

#### INSTRUCTIONS FOR CURRENT OWNERS

**Required Signature:** To change a brand ownership, it is necessary to complete the Application for Brand Transfer and return the same with the fee of \$40.00. **This is required even if the applicant is adding or deleting a name, such as a family member.**

**Joint Ownership:** If the brand is owned as joint tenants with right of survivorship (AJTWROS) and one or more of the parties is deceased, the brand can be transferred to the surviving owner(s) by completing the transfer application and a **\*certified death certificate(s)** must accompany the application and fee.

If the survivor(s) wants to include an additional new owner, the survivor(s) needs to sign the bill of sale in the presence of a Notary, plus the **\*certified death certificate(s)** must accompany the application and fee.

If it is to go to an entirely new ownership, the **\*certified death certificate(s)** of the deceased owner(s) and the surviving owner(s) notarized signature(s) is needed.

**Tenants in Common:** If one or more of the owners is deceased and the brand is being transferred to the surviving owner(s), the bill of sale needs to be signed by an authorized party, such as a personal representative appointed by the court. We also need a **\*certified** court document of the appointment to that position.

**Ownership Not Described:** Any ownership not described is presumed to be owned as tenants in common (TIC).

**Small Estates:** If the deceased's estate is less than \$25,000 and there is no probate, a Small Estates Affidavit can be completed. This form is available from our office.

**Deceased With A Will:** Should the estate be under probate, a **\*certified** copy of the letters of personal representative should be used, along with that person's signature.

**Divorce:** If the ownership is affected by a divorce, a **\*certified** divorce decree must be provided, stating the recipient of the specific brand ownership. If the divorce decree does not state recipient of the specific brand ownership, then the person not receiving the brand must sign the bill of sale in the presence of a Notary.

**Sole Ownership:** If a sole owner transfers the ownership to two or more parties, which may include the current owners, the sole owner must sign the bill of sale in the presence of a Notary. If the sole owner is deceased, see other applicable instructions.

**Partnership:** If the registered partnership is transferring to a new ownership and all partners are living, all partners need to sign the bill of sale in the presence of a Notary. If **\*certified** documentation is attached giving one person authority to transfer personal property of the partnership, that person should sign the bill of sale.

**Corporation:** When the corporation is transferring ownership, the president needs to complete the bill of sale. If any other officer signs the transfer, we need **\*certified** documentation that the person(s) is authorized by the corporation, *i.e.*, a photocopy of the minutes certified by the corporate secretary.

**Trust:** When the trust is transferring the brand, the trustee(s) needs to sign the bill of sale in the presence of a Notary.

**Heirs:** If there is a death, no small estates situation, and no appointment of a Personal Representative, we need a **\*certified** document(s) of the court determination of heirs. The heirs not receiving the brand need to sign a bill of sale in the presence of a Notary.

**DBA:** If the owner(s) used the DBA term, the transfer would be treated the same as that of joint tenants with right of survivorship or tenants in common or sole ownership, whichever applies to the recording.

#### INSTRUCTIONS FOR NEW OWNERS

A brand is personal property, and prima facie evidence of livestock ownership. The following explanations are basic instructions and may not apply to your particular circumstance, so we urge extreme care when recording a brand. Please list the owner(s) given name(s) and complete the legal ownership box. **Please contact your attorney if a minor is involved.**

**Partnership:** All partners' names must be listed.

**LLC or Corporation:** The LLC or corporate name must be registered with the Nebraska Secretary of State's office. Indicate the **exact** LLC or corporate name as filed. A **\*certified** document of this filing must accompany the application and fee. Please list the officers, and their titles on the application in the new owner area.

**Trust:** Ownerships being recorded to a trust require the name of the trust and trustee(s).

**Group Name When None of the Above Applies:** If the brand is to be recorded to a group name, *i.e.*, Smith Bros., John Doe Family, Doe Cattle Company, or Jeff Jones & Son, you must record the brand to Jerry and Joe Smith, DBA Smith Bros.; or John, Jane and Sue Doe, DBA John Doe Family; or Steve and Carol Doe, DBA Doe Cattle Company; or Jeff & Charles Jones, DBA Jeff Jones & Son. It is necessary to indicate the appropriate type of ownership, *i.e.*, joint tenants with right of survivorship **OR** tenants in common. An example may be Steve & Carol Doe, AJTWROS, DBA Doe Cattle Company.

**Ownership Not Described:** Any ownership not described is presumed to be owned as tenants in common.

**Tenants in Common (TIC):** This ownership can be used when two or more people each own an undivided interest in the brand recording and they wish their share to go to their heirs.

**Joint Tenants With Right of Survivorship (AJTWROS):** This ownership can be used when two or more people own the brand by both (or all) parties with undivided possession. Upon a death, the brand goes to the survivor(s). Using "WROS" by itself, the term "or", or "and/or" does not indicate a joint ownership.

**Individual or Sole Ownership:** This applies **ONLY** if there is one person recording the brand.

**County:** Please list the Nebraska counties in which the brand will be used. Do not put "all" as every brand registered is good for the entire state. By knowing the counties in which the brand is used, we attempt to prevent similar brands being recorded the same area, as well as being helpful in determining ownership of an estray animal.

**Consignment:** When consigning livestock, if you wish to have any of the brand owners allowed to consign and secure proceeds, please list their names on the ownership. If you wish to have all names or only those individuals designated to appear on consignment and proceeds, please indicate with an asterisk (\*) beside the designated individual(s)

**Please contact your attorney about ownership questions or if a minor is involved in the ownership. We cannot give you legal advice, however, we can inform you of our requirements for the livestock brand.**

**\*certified** means that a photocopy is not acceptable. Certified copies or documents can be obtained from the office where they were originally filed. Another way to handle it is to have a person authorized to take acknowledgements certify a photocopy of the original certified copy or document. The original certification copy or document can be returned with the ownership certificate.

**We provide alternate formats for those who wish special accommodations - please contact the recording office to make arrangements.**

