

(To be filed with your county Clerk & Recorders Office.)

HOMESTEAD DECLARATION

I, _____, hereby declare:

I am the head of a family, I am married and my spouse's name is _____. My family consists of my spouse and _____ children.

At the time of making this declaration of homestead, I actually reside with my family on premises located in _____ County, _____, more particularly described as follows:

(Set forth legal description.)

I claim and declare the premises, with the dwelling house and _____ (if any outbuildings) on it, and its appurtenances, as a homestead for the joint benefit of myself and my spouse and family.

(No former declaration of homestead had been made by me or by my spouse, either jointly or separately.)

OR

(A former declaration of homestead has been made by _____, but it was abandoned before the execution of this declaration of homestead.)

I estimate the actual cash value of the premises to be _____ Dollars (\$_____).

Dated: _____

Signed: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20_____.

(SEAL)

Notary Public for the State of _____

Residing at _____,

(state of residency here)

My commission expires _____.

(To be filed with your county Clerk & Recorders Office.)

HOMESTEAD DECLARATION

I, _____, hereby declare:

I am an unmarried person and the head of a family, consisting of _____ children.

At the time of making this declaration of homestead, I actually reside with my family on premises located in _____ County, _____, more particularly described as follows:

(Set forth legal description.)

I claim and declare the premises, with the dwelling house and _____ (if any outbuildings) on it, and its appurtenances, as a homestead for the joint benefit of myself and my family.

(No former declaration of homestead had been made by me or by my spouse, either jointly or separately.)

OR

(A former declaration of homestead has been made by me, but it was abandoned before the execution of this declaration of homestead.)

I estimate the actual cash value of the premises to be _____ Dollars (\$_____).

Dated: _____

Signed: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20_____.

(SEAL)

Notary Public for the State of _____

Residing at _____,

(State of Residency Here)

My commission expires _____.

Instructions for recording Homestead Exemption Declarations

I. PURPOSE OF HOMESTEAD EXEMPTION DECLARATION

If you complete this form and record it in the Clerk and Recorder's Office in the county in which you live and have your home, it exempts your homestead from creditor's claims except for mortgages and construction liens.

II. MEANING OF HOMESTEAD

The exemption protects the home you live in. You must actually reside on the property for it to be exempt. Homestead includes the dwelling house, or mobile home, and the land and improvements legally defined as appurtenances to the land, this may include a mobile home where the mobile home owner does not own the land the mobile home is situated on.

III. LIMIT ON VALUE EXEMPT

The maximum value of the exempt property is _____ thousand dollars. If the value exceeds _____ thousand dollars, the creditors may partition the land, selling part of it or may sell all the property. If they sell all the property you get the first _____ thousand dollars (\$XX,000.00) of the proceeds, as this money is exempt from creditors for 18 months.

V. WHO SHOULD SIGN

If married, both spouses should sign the declaration. If one does not sign, his or her interest in the property is not exempt. Both must Sign in front of a notary.

NOTE: Under the law of some states, a spouse may acquire an interest in property due to the marriage, even though the spouse is not listed on the deed or other documents of title, even though the spouse is not listed on the deed or other documents of title, and even though the spouse has not directly contributed money to pay for the property. Therefore, every effort should be made to have both spouses sign the declaration.

VI. RECORDING DECLARATION

After the Homestead Exemption Declaration form on the other side is completed, signed, and notarized, record the form in the Office of the County Clerk and Recorder for the county in which the land (or mobile home) is located. The recording fee for a one-page document is \$xx.00 and must be paid when the document is delivered to the Clerk and Recorder for recording.

Sample Preview

Sample Preview