

## CHAPTER 59.

AN ACT TO AMEND SECTIONS THREE (3), FOUR (4) AND FIVE (5) OF CHAPTER SIXTY-EIGHT (68) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO HOMESTEAD EXEMPTIONS.

*Be it enacted by the Legislature of the State of Minnesota.*

SECTION 1. That sections three (3), four (4) and five (5) of chapter sixty-eight (68) of the General Statutes of one thousand eight hundred and seventy-eight (1878), be amended so as to read as follows:

SEC. 3. Whenever a levy shall be made upon the lands or tenements of a householder whose homestead has not been selected or set apart by metes and bounds, such householder shall notify the officer at the time of making such levy of what he regards as his homestead, with a description thereof within the limits above prescribed, and the remainder alone shall be subject to sale under such levy. *Provided*, That in case such householder shall refuse or neglect to make such selection within twenty (20) days after notice of such levy, the officer making such levy shall cause to be surveyed and set off to such person entitled to such exemption in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this act; and the expenses of such survey shall be chargeable on the execution and collected thereupon.

SEC. 4. If the plaintiff in the execution shall be dissatisfied with the quantity of land selected and set apart by such householder as aforesaid, the officer making such levy shall cause the same to be surveyed, beginning at a point to be designated by the owner, and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this act; and the expenses of such survey shall be chargeable on the execution and collected thereon.

SEC. 5. After the selection of [or] survey shall have been made, the officer making the levy may sell the property levied upon and not included in such homestead in the same manner as provided in other cases for the sale of real estate on execution, and in giving a deed or certificate of the same may describe it according to his original levy, excepting therefrom by metes and bounds, according to the certificate of the survey, the quantity set off as such homestead, as aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 17, 1883.

Levy upon homestead not set apart by metes and bounds.

Householder to make selection within 20 days.

Homestead to be surveyed—when.

Officer not to sell homestead