

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

583B0091

HOUSE BILL NO. 1093

Introduced by: Representatives Collier, Brown (Jarvis), and Sokolow and Senator Kloucek

1 FOR AN ACT ENTITLED, An Act to increase the amount of property exempt from process.

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

3 Section 1. That § 43-45-4 be amended to read as follows:

4 43-45-4. In addition to the property provided for in §§ 43-45-2 and 43-45-3, the debtor, if
5 the head of a family, may, ~~by himself, his agent,~~ personally, or by agent or attorney, select from
6 all other ~~of his~~ personal property, not absolutely exempt, goods, chattels, merchandise, money,
7 or other personal property not to exceed in the aggregate ~~four~~ ten thousand dollars in value; and,
8 if a single person, not the head of a family, property as aforesaid of the value of ~~two~~ five
9 thousand dollars, which is also exempt, and which shall be chosen and appraised as provided by
10 law.

11 Section 2. That § 43-45-5 be repealed.

12 ~~—43-45-5. Instead of the exemptions of personal property granted in § 43-45-4, the debtor,~~
13 ~~if the head of a family, may select and choose the following property, which shall then be exempt,~~
14 ~~namely:~~

15 ~~—(1)—All miscellaneous books and musical instruments for the use of the family, not~~
16 ~~exceeding two hundred dollars in value;~~

1 ~~(2) All household and kitchen furniture, including beds, bedsteads, and bedding used by~~
2 ~~the debtor and his family, not exceeding two hundred dollars in value; but in case the~~
3 ~~debtor shall own more than two hundred dollars worth of such property, he must~~
4 ~~select therefrom such articles to the value of two hundred dollars, leaving the~~
5 ~~remainder subject to legal process;~~

6 ~~(3) Two cows, five swine, two yoke of oxen, or one span of horses or mules, twenty-five~~
7 ~~sheep and their lambs under six months old, and all wool of the same, and all cloth or~~
8 ~~yarn manufactured therefrom, the necessary food for the animals hereinbefore~~
9 ~~mentioned for one year, either provided or growing, or both, as the debtor may~~
10 ~~choose; also one wagon, one sleigh, two plows, one harrow, and farming machinery~~
11 ~~and utensils, including tackle for teams, not exceeding twelve hundred fifty dollars in~~
12 ~~value;~~

13 ~~(4) The tools and implements of any mechanic, whether a minor or of age, used and kept~~
14 ~~for the purpose of carrying on his trade or business, and in addition thereto, stock in~~
15 ~~trade not exceeding two hundred dollars in value;~~

16 ~~(5) The library and instruments of any professional person, not exceeding three hundred~~
17 ~~dollars in value.~~