
HOUSE BILL 1233

State of Washington 56th Legislature 1999 Regular Session

By Representatives Edmonds, Sheahan and Constantine

Read first time 01/19/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the net value of a homestead exemption; and
2 amending RCW 6.13.010, 6.13.150, and 6.13.160.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 6.13.010 and 1993 c 200 s 1 are each amended to read
5 as follows:

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

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

4 (3) As used in this chapter, the term "net value" means market
5 value less all liens and encumbrances prior in time to the judgment
6 being executed upon and not including the judgment being executed upon.

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

9 If, from the report, it appears to the court that the value of the
10 homestead, less liens and encumbrances prior in time to the judgment
11 being executed upon and not including the judgment being executed upon,
12 exceeds the homestead exemption and the property can be divided without
13 material injury and without violation of any governmental restriction,
14 the court may, by an order, direct the appraiser to set off to the
15 owner so much of the land, including the residence, as will amount in
16 net value to the homestead exemption, and the execution may be enforced
17 against the remainder of the land.

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

20 If, from the report, it appears to the court that the appraised
21 value of the homestead property, less liens and encumbrances prior in
22 time to the judgment being executed upon and not including the judgment
23 being executed upon, exceeds the amount of the homestead exemption and
24 the property is not divided, the court must make an order directing its
25 sale under the execution. The order shall direct that at such sale no
26 bid may be received unless it exceeds the amount of the homestead
27 exemption.

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