

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1428

By: Hastings

COMMITTEE SUBSTITUTE

An Act relating to homestead exemptions; amending Section 2 of Article XII of the Oklahoma Constitution, which relates to exempt homestead property; amending 31 O.S. 1991, Section 5, which relates to exceptions to homestead exemption; modifying provisions of Oklahoma Constitution pursuant to authority granted by Section 3 of Article XII of the Oklahoma Constitution; providing for inapplicability of homestead exemption for certain child support payment obligations; modifying statutory provisions to conform to modifications made in the Constitution of the State of Oklahoma; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Pursuant to the authority vested in the Legislature by Section 3 of Article XII of the Oklahoma Constitution, Section 2 of Article XII of the Oklahoma Constitution is amended to read as follows:

Section 2. The homestead of the family shall be, and is hereby protected from forced sale for the payment of debts, except for the purchase money therefor or a part of such purchase money, the taxes due thereon, ~~or~~ for work and material used in constructing improvements thereon, or for child support payments ordered by a court or by an administrative agency authorized to make awards of child support if the total principal amount of the child support owed to the person entitled to payment as of the date of the order requiring payment is equal to or greater than Two Thousand Five Hundred Dollars (\$2,500.00); nor shall the owner, if married, sell the homestead without the consent of his or her spouse, given in such manner as may be prescribed by law;

Provided, Nothing in this article shall prohibit any person from mortgaging his homestead, the spouse, if any, joining therein; nor prevent the sale thereof on foreclosure to satisfy any such mortgage.

SECTION 2. AMENDATORY 31 O.S. 1991, Section 5, is amended to read as follows:

Section 5. The exemption of the homestead provided for in this chapter shall not apply where the debt is due:

1. For the purchase money of such homestead or a part of such purchase money~~;~~i

2. For taxes or other legal assessments due thereon~~;~~i

3. For work and material used in constructing improvements thereon~~;~~i or

4. For child support payments ordered by a court or by an administrative agency authorized to make awards of child support if the total principal amount of the child support owed to the person entitled to payment as of the date of the order requiring payment is equal to or greater than Two Thousand Five Hundred Dollars (\$2,500.00).

SECTION 3. This act shall become effective November 1, 1997.

46-1-6701 MAH