

April 12, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2206

- Page 1, line 1, replace "section" with "sections"
- Page 1, line 1, after "28-22-03.1" insert ", 47-18-01, 47-18-04, and 47-18-14"
- Page 1, line 2, after "exemptions" insert "and homestead exemption"
- Page 1, line 10, overstrike "ten" and insert immediately thereafter "twenty-five"
- Page 1, line 14, overstrike "two" and insert immediately thereafter "ten"
- Page 1, line 14, overstrike "nine hundred"
- Page 1, line 15, overstrike "fifty"
- Page 1, line 16, overstrike "thirty-two" and insert immediately thereafter "fifty"
- Page 1, line 20, overstrike "one" and insert immediately thereafter "ten"
- Page 1, line 20, overstrike "five hundred"
- Page 2, line 1, remove the overstrike over "~~The debtor's aggregate interest, not to exceed in value eight thousand dollars less any~~"
- Page 2, remove the overstrike over lines 2 through 4
- Page 2, line 5, remove the overstrike over "~~whom the debtor is a dependent~~"
- Page 2, line 5, remove "Any benefits, including cash value and proceeds of an"
- Page 2, remove lines 6 through 8
- Page 2, line 9, remove "individual"
- Page 2, line 9, after the period insert "Any cash deposit not previously scheduled to be made into a life insurance policy or non-qualified annuity over the previous twelve months is not exempt. Benefits are not exempt from enforcement of any order to pay spousal support, child support, or a qualified domestic order under section 15-39.1-12.2, 39-03-14.2, and 54-52-17.6."
- Page 2, line 14, overstrike the first "one" and insert immediately thereafter "two"
- Page 2, line 15, overstrike "two" and insert immediately thereafter "four"
- Page 3, after line 29, insert:

"SECTION 2. AMENDMENT. Section 47-18-01 of the North Dakota Century Code is amended and reenacted as follows:

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

The homestead of any individual, whether married or unmarried, residing in this state consists of the land upon which the claimant resides, and the dwelling house on that land in which the homestead claimant resides, with all its appurtenances, and all other improvements on the land, the total not to exceed one hundred fifty thousand

dollars in value, over and above liens or encumbrances or both. The homestead shall be exempt from judgment lien and from execution or forced sale, except as otherwise provided in this chapter. The homestead may not embrace different lots or tracts of land unless the lots or tracts of land are contiguous. For purposes of this section, "contiguous" means two or more tracts of real property which share a common point or which would share a common point but for an intervening road or right of way.

SECTION 3. AMENDMENT. Section 47-18-04 of the North Dakota Century Code is amended and reenacted as follows:

47-18-04. When homestead subject to execution.

A homestead is subject to execution or forced sale in satisfaction of judgments obtained in the following cases:

1. On debts secured by mechanics', construction, or laborers' liens for work or labor done or performed or material furnished exclusively for the improvement of the same.
2. On debts secured by mortgage on the premises executed and acknowledged by both husband and wife, or an unmarried claimant.
3. On debts created for the purchase thereof and for all taxes accruing and levied thereon.
4. On all other debts when, upon an appraisal as provided by section 47-18-06, it appears that the value of the homestead is more than one hundred fifty thousand dollars over and above liens or encumbrances on the homestead, and then only to the extent of any value in excess of the sum total of the liens and encumbrances plus said one hundred fifty thousand dollars.

SECTION 4. AMENDMENT. Section 47-18-14 of the North Dakota Century Code is amended and reenacted as follows:

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

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

Renumber accordingly