

NEVADA LEGAL SERVICES

The Homestead Form

Most county recorder's offices should have the Declaration of Homestead form. In Clark County, you can access the form at: <http://www.accessclarkcounty.com/depts/assessor/pages/Homestead.aspx>.

In Washoe County, you can access the forms at: <http://www.washoecounty.us/recorder/forms.html>.

Read the Declaration of Homestead form carefully. Fill in all of the blanks. Sign it before a notary and print your name beneath your signature.

Record the form:

You record your Declaration of Homestead by taking or mailing the form to the county recorder's office in the county in which you live.

You must pay a recording fee. Contact your local recorder's office for fee information. The recorder's office will record your Declaration of Homestead and return the form to you. Recording the homestead is constructive notice to any judgment creditor that up to \$550,000 in equity is protected.

PLEASE NOTE: Laws are subject to change. Information contained in this pamphlet is based on laws in effect at date of publication. 6/16

LAS VEGAS OFFICE

Serving Clark, Lincoln, Nye and Esmeralda Counties
530 S. 6th St.

Las Vegas, Nevada 89101

702-386-0404 / 866-432-0404

FAX: 702-388-1641/TDD: 702-386-1059

ADMINISTRATION OFFICE

701 E Bridger Ave., Suite 700

Las Vegas, NV 89101

RENO OFFICE

Serving all other counties and Native Americans Statewide

204 Marsh Ave., Ste. 101

Reno, Nevada 89509

775-284-3491 / FAX: 775-284-3497

SENIOR LAW PROJECT OF NEVADA LEGAL SERVICES

Serving seniors in Washoe County

1155 E. 9th St., Ste. 25

Reno, Nevada 89512

775-334-3050 / FAX: 775-334-3056

CARSON CITY OFFICE

209 No. Pratt Ave.

Carson City, Nevada 89701

775-883-0404

ELKO OFFICE

285 10th St.

Elko, Nevada 89801

775-753-5880 / FAX: 775-753-5890

YERINGTON OFFICE

720 So. Main St., Unit A

Yerington, NV 89447

775-463-1222 / FAX 775-463-1212

SENIOR HELP LINE

Serving all counties and assisting seniors in Nevada through the Senior Help Line
877-693-2163 / FAX: 702-314-3520



HOMESTEADING YOUR HOME OR MOBILE HOME

NRS Chapter 115



The mission of Nevada Legal Services is to strengthen the community by ensuring fairness and providing equal access to justice for low-income Nevadans.

www.nevadalahelp.org
www.nlslaw.net

Why do I need to homestead?

Filing a homestead declaration protects your most important asset, your home. If someone sues you and gets a judgment (judgment creditor), your home could be sold to pay off the judgment. This could happen if you fail to pay a credit card or get into an expensive traffic accident.

What is a homestead?

Nevada homestead law protects your home from most creditors. By filing a declaration of homestead, you will protect up to \$550,000 in equity in your residence home. A homestead protects your home from creditors.

Do I qualify?

You can file a homestead on the home, condominium, or mobile home that you live in. You must own the land upon which your home sits or own the condominium. You do not need to own the land if you own a mobile home but rent the land. This is still considered your homestead.

If you do not own the land, only the structure on the land, you do not need to record a declaration of homestead. Nevada law still protects up to \$550,000 in equity. *NRS 21.090 (1)(m)*.

Allodial Title?

Allodial Title is no longer available in Nevada. If you have established Allodial Title, you must have done so prior to June 13, 2005. For further information, contact a private attorney.

How much does a homestead protect?

A homestead protects up to \$550,000 in equity in your residence home. You can still file a homestead if you have more than \$550,000 in equity. In this case, the home may be sold and the \$550,000, or any amount remaining after the sale and satisfaction of the debt, will be returned to you. *NRS 115.050*.

If the judgment is for medical bills, you do NOT need to file a homestead and the \$550,000 limit does not apply. All of your equity is protected during your lifetime, the lifetime of your spouse and until your minor child turns 18. If your child is disabled, then this exemption applies for your child's life. A joint tenant is also included in this exemption, as long as the joint tenant was on the title when the judgment for medical bills was entered. *NRS 21.095*.

Does a homestead protect me from all debts?

No, the homestead will not protect you from debts used to purchase or improve your residence home. The homestead will not protect your home from unpaid bills or damages resulting from work done on your home, like landscaping and painting.

Finally, homestead does not protect your home from unpaid tax bills or Medicaid liens, HOA dues, federal taxes and other federal claims.

I have a homestead already. Do I need to re-file?

No. Even if you filed before July 1, 2007, when the exemption amount was only \$350,000, Nevada law amends your homestead to include the greater amount of \$550,000. *NRS 115.010(6)*.

Although Nevada law allows a homestead to continue after the death of owner, it is a good idea to re-file a homestead whenever:

- You or your spouse die;
- You divorce your spouse;
- You get married.

What if I want to move and claim another homestead?

In order to claim a homestead exemption in another home, you must affirmatively abandon the homestead in the first home. You must do this in writing and record the abandonment of the homestead with the Recorder's Office in the county where the first home is located.

