

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Clark

1 A BILL for an Act to amend and reenact sections 47-18-01, 47-18-04, and 47-18-14 of the North
2 Dakota Century Code, relating to the homestead exemption.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 47-18-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **47-18-01. Homestead exemption - Area and value.** The homestead of any ~~person~~
7 individual, whether married or unmarried, residing in this state ~~shall consist~~ consists of the land
8 upon which the claimant resides, and the dwelling house on that land in which the homestead
9 claimant resides, with all its appurtenances, and all other improvements on the land, the total
10 not to exceed ~~eighty two hundred~~ eighty two hundred thousand dollars in value, over and above liens or
11 encumbrances or both. The homestead ~~shall be~~ is exempt from judgment lien and from
12 execution or forced sale, except as otherwise provided in this chapter. ~~In no case shall the~~ The
13 homestead may not embrace different lots or tracts of land unless ~~they~~ the lots or tracts of land
14 are contiguous.

15 **SECTION 2. AMENDMENT.** Section 47-18-04 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **47-18-04. When homestead subject to execution.** A homestead is subject to
18 execution or forced sale in satisfaction of judgments obtained in the following cases:
19 1. On debts secured by mechanics' or laborers' liens for work or labor done or
20 performed or material furnished exclusively for the improvement of the same.
21 2. On debts secured by mortgage on the premises executed and acknowledged by
22 both husband and wife, or an unmarried claimant.
23 3. On debts created for the purchase thereof and for all taxes accruing and levied
24 thereon.

1 4. On all other debts when, upon an appraisal as provided by section 47-18-06, it
2 appears that the value of ~~said the~~ homestead is more than ~~eighty two hundred~~
3 thousand dollars over and above liens or encumbrances thereon, and then only to
4 the extent of any value in excess of the sum total of ~~such the~~ liens and
5 encumbrances plus said ~~eighty two hundred~~ thousand dollars.

6 **SECTION 3. AMENDMENT.** Section 47-18-14 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **47-18-14. Proceeds of sale exempt - Disposition.** If the sale of a homestead is made
9 as provided in section 47-18-13, the proceeds thereof to the amount of the homestead
10 exemption must be paid to the claimant and the residue applied to the satisfaction of the
11 execution. When the execution is against a married claimant whose spouse is living, the court
12 may direct that the ~~eighty two hundred~~ thousand dollars be deposited in court to be paid out
13 only on the joint receipt of the husband and wife, and it shall possess all the protection against
14 legal process and voluntary disposition by either spouse as did the original homestead
15 premises whether paid directly to the claimant or to the husband and wife jointly.