



2025 South Dakota Legislature

Senate Bill 88

ENROLLED

AN ACT

ENTITLED 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 the homestead is sold under the provisions of chapter 21-19, or is sold by the owner voluntarily, the proceeds of the sale, not exceeding the sum of one hundred thousand dollars, are absolutely exempt for a period of one year after the receipt of 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 do not constitute forfeiture of the homestead exemption, and homestead protection must attach to the judicial lien for a period of one year. The exemption 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.

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

I certify that the attached Act originated in the:

Senate as Bill No. 88

Received at this Executive Office
this ____ day of _____,

2025 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2025

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 88

File No. _____

Chapter No. _____

By _____
Asst. Secretary of State