

SENATE BILL No. 329

May 28, 1987, Introduced by Senators MILLER, IRWIN, VAUGHN and
J. HART and referred to the Committee on Judiciary.

A bill to amend section 6023 of Act No. 236 of the Public
Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
as amended by Act No. 83 of the Public Acts of 1984, being sec-
tion 600.6023 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6023 of Act No. 236 of the Public Acts
2 of 1961, as amended by Act No. 83 of the Public Acts of 1984,
3 being section 600.6023 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 6023. (1) ~~(a)~~ The following property shall be exempt
6 from levy and sale under any execution:

7 (A) ~~(++)~~ All family pictures, all arms and accouterments
8 required by law to be kept by any person, all wearing apparel of
9 every person or family, and provisions and fuel for comfortable

1 subsistence of each householder and his or her family for 6
2 months. —

3 (B) ~~(2)~~ All household goods, furniture, utensils, books,
4 and appliances, not exceeding in value \$1,000.00. —

5 (C) ~~(3)~~ A seat, pew, or slip occupied by the judgment
6 debtor or the judgment debtor's family in any house or place of
7 public worship, and all cemeteries, tombs, and rights of burial
8 while in use as repositories of the dead of the judgment debtor's
9 family or kept for burial of the judgment debtor. —

10 (D) ~~(4)~~ To each householder, 10 sheep, 2 cows, 5 swine,
11 100 hens, 5 roosters, and a sufficient quantity of hay and grain,
12 growing or otherwise, for properly keeping such animals and poul-
13 try for 6 months. —

14 (E) ~~(5)~~ The tools, implements, materials, stock, appa-
15 ratus, team, vehicle, motor vehicle, horses, harness, or other
16 things to enable a person to carry on the profession, trade,
17 occupation, or business in which the person is principally
18 engaged, not exceeding in value \$1,000.00. —

19 (F) ~~(6)~~ Any ~~moneys~~ MONEY or other benefits paid, pro-
20 vided, or allowed to be paid, provided, or allowed, by any stock
21 or mutual life or health or casualty insurance company, on
22 account of the disability due to injury or sickness of any
23 insured person, whether the debt or liability of such insured
24 person or beneficiary was incurred before or after the accrual of
25 benefits under the insurance ~~policies and contracts above~~
26 ~~specified~~ POLICY OR CONTRACT, except that ~~such~~ THE exemption

1 does not apply to actions to recover for necessities contracted
2 for after the accrual of ~~such~~ THE benefits. ~~—~~

3 (G) ~~(7)~~ The shares held by any member, being a household-
4 er, of any association incorporated under the provisions of ~~Act~~
5 ~~No. 17 of the Public Acts of 1901, relating to mutual building~~
6 ~~and loan associations~~ THE SAVINGS AND LOAN ACT OF 1980, ACT
7 NO. 307 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 491.102 TO
8 491.1202 OF THE MICHIGAN COMPILED LAWS, to the amount of
9 \$1,000.00 in such shares, at par value, except that ~~such~~ THIS
10 exemption does not apply to any person who has a homestead
11 exempted under the general laws of this state. ~~—~~

12 (H) ~~(8)~~ A homestead of not exceeding 40 acres of land and
13 the dwelling house and appurtenances ~~thereon~~ ON THAT HOMESTEAD,
14 and not included in any recorded ~~town~~ plat, city, or village,
15 or, instead, and at the option of the owner, a quantity of land
16 not exceeding in amount 1 lot, being within a recorded town plat,
17 city, or village, and the dwelling house and appurtenances
18 ~~thereon~~ ON THAT LAND, owned and occupied by any resident of
19 this state, not exceeding in value \$3,500.00. This exemption
20 extends to any person owning and occupying any house on land not
21 his or her own and which ~~such~~ THE person claims as a
22 homestead. ~~But~~ HOWEVER, this exemption does not apply to any
23 mortgage on the homestead, lawfully obtained, except that ~~such~~
24 THE mortgage is not valid without the signature of a married
25 judgment debtor's spouse unless EITHER OF THE FOLLOWING OCCURS:

26 (i) ~~(a)~~ The mortgage is given to secure the payment of the
27 purchase money or a portion ~~thereof, or~~ OF THE PURCHASE MONEY.

1 (ii) ~~(b)~~ The mortgage is recorded in the office of the
2 register of deeds of the county ~~wherein~~ IN WHICH the property
3 is located, for a period of 25 years, and no notice of a claim of
4 invalidity is filed in ~~such~~ THAT office during the 25 years
5 following the recording of the mortgage.

6 (I) ~~(9)~~ An equity of redemption as described in section
7 6060.

8 (J) ~~(+0)~~ The homestead of a family, after the death of the
9 owner ~~thereof~~ OF THE HOMESTEAD, from the payment of his or her
10 debts in all cases during the minority of his or her children.

11 (K) ~~(++)~~ An individual retirement account or individual
12 retirement annuity as defined in section 408 of the internal rev-
13 enue code and the payments or distributions from such an account
14 or annuity, except that this exemption does not apply to any of
15 the following:

16 (i) An order of a court pursuant to a judgment of divorce or
17 separate maintenance.

18 (ii) An order of a court concerning child support.

19 (iii) Contributions to an individual retirement account or
20 premiums on an individual retirement annuity, including the earn-
21 ings or benefits from those contributions or premiums, that
22 exceed, in the tax year made or paid, the deductible amount
23 allowed under section 408 of the internal revenue code.

24 (L) THE ASSETS OF THE RETIREMENT SYSTEM OF A LOCAL UNIT OF
25 GOVERNMENT INCLUDING THE INDIVIDUAL ACCOUNTS OF THE MEMBERS AND
26 RETIRANTS AND ANY RIGHTS ACCRUED OR ACCRUING TO MEMBERS AND
27 RETIRANTS OF THAT RETIREMENT SYSTEM NOT OTHERWISE EXEMPT BY LAW.

1 THIS EXEMPTION SHALL NOT APPLY TO ASSETS OR BENEFITS PAID OR THEN
2 PAYABLE TO A MEMBER OR RETIRANT FROM THE RETIREMENT SYSTEM AND
3 WHICH ARE THE SUBJECT OF EITHER OF THE FOLLOWING:

4 (i) AN ORDER OF A COURT PURSUANT TO A JUDGMENT OF DIVORCE OR
5 SEPARATE MAINTENANCE.

6 (ii) AN ORDER OF A COURT CONCERNING CHILD SUPPORT.

7 (2) ~~(b)~~ The exemptions provided in this section shall not
8 extend to any lien thereon excluded from exemption by law.

9 (3) ~~(c)~~ If the owner of a homestead dies, leaving a sur-
10 viving spouse but no children, ~~such~~ THE homestead shall be
11 exempt, and the rents and profits ~~thereof~~ OF THE HOMESTEAD
12 shall accrue to the benefit of the surviving spouse before his or
13 her remarriage, unless the surviving spouse is the owner of a
14 homestead in his or her own right.