

2025 South Dakota Legislature

Senate Bill 88**AMENDMENT 88B
FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to increase the amount of exempt proceeds when a homestead is sold or**
2 **divided by court order.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 43-45-3 be AMENDED:**

5 **43-45-3.** A homestead:

6 (1) As defined and limited in chapter 43-31, is absolutely exempt; or

7 (2) In the event ~~such the~~ homestead is sold under the provisions of chapter 21-19, or
8 is sold by the owner voluntarily, the proceeds of ~~such the~~ sale, not exceeding the
9 sum of ~~sixty one hundred~~ one hundred thousand dollars, ~~is are~~ absolutely exempt for a period
10 of one year after the receipt of ~~such the~~ proceeds by the owner. If the homestead
11 is divided by court order pursuant to § 25-4-44 and a lien is imposed on the
12 homestead for the benefit of the nonoccupant spouse pursuant to § 25-4-42,
13 absence from the homestead and loss of title to the homestead pursuant to the
14 court order, ~~does do~~ not constitute forfeiture of the homestead exemption, and
15 homestead protection ~~shall must~~ attach to the judicial lien for a period of one year.
16 ~~Such The~~ exemption ~~shall be~~ is limited to one hundred seventy thousand dollars
17 for a homestead of a person seventy years of age or older or the unremarried
18 surviving spouse of such person so long as it continues to possess the character of
19 a homestead.

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