

CHAPTER 60

Original House Bill No. 13

EXECUTION OR ATTACHMENT EXEMPTIONS

AN ACT to amend W.S. 1-498, 1-501 through 1-505, 1-507, 2-215, 2-216 and 2-217 relating to homestead exemptions; and increasing the exemptions for the homestead, necessary wearing apparel, certain household furnishings and other articles, and tools, implements or stock in trade used in carrying on a trade or business.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 1-498, 1-501 through 1-505, 1-507, 2-215, 2-216 and 2-217 are amended to read:

1-498. Amount of homestead exemption determined. Every householder in the state of Wyoming, being the head of a family, and every resident of the state who has reached the age of sixty (60) years, whether the head of a family or otherwise, is entitled to a homestead not exceeding in value the sum of six thousand dollars (\$6,000.00), exempt from execution and attachment arising from any debt, contract or civil obligation entered into or incurred.

1-501. Homestead may consist of house and lot, farm or house trailer; not to exceed \$6,000.00. The homestead may consist of a house and lot or lots, in any town or city or of a farm consisting of any number of acres, or a house trailer or other movable home, whether or not equipped with wheels or resting upon immovable support, so that the value does not exceed six thousand dollars (\$6,000.00).

1-502. Right of creditor to sell homestead if value greater than \$6,000.00. When any creditor is of the opinion that any homestead is of greater value than six thousand dollars (\$6,000.00), on filing an affidavit of that fact with the clerk of the district court, the creditor may proceed against the homestead as in ordinary cases, and if the homestead sells for more than six thousand dollars (\$6,000.00) and costs, the excess shall be applied to the payment of the demand of such creditor, but in all cases, the sum of six thousand dollars (\$6,000.00), free of charge or expense, shall be paid to the owner of the homestead. If the homestead does not sell for more than six thousand dollars (\$6,000.00) and costs, the person instituting the proceedings shall pay all the costs of such proceedings and the proceedings cease, and not affect or impair the rights of the owner of the homestead.

1-503. Proceeds of sale up to \$6,000.00 exempt from attachment or levy. In case of the sale of the homestead on execution or otherwise, the proceeds of such sale, not to exceed six thousand dollars (\$6,000.00) is exempt from attachment or levy on execution, and any subsequent homestead acquired by the proceeds thereof is also exempt from execution or attachment. No judgment or other claim against the owner of any homestead shall be a lien against the same in the hands of a bona fide purchaser for a valuable consideration.

1-504. Wearing apparel. The necessary wearing apparel of every person, not exceeding in value the sum of four hundred dollars (\$400.00), to be determined in the manner provided in W.S. 1-505 is exempt from levy or sale upon execution, writ of attachment, or any process issuing out of any court in this state.

1-505. Furniture, household articles and other personal property; personalty used in earning a living; maximum value; appointment of appraisers; fees.

(a) The following property, when owned by any person being the head of and residing with a family, is exempt from levy or sale upon execution, writ of attachment, or any process issuing out of any court in this state, and such articles shall continue exempt while such person or the family of such person are removing from one place of residence to another in this state:

(i) The family bible, pictures and school books;

(ii) A lot in any cemetery or burial ground;

(iii) Furniture, bedding, provisions and other household articles of any kind or character as the debtor may select, not to exceed in all the value of one thousand dollars (\$1,000.00).

(b) The tools, a motor vehicle, team, implements or stock in trade of any person, used and kept for the purpose of carrying on his trade or business, not exceeding in value one thousand dollars (\$1,000.00), or the library, instruments and implements of any professional man, not exceeding in value one thousand dollars (\$1,000.00), are exempt from levy or sale upon execution, writ of attachment or any process out of any court in this state.

(c) The value of the property selected by any debtor shall be ascertained by the appraisal of three (3) disinterested appraisers, to be selected and summoned by the officer claiming to levy upon, attach or sell such property. The appraisers shall be sworn by the officer to make a true appraisal of the value of the property.

1-507. Exceptions applicable to this chapter.

(a) No property claimed as exempt under the provisions of W.S. 1-498 through 1-505 is exempt from attachment or sale upon execution for the purchase money of the property.

(b) Any person or persons claiming these exemptions shall be a bona fide resident of this state.

2-215. Homestead to be set apart by court; payment of liens or encumbrances. If the homestead held prior to the death of the decedent be returned in the inventory at not exceeding six thousand dollars (\$6,000.00) in value, the court or judge must, by order, set it off to the persons in whom the title is vested by this chapter. If there are subsisting liens or encumbrances on the homestead, and the funds of the estate are adequate to pay all claims against the estate, all claims against the estate and any liens or encumbrances on the homestead, whether filed or presented or not, if known or made known to the executor or administrator, must be paid out of the funds. If the funds of the estate be not sufficient for that purpose, liens or encumbrances shall be paid proportionately with other claims allowed, and the liens or encumbrances on the homestead shall only be enforced against the homestead for any deficiency remaining after such payment.

2-216. Duty of appraisers to appraise and divide homestead. If the homestead is returned in the inventory appraised at more than six thousand dollars (\$6,000.00), the appraisers must, before they make their return, ascertain and appraise the value of the homestead. If the value exceeds six thousand dollars (\$6,000.00), the appraisers must determine whether the premises can be divided without material injury, and if they find that they can be divided, they must admeasure and set apart to the parties entitled thereto such portion of the premises, including the dwelling house, as will amount in value to the sum of six thousand dollars (\$6,000.00), and make report thereof, giving the metes, bounds and full description of the portion set apart as a homestead. If the appraisers find that the premises exceed in value the sum of six thousand dollars (\$6,000.00), and that they cannot be divided without material injury, they must report such finding, and thereafter the court may make an order for the sale of the premises and the distribution of the proceeds to the parties entitled thereto.

2-217. Amount of homestead exemption. Wheresoever in the statutes the limit of the homestead exemption is established or referred to, such exemption shall be taken as and for six thousand dollars (\$6,000.00).

Section 2. This act is effective immediately upon passage.

Approved February 25, 1975.