

Original sponsor: Moran

Offered: 4/9/71
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 321

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the residence exemption from execution."

7

8

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

9

* Section 1. AS 09.35.090 is amended to read:

10

Sec. 09.35.090. RESIDENCE [HOMESTEAD] EXEMPTION. (a) The

11

homestead of any family is, or the proceeds of the homestead are exempt

12

from judicial sale for the satisfaction of any liability contracted

13

or judgment on debt except as provided in this section. The homestead

14

consists of the actual abode of and owned by the family or some member

15

of the family. It shall not exceed \$12,000 [\$8,000] in value, and not

16

exceed 160 acres in extent if located outside a town or city laid off

17

into blocks or lots, or not exceed one-fourth of one acre if located

18

in a town or city. This section does not apply to decrees for the

19

foreclosure of a mortgage, [OR] deed of trust or conditional sales

20

contract properly executed. If the owners of a homestead are married,

21

it shall be executed by husband and wife. When an officer levies upon

22

a homestead, the owner or the wife, husband, agent, or attorney of the

23

owner may notify the officer that he claims the premises as his home-

24

stead, describing it by metes and bounds, lot or block, or legal sub-

25

division. The officer shall notify the creditor of the claim, and, if

26

the homestead exceeds the maximum in this section and he deems it of

27

greater value than \$12,000 [\$8,000], then he may apply to the court for

28

the appointment of three disinterested persons to appraise the home-

29

stead, commencing with the 20 acres of the lot upon which the dwelling

1 is located, appraising each lot or 20 acres separately; and, if the
2 homestead exceeds \$12,000 [\$8,000], then the officer shall proceed to
3 sell all in excess of \$12,000 [\$8,000] by lots or smallest legal sub-
4 divisions, offering them in the order directed by the judgment debtor
5 if he chooses to direct; otherwise, he shall sell them so as to leave
6 the homestead as compact as possible. The homestead is exempt from
7 sale or legal process after the death of the person entitled to the
8 homestead for the collection of a debt for which it could not have been
9 sold during his lifetime.

10 (b) A trailer home, mobile home or another dwelling of like
11 nature, which is owned by a family or one of its members and is used
12 as the family's actual abode, is exempt from judicial sale on the same
13 basis and under the same conditions as a residence exemption based on
14 real property, whether or not the dwelling is affixed to the land,
15 and whether or not the land is held in fee simple or by a leasehold or
16 some other interest in land. The residence exemption under this sub-
17 section is limited to \$8,000.
18
19
20
21
22
23
24
25
26
27
28
29