



State of Wisconsin
2003 - 2004 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 149**

May 13, 2003 - Offered by Representative ALBERS.

1 **AN ACT** *to renumber and amend* 815.18 (3) (b); *to amend* 815.18 (3) (d), 815.18
2 (3) (f), 815.18 (3) (g), 815.18 (3) (i) 1. c., 815.20 (1) and (2), 815.21 (2), 815.21 (4)
3 and 815.21 (5); and *to create* 815.18 (3) (b) 2. of the statutes; **relating to:** the
4 homestead exemption and increases in the value of the exemption for various
5 property that is exempt from execution.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 815.18 (3) (b) of the statutes is renumbered 815.18 (3) (b) 1. and
7 amended to read:

8 815.18 (3) (b) 1. Equipment, inventory, farm products and professional books
9 used in the business of the debtor or the business of a dependent of the debtor, not
10 to exceed \$7,500 \$12,500 in aggregate value.

11 **SECTION 2.** 815.18 (3) (b) 2. of the statutes is created to read:

1 815.18 (3) (b) 2. If the debtor does not claim an exemption under subd. 1., any
2 interest of the debtor, not to exceed \$12,000 in aggregate value, in a limited liability
3 company, partnership, or corporation that employs the debtor or in whose business
4 the debtor is actively involved.

5 **SECTION 3.** 815.18 (3) (d) of the statutes is amended to read:

6 815.18 (3) (d) *Consumer goods.* Household goods and furnishings, wearing
7 apparel, keepsakes, jewelry and other articles of personal adornment, appliances,
8 books, musical instruments, firearms, sporting goods, animals or other tangible
9 personal property held primarily for the personal, family or household use of the
10 debtor or a dependent of the debtor, not to exceed ~~\$5,000~~ \$10,000 in aggregate value.

11 **SECTION 4.** 815.18 (3) (f) of the statutes is amended to read:

12 815.18 (3) (f) *Life insurance.* Any unmaturing life insurance contract owned by
13 the debtor and insuring the debtor, the debtor's dependent or an individual of whom
14 the debtor is a dependent, other than a credit life insurance contract, and the debtor's
15 aggregate interest, not to exceed ~~\$4,000~~ \$8,625 in value, in any accrued dividends,
16 interest or loan value of all unmaturing life insurance contracts owned by the debtor
17 and insuring the debtor, the debtor's dependent or an individual of whom the debtor
18 is a dependent.

19 **SECTION 5.** 815.18 (3) (g) of the statutes is amended to read:

20 815.18 (3) (g) *Motor vehicles.* Motor vehicles not to exceed ~~\$1,200~~ \$2,575 in
21 aggregate value. Any unused amount of the aggregate value from par. (d) may be
22 added to this exemption to increase the aggregate exempt value of motor vehicles
23 under this paragraph.

24 **SECTION 6.** 815.18 (3) (i) 1. c. of the statutes is amended to read:

1 815.18 **(3)** (i) 1. c. A payment, not to exceed ~~\$25,000~~ \$40,000, resulting from
2 personal bodily injury, including pain and suffering or compensation for actual
3 pecuniary loss, of the debtor or an individual of whom the debtor is a dependent.

4 **SECTION 7.** 815.20 (1) and (2) of the statutes are amended to read:

5 815.20 **(1)** An exempt homestead as defined in s. 990.01 (14) selected by a
6 resident owner and occupied by him or her shall be exempt from execution, from the
7 lien of every judgment and from liability for the debts of the owner to the amount of
8 ~~\$40,000~~ \$68,800, except mortgages, laborers', mechanics' and purchase money liens
9 and taxes and except as otherwise provided. The exemption shall not be impaired
10 by temporary removal with the intention to reoccupy the premises as a homestead
11 nor by the sale of the homestead, but shall extend to the proceeds derived from the
12 sale to an amount not exceeding ~~\$40,000~~ \$68,800, while held, with the intention to
13 procure another homestead with the proceeds, for 2 years. The exemption extends
14 to land owned by husband and wife jointly or in common or as marital property, ~~and~~
15 ~~when they reside in the same household may be claimed by either or may be divided~~
16 ~~in any proportion between them, but the exemption may not exceed \$40,000 for the~~
17 ~~household. If the husband and wife fail to agree on the division of exemption, the~~
18 ~~exemption shall be divided between them by the court in which the first judgment~~
19 ~~was taken.~~ The exemption extends to the interest therein of tenants in common,
20 having a homestead thereon with the consent of the cotenants, and to any estate less
21 than a fee.

22 **(2)** Any owner of an exempt homestead against whom a judgment has been
23 rendered and entered in the judgment and lien docket, and any heir, devisee or
24 grantee of the owner, or any mortgagee of the homestead, may proceed under s.
25 806.04 for declaratory relief if the homestead is less than ~~\$40,000~~ \$68,800 in value

1 and the owner of the judgment shall fail, for 10 days after demand, to execute a
2 recordable release of the homestead from the judgment owner's judgment lien.

3 **SECTION 8.** 815.21 (2) of the statutes is amended to read:

4 815.21 (2) If such plaintiff is dissatisfied with the quantity selected or the
5 estimate of the value thereof, the officer shall cause such lands to be surveyed,
6 beginning at a point to be designated by the owner and set off in compact form. After
7 the lands are surveyed and set off, if in the opinion of the plaintiff, the same shall be
8 of greater value than \$40,000 \$68,800, the officer may still advertise and sell the
9 premises so set off, and out of the proceeds of such sale pay to the exempt homestead
10 claimant the sum of \$40,000 \$68,800 and apply the balance of the proceeds of such
11 sale on the execution; but no sale shall be made in the case last mentioned unless a
12 greater sum than \$40,000 \$68,800 is paid for said premises. The expenses of such
13 survey and sale shall be collected on the execution if the owner claimed as the owner's
14 homestead a greater quantity of land or land of greater value than the owner was
15 entitled to; otherwise such expenses shall be borne by the plaintiff.

16 **SECTION 9.** 815.21 (4) of the statutes is amended to read:

17 815.21 (4) A homestead so selected and set apart by such officer shall be the
18 exempt homestead of such person. The costs of such notice and survey shall be
19 collected upon the execution. A failure of the officer to set apart such homestead shall
20 affect such levy, only as to such homestead; and the failure of such person to select
21 that person's homestead shall not impair that person's right thereto, but only that
22 person's right to select the same when such selection is lawfully made by such officer.
23 After such homestead is thus set off by such officer, if, in the officer's opinion or in
24 the opinion of the plaintiff, the premises are of greater value than \$40,000 \$68,800
25 the officer may sell the same as where the owner makes the selection.

