

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

deeree-during-continued-personal--occupaney--by--such--party, provided that persons who reside together as a single household unit are entitled to claim in the aggregate only one homestead to be exempt from judicial sale. For purposes of this section, "household unit" means all persons of whatever ages, whether or not related, who habitually reside together in the same household as a group.

Sec. 2. Chapter 627, Code 1981, is amended by adding the following new section:

NEW SECTION. BANKRUPTCY EXEMPTION. A debtor to whom the law of this state applies on the date of filing of a petition in bankruptcy is not entitled to elect to exempt from property of the bankruptcy estate the property that is specified in 11 U.S.C. sec. 522(d) (1979). This section is enacted for the purpose set forth in 11 U.S.C. sec. 522(b)(1) (1979).

Sec. 3. Section 627.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

627.6 GENERAL EXEMPTIONS. A debtor who is a resident of this state may hold exempt from execution the following property:

1. All wearing apparel of the debtor and the debtor's dependents kept for actual use and the trunks or other receptacles necessary for the wearing apparel, not to exceed in value two hundred dollars in any particular item or one thousand dollars in the aggregate.

2. One shotgun, and either one rifle or one musket.

3. Private libraries, family bibles, portraits, pictures, and paintings not to exceed two hundred dollars in value for any particular item and one thousand dollars in the aggregate.

4. An interment space or an interest in a public or private burying ground, not exceeding one acre for any defendant.

5. Two cows, two calves, fifty sheep, six stands of bees, poultry to the value of one hundred dollars, five hogs, and all pigs under six months of age, together with the feed for all exempt animals for six months.

6. The debtor's interest, not to exceed two hundred dollars in value in any particular item, in household furnishings, household goods, and appliances held primarily for the personal, family, or household use of the debtor or a dependent of the debtor, not to exceed in value two thousand dollars in the aggregate.

7. Any unmaturred life insurance policy owned by the debtor, other than a credit life insurance contract.

8. Professionally prescribed health aids for the debtor or a dependent of the debtor.

9. The debtor's rights in:

a. A social security benefit, unemployment compensation, or a local public assistance benefit.

b. A veteran's benefit.

c. A disability or illness benefit.

d. Alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and dependents of the debtor.

e. A payment under a pension, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the

extent reasonably necessary for the support of the debtor and any dependent of the debtor.

10. Any combination of the following, not to exceed a value of five thousand dollars in the aggregate:

a. Musical instruments, not including radios, television sets, or record or tape playing machines, held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

b. One motor vehicle, with the debtor's interest not exceeding one thousand two hundred dollars in value.

c. If the debtor is engaged in any profession or occupation other than farming, the proper implements, professional books, or tools of the trade of the debtor or a dependent of the debtor.

d. If the debtor is engaged in farming, a team consisting of not more than two horses or mules or two yoke of cattle, and the wagon or other vehicle, with the proper harness or tackle, or other necessary implements of husbandry, or a combination of these. This exemption is in addition to any motor vehicle held exempt under paragraph b.

e. In the event of a bankruptcy proceeding, the debtor's interest in accrued wages and in state and federal tax refunds as of the date of filing of the petition in bankruptcy, not to exceed one thousand dollars in the aggregate. This exemption is in addition to the limitations contained in sections 642.21 and 537.5105.

Sec. 4. Section 627.18, Code 1981, is amended to read as follows:

627.18 PUBLIC PROPERTY. Public buildings owned by the state, or any county, city, school district, or other municipal corporation, or any other public property which is necessary and proper for carrying out the general purpose for which such corporation is organized, are exempt from execution. ~~The property of a private citizen can in no case be levied on to pay the debt of any such.~~

Sec. 5. Sections 561.17, 627.1, 627.14, 627.15 and 627.16, Code 1981, are repealed.

Approved May 11, 1981