

**SENATE BILL NO. 2221
with House Amendments
SENATE BILL NO. 2221**

Introduced by

Senators Klein, Cook, Hogue, G. Lee

Representatives Dockter, Toman

1 A BILL for an Act to amend and reenact section 47-18-01, subsection 4 of section 47-18-04, and
2 section 47-18-14 of the North Dakota Century Code, relating to the homestead exemption,
3 when the homestead is subject to exemption, and exempt proceeds of sale.

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

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

7 **47-18-01. Homestead exemption - Area and value.**

8 The homestead of any individual, whether married or unmarried, residing in this state
9 consists of the land upon which the claimant resides, and the dwelling house on that land in
10 which the homestead claimant resides, with all its appurtenances, and all other improvements
11 on the land, the total not to exceed one hundred fifty thousand dollars in value, over and above
12 liens or encumbrances or both. The homestead shall be exempt from judgment lien and from
13 execution or forced sale, except as otherwise provided in this chapter. The homestead may not
14 embrace different lots or tracts of land unless the lots or tracts of land are contiguous. For
15 purposes of this section, "contiguous" means two or more tracts of real property which share a
16 common point or which would share a common point but for an intervening road or right of way.

17 **SECTION 2. AMENDMENT.** Subsection 4 of section 47-18-04 of the North Dakota Century
18 Code is amended and reenacted as follows:

19 4. On all other debts when, upon an appraisal as provided by section 47-18-06, it
20 appears that the value of the homestead is more than one hundred fifty thousand
21 dollars over and above liens or encumbrances on the homestead, and then only to the
22 extent of any value in excess of the sum total of the liens and encumbrances plus said
23 one hundred fifty thousand dollars.

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

3 **47-18-14. Proceeds of sale exempt - Disposition.**

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