

1 HB375
2 115487-1
3 By Representative Clouse
4 RFD: Banking and Insurance
5 First Read: 21-JAN-10

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the value of the
9 homestead exemption in Alabama for protection
10 against confiscation of a homestead for debts is
11 limited to 160 acres and \$10,000 for a married
12 couple and \$5,000 for an individual.

13 This bill would increase the homestead
14 exemption.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 To amend Section 6-10-2 of the Code of Alabama 1975,
21 relating to homestead exemption, to increase the homestead
22 exemption for protection against confiscation of a homestead
23 for debts to \$20,000 for a married couple and \$10,000 for an
24 individual.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 6-10-2 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§6-10-2.

2 "The homestead of every resident of this state, with
3 the improvements and appurtenances, not exceeding in value
4 ~~\$5,000~~ ten thousand dollars (\$10,000) and in area 160 acres,
5 shall be, to the extent of any interest he or she may have
6 therein, whether a fee or less estate or whether held in
7 common or in severalty, exempt from levy and sale under
8 execution or other process for the collection of debts during
9 his or her life and occupancy and, if he or she leaves
10 surviving him or her a spouse and a minor child, or children,
11 or either, during the life of the surviving spouse and
12 minority of the child, or children, but the area of the
13 homestead shall not be enlarged by reason of any encumbrance
14 thereon or of the character of the estate or interest owned
15 therein by him or her. When a husband and wife jointly own a
16 homestead each is entitled to claim separately the exemption
17 provided herein, to the same extent and value as an unmarried
18 individual. For purposes of this section and Sections 6-10-38
19 and 6-10-40, a mobile home or similar dwelling if the
20 principal place of residence of the individual claiming the
21 exemption shall be deemed to be a homestead."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.