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## Property; Homestead Exemption Value Increases

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## Property; homestead exemption value increases

N.R.S. §§21.090, 115.010, 115.050 (amended).  
 AB 483 (Malone); STATS 1981, Ch 341  
 (Effective May 27, 1981)

The homestead exemption seeks to assure a permanent common home for the members of a family by permitting the designation of real property owned by the head of a family up to a stated amount, and immunizing that amount from claims of general creditors.<sup>1</sup> Existing law authorizes a husband and wife, singly or together, to designate real property<sup>2</sup> that is to be exempt from forced sale on execution or court process.<sup>3</sup> Chapter 341 raises the value of the limit of this exemption from \$50,000 to \$75,000.<sup>4</sup> Furthermore, any declaration of a homestead exemption filed prior to July 1, 1981, is deemed to be amended by the increased value.<sup>5</sup> This increase, however, does not affect the rights of any creditor that existed before July 1, 1981.<sup>6</sup> In addition, a similar value increase has been made for real property of a party claiming the homestead exemption that is subject to execution of a judgment.<sup>7</sup> The procedure for execution, however, has not been changed.<sup>8</sup>

Existing law also exempts certain personal property from execution.<sup>9</sup> Chapter 341 raises the monetary limits for exemptions of the following property: professional libraries and office equipment,<sup>10</sup> mining and prospecting implements,<sup>11</sup> life insurance benefits,<sup>12</sup> necessary household equipment,<sup>13</sup> private libraries and family keepsakes,<sup>14</sup> and farming equipment.<sup>15</sup> Finally, Chapter 341 now specifies that any additional exemption listed in the Bankruptcy Act of 1978<sup>16</sup> does not

1. See 2A R. POWELL, *THE LAW OF REAL PROPERTY, Judgment Creditors* §§263, 480 (1979).

2. N.R.S. §115.010 1 (homestead property includes a quantity of land, the dwelling house or other buildings on the land, and mobile homes whether or not the underlying land is owned by the claimant).

3. See N.R.S. §115.010 1. *But see* §115.010 1(a), (b) (specifying processes which may be imposed on the land).

4. Compare N.R.S. §115.010 with STATUTES OF NEVADA 1979, c. 508, §1, at 984 (amending N.R.S. §115.010).

5. See N.R.S. §115.010 2 (commensurate with any increase in the value of the property selected up to the value permitted by law).

6. See *id.*

7. Compare N.R.S. §115.050 with STATUTES OF NEVADA 1979, c. 508, §1 at 984.

8. See N.R.S. §115.050.

9. See N.R.S. §21.090.

10. See *id.* §21.090 1(d) (increased from \$1500 to \$4500).

11. See *id.* §21.090 1(e) (increased from \$2000 to \$4500).

12. See *id.* §21.090 1(l) (increased from \$500 to \$1000).

13. See *id.* §21.090 1(b) (increased from \$1000 to \$3000).

14. See *id.* §21.090 1(a) (increased from \$500 to \$1500).

15. See *id.* §21.090 1(c) (increased from \$1500 to \$4500).

16. See 11 U.S.C. §522(d) (these include exemptions for motor vehicles, animals, musical

apply for purposes of execution to property owned by Nevada residents unless specifically made exempt by Chapter 341.<sup>17</sup>

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instruments, the debtor's right to receive social security, veteran's disability, alimony, stock payment or other benefits, and the right to receive award, wrongful death, or other payments).

17. See N.R.S. §21.090 3.

### **Property; appropriation of water, review of permit cancellation, transfer of rights affecting irrigation districts**

N.R.S. §§533.—(new); 533.355, 533.360, 533.370, 533.380, 533.390, 533.395, 533.410, 533.435, 534.160, 538.171 (amended).

AB 16 (Committee on Economic Development and Natural Resources); STATS 1981, Ch 736

AB 27 (Dini); STATS 1981, Ch 45

AB 28 (Dini); STATS 1981, Ch 186

SB 64 (Getto); STATS 1981, Ch 103

Chapters 45, 186, and 736 revise administrative procedures for water rights appropriation.<sup>1</sup> Chapters 45 and 736 alter provisions regarding construction deadlines and work progress statements.<sup>2</sup> Chapter 45 establishes a procedure for appeal of permit cancellations.<sup>3</sup> Chapter 186 clarifies the procedure for the disposition of defective permit applications<sup>4</sup> and the refund of publication fees,<sup>5</sup> expands the grounds for rejection of permit applications,<sup>6</sup> and extends the scope of sanctions for well drilling violations.<sup>7</sup>

Existing law provides a comprehensive administrative procedure for state control of water appropriation under the Office of the State Engineer who oversees the distribution and use of water within the state and the approval or rejection of permits to appropriate water.<sup>8</sup> Chapter 186 clarifies the procedure for the disposition of defective permit applications.<sup>9</sup> Existing law provides that a defective application may be corrected within sixty days without adversely affecting the applicant's

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1. See N.R.S. §§533.355, 533.360, 533.370, 533.380, 533.390, 533.395, 533.410, 534.160.

2. See *id.* §§533.380, 533.390, 533.410.

3. See *id.* §533.395.

4. See *id.* §533.355.

5. See *id.* §533.360.

6. See *id.* §533.370.

7. See *id.* §534.160.

8. See *id.* §§532.010-544.240. See generally *In re Filippini*, 66 Nev. 17, 202 P.2d 535 (1949); 5 R. POWELL, THE LAW OF REAL PROPERTY §734 (P. Rohan ed. 1977).

9. See N.R.S. §533.355 1. Compare *id.* §533.355 2 with STATUTES OF NEVADA 1971, c. 131, §1, at 179.