

CHAPTER 181  
HOMESTEAD CONVEYANCE OR ENCUMBRANCE

H. F. 430

AN ACT eliminating the requirement that spouses execute the same joint instrument to convey the homestead.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 561.13, Code 1981, is amended to read as follows:

561.13 CONVEYANCE OR ENCUMBRANCE. No A conveyance or encumbrance of, or contract to convey or encumber the homestead, if the owner is married, is not valid, unless and until the ~~husband-and-wife-join-in-the-execution-of-the-same-joint~~ spouse of the owner executes the same or a like instrument, or a power of attorney for the execution of the same or a like instrument, and the instrument or power of attorney sets out the legal description of the homestead, ~~provided, however, that where.~~ However, when the homestead is conveyed or encumbered along with or in addition to other real estate, it ~~shall~~ is not be necessary to particularly describe or set aside the tract of land constituting ~~such~~ the homestead, whether the homestead is exclusively the subject of the contract or not, ~~but such the contracts~~ contract may be enforced as to real estate other than the homestead at the option of the purchaser or encumbrancer. If a spouse who holds only homestead and inchoate dower rights in ~~said~~ the homestead specifically relinquishes homestead rights in ~~said~~ an instrument, it ~~shall~~ is not be necessary for ~~such~~ the spouse to join in the granting clause of the same or a like instrument.

Approved March 26, 1981

CHAPTER 182  
EXEMPTIONS FROM EXECUTION

S. F. 480

AN ACT relating to properties that are exempt from judicial process.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 561.16, Code 1981, is amended to read as follows:

561.16 EXEMPTION--~~DIVORCED--SPOUSE~~. The homestead of every ~~family,~~ whether--owned--by--the-husband-or-wife, person is exempt from judicial sale, where there is no special declaration of statute to the contrary, ~~and--such~~ right--shall-continue-in-favor-of-the-party-to-whom-it-is-adjudged-by-divorce