

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1233

56th Legislature
1999 Regular Session

Passed by the House April 23, 1999
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 13, 1999
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1233** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1233

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Representatives Edmonds, Sheahan and Constantine

Read first time 01/19/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the net value of a homestead exemption; and
2 amending RCW 6.13.010, 6.13.150, 6.13.160, and 6.13.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 6.13.010 and 1993 c 200 s 1 are each amended to read
5 as follows:

6 (1) The homestead consists of real or personal property that the
7 owner uses as a residence. In the case of a dwelling house or mobile
8 home, the homestead consists of the dwelling house or the mobile home
9 in which the owner resides or intends to reside, with appurtenant
10 buildings, and the land on which the same are situated and by which the
11 same are surrounded, or improved or unimproved land owned with the
12 intention of placing a house or mobile home thereon and residing
13 thereon. A mobile home may be exempted under this chapter whether or
14 not it is permanently affixed to the underlying land and whether or not
15 the mobile home is placed upon a lot owned by the mobile home owner.
16 Property included in the homestead must be actually intended or used as
17 the principal home for the owner.

1 (2) As used in this chapter, the term "owner" includes but is not
2 limited to a purchaser under a deed of trust, mortgage, or real estate
3 contract.

4 (3) As used in this chapter, the term "net value" means market
5 value less all liens and encumbrances senior to the judgment being
6 executed upon and not including the judgment being executed upon.

7 **Sec. 2.** RCW 6.13.150 and 1987 c 442 s 215 are each amended to read
8 as follows:

9 If, from the report, it appears to the court that the value of the
10 homestead, less liens and encumbrances senior to the judgment being
11 executed upon and not including the judgment being executed upon,
12 exceeds the homestead exemption and the property can be divided without
13 material injury and without violation of any governmental restriction,
14 the court may, by an order, direct the appraiser to set off to the
15 owner so much of the land, including the residence, as will amount in
16 net value to the homestead exemption, and the execution may be enforced
17 against the remainder of the land.

18 **Sec. 3.** RCW 6.13.160 and 1987 c 442 s 216 are each amended to read
19 as follows:

20 If, from the report, it appears to the court that the appraised
21 value of the homestead property, less liens and encumbrances senior to
22 the judgment being executed upon and not including the judgment being
23 executed upon, exceeds the amount of the homestead exemption and the
24 property is not divided, the court must make an order directing its
25 sale under the execution. The order shall direct that at such sale no
26 bid may be received unless it exceeds the amount of the homestead
27 exemption.

28 **Sec. 4.** RCW 6.13.030 and 1993 c 200 s 2 are each amended to read
29 as follows:

30 A homestead may consist of lands, as described in RCW 6.13.010,
31 regardless of area, but the homestead exemption amount shall not exceed
32 the lesser of (1) the total net value of the lands, mobile home,
33 improvements, and other personal property, as described in RCW
34 6.13.010, or (2) the sum of (~~thirty~~) forty thousand dollars in the
35 case of lands, mobile home, and improvements, or the sum of fifteen
36 thousand dollars in the case of other personal property described in

1 RCW 6.13.010, except where the homestead is subject to execution,
2 attachment, or seizure by or under any legal process whatever to
3 satisfy a judgment in favor of any state for failure to pay that
4 state's income tax on benefits received while a resident of the state
5 of Washington from a pension or other retirement plan, in which event
6 there shall be no dollar limit on the value of the exemption.

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