



## 2025 South Dakota Legislature

# Senate Bill 88

Introduced by: **Senator Pischke**

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~~

8 Except as otherwise provided in this section, if a homestead, as defined and limited  
 9 in chapter 43-31, is sold under the provisions of pursuant to chapter 21-19, or is sold or  
 10 by the owner voluntarily, the proceeds of such the sale, not exceeding the sum of sixty  
 11 one hundred thousand dollars, is are absolutely exempt, as provided for in § 43-45-1, for  
 12 a period of one year after the receipt of such the proceeds by the owner.

13 If the homestead is divided by court order pursuant to § 25-4-44 and a lien is  
 14 imposed on the homestead for the benefit of the nonoccupant spouse pursuant to § 25-  
 15 4-42;<sup>i</sup>

16 ~~(1) absence~~ Absence from the homestead ~~and or~~ loss of title to the homestead  
 17 pursuant to the court order<sup>7</sup> does not constitute forfeiture of the ~~homestead~~  
 18 exemption<sup>i</sup> and

19 ~~(2) homestead~~ Homestead protection ~~shall attach~~ attaches to the judicial lien for a  
 20 period of one year.

21 ~~Such exemption shall be limited to one hundred seventy thousand dollars for a~~  
 22 ~~homestead of~~ For the homestead of a person seventy years of age or older or the  
 23 unmarried surviving spouse of ~~such person so long as it continues to possess the~~  
 24 ~~character of a homestead~~ a decedent who was seventy years or older at death, the  
 25 proceeds of a sale, up to one hundred seventy thousand dollars, are exempt for one year

- 1 after receipt of the proceeds by the owner, so long as the homestead continues to possess
- 2 the character of a homestead up to the date of the sale.