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**HOUSE BILL 363**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Mary Helen Garcia

**AN ACT**

**RELATING TO BANKRUPTCY; ENACTING THE HOMESTEAD BANKRUPTCY  
EXCEPTION ACT; EXEMPTING A DEBTOR'S HOMESTEAD FROM THE  
PROCESSES OF A BANKRUPTCY COURT IN CERTAIN CASES; DEFINING THE  
EXTENT OF THE HOMESTEAD EXEMPTION.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. SHORT TITLE.--This act may be cited as the  
"Homestead Bankruptcy Exception Act".**

**Section 2. DEFINITION.--As used in the Homestead  
Bankruptcy Exception Act, "homestead" means:**

**A. if located outside a municipality, the primary  
residence of the debtor, including any contiguous land up to  
one hundred sixty acres; or**

**B. if located inside a municipality, the primary  
residence of the debtor, including any contiguous land up to**

1 one-half acre.

2 Section 3. HOMESTEAD EXEMPTION FOR THE PURPOSES OF  
3 BANKRUPTCY PROCEEDINGS. --For the purposes of bankruptcy  
4 proceedings, a debtor's homestead is exempt from the processes  
5 of the bankruptcy court, and no judgment, decree or execution  
6 shall be a lien against it in bankruptcy court, except for the  
7 payment of taxes, tax assessments or obligations contracted for  
8 the purchase, improvement or repair of the homestead.

9 Section 4. LIMITATION OF THE HOMESTEAD EXEMPTION. --The  
10 homestead exemption provided in Section 3 of the Homestead  
11 Bankruptcy Exception Act is limited to the owner of the  
12 homestead and his heirs.

13 Section 5. EFFECTIVE DATE. --The effective date of the  
14 provisions of this act is July 1, 2003.

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