

**BOHN, DAWN MARIE**, Case No. 06-40175, Chapter 7, (bench ruling, December 14, 2006). **Issue:** Whether Debtor could claim her right to receive up to \$10,000 when her ex-husband sells her former homestead exempt as proceeds under S.D.C.L. § 43-45-3? **Ruling:** No. For there to be proceeds, there must have been a sale, and no sale had taken place. However, Debtor's right to payment was personal property within the meaning of S.D.C.L. § 2-14-2(19) and could be claimed exempt under S.D.C.L. § 43-45-4, up to the amount of her remaining personal property exemption. The balance of the \$10,000 and Debtor's interest in the former homestead itself remained property of the estate and were thus subject to the trustee's administration.