



620722

CRC ACTION

Commissioner .  
Comm: FAV .  
12/04/2017 .  
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The Committee on General Provisions (Plymale) recommended the following:

**CRC Amendment (with title amendment)**

Delete everything after the proposal clause  
and insert:

Section 4 of Article X of the State Constitution is amended  
to read:

ARTICLE X

MISCELLANEOUS

SECTION 4. Homestead; exemptions.-

(a) There shall be exempt from forced sale under process of



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11 any court, and no judgment, decree or execution shall be a lien  
12 thereon, except for the payment of taxes and assessments  
13 thereon, obligations contracted for the purchase, improvement or  
14 repair thereof, or obligations contracted for house, field or  
15 other labor performed on the realty, the following property  
16 owned by a natural person:

17 (1) a homestead, if located outside a municipality, to the  
18 extent of one hundred sixty acres of contiguous land and  
19 improvements thereon, which shall not be reduced without the  
20 owner's consent by reason of subsequent inclusion in a  
21 municipality; or if located within a municipality, to the extent  
22 of one-half acre of contiguous land, upon which the exemption  
23 shall be limited to the residence of the owner or the owner's  
24 family;

25 (2) personal property to the value of one thousand dollars.

26 (b) These exemptions shall inure to the surviving spouse or  
27 heirs of the owner.

28 (c) The homestead shall not be subject to devise if the  
29 owner is survived by spouse or minor child, except the homestead  
30 may be devised to the owner's spouse if there be no minor child.  
31 The owner of homestead real estate, joined by the spouse if  
32 married, may alienate the homestead by mortgage, sale or gift  
33 and, if married, may by deed transfer the title to an estate by  
34 the entirety with the spouse. If the owner or spouse is  
35 incompetent, the method of alienation or encumbrance shall be as  
36 provided by law.

37 (d) Notwithstanding subsection (a), a homestead is not  
38 exempt from the claim of a creditor if the creditor:

39 (1) Establishes in an action against the owner of the



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40 homestead that the creditor's funds were fraudulently used by  
41 the owner to acquire or improve the homestead; or

42 (2) Obtains a judgment against the owner of the homestead  
43 for damages caused by an intentional tort or intentional  
44 criminal or fraudulent act by the owner of the homestead, so  
45 long as the homestead was not the primary residence for the  
46 owner's spouse or minor child when the tort or act occurred or  
47 at the time of the judgment in the action.

48  
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete everything before the proposal clause  
52 and insert:

53 A proposal to amend  
54 Section 4 of Article X of the State Constitution to  
55 create exceptions to the homestead exemption from  
56 creditor claims.