

OKLAHOMA CONSTITUTION
ARTICLE XII - HOMESTEAD AND EXEMPTIONS

SECTION XII-1

Extent and value of homestead - Rights of Indians - Temporary renting.

A. The homestead of any person in this State, not within any city or town, shall consist of not more than one hundred sixty acres of land, which may be in one or more parcels, to be selected by the owner.

B. Effective November 1, 1997, the homestead of any person in this state, not within any city or town, annexed by a city or town on or after November 1, 1997, owned and occupied and used for both residential and commercial agricultural purposes shall consist of not more than one hundred sixty acres of land, which may be in one or more parcels, to be selected by the owner.

C. The homestead of any person within any city or town, owned and occupied as a residence only, or used for both residential and business purposes, shall consist of not exceeding one acre of land, to be selected by the owner. For purposes of this subsection, at least seventy-five percent (75%) of the total square foot area of the improvements for which a homestead exemption is claimed must be used as the principal residence in order to qualify for the exemption. If more than twenty-five percent (25%) of the total square foot area of the improvements for which a homestead exemption is claimed is used for business purposes, the homestead exemption amount shall not exceed Five Thousand Dollars (\$5,000.00).

D. Nothing in the laws of the United States, or any treaties with the Indian Tribes in the State, shall deprive any Indian or other allottee of the benefit of the homestead and exemption laws of the State.

E. Any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.
Amended by Laws 1997, c. 104, § 1, eff. Nov. 1, 1997; Laws 1997, c. 345, § 1, eff. Nov. 1, 1997.

SECTION XII-2

Exemption from forced sale - Consent of spouse to sale - Mortgages.

The homestead of the family shall be, and is hereby protected from forced sale for the payment of debts, except for the purchase money therefor or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon; nor shall the owner, if married, sell the homestead without the consent of his or her spouse, given in such manner as may be prescribed by law; Provided, Nothing in this article shall prohibit any person from mortgaging his homestead, the spouse, if any, joining therein; nor prevent the sale thereof on foreclosure to satisfy any such mortgage.

SECTION XII-3

Statutes nullified - Exemption as to purchase price restricted -
Incumbering personal exemptions - Change or amendment of article.

After the adoption of this constitution, paragraph three of section four, and section five, of Chapter thirty-four, Statutes of Oklahoma, of 1893, shall be inoperative: Provided, That no property shall be exempt for any part of the purchase price while the same or any part thereof remains in the possession of the original vendee, or in possession of any purchaser from such vendee, with notice: And Provided Further, Nothing in this Constitution shall prevent or prohibit any person from mortgaging or encumbering his personal exemptions.

The Legislature may change or amend the terms of this article.