

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 585

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to exemptions from execution, attachment,  
7 and garnishment; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 09.35.080 is amended to read:

10 Sec. 09.35.080. EXEMPTIONS. The following property is exempt  
11 from execution, except as otherwise specifically provided when selected  
12 and reserved by the judgment debtor or his agent at the time of the  
13 levy, or as soon after levy and before sale as the existence of the levy  
14 becomes known to him:

15 (1) the income of the judgment debtor, regardless of when it  
16 became payable, for work performed during the preceding 30 days, or  
17 otherwise earned or inured to his benefit within the 30-day period; the  
18 30-day period shall be reckoned back from the date of the levy, but  
19 the exemption may not exceed \$525 [~~\$350~~] if he is the head of a family,  
20 and the amount of \$300 [~~\$200~~] if he is not the head of a family; the  
21 amount of the exemption shall be computed after deductions and payments,  
22 required by law or court order, so as to assure the judgment debtor  
23 the receipt of the first \$525 [~~\$350~~] per month if he is the head of a  
24 family or \$300 [~~\$200~~] if he is not the head of a family, when it appears  
25 by the debtor's affidavit or otherwise that the income is necessary for  
26 his use or for the use of his family which is supported in whole or in  
27 part by his income;

28 (2) books, pictures, and musical instruments belonging to the  
29 judgment debtor not to exceed \$450 [~~\$300~~] in value;

1 (3) necessary wearing apparel belonging to the judgment  
2 debtor for the use of himself or his family; watches or jewelry not to  
3 exceed \$300 [\$200] in value;

4 (4) the tools, implements, apparatus, motor vehicles, books,  
5 office furniture, business files, animals, laboratory, and any other  
6 article necessary to enable any person to carry on the trade, occupa-  
7 tion, or profession by which that person habitually earns his living  
8 to the value of \$2,700, including [\$1,800, INCLUDE] sufficient quantity  
9 of food to support the animals, if any, for six months;

10 (5) the following property belonging to the judgment debtor  
11 and in actual use or kept for use by and for his family: animals,  
12 household goods, furniture, and utensils to the value of \$1,800 [\$1,200]  
13 including food sufficient to support the animals, if any, for six  
14 months, and provisions actually provided for family use and necessary  
15 for the support of that person and family for six months;

16 (6) all property of a public or municipal corporation;

17 (7) no article of property mentioned in this section is  
18 exempt from execution issued on a judgment recovered for its price,  
19 and, in the event the article of property has been sold or exchanged  
20 for other property, the proceeds of the sale or the article for which  
21 it was exchanged is not exempt from execution.

22 \* Sec. 2. AS 09.35.090 is amended to read:

23 Sec. 09.35.090. HOMESTEAD EXEMPTION. The homestead of any family  
24 is, or the proceeds of the homestead are exempt from judicial sale for  
25 the satisfaction of any liability contracted or judgment on debt except  
26 as provided in this section. The homestead consists of the actual abode  
27 of and owned by the family or some member of the family. It shall not  
28 exceed \$12,000 [\$8,000] in value, and not exceed 160 acres in extent if  
29 located outside a town or city laid off into blocks or lots, or not

1 exceed one-fourth of one acre if located in a town or city. This sec-  
2 tion does not apply to decrees for the foreclosure of a mortgage or  
3 deed of trust properly executed. If the owners of a homestead are  
4 married, it shall be executed by husband and wife. When an officer  
5 levies upon a homestead, the owner or the wife, husband, agent or  
6 attorney of the owner may notify the officer that he claims the premises  
7 as his homestead, describing it by metes and bounds, lot or block, or  
8 legal subdivision. The officer shall notify the creditor of the claim,  
9 and, if the homestead exceeds the maximum in this section and he deems  
10 it of greater value than \$12,000 [\$8,000], then he may apply to the  
11 court for the appointment of three disinterested persons to appraise the  
12 homestead, commencing with the 20 acres of the lot upon which the dwelling  
13 is located, appraising each lot or 20 acres separately; and, if the  
14 homestead exceeds \$12,000 [\$8,000], then the officer shall proceed to  
15 sell all in excess of \$12,000 [\$8,000] by lots or smallest legal subdivi-  
16 sions, offering them in the order directed by the judgment debtor  
17 if he chooses to direct; otherwise, he shall sell them so as to leave  
18 the homestead as compact as possible. The homestead is exempt from sale  
19 or legal process after the death of the person entitled to the home-  
20 stead for the collection of a debt for which it could not have been sold  
21 during his lifetime.

22 \* Sec. 3. This Act takes effect on the day after its passage and  
23 approval or on the day it becomes law without approval.  
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