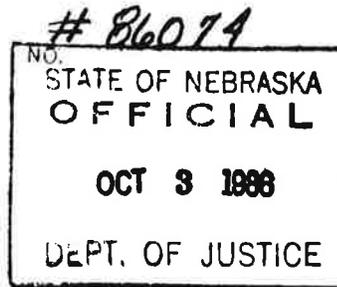


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



ROBERT M. SPIRE  
Attorney General  
A. EUGENE CRUMP  
Deputy Attorney General

DATE: October 2, 1986

SUBJECT: Use of Copies for the Notation of Liens on Motor Vehicle Certificates of Title

REQUESTED BY: Holly Jensen, Director  
Department of Motor Vehicles

WRITTEN BY: Robert M. Spire, Attorney General  
Yvonne E. Gates, Assistant Attorney General

Question Asked: Must the original of the security agreement or similar instrument be presented before a lien is noted on the title?

Conclusion: No, a copy may be used to the same extent as an original unless a genuine question of authenticity is raised.

Neb.Rev.Stat. §60-110 does not specifically require that the original be presented to perfect a lien. It states in pertinent part:

The holder of a security agreement, trust receipt, conditional contract or similar instrument, upon presentation of such instrument to the clerk of the county where such certificate of title was issued together with the certificate of title and the fee prescribed by sections 60-102 to 60-117, may have a notation of such lien made on the face of such certificate of title.

Although there are no statutes or case law that directly address this issue we find that Neb.Rev.Stat. §27-1001 (Reissue 1985) permits certain types of copies and reproductions to be used as evidence in court. The presumption that a copy is as good as the original should only be overcome where a genuine

L. Jay Bartel  
John M. Boehm  
Dale D. Brodkey  
Martel J. Bundy  
Janie C. Castaneda

Dale A. Comer  
Laura L. Freppel  
Lynne R. Fritz  
Ruth Anne Evans  
Yvonne E. Gates

Jill Gradwohl  
Royce N. Harper  
William L. Howland  
Marilyn B. Hutchinson  
Mel Kammerlohr

Sharon M. Lindgren  
Charles E. Lowe  
Steven J. Moeller  
Harold I. Mosher  
Bernard L. Packett

LeRoy W. Sievers  
James H. Spears  
Mark D. Starr  
John R. Thompson  
Susan M. Ugal  
Linda L. Willard

Holly Jensen, Director  
October 2, 1986  
Page -2-

question is raised as to the authenticity of the original Neb.Rev.Stat. §27-1003 (Reissue 1985). Any obvious evidence of alteration to the document would constitute a genuine question. In circumstances where a question of authenticity arises both the original and the copy must be equally available before the lien could be noted on the title.

Therefore, we are of the opinion that the intent of the law is to allow copies of security agreements or similar instruments the same weight and authority as the original.

Sincerely,

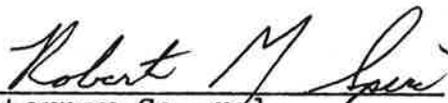
ROBERT M. SPIRE  
Attorney General



Yvonne E. Gates  
Assistant Attorney General

YEG/bae

APPROVED:

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Attorney General