

House File 517

H-1368

1 Amend House File 517 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 561.13, Code 2011, is amended  
5 to read as follows:

6 **561.13 Conveyance or encumbrance.**

7 1. A conveyance or encumbrance of, or contract  
8 to convey or encumber the homestead, if the owner is  
9 married, is not valid, unless and until the spouse of  
10 the owner executes the same or a like instrument, or a  
11 power of attorney for the execution of the same or a  
12 like instrument, except as provided in subsection 3.  
13 However, when the homestead is conveyed or encumbered  
14 along with or in addition to other real estate, it is  
15 not necessary to particularly describe or set aside the  
16 tract of land constituting the homestead, whether the  
17 homestead is exclusively the subject of the contract or  
18 not, but the contract may be enforced as to real estate  
19 other than the homestead at the option of the purchaser  
20 or encumbrancer.

21 2. If a spouse who holds only homestead rights and  
22 surviving spouse's statutory share in the homestead  
23 specifically relinquishes homestead rights in an  
24 instrument, including a power of attorney constituting  
25 the other spouse as the husband's or wife's attorney in  
26 fact, as provided in section 597.5, it is not necessary  
27 for the spouse to join in the granting clause of the  
28 same or a like instrument.

29 3. A conveyance or encumbrance or a contract to  
30 convey or encumber the homestead is not invalid under  
31 subsection 1 if any of the following apply:

32 a. The nonsigning spouse's interest is terminated  
33 by a decree of dissolution of marriage or other order  
34 of the court.

35 b. The nonsigning spouse's right of recovery is  
36 barred by section 614.15.

37 c. The encumbrance is a purchase money mortgage as  
38 defined in section 654.12B.

39 d. A court sitting in equity enters a decree  
40 holding that invalidating the conveyance or encumbrance  
41 or a contract to convey or encumber the homestead  
42 would, directly or indirectly, unjustly enrich the  
43 nonsigning spouse.

44 4. For the purposes of this section, "nonsigning  
45 spouse" means a spouse who has not executed a  
46 conveyance or encumbrance or a contract to convey or  
47 encumber the homestead, the same or a like instrument,  
48 or a power of attorney for the execution of the same or  
49 a like instrument.>

BALTIMORE of Boone

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