

CHAPTER 510

HOMESTEAD EXEMPTIONS

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510.01 HOMESTEAD DEFINED; EXEMPT; EXCEPTION. The house owned and occupied by a debtor as his dwelling place, together with the land upon which it is situated to the amount hereinafter limited and defined, shall constitute the homestead of such debtor and his family, and be exempt from seizure or sale under legal process on account of any debt not lawfully charged thereon in writing, except such as are incurred for work or materials furnished in the construction, repair, or improvement of such homestead, or for services performed by laborers or servants.

[R. L. s. 3452] (8336)

510.02 AREA, HOW LIMITED. The homestead may include any quantity of land not exceeding 80 acres, and not included in the laid out or platted portion of any incorporated city, village, or borough. If it be within the laid out or platted portion of such incorporated place having 5,000 inhabitants, or over, its area shall not exceed one-third of an acre, and if it be within the laid out or platted portion of such incorporated place containing fewer than 5,000 inhabitants, the area so exempted shall not exceed one-half of an acre.

[R. L. s. 3453; 1907 c. 335 s. 1] (8337)

510.03 EXISTING EXEMPTION NOT AFFECTED BY CHANGES. As against debts which are not a lien upon such property the area of the homestead shall not be reduced or enlarged by reason of any change in the population of the place in which it is situated, by extending the limits of an incorporated place so as to include the same, or by the platting of surrounding or adjoining lands or the vacation of existing plats. As against debts contracted prior to the taking effect of Revised Laws 1905, the homestead exemptions then established shall be neither enlarged nor diminished by the provisions of this chapter.

[R. L. s. 3454] (8338)

510.04 TITLE MAY BE IN HUSBAND OR WIFE; EQUITABLE TITLE EXEMPT. If the debtor be married the homestead title may be vested in either spouse, and the exemption shall extend to the debts of either or of both. Any interest in the land, whether legal or equitable, shall constitute ownership, within the meaning of this chapter, and the dwelling house so owned and occupied shall be exempt, though situated on the land of another.

[R. L. s. 3455] (8339)

510.05 LIMITATIONS. Such homestead exemption shall not extend to any mortgage lawfully obtained thereon, to any valid lien for taxes or assessments, or to any charge arising under the laws relating to laborers or materialmen's liens.

[R. L. s. 3456] (8340)

510.06 EXEMPTION NOT LOST BY DEATH OR DESERTION. If the owner shall die leaving a spouse or minor children constituting his family surviving, the homestead exemption shall not be affected by such death. If a husband shall abscond, or otherwise desert his family, his wife and the minor children comprising such family may retain the homestead, with all the rights of owners therein. They shall not have power to sell or mortgage the same, except in cases expressly provided for by law.

[R. L. s. 3457] (8341)

510.07 SALE OR REMOVAL PERMITTED; NOTICE. The owner may sell and convey the homestead without subjecting it, or the proceeds of such sale for the period of one year after sale, to any judgment or debt from which it was exempt in his hands. He may remove therefrom without affecting such exemption, if he

do not thereby abandon the same as his place of abode. If he shall cease to occupy such homestead for more than six consecutive months he shall be deemed to have abandoned the same unless, within such period, he shall file with the register of deeds of the county in which it is situated a notice, executed, witnessed, and acknowledged as in the case of a deed, describing the premises and claiming the same as his homestead. In no case shall the exemption continue more than five years after such filing, unless during some part of the term the premises shall have been occupied as the actual dwelling place of the debtor or his family.

[R. L. s. 3458] (8342)

510.08 SELECTION AFTER LEVY. If the premises so owned and occupied by the debtor or claimed under him by another as exempt shall exceed the area herein prescribed, and the homestead shall not have been set apart as such and its boundaries defined, an attachment or execution may be levied upon the whole. Thereupon the person entitled to the benefits of such exemption shall deliver to the officer making the levy a description of the part claimed as exempt, and the remainder only shall be subject to the levy so made.

[R. L. s. 3459] (8343)

510.09 SELECTION, HOW MADE. Such selection shall embrace the site of the dwelling and its appurtenances, shall be compact in form, and shall be so made as not unreasonably to affect the value of the remaining part. If the selection be not made within 20 days after notice of the levy, or if, when made, it be not satisfactory to the creditor procuring such levy, the sheriff shall cause such homestead to be set apart by a survey, beginning at a point designated by the claimant, or, if no such designation be made, at such point as the sheriff shall direct, and the cost of such survey shall be added to the debt and paid out of the proceeds of sale.

[R. L. s. 3460] (8344)