

Chapter 185
(Senate Bill 88)

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

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

Section 1. That § 43-45-3 be AMENDED:

43-45-3. A homestead:

- (1) As defined and limited in chapter 43-31, is absolutely exempt; or
- (2) In the event such the homestead is sold under the provisions of chapter 21-19, or is sold by the owner voluntarily, the proceeds of such the sale, not exceeding the sum of sixty one hundred thousand dollars, is are absolutely exempt for a period of one year after the receipt of such the proceeds by the owner. If the homestead is divided by court order pursuant to § 25-4-44 and a lien is imposed on the homestead for the benefit of the nonoccupant spouse pursuant to § 25-4-42, absence from the homestead and loss of title to the homestead pursuant to the court order, does do not constitute forfeiture of the homestead exemption, and homestead protection shall must attach to the judicial lien for a period of one year. Such The exemption shall be is limited to one hundred seventy thousand dollars for a homestead of a person seventy years of age or older or the unremarried surviving spouse of such person so long as it continues to possess the character of a homestead.

Signed March 17, 2025
