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UTILITY FEES - NEBRASKA

Panhandle Collections, Inc. v. Singh

Court of Appeals of Nebraska - September 29, 2020 - N.W.2d - 28 Neb.App. 924 - 2020 WL 5778765

Collections agency brought action to collect on debt assigned to it by municipality.

The County Court found principal of business entity that owned the property was personally liable for unpaid sewer fees assessed against the property. Principal appealed, and the District Court affirmed the County Court's decision. Principal appealed.

The Court of Appeals held that business entity that was record owner of property was indispensable party, and thus failure to join business entity was jurisdictional defect.

Business entity that was record owner of property where municipal sewer services were delivered was indispensable party in action brought to collect debt for unpaid sewer fees assessed against that property, and thus failure to join business entity was jurisdictional defect that deprived trial court of jurisdiction; collections agency acknowledged in its amended complaint that business entity owned the real estate where sewer services were delivered, and municipal ordinance pursuant to which collections action was brought provided that charges for sanitary sewer service were a lien upon the property.

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