

LOCAL GOVERNMENT: Fraise, Chair; Wells and Goodwin

Senate File 179

Local Government: Norrgard, Chair; Connors and Petersen of Muscatine.

Sen. Res. 4/2 (p. 1112) FILED FEB 12 1987

SENATE FILE 179  
BY RIORDAN

Passed Senate, Date 3-13-87 (p. 616) Passed House, Date 4-24/87 (p. 1631)

Vote: Ayes 37 Nays 0 Vote: Ayes 91 Nays 0

Approved May 6, 1987 (p. 1157)

A BILL FOR

1 An Act to provide that a single person may claim a homestead  
2 exempt from judicial sale.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 179

1 Section 1. Section 561.4, Code 1987, is amended to read as  
2 follows:

3 561.4 SELECTING -- PLATTING.

4 The owner, husband, or wife, or a single person, may select  
5 the homestead and cause it to be platted, but a failure to do  
6 so shall not render the same liable when it otherwise would  
7 not be, and a selection by the owner shall control. When  
8 selected, it shall be designated by a legal description, or if  
9 ~~incapable thereof~~ impossible it shall be marked off by  
10 permanent, visible monuments, and the description ~~thereof~~  
11 shall give the direction and distance of the starting point  
12 from some corner of the dwelling, which description, with the  
13 plat, shall be filed and recorded by the recorder of the  
14 proper county in the homestead book, which shall be, as nearly  
15 as may be, in the form of the record books for deeds, with an  
16 index kept in the same manner.

17 Sec. 2. Section 561.5, Code 1987, is amended to read as  
18 follows:

19 561.5 PLATTED BY OFFICER HAVING EXECUTION.

20 Should the homestead not be platted and recorded at the  
21 time levy is made upon real property in which a homestead is  
22 included, the officer having the execution shall give notice  
23 in writing to ~~said the owner, and the spouse of such owner, or~~  
24 owners if found within the county, to plat and record the same  
25 within ten days after service ~~thereof~~; after which time ~~said~~  
26 the officer shall cause ~~said the~~ homestead to be platted and  
27 recorded ~~as above~~, and the expense ~~thereof~~ shall be added to  
28 the costs in the case.

29 Sec. 3. Section 561.16, Code 1987, is amended to read as  
30 follows:

31 561.16 EXEMPTION.

32 The homestead of every person is exempt from judicial sale  
33 where there is no special declaration of statute to the  
34 ~~contrary, provided that persons.~~ Persons who reside together  
35 as a single household unit are entitled to claim in the

1 aggregate only one homestead to be exempt from judicial sale.  
2 A single person may claim only one homestead to be exempt from  
3 judicial sale. For purposes of this section, "household unit"  
4 means all persons of whatever ages, whether or not related,  
5 who habitually reside together in the same household as a  
6 group.

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EXPLANATION

8 The bill specifically provides that a single person may  
9 claim a homestead exempt from judicial sale.

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SENATE FILE 179

AN ACT

TO PROVIDE THAT A SINGLE PERSON MAY CLAIM A HOMESTEAD EXEMPT FROM JUDICIAL SALE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 561.4, Code 1987, is amended to read as follows:

561.4 SELECTING -- PLATTING.

The owner, husband or wife, or a single person, may select the homestead and cause it to be platted, but a failure to do so shall not render the same liable when it otherwise would not be, and a selection by the owner shall control. When selected, it shall be designated by a legal description, or if incapable thereof impossible it shall be marked off by permanent, visible monuments, and the description thereof shall give the direction and distance of the starting point from some corner of the dwelling, which description, with the plat, shall be filed and recorded by the recorder of the proper county in the homestead book, which shall be, as nearly as may be, in the form of the record books for deeds, with an index kept in the same manner.

Sec. 2. Section 561.5, Code 1987, is amended to read as follows:

561.5 PLATTED BY OFFICER HAVING EXECUTION.

Should the homestead not be platted and recorded at the time levy is made upon real property in which a homestead is included, the officer having the execution shall give notice in writing to said the owner, and the spouse of such owner or owners if found within the county, to plat and record the same within ten days after service thereof; after which time said the officer shall cause said the homestead to be platted and recorded as above, and the expense thereof shall be added to the costs in the case.

Sec. 3. Section 561.16, Code 1987, is amended to read as follows:

561.16 EXEMPTION.

The homestead of every person is exempt from judicial sale where there is no special declaration of statute to the contrary; provided that persons. 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. A single person may claim 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.

JO ANN ZIMMERMAN  
President of the Senate

DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 179, Seventy-second General Assembly.

JOHN F. DWYER  
Secretary of the Senate

Approved  1987

TERRY E. BRANSTAD  
Governor

SF 179