(C) The personal and financial information identified in § 6-1464(A) shall not be included in any pleading or document submitted by a party or counsel for filing with the court, except by reference to a separate Appendix 7 or 8 document. An Appendix 7 or 8 document shall be separately tendered with any such pleading or other document, and if the Appendix 7 or 8 document is submitted in electronic form, it shall be identified in the filing transmittal as a confidential Appendix 7 or 8 submission. The forms in Appendices 7 and 8 are mandatory with respect to the information identified in § 6-1464(A), but a party, attorney, or court may include in the Appendices 7 and 8 forms additional personal or financial information sought to be protected.

(D) The personal and financial information identified in § 6-1464(A) shall not be included in any court order, judgment, or decree, including, but not limited to, any decree of dissolution of marriage, decree of legal separation, order of paternity, qualified domestic relations order, or other child support order or order of modification, except by reference to a separate Appendix 7 or 8 document. Where the court finds that an order, judgment, or decree must contain Social Security numbers or other personal information stated in § 6-1464(A), the court shall have the original order sealed and provide in the case file a redacted version of the order for public view.

(E) No exhibit used at trial shall contain a complete account number for any financial accounts or debts of any party. The same shall be redacted by the person offering the exhibit to the extent necessary to protect the information from misuse. By agreement of the parties, or as directed by the court, financial account information shall be identified in all pleadings, other documents and court orders, judgments, or decrees in such a manner as the parties, counsel, court, and jury may be able to distinguish information between similar accounts or debts, or as may be necessary to establish relevance to the matter being litigated.

(F) The name, birth date, gender, and Social Security number information of parties sought to be protected by this rule may be furnished to the clerk of the court by the parties prior to issuance of any order or decree. This information shall be furnished in electronic form through the e-filing application or by submitting the form provided in Appendix 7 or 8. Protection of this information shall be as set forth in § 6-1464(B). Where a party or counsel is required by statute or rule to furnish information identified in § 6-1464(A) to a court or clerk of the court but such information is not required to be filed, the clerk of the court shall not place such information in the court file or allow such information to be accessible, either in paper or electronic form, to the public.

(G) The responsibility for redacting personal and financial data set forth in § 6-1464(A) rests solely with counsel and the parties. The clerk of the court shall not be required to review documents for compliance with this rule. If a clerk of the court identifies a violation of this rule, the clerk may, at his or her option, provide a redacted document for public access. However, the clerk electing to provide a redacted copy for public access shall maintain the original document without any alterations thereof, which document shall only be available to the court and the parties or the parties' counsel.

Rule 64 adopted April 16, 2008. Renumbered and codified as § 6-1464, effective July 18, 2008. § 6-1464 amended September 24, 2008; § 6-1464(B) and (F) amendment January 27, 2010; § 6-1464 amended July 13, 2010.

§ 6-1465. Bankruptcy; effect on pending cases; disbursing funds.

(A) Civil Cases in Which a Party Has Been Named as a Debtor in a Voluntary or Involuntary Bankruptcy Petition. In any civil case pending before this court in which a party has been named as a debtor in a voluntary or an involuntary bankruptcy petition, a Suggestion of Bankruptcy petition and either (1) a certified copy of the bankruptcy petition, (2) a copy of the bankruptcy petition bearing the filing stamp of the clerk of the bankruptcy court, or (3) a copy of a "Notice of Bankruptcy Case Filing" generated by the Bankruptcy Court's electronic filing system shall be filed by the party named as a debtor or by any other party with knowledge of the bankruptcy petition. Upon the filing of the Suggestion of Bankruptcy and one of the three bankruptcy documents noted immediately above, no further action will be taken in the case by the court or by the parties until it can be shown to the satisfaction of the court that the automatic stay imposed by 11 U.S.C. § 362 does not apply or that the automatic stay has been terminated, annulled, modified, or conditioned so as to allow the case to proceed. Such a showing shall be made by motion.

(B) Request for Disbursements of Funds or Distribution of Property of or to a Party Named as a Debtor in a Bankruptcy Proceeding. In any civil case before the court in which a Suggestion of Bankruptcy and one of the three bankruptcy documents noted in § 6-1465(A) have been filed, no request for a disbursement of funds or

distribution of property of or to a party named as a debtor shall be made, and no order disbursing funds or distributing property of or to a party named as a debtor will be entered. A request for disbursement of funds or distribution of property may be made after a showing, satisfactory to the court, that such funds or property has been abandoned by the trustee in bankruptcy or that the funds or property has been exempted by the debtor in the bankruptcy proceedings or that the party named as the debtor in the bankruptcy petition, rather than the trustee in bankruptcy, is otherwise entitled to disbursement of such funds or distribution of such property. Such a showing shall be made by affidavit.

Rule 64(A) and (B) amended October 23, 2002; Rule 64 renumbered to Rule 65 April 15, 2008. Renumbered and codified as § 6-1465, effective July 18, 2008.

IN THE _____ COURT OF _____ COUNTY, NEBRASKA
 APPEARANCES

_____ For the Plaintiff:
 Plaintiff

vs.

_____ For the Defendant:
 Defendant

CERTIFICATE OF TRANSCRIPT

I, _____, Clerk of the _____ County Court, certify that the attached are true and accurate copies of the pleadings filed in this case. (Index attached).

The notice of appeal was filed on _____, _____.

The District Court filing fee in the amount of \$_____ was paid on _____, _____, or

A poverty affidavit (copy attached) was filed on _____, _____.

I further certify that the following costs have have not been paid:

Filing Fee	\$ _____	NSC Education Fee	\$ _____	Services Fees	\$ _____
LEIF	\$ _____	Dispute Resolution Fee	\$ _____	Witness Fees	\$ _____
Judges Retirement	\$ _____	Indigent Defense Fee	\$ _____	Transcript Fees	\$ _____
Automation Fee	\$ _____	Uniform Data Analysis Fee	\$ _____	Bill of Exceptions	\$ _____
		Legal Services Fee	\$ _____	Other	\$ _____
TOTAL					\$ _____

Date: _____ By the Court: _____

_____ Clerk (Seal)

Appendix 1 adopted April 13, 1994; amended January 31, 1996; amended May 24, 2003, adopted July 16, 2003.

SAMPLE CERTIFICATE - CIVIL CASES
FOR USE IN APPEALS TO SUPREME COURT AND COURT OF APPEALS

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

In the Matter of the Estate of
Matilda A. Farquar, Deceased

Trial Court No. _____

F. J. Farquar, Plaintiff,

Tyrone A. Ledbetter, No. 28154
(Address)

v.

(Telephone)

Alfred T. Farquar, Defendant.

Frank X. O'Brien, No. 18766

(Address)

(Telephone)

I certify that the attached are true and accurate copies of pleadings filed in the above-captioned case.

The case is a civil case originating in the County Court:

Adoption

Inheritance Tax

Juvenile

Probate

Adjudication

Guardianship

Termination

Criminal

Notice of appeal directed to:

Court of Appeals

Supreme Court

Statutory Authority:

Constitutionality of statute

The notice of appeal was filed on _____.

The statutory docket fee was paid on _____; or
or a poverty affidavit was filed on _____.

All motions for new trial have been disposed of:

Yes. Date: _____

No.

No motions for new trial filed.

Date: _____

(SEAL)

Clerk Magistrate

By: _____

SAMPLE CERTIFICATION OF TRANSCRIPT FOR USE IN APPEALS TO THE
SUPREME COURT AND COURT OF APPEALS
(ATTACH TO BACK OF TRANSCRIPT)

CERTIFICATION OF TRANSCRIPT

I, _____, Clerk Magistrate of the _____ County Court,
do hereby certify that the foregoing is a true transcript of the record requested in our Case No. _____
entitled: _____
_____ as the same appear on file of said Court.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of said Court this _____ day of _____,
_____.

(Seal)

Clerk Magistrate

STATE OF NEBRASKA FORM NO. CC4:1 04/12 REV. REQUIRED. Sec. 25-2804(6) R.S.S. 1989. Appendix 4, Uniform County Court Rules	PLAINTIFF'S CLAIM AND NOTICE TO DEFENDANT (Small Claims Court)	CASE NUMBER
--	---	-------------

IN THE COUNTY COURT OF

COUNTY, NEBRASKA

 Plaintiff

VS.

**PLAINTIFF'S CLAIM AND
 NOTICE TO DEFENDANT**

 Defendant

Plaintiff states that defendant(s) owe(s) and should be ordered to pay to me the sum of \$_____ and costs of this action, or return the property valued at \$_____ and costs of this action because on _____, _____ at _____

Plaintiff declares that the defendant(s) is (are) not a "person in the military service of the United States" as defined in Sec. 101 of the Soldiers Relief Act, 1940.

I have filed _____ small claims this week, and _____ within the current calendar year.

To the best of my knowledge and belief, the defendant(s) may be served at the following address:

My printed name and address are as follows:

Telephone: _____

I elect to have the notice served upon the defendant(s) by: sheriff/constable mail process server.

DATE: _____ PLAINTIFF'S SIGNATURE: _____

DATE: _____ SIGNED IN MY PRESENCE: _____

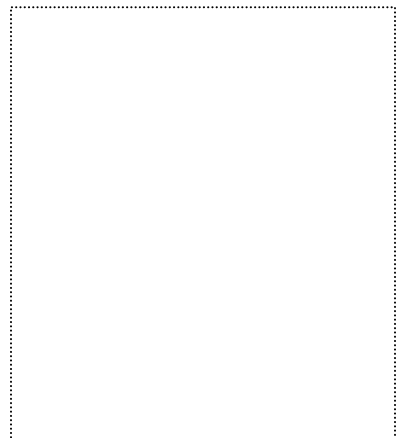
(Seal)

NOTICE TO DEFENDANT

This claim has been filed against you. You must appear before this court on _____, _____, at _____ .m. at _____

If you do not appear, a judgment may be entered against you, together with costs of this action. You should read the information on the back of this claim notice. If you have any questions about the procedure, you may contact the Clerk of the Court in person or by calling:

DATE: _____ BY THE COURT: _____ (Seal)
 (Clerk)



I hereby certify that on _____, _____, I served upon: _____

BY: _____

a true and certified copy of the Plaintiff's Claim with all endorsements thereon.

By: _____ OFFICER

FEES	
Service & Return	\$ _____
Copy	\$ _____
Mileage	\$ _____
Total	\$ _____

SMALL CLAIMS COURT

The Small Claims Court provides a method of settling legal disputes involving \$3,500 or less. Court procedure is informal and without a jury. You cannot be represented by an attorney in Small Claims Court, however, you are allowed to seek an attorney's advice about your case.

The person making the claim is known as the plaintiff. The other party is known as the defendant. Small Claims cases can be filed in the county where the defendant resides or is doing business or in the county where the legal dispute occurred. Except for merchants claiming a loss due to shoplifting, no one may file more than two complaints in a calendar week, nor more than ten complaints in a calendar year. The plaintiff fills out the claim form and signs it in the presence of a court clerk or notary. The clerk sets a date for trial, and arranges for notice to the defendant. The notice may be delivered by the sheriff or constable or sent by certified mail. The plaintiff decides how the notice will be served. The plaintiff pays in advance a filing fee totaling \$26, and the cost of serving the notice on the defendant. If the plaintiff wins, these costs are added to the judgment which the defendant must pay.

The plaintiff and defendant must appear in the court at the time shown on the notice. If the defendant does not appear, a judgment can be entered against him or her. If the defendant is not able to appear at the time set for trial, he or she should contact the court clerk before that time and explain why. The court may continue the trial to a later date if there is good reason. Mere inconvenience is never considered sufficient. The defendant has the right to file a counterclaim or setoff, but this must be done at least two days prior to the time of trial. In a counterclaim, the defendant says that the plaintiff is at fault rather than the defendant. In a setoff, the defendant says he or she may owe something, but that the plaintiff also owes something. If the amount of the counterclaim or setoff exceeds \$3,500, the case will be transferred to regular civil docket and handled with a regular civil lawsuit. The defendant may request that the case be transferred out of the Small Claims Court to the regular civil docket by filing and serving a notice of transfer at least two days prior to the time the case is set for hearing. A transfer fee of \$19 will be assessed for either the transfer to the regular docket or a counterclaim in excess of \$3,500.

At the trial, both the plaintiff and the defendant may have witnesses to support their position. They can have other evidence produced in court, by a court order, if the other party refuses to bring it to court. Both may also present other evidence, such as contracts or cancelled checks. The responsibility for proving the case, and proving the amount of money or property owed, is that of the party making the claim.

If a default judgment is entered, the party can file a motion to modify, vacate, or set aside the judgment. An attorney can help in filing this motion or appeal.

If either party is not satisfied with the judge's decision, they may appeal to the district court where parties may have lawyers and the record of the case will be reviewed for error. Notice of appeal must be given within 30 days from the date of the judge's decision. When you file the notice of appeal you will be required to post an appeal bond in the amount of \$50. In addition, you will be required to pay the district court filing fee. If an appeal is filed and you desire to stop execution of the judgment against you, a supersedeas bond must be filed in the amount of the judgment plus costs.

It is the duty of the party who wins the case to collect the judgment--the property or money which the judge has granted to him or her. If the losing party does not voluntarily pay or agree to pay the judgment awarded, the party winning the lawsuit will have to start collection procedures. Use of an attorney is permitted in these collection procedures.

Additional information on Small Claims Court is available from the clerk of the county court or online at www.supremecourt.ne.gov by clicking on the "Small Claims Court" button.

Manual Uniform Citation and Complaint Forms

- [5A](#) - Court Copy (front)
- [5B](#) - Court Copy (back)
- [5C](#) - Officer's Copy (back)
- [5D](#) - Prosecutor's Copy (back)
- [5E](#) - Defendant's Copy (back)

Electronic Uniform Citation and Complaint Forms

Waiverable

- [5F](#) - Court Copy
- [5G](#) - Officer's Copy
- [5H](#) - Prosecutor's Copy
- [5I](#) - Defendant's Copy

Nonwaiverable

- [5J](#) - Court Copy
- [5K](#) - Officer's Copy
- [5L](#) - Prosecutor's Copy
- [5M](#) - Defendant's Copy

Appendix 5 adopted September 20, 2006.

WAIVER/FINE SCHEDULE

City ordinance violations which are the equivalent of state statute violations listed on this schedule shall be waiverable and carry the penalty so listed unless the schedule fine exceeds the maximum allowed by city ordinance.

City ordinance violations may be designated as waiverable offenses by local court rule if the city ordinance does not have an equivalent state statute.

Effective Date: March 14, 2012

<u>State Statute</u> (All amounts plus \$48.00)	<u>Penalty</u>		<u>Fine</u>
MOVING TRAFFIC			
60-6,119	60-689	obedience to traffic control device	\$ 25.00
60-6,123	60-689	traffic control signal	75.00
60-6,131	60-689	driving left of center	25.00
60-6,132 to 60-6,136	60-689	passing violations	25.00
60-6,137	60-689	no passing zone	25.00
60-6,138	60-689	wrong way on one way	25.00
60-6,139	60-689	improper lane change	25.00
60-6,140	60-689	following too closely	50.00
60-6,141	60-689	driving on median	25.00
60-6,142	60-689	driving on shoulder	25.00
60-6,144	60-689	improper use of controlled access highway	25.00
60-6,146 & 60-6,147	60-689	failure to yield	25.00
60-6,148	60-689	stop sign violation	75.00
60-6,149	60-689	failure to yield, private road or driveway	25.00
60-6,151	60-689	failure to yield, emergency vehicle	100.00
60-6,159	60-689	improper turn	25.00
60-6,160	60-689	illegal u-turn	25.00
60-6,161 to 60-6,163	60-689	failure to signal	25.00
60-6,169	60-689	unsafe backing	25.00
60-6,170	60-689	failure to obey a signal denoting an approaching train	100.00
60-6,173	60-689	grade crossing – placarded vehicle	100.00
60-6,174	60-689	grade crossing – heavy equipment carrier	100.00
60-6,175	60-6,175(1)	overtaking and passing a school bus	100.00
60-6,178	60-689	driving on sidewalk	25.00
60-6,179	60-689	overloaded front seat	50.00
60-6,179.01	60-6,179.01	handheld wireless communication device violation	200.00
60-6,185	60-689	driving too fast for conditions	100.00
60-6,186	60-682.01(1)	speeding	
		(a) 1-5 mph over authorized limit	10.00
		(b) over 5 mph but not over 10 mph	25.00
		(c) over 10 mph but not over 15 mph	75.00
		(d) over 15 mph but not over 20 mph	125.00
		(e) over 20 mph but not over 35 mph	200.00
		(f) over 35 mph over authorized limit	300.00

MOVING TRAFFIC – CONTINUED

60-6,186 & 60-6,188	60-682.01(2)	speeding in a construction zone	(speeding fines as listed above shall be doubled if the violation occurs within a maintenance, repair or construction zone when construction workers are present)
	60-682.01(3)	speeding in a school crossing zone	(speeding fines as listed above shall be doubled if the violation occurs within a school crossing zone)
60-6,193	60-689	impeding traffic	10.00
60-6,212	60-689	careless driving	100.00
60-6,224	60-6,224	failure to dim	10.00
60-6,267	60-6,268	child restraint violation	25.00
60-6,270	60-6,272	occupant protection system (no court costs)	25.00
60-6,305	60-689	livestock forage	50.00
60-6,307	60-689	motorcycle footrests	10.00
60-6,307	60-689	motorcycle passenger restrictions	10.00
60-6,308	60-689	motorcycle lane restriction	10.00
60-6,315	60-689	bicycle passenger restriction	10.00
60-6,317	60-689	riding bicycles wrong side	10.00
60-6,318	60-689	bicycle light and brakes	10.00

NON-MOVING TRAFFIC

18-1741.01	18-1741.02	handicapped parking infraction, 1st offense	\$150.00
39-310	39-310	depositing materials on road or in ditch	100.00
39-311	39-311	rubbish on highways	100.00
60-3,114	60-3,166	misuse of dealer plates	50.00
60-6,116	60-689	vehicle owner driving violation	15.00
60-6,149	60-689	pedestrian violations	10.00
60-6,152 to 60-6,154	60-689	pedestrian violations	10.00
60-6,157	60-689	pedestrian violations	10.00
60-6,166	60-689	improper parking	10.00
60-6,168	60-689	unattended vehicle	10.00
60-6,180	60-689	opening/closing door	15.00
60-6,211.08	60-682	possession of open alcohol container	50.00
60-6,219	60-6,222	vehicle lights	10.00
60-6,225	60-689	exceeding two auxiliary lights on motor vehicle	25.00
60-6,226	60-682	nonworking brake lights and turn signals	25.00
60-6,229	60-682	display of red or green lights to front of a vehicle	25.00
60-6,235	60-6,235	lights required after dark	10.00
60-6,238	60-6,239	failure to display emergency reflectors	50.00
60-6,241	60-689	slow moving vehicle/emblem	5.00
60-6,246(3)	60-682	nonuse of safety chains	25.00
60-6,250	60-689	studded tires	10.00
60-6,252	60-689	bald or improper use of tires	25.00

NON-MOVING TRAFFIC – CONTINUED

60-6,253	60-689	rearview mirror/trucks	10.00
60-6,254	60-689	rearview mirror/other vehicles	25.00
60-6.256	60-4,182(14)	unlawful obstruction of view of operator (first offense)	50.00
60-6,257	60-6,258	tinted windows	25.00
60-6,275	60-6,275	possession of radar transmission device	200.00
60-6,279	60-6,282	no motorcycle helmet	50.00
60-6,283	60-689	vehicle splash guards	25.00
60-6,285	60-689	improper use of horn	25.00
60-6,286	60-689	muffler violation	25.00

REGISTRATION

60-362	60-3,170	operation of unregistered Nebraska-plated commercial trucks and truck-tractors	
		1-20 days	\$ 25.00
		21-30 days	35.00
		31-40 days	50.00
		41-50 days	100.00
		51 days or over	200.00
60-362	60-3,170	operation of unregistered cars, pickups or step vans	25.00
60-363	60-3,170	operating without carrying current registration	25.00
60-368	60-3,170	nonresident license trucks hauling grain	50.00
60-376	60-3,166	expired in-transit decal	50.00
60-376	60-3,166	no proof of ownership	50.00
60-378	60-3,166	no transporter plates	50.00
60-384	60-3,170	nonresident carnival	25.00
60-399	60-3,170	unlawful/fictitious display of plates/renewal tabs	50.00
60-399	60-3,170	failure to display two plates	25.00
60-399	60-3,170	plates not clear and visible	25.00
60-3,114	60-3,166	misuse of dealer plates	50.00
60-3,145	60-3,170	misuse of local plates	100.00
60-3,149	60-3,170	misuse of "A" plate	100.00
60-3,151	60-3,170	utility trailer plate	20.00
			per 1,000 lbs.
			or any fraction thereof
			up to \$100.00
60-3,155	60-3,174	misuse of SME license	100.00
			Plus local plates
60-3,169	60-3,169	misuse of farm plates	100.00
60-3,173	60-3,173	failure to return canceled plates	100.00
60-3,179	60-3,170	nonresident exceeding maximum gross weight allowed in Nebraska	25.00
			per 1,000 lbs. or fraction thereof up to \$500.00
60-3,198	60-3,206	failure to pay fees on IRP and Prorate Statutes (cancelled carrier)	50.00
60-6,300	60-6,300	overweight capacity plates	25.00
			per 1,000 lbs. or fraction thereof

MISCELLANEOUS

28-441	28-441	possession or use of drug paraphernalia	\$100.00
28-521(2)	28-521	trespass, 2nd degree	100.00
28-521(3)	28-521	defying an order to leave	not waivable
28-523	28-523	littering	50.00
28-1244	28-1250	fireworks - possession or discharge	50.00
53-186.01	53-186.01	public consumption of alcohol	50.00

GAME AND PARKS

28-1335	28-1335	shoot from highway	\$100.00
37-248	37-248	violation of game & parks regulations (where penalty not otherwise provided)	50.00
37-304	37-248	possession open alcohol container	50.00
37-305	37-305	camping violations	25.00
37-306	37-306	fires/fire safety	25.00
37-307	37-307	animals/pets	25.00
37-308	37-308	regulations for hunt/fish/trap/state areas	50.00
37-309	37-309	water-related recreational activities	25.00
37-310	37-310	protection, removal, use of property, closed, unauthorized area	25.00
37-311	37-311	vending on areas	50.00
37-313	37-313	traffic on area roads	25.00
37-314(4)	37-314(4)	violation of hunt/fish/trap regulations (except deer, antelope, elk, and mountain sheep regulations)	100.00
37-405(4)	37-411(7)(a)	fail to display fishing permit	100.00
		fail to display small game/fur harvesting/ paddlefish/deer permit	150.00
		fail to display antelope permit	250.00
		fail to display elk permit	500.00
		fail to display mountain sheep permit	1,000.00
37-410	37-410(3)	obtain fishing permit under false pretenses	100.00
		obtain small game, paddlefish, deer or fur harvesting permit under false pretenses	150.00
		obtain antelope permit under false pretenses	250.00
		obtain elk permit under false pretenses	500.00
		obtain mountain sheep permit under false pretenses	1,000.00
		obtain nonresident under 16 fur harvest permit under false pretenses	75.00
*37-411	37-411(7)(a)	no fishing permit	100.00
		no small game/fur harvesting/paddlefish/deer permit	150.00
		no antelope permit	250.00
		no elk permit	500.00
		no mountain sheep permit	1,000.00
37-411(1)(c)	37-411(7)(a)	no federal or state waterfowl stamp	50.00
*37-426	37-433	no habitat/aquatic stamp/unlawful act	50.00
37-443	37-443	unlawful entry - without permit	25.00
37-447(8)	37-447(8)	violation of deer regulations	100.00
37-449(5)	37-449(5)	violation of antelope regulations	100.00
37-450(5)	37-450(5)	violation of elk regulations	200.00
37-451(6)	37-451(6)	violation of mountain sheep regulations	500.00

GAME AND PARKS – CONTINUED

37-462(1)	37-462(5)	no taxidermist permit	100.00
37-463(1)	37-463(4)	deal furs without permit	100.00
37-463(2)	37-463(4)	incomplete fur records	100.00
37-463(3)	37-463(4)	possess furs/evidence of origin	100.00
37-477 to 37-481	37-482	captive wildlife permit violations except 37-479(3)	100.00
37-479(3)	37-479(3)	lure wildlife into domestic corvine facility	1,000.00
37-484 to 37-495	37-248	game breeding/controlled shooting area violations	100.00
37-501	37-501	over bag limit - fish/small game/turkey	200.00
37-504(1)	37-504(1)	closed season elk	500.00
37-504(1)	37-504(1)	closed season deer/antelope/swan/wild turkey	200.00
37-504(3)	37-504(3)	closed season quail/pheasant/partridge/Hungarian partridge/curlew/grouse/morning dove/ sandhill crane/waterfowl	100.00
37-502	37-504(4)	closed season-game & fish which are not specified above	50.00
37-504(2)	37-504(2)	closed season on mountain sheep	1,000.00
37-504(5)	37-504(5)	take dove not in flight	50.00
37-507	37-507	abandonment/needless waste	50.00
37-510	37-510	game shipments/prohibited acts	50.00
37-513(1)	37-513(1)	shoot at wildlife from road/highway	100.00
37-514(1)	37-514(1)	hunting with artificial light	250.00
37-515	37-515	use aircraft or boat to hunt, drive, disturb game	100.00
37-516	37-521	harassment of game	75.00
37-517	37-521	use aircraft, vessel, vehicle, or snowmobile to help locate game	50.00
37-522	37-522	loaded shotgun in vehicle	50.00
37-523	37-523	hunt within 200 yards of dwelling	100.00
37-527	37-527	fail to display orange material	25.00
37-531	37-531	unlawful use of poison/explosive/gas	100.00
37-535	37-535	hunt from propelled watercraft or aircraft	100.00
37-536	37-536	take game bird with rifle/pistol/revolver/ net trap/club/recall pens	50.00
37-537	37-537	bait game birds - distribution of grain	150.00
37-538	37-538	hunt game birds from vehicle	50.00
37-539	37-539	take or destroy nests/eggs of game birds	50.00
37-543	37-543	unlawful fishing methods	50.00
37-546	37-546	bait minnows, seines, selling, etc.	50.00
37-555	37-555	water pollution - junk - trash near water	100.00
37-556	37-556	dead carcass near waterways	100.00
37-557	37-557	disturb fish hatch or nest box	100.00
37-612	37-612	accessory to violation	same penalty as principal
37-613	37-613	liquidated damages game–fish–birds	see statute for current penalty
37-705 (1)	37-705 (1)	fishing closed waters	25.00
37-708	37-709	game refuge violations	200.00
37-722	37-727	hunt/fish/trap without permission	200.00
37-726	37-727	hunt without written permission	200.00
37-1211	37-1270	operate unnumbered motor boat	25.00
37-1221	37-1270	numbers not legible/fail to display certificate	25.00
37-1234	37-1270	operate vessel without lights	25.00
37-1241	37-1270	insufficient life jackets	50.00
37-1241.02 to 37-1241.05	37-1271	personal watercraft violations	100.00
37-1254	37-1272	reckless/negligent operation vessel/skis	150.00

37-1258	37-1271	no mirror or observer while towing skier	100.00
37-1268	37-1270	violation of boating act regulations	25.00
39-313	39-313	shoot onto/across land without permission	50.00
53-186	53-1,000(4)	drink on public property or road	100.00
54-788	54-796	enter state with dog/no health certificate	25.00
60-3,211	60-3,170	no valid certificate of numbers/snowmobile	25.00
60-6,335	60-6,343	unlawful operation/snowmobile	50.00
60-6,337	60-6,343	unlawful acts/snowmobile	50.00
60-6,342	60-6,343	hunt/shoot from snowmobile/wildlife	50.00
60-6,344	60-6,343	carry loaded rifle/shotgun/not cased on snowmobile	50.00
60-678	60-678	violation of rules and regulations ref. types of vehicles permitted	25.00
81-520.01	81-520.02	violation open burning ban	100.00

*requires purchase of permit or stamp if available

NATURAL RESOURCES DISTRICTS

2-3292 to		violation of rules promulgated	
2-32,100		pursuant to these sections	\$ 25.00

NEBRASKA DEPARTMENT OF AGRICULTURE

54-788	54-796	No prior entry permit	\$ 50.00
54-790	54-796	No health certificate	100.00
54-791	54-796	Diverting animals from destination	100.00
54-1906 (7)	54-1913	Unlawful conveyances used by pet food manufacturers, renderers, and motor carriers	100.00

WEIGHTS

60-6,294	60-6,296	overweight on axle or group of axles:	
		0% - 5%	\$ 25.00
		5.1% - 10%	75.00
		10.1% - 15%	150.00
		15.1% - 20%	325.00
		20.1% - 25%	500.00
		25.1% - 30%	750.00
		30.1% - 35%	950.00
		35.1% - 40%	1,150.00
		40.1% - 45%	1,550.00
		45.1% - 50%	2,000.00
		50.1% or over	2,500.00
60-6,294	60-6,296	exterior gross only:	
		5% or less	25.00
		5.1% - 10%	100.00
		10.1% - 15%	200.00
		15.1% - 20%	350.00
		20.1% - 25%	600.00
		25.1% or over	1,000.00

APPORTION AND RECIPROCITY

60-3,178	60-3,170	reciprocity-failure to display registration when required - power units	\$ 25.00
60-3,179	60-3,170	reciprocity-no trip permit stationary scale	25.00
		portable scale units	35.00
60-3,179	60-3,170	intrastate business – non resident vehicles	50.00
60-3,179	60-3,170	expired out-of-state registration (includes IRP and prorate states- power unit)	
		1-20 days	25.00
		21-30 days	35.00
		31-40 days	50.00
		41-50 days	100.00
		51+ days	200.00

DIMENSION

60-6,243	60-689	load projecting to rear-- day, 4 ft. or more; night, 4 ft. or more w/o red warning lights	\$ 20.00 40.00
60-6,288	60-6,291	overwidth up to 1 ft.	25.00
		1 ft. 1 in. to 2 ft.	35.00
		2 ft. 1 in. and over	55.00*
		*(plus \$15.00 per ft. or part thereof exceeding 3 foot.)	
60-6,289	60-6,291	overheight	25.00
60-6,290	60-6,291	overlength up to 1 ft.	25.00
		1 ft. 1 in. to 2 ft.	35.00
		2 ft. 1 in. to 3 ft.	45.00
		3 ft. and over	55.00*
		*(plus \$15.00 per ft. or part thereof exceeding 4 foot.)	

SPECIAL PERMITS

39-102	39-103	violation of rules and regulations general rules (weight permits)	\$ 25.00
		100-500 lbs.	25.00
		501-1,000 lbs.	50.00
		1,001-2,000 lbs.	75.00
		2,001-3,000 lbs.	100.00
		3,001-4,000 lbs.	150.00
		4,001-5,000 lbs.	200.00
		5,001-6,000 lbs.	300.00
		6,001-7,000 lbs.	400.00
		7,001 lbs. and over	500.00
39-102	39-103	interstate use permit violation of rules and regulations	25.00
		failure to produce interstate use permit	100.00
		permit issued or used with wrong vehicle	100.00

FUEL PERMIT

66-727	66-727	failure to have or carry fuel permit	\$ 100.00
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MISCELLANEOUS VEHICLE OFFENSES

39-1411	39-1412	carrying capacity on county bridges	\$ 100.00
60-681	60-689	operating trucks on weighted restricted county/city highway	100.00
60-1308	60-1308	bypassing/failure to stop –scale/weigh station	50.00
60-6,284	60-689	towing requirements	40.00
60-6,293	60-689	long vehicle warning decal	50.00
60-6,302	60-6,302	shifting of fifth wheel on public road	100.00
60-6,304	60-6,304	uncovered materials/cargo securement	100.00
60-6,304	60-689	spilling load	100.00

OPERATOR'S/COMMERCIAL DRIVER'S LICENSE

60-484	60-4,111	no operator's license	\$ 75.00
60-488	60-4,111	nonresident license requirements	25.00
60-489	60-4,111	duty to carry and exhibit driver's license	25.00
60-491	60-4,111	prohibited operator's license acts	50.00
60-4,127	60-4,128	no motorcycle operator's license	75.00
60-4,140	60-4,140	multiple drivers' licenses	100.00
60-4,141	60-4,141	Nebraska and out-of-state and commercial license operating outside of classification or improper endorsements or restrictions	50.00

MOTOR CARRIER SAFETY REGULATIONS

75-363	75-367	Part 390 - GENERAL 1. marking on commercial motor vehicle	\$ 50.00
75-363	75-367	Part 391 - QUALIFICATION OF DRIVERS 1. age 2. waiver of physical disqualification	25.00 25.00
75-363	75-367	Part 392 - DRIVING OF MOTOR VEHICLES 1. drugs/intoxicants (possessing, consumption) 2. radar (speed) detectors 3. no/invalid motor carrier authority	\$200.00 30.00 100.00

MOTOR CARRIER SAFETY REGULATIONS – CONTINUED

75-363	75-367	<p>Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS</p> <ol style="list-style-type: none"> 1. braking action absent, missing or broken brake component, air loss rate \$ 50.00 2. brake pad, brake hose tube, parking brake, low air warning device, air reservoir, brake adjustment 50.00 3. audible air leak 25.00 4. safety devices - chains and hooks 50.00 5. tires 50.00 6. steering components 50.00 7. coupling, towing devices 50.00 8. frames 50.00 9. safe loading 100.00 10. fuel system 25.00 11. exhaust system 25.00 12. suspension 25.00 13. wheels and rims 25.00 14. windshield glazing and wipers 25.00 15. lighting 25.00
75-363	75-367	<p>RECORD OF DUTY STATUS / HOURS OF SERVICE (Part 395 – Interstate, 75-363 Intrastate)</p> <ol style="list-style-type: none"> 1. Driving in excess of maximum permitted hours \$ 50.00 2. failure to produce log book when required, record of duty status not current 75.00 3. intentional falsification of record of duty status 100.00
75-363	75-367	<p>OUT OF SERVICE NOTICE (NON CDL DRIVERS ONLY) (CDL DRIVERS MUST APPEAR 60-4,141,01)</p> <ol style="list-style-type: none"> 1. DRIVER NOTICE <ul style="list-style-type: none"> violation of out of service notice 200.00 violation of out of service notice hazardous material 500.00 2. VEHICLE NOTICE <ul style="list-style-type: none"> operating motor vehicles declared out of service 200.00 operating hazardous material vehicle declared out of service 500.00
75-364	75-367	<p>TITLE 49 HAZARDOUS MATERIAL</p> <ol style="list-style-type: none"> 1. no/improper placards, cargo tank marking, bulk packaging marking \$100.00 2. no/improper shipping paper, hazardous waste manifest, radio active route plan 100.00 3. non-spec cargo tank, internal valve, packaging, load securement, forbidden items 100.00

PUBLIC SERVICE COMMISSION

75-305/004.03	75-155	no PSC plate or expired plate	\$100.00
75-307	75-371	no proof of insurance filing	100.00
75-392 to 75-399	75-398	no interstate registration or payment of fees	100.00
004.04	75-155	no placards or M-numbers	100.00
008.02	75-155	no equipment lease	100.00
008.04	75-155	no single source lease	100.00

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

THIS DOCUMENT IS CONFIDENTIAL AND SHALL NOT BE MADE PART OF THE COURT FILE OR PROVIDED TO THE PUBLIC PURSUANT TO NEB. CT. R. § 6-1464.

)	Case Number _____
Plaintiff,)	
vs.)	
)	PERSONAL AND FINANCIAL
)	INFORMATION OF PARTIES
)	
Defendant,		

Names	Social Security No.	Gender	Birth Date
Plaintiff:			
Defendant:			
Minor Child:			
Minor Child:			
Minor Child:			

FINANCIAL INFORMATION
NAME OF ACCOUNT

ACCOUNT NUMBER

1. _____
2. _____
3. _____
4. _____

(For other information, add pages as required.)

Instructions: When parties are required to report personal and financial information to the court, the complete information shall be provided on Appendix 7. On pleadings or documents to be filed with the court, financial account numbers, dates of birth, and Social Security numbers, where required, should reference Appendix 7: (i.e., "See Appendix 7"). Financial account numbers should be listed by the last four digits of the financial account when the account is reported on a pleading or document filed with the Court.

Appendix 7

This form is neither approved nor disapproved by any court or judicial tribunal. Use of this form provides no immunity from error.

Appendix 7 adopted July 13, 2010.

IN THE COUNTY COURT OF _____ COUNTY, NEBRASKA

THIS DOCUMENT IS CONFIDENTIAL AND SHALL NOT BE MADE PART OF THE COURT FILE OR PROVIDED TO THE PUBLIC PURSUANT TO NEB. CT. R. § 6-1464.

IN THE MATTER OF THE ESTATE, TRUST) PR _____
GUARDIANSHIP AND/OR)
CONSERVATORSHIP OF)
_____)
) PERSONAL AND FINANCIAL
) INFORMATION OF PARTIES

Name:	Date of Birth:	Social Security No:

FINANCIAL INFORMATION
NAME OF ACCOUNT

ACCOUNT NUMBER

1. _____
2. _____
3. _____
4. _____

Instructions: When parties are required to report personal and financial information to the court, the complete information shall be provided on Appendix 8. On pleadings or documents to be filed with the court, financial account numbers, dates of birth, and Social Security numbers, where required, should reference Appendix 8: (i.e., "See Appendix 8"). Financial account numbers should be listed by the last four digits of the financial account when the account is reported on a pleading or document filed with the Court.

Appendix 8

This form is neither approved nor disapproved by any court or judicial tribunal. Use of this form provides no immunity from error.

Appendix 8 adopted July 13, 2010.

REQUEST FORM FOR COPY OF DIGITAL AUDIO RECORD

A court proceeding that has been captured through the use of an electronic recording device can be, upon request, copied onto a compact disc (CD).

The cost of the copy is \$10 for the first hearing that will fit on one CD. There is an additional charge of \$5 for each additional hearing on a CD and a charge of \$5 for each additional CD required.

This form is used for the purpose of requesting a copy of a digitally recorded court proceeding. This form must be completed entirely in order for the court staff to process your request timely. All the information requested below can be found in the case file. All arrangements for a CD copy are made directly with the court staff at the court where the hearing was held.

Case No.: _____

Case Name: _____

Date of Hearing: _____

Time and Location: _____

Judge at Hearing: _____

Full Hearing

Partial Description of portion being requested _____

I would like a CD copy of the electronically recorded proceeding(s) described above.

I acknowledge that this recording IS NOT the official court record; and

I agree that I will comply with all laws regarding privacy of information and not to publish or disseminate any content that may be protected, including, but not limited to, the information described in Neb. Ct. R. §§ 6-1464, 6-1521, and 6-1701.

Name: _____

Address: _____

City/State/Zip: _____

E-mail (optional): _____

Signature of Requestor: _____ Date: _____

Appendix 9