CHAPTER 510

HOMESTEAD EXEMPTION

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510.01 HOMESTEAD DEFINED; EXEMPT; EXCEPTION.

The house owned and occupied by a debtor as the debtor's dwelling place, together with the land upon which it is situated to the amount of area and value hereinafter limited and defined, shall constitute the homestead of such debtor and the debtor's 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 and as is provided in section 550.175.

History: *(8336) RL s 3452; 1986 c 444; 1993 c 79 s 1*

510.02 AREA AND VALUE; HOW LIMITED.

Subdivision 1. **Exemption.** The homestead may include any quantity of land not exceeding 160 acres. The exemption per homestead, whether the exemption is claimed by one or more debtors, may not exceed $540,000 or, if the homestead is used primarily for agricultural purposes, $1,350,000, exclusive of the limitations set forth in section 510.05.

Subd. 2. **Adjustment of dollar amounts.** The dollar amounts in subdivision 1 must change periodically in the manner provided for under section 550.37, subdivision 4a. The commissioner of commerce shall include the changes in the dollar amounts as part of the announcement and publication made under those provisions.

History: *(8337) RL s 3453; 1907 c 335 s 1; 1969 c 414 s 1; 1973 c 123 art 5 s 7; 1986 c 398 art 16 s 1; 1993 c 79 s 2; 2007 c 105 s 2; 2007 c 106 s 11; 2013 c 135 art 2 s 8*

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.

History: *(8338) RL s 3454; 1951 c 346 s 1*

510.04 TITLE MAY BE IN EITHER SPOUSE; 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.

History: *(8339) RL s 3455; 1986 c 444*

510.05 LIMITATIONS.

The amount of the homestead exemption shall not be reduced by and shall not extend to any mortgage lawfully obtained thereon, to any valid lien for taxes or assessments, to a claim filed pursuant to section 246.53 or 256B.15, to any charge arising under the laws relating to laborers or material suppliers' liens or to any charge obtained under section 481.13 pursuant to a valid waiver of the homestead exemption.

History: *(8340) RL s 3456; 1982 c 621 s 1; 1982 c 641 art 1 s 18; 1986 c 444; 2007 c 105 s 3; 2007 c 106 s 12; 2008 c 341 art 5 s 2*

510.06 EXEMPTION NOT LOST BY DEATH OR DESERTION.

If the owner dies leaving a spouse or minor children constituting the owner's family surviving, the homestead exemption shall not be affected by the death. If the owner shall abscond, or otherwise desert the family, the spouse and the minor children comprising the family may retain the homestead, with all the rights of owners therein. They shall not have power to sell or mortgage it, except in cases expressly provided for by law.

History: *(8341) RL s 3457; 1981 c 31 s 10*

510.07 SALE OR REMOVAL PERMITTED; INSURANCE PROCEEDS; 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 the owner's hands, except that the proceeds of the sale are not exempt from a judgment or debt for a court ordered child support or maintenance obligation in arrears. The proceeds of an insurance claim for an exempt homestead are exempt for one year. The owner may remove therefrom without affecting such exemption, if the owner does not thereby abandon the same as the place of abode. If the owner shall cease to occupy such homestead for more than six consecutive months the owner shall be deemed to have abandoned the same unless, within such period, the owner shall file with the county recorder 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 the owner's 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 the debtor's family.

History: *(8342) RL s 3458; 1976 c 181 s 2; 1986 c 444; 1987 c 403 art 3 s 75; 1993 c 79 s 3*

510.08 SELECTION AFTER LEVY.

(a) If the premises so owned and occupied by the debtor or claimed under the debtor 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.

(b) If the premises so owned and occupied by the debtor or claimed under the debtor by another as exempt exceeds the value prescribed in section 510.02, an attachment or execution may be levied upon the whole.

History: *(8343) RL s 3459; 1986 c 444; 1993 c 79 s 4*

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.

History: *(8344) RL s 3460*