

COMMERCE

FILED MAR 19 1979

SENATE FILE 508  
BY FIEGEN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the definition of homestead for purposes of  
2 the protection from claims of creditors and the homestead  
3 exemption waiver.

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

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SF 508  
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1 Section 1. Section 561.1, Code 2001, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. For purposes of this chapter, if  
4 a home is owned by a family farm corporation, family farm  
5 limited liability company, or family farm limited partnership,  
6 as each is defined in section 9H.1, the individual using the  
7 property as a home shall be considered the owner.

8 Sec. 2. Section 561.22, Code 2001, is amended to read as  
9 follows:

10 561.22 WAIVER.

11 If a homestead exemption waiver is contained in a written  
12 contract affecting agricultural land as defined in section  
13 9H.1, or dwellings, buildings, or other appurtenances located  
14 on the land, the contract must contain a statement in  
15 substantially the following form, in boldface type of a  
16 minimum size of ten points, and be signed and dated by the  
17 person waiving the exemption at the time of the execution of  
18 the contract: "I understand that homestead property is in  
19 many cases protected from the claims of creditors, mortgage  
20 holders, and lienholders, and exempt from judicial sale; and  
21 that by signing this contract, I voluntarily give up my right  
22 to this protection for this property with respect to claims  
23 based upon this contract." A principal or deputy state,  
24 county, or city officer shall not be required to waive the  
25 officer's homestead exemption in order to be bonded as  
26 required pursuant to chapter 64.

27 EXPLANATION

28 This bill expands the definition of "homestead" for  
29 purposes of the protection against claims of creditors and  
30 exemption from judicial sale. The homestead includes a home  
31 owned by a family farm corporation, family farm limited  
32 liability company, or family farm limited partnership which is  
33 occupied by an individual as that person's home.

34 The bill also extends the homestead exemption waiver to  
35 include mortgage holders and lienholders.