

# IOWA LAW REVIEW

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## NOTES AND LEGISLATION

### “DESCENT” OF THE HOMESTEAD EXEMPTION

A creditor not successful in inducing his debtor to pay the money owed may seek to make the property of the debtor available for satisfaction of the claim. The property available is often limited by state exemption statutes. One limitation found in legislative enactments of almost all states, including Iowa,<sup>1</sup> is some provision exempting the homestead interest from judicial sale. Only Delaware, Maryland, New Jersey, Pennsylvania, and Rhode Island have no such statutory provision.<sup>2</sup>

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<sup>1</sup> IOWA CODE c. 561 (1950).

<sup>2</sup> Haskins, *Homestead Exemptions*, 63 HARV. L. REV. 1289, 1290 (1950). Professor Haskins does not include New Jersey, but since the writing of his article this state has repealed its homestead exemption statute by N.J. Laws 1st Spec. Sess. 1951, c. 344. Formerly the section was found in N.J. REV. STAT. § 2:26-110 (1937). See N.J. STAT. ANN. tit. 2A Tables Former Sections (1952).