

# **Bond Case Briefs**

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## **TAX LIENS - NEBRASKA**

### **Echo Financial v. Peachtree Properties, L.L.C.**

**Court of Appeals of Nebraska - May 19, 2015 - N.W.2d - 22 Neb.App. 898**

In tax lien foreclosure action, the district court granted Echo Financial's motion for summary judgment entering a decree of foreclosure whereby Sarpy County's lien against the property for unpaid weed assessments would be deemed second to Echo Financial's lien for general taxes.

In the decree of foreclosure, the district court found that (1) Echo Financial's motion for summary judgment should be granted, (2) Echo Financial held a valid first lien against the subject property, (3) the County held a lien for unpaid special assessments (weed liens), which were junior only to the interests of Echo Financial, and (4) the subject property was to be sold subject to the County's unpaid real property taxes for the second half of 2011 and 2012.

The County appealed, contending that the district court erred in (1) granting Echo Financial's motion for summary judgment, (2) ordering that the County's weed liens were junior to the interests of Echo Financial, and (3) failing to find that the County had general tax liens for the second half of 2011 and 2012 and ordering the subject property to be sold subject to the County's lien for unpaid real property taxes instead of ordering that these general tax liens were to be paid from the proceeds of the sheriff's sale.

The Court of Appeals held that:

- The County's weed assessments were junior to Echo Financial's general lien represented by the tax certificate;
- County's general tax liens for the second half of 2011 and 2012 were to be paid from the proceeds of the foreclosure sale; and
- County's general tax liens took priority over Echo Financial's liens.