

2 **HB 1233** - S COMM AMD
3 By Committee on Judiciary

4 ADOPTED AS AMENDED (FLR 344) 4/13/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 6.13.010 and 1993 c 200 s 1 are each amended to read
8 as follows:

9 (1) The homestead consists of real or personal property that the
10 owner uses as a residence. In the case of a dwelling house or mobile
11 home, the homestead consists of the dwelling house or the mobile home
12 in which the owner resides or intends to reside, with appurtenant
13 buildings, and the land on which the same are situated and by which the
14 same are surrounded, or improved or unimproved land owned with the
15 intention of placing a house or mobile home thereon and residing
16 thereon. A mobile home may be exempted under this chapter whether or
17 not it is permanently affixed to the underlying land and whether or not
18 the mobile home is placed upon a lot owned by the mobile home owner.
19 Property included in the homestead must be actually intended or used as
20 the principal home for the owner.

21 (2) As used in this chapter, the term "owner" includes but is not
22 limited to a purchaser under a deed of trust, mortgage, or real estate
23 contract.

24 (3) As used in this chapter, the term "net value" means market
25 value less all liens and encumbrances senior to the judgment being
26 executed upon and not including the judgment being executed upon.

27 **Sec. 2.** RCW 6.13.150 and 1987 c 442 s 215 are each amended to read
28 as follows:

29 If, from the report, it appears to the court that the value of the
30 homestead, less liens and encumbrances senior to the judgment being
31 executed upon and not including the judgment being executed upon,
32 exceeds the homestead exemption and the property can be divided without
33 material injury and without violation of any governmental restriction,
34 the court may, by an order, direct the appraiser to set off to the
35 owner so much of the land, including the residence, as will amount in

1 net value to the homestead exemption, and the execution may be enforced
2 against the remainder of the land.

3 **Sec. 3.** RCW 6.13.160 and 1987 c 442 s 216 are each amended to read
4 as follows:

5 If, from the report, it appears to the court that the appraised
6 value of the homestead property, less liens and encumbrances senior to
7 the judgment being executed upon and not including the judgment being
8 executed upon, exceeds the amount of the homestead exemption and the
9 property is not divided, the court must make an order directing its
10 sale under the execution. The order shall direct that at such sale no
11 bid may be received unless it exceeds the amount of the homestead
12 exemption.

13 **Sec. 4.** RCW 6.13.030 and 1993 c 200 s 2 are each amended to read
14 as follows:

15 A homestead may consist of lands, as described in RCW 6.13.010,
16 regardless of area, but the homestead exemption amount shall not exceed
17 the lesser of (1) the total net value of the lands, mobile home,
18 improvements, and other personal property, as described in RCW
19 6.13.010, or (2) the sum of ((~~thirty~~)) forty thousand dollars in the
20 case of lands, mobile home, and improvements, or the sum of fifteen
21 thousand dollars in the case of other personal property described in
22 RCW 6.13.010, except where the homestead is subject to execution,
23 attachment, or seizure by or under any legal process whatever to
24 satisfy a judgment in favor of any state for failure to pay that
25 state's income tax on benefits received while a resident of the state
26 of Washington from a pension or other retirement plan, in which event
27 there shall be no dollar limit on the value of the exemption."

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31 On page 1, line 1 of the title, after "exemption;" strike the
32 remainder of the title and insert "and amending RCW 6.13.010, 6.13.150,
33 6.13.160, and 6.13.030."

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