This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.
This Interpretative Opinion discusses the term “unit” as provided in Section 8-1111(5) of the Securities Act of Nebraska (“Act”).

Section 8-1111(5) provides an exemption from registration for a transaction involving the sale of a note, bond or other evidence of indebtedness secured by a mortgage, deed of trust or other security agreement on real or personal property, if the note and security agreement are sold as a “unit”.

For purposes of Section 8-1111(5), the term “unit” means a transaction involving the sale of the entire note and security agreement to the same purchaser. A transaction involving, for instance, the sale of undivided interests in a note and its security agreement shall not qualify for the Section 8-1111(5) exemption.

Any securities offered in a transaction that neither qualifies for the Section 8-1111(5) exemption, nor for any of the other exemptions from registration provided by Sections 8-1110 and 8-1111 of the Act, must be registered as provided by Section 8-1104 of the Act.

Questions regarding this opinion should be addressed to:

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