**Section 10.340 Foreclosure of Liens**

a) The Department may enforce a lien by foreclosure:

1) At any time when there is a transfer of a recipient's real property subject to the lien;

2) In case of fraud; or

3) At the time of the recipient's death.

b) The Department shall defer foreclosure of a lien on homestead property, except in case of fraud, if:

1) the property is occupied by the recipient or the recipient's surviving spouse, child under 21, or child over 21 who is blind or permanently and totally disabled; or

2) in the case of a permanently institutionalized recipient:

A) a sibling of the recipient has resided continuously in the property since at least one year immediately before the date the recipient was admitted to the institution; or

B) a child of the recipient who has resided continuously in the property since at least two years immediately before the date the recipient was admitted to the institution establishes that he or she provided care for at least two years before admission that enabled the recipient to live at home rather than in an institution.