

and may make contracts or agreements pertaining to the opening up of such state line and the construction of a highway thereon; and if they deem it proper, they may agree with the officials of the adjoining county or state for the allotment of the highway on said state line, and assume the obligation of construction and maintenance of certain parts of the said highway in return for the assumption of like obligations by the officials of the adjoining county or state, as to a like portion of the state line forming the boundary of the said county.

Approved March 7th, 1923.

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## HOMESTEAD

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### CHAPTER 229.

(S. B. No. 36—Page.)

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#### HOMESTEAD EXEMPTION.

An Act to Amend and Re-enact Sections 5605, 5607 and 5611 of the Compiled Laws of the State of North Dakota for the year 1913, Defining the Homestead Exemption.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. AMENDMENT.) That Sections 5605, 5607, and 5611 of the Compiled Laws of the State of North Dakota for the year 1913 be and the same are hereby amended and re-enacted to read as follows:

Sec. 5605. HOMESTEAD DEFINED. EXEMPTION.) The homestead of every head of a family residing in this state, not exceeding in value Five Thousand Dollars (\$5,000.00) over and above liens or incumbrances, or both, claimed under subdivisions 1, 2 and 3 of Section 5607; and if within a town plat not exceeding two acres in extent, and if not within a town plat not exceeding in the aggregate more than one hundred and sixty acres, and consisting of a dwelling house in which the homestead claimant resides and all its appurtenances and the land on which the same is situated, shall be exempt from judgment lien and from execution or forced sale except as provided in this Chapter.

Sec. 5607. The Homestead is subject to execution or forced sale in satisfaction of judgments obtained:

1. On debts secured by mechanics' 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 hereinafter provided, it appears that the value of such homestead is more than Five Thousand Dollars (\$5,000.00) over and above liens or incumbrances claimed under subdivision 1, 2 and 3 hereof, and then only to the extent of any value in excess of the sum total of such liens and incumbrances plus said Five Thousand (\$5,000.00) Dollars.

Sec. 5611. WHEN APPRAISED.) When an execution for the enforcement of a judgment obtained in a case not within any of the classes specified under subdivisions 1, 2 or 3 or Section 5607 is levied upon the homestead the judgment creditor may apply to the district court in the county in which such homestead is situated for the appointment of persons to appraise the value thereof.

Sec. 2. EMERGENCY.) Whereas the law relating to homesteads now supplies inadequate protection, advantage of which is being taken by judgment creditors, an emergency exists, and this Act shall take effect immediately upon its passage and approval.

Approved February 3rd, 1923.

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## CHAPTER 230.

(S. B. No. 201—Page.)

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### HOMESTEAD, HOW CONVEYED.

An Act to Amend and Re-enact Section 5608 of the Compiled Laws of the State of North Dakota for the year 1913.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. AMENDMENT.) Section 5608 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 5608. HOW CONVEYED.) The homestead of a married person cannot be conveyed or incumbered unless the instrument by which it is conveyed or incumbered is executed and acknowledged by both the husband and wife, without regard to the value thereof.

Approved February 24th, 1923.