



2025 South Dakota Legislature

Senate Bill 88

SENATE JUDICIARY ENGROSSED

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

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 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~~ 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.