

## UTAH EXEMPTION LAW

**(The following assets are exempt from liquidation in bankruptcy and are exempt from execution or seizure by collection creditors)**

**If you have questions about protecting your property and assets from creditors call attorney Troy R. Jensen – 801-612-2112 – JENSEN LEGAL**

<u>Description of Property</u>	<u>Specify Law Providing Each Exemption</u>	<u>Value of Claimed Exemption</u>	<u>Current Market Value of Property Without Deducting Exemptions</u>
<b>Burial plot</b>	U.C.A. 78B-5-505(1)(a)(i)	No Limit	
<b>Health aids</b> reasonably necessary to enable the individual or a dependent to work or sustain health	U.C.A. 78B-5-505(1)(a)(ii)	No Limit	
<b>Benefits due to disability, illness or unemployment</b>	U.C.A. 78B-5-505(1)(a)(iii)	No Limit	
<b>Benefits</b> paid or payable for <b>medical, surgical, or hospital care</b>	U.C.A. 78B-5-505(1)(a)(iv)	No Limit	
<b>Veterans benefits</b>	U.C.A. 78B-5-505(1)(a)(v)	No Limit	
Money or property received for <b>child support</b>	U.C.A. 78B-5-505(1)(a)(vi)	No Limit	
Money or property received for <b>alimony</b>	U.C.A. 78B-5-505(1)(a)(vii)	No Limit	
A. One of each <b>Appliances</b> : Clothes washer and dryer; refrigerator; freezer; stove; microwave oven; and sewing machine. B. All <b>carpets</b> in use. C. <b>Provisions sufficient for 12 months</b> actually provided for individual or family use. D. All <b>wearing apparel</b> of every individual and dependent, not including jewelry or furs E. All <b>beds and bedding</b> for every individual and dependents	U.C.A. 78B-5-505(1)(a)(viii)	No Limit	
<b>Artwork depicting or produced by you or immediate family</b> (unless such artwork is held as part of a trade or business)	U.C.A. 78B-5-505(1)(a)(ix)	No Limit	
Proceeds of insurance, a judgment or a settlement that are compensatory for <b>bodily injury or wrongful death</b> to the individual or a dependent	U.C.A. 78B-5-505(1)(a)(x)	No Limit	
<b>Proceeds or benefits of any life insurance contracts</b> or policies or any trust of which the debtor is a beneficiary <b>upon the death of the spouse or children</b> of the debtor provided the contract or policy has been owned by the debtor for a continuous unexpired period of 1 year	U.C.A. 78B-5-505(1)(a)(xi)	No Limit	

<b>Proceeds or benefits of any life insurance contracts or policies paid or payable to the spouse or children</b> of the debtor or any trust of which the spouse or children are the beneficiaries provided the contract or policy has been in existence for a continuous unexpired period of one year.	U.C.A. 78B-5-505(1)(a)(xii)	No Limit	
<b>Proceeds of any unmaturred life insurance contracts</b> owned by debtor	U.C.A. 78B-5-505(1)(a)(xiii)	No Limit	
<b>Pensions, IRA, 401(K) plans and retirement plans</b>	U.C.A. 78B-5-505(1)(a)(xiv)	No Limit	
Money or assets payable to an alternate payee under a <b>QDRO</b> . (does not include amounts contributed or benefits accrued by or on behalf of a debtor within one year before debtor files bankruptcy)	U.C.A. 78B-5-505(1)(a)(xv)	No Limit	
<b>Unpaid earnings and wages</b> of the household of the filing individual due as of the date of the filing of a bankruptcy petition	U.C.A. 78B-5-505(1)(a)(xvi)	in the amount of 1/24 of the Utah State annual median family income for the household size of the filing individual for an individual whose unpaid earnings are paid more often than once a month / or, if unpaid earnings are not paid more often than once a month, then in the amount of 1/12	
<b>Firearms:</b> any 3 of the following: 1 handgun (and 1,000 rounds of ammunition) 1 shotgun (and 1,000 rounds of ammunition) 1 shoulder arm (and 1,000 rounds of ammunition)	U.C.A. 78B-5-505(1)(a)(xvi)	Up to 3 firearms – not including antique firearms under U.C.A 75-10-501	
<b>Furnishings:</b> Sofas, chairs, and related furnishings reasonably necessary for one household	U.C.A. 78B-5-506(1)(a)	\$1000 (\$2,000 for couples)	
<b>Dining and kitchen tables</b> and chairs reasonably necessary for one household	U.C.A. 78B-5-506(1)(b)	\$1000 (\$2,000 for couples)	
<b>Animals, books and musical instruments</b> , if reasonably held for the personal use of the individual or his dependents	U.C.A. 78B-5-506(1)(c)	\$1000 (\$2,000 for couples)	
<b>Heirlooms</b> or other items or particular sentimental value to the individual	U.C.A. 78B-5-506(1)(d)	\$1000 (\$2,000 for couples)	
Implements, professional books or <b>tools of debtor’s trade</b>	U.C.A. 78B-5-506(2)	\$5,000	
<b>Motor vehicle (1)</b> used primarily for daily transportation, and not used for recreational purpose	U.C.A. 78B-5-506(3)	\$3,000	

<b>Homestead Exemption-</b> house or <b>primary personal residence</b> (includes dwelling or mobile home, land up to one acre and water rights)	U.C.A. 78B-5-503(2)(a)	\$30,000 (\$60,000 for couples)	
<b>Homestead Exemption-</b> property which is <b>not the primary personal residence</b> of the debtor	U.C.A. 78B-5-503(2)(a)	\$5,000 (\$10,000 for couples)	

**78B-5-508. Allowable claims against exempt property.**

(1) Notwithstanding other provisions of this part, but subject to the provisions of the Utah Uniform Consumer Credit Code:

(a) A creditor may levy against exempt property of any kind, except unemployment benefits, to enforce a claim for:

- (i) alimony, support, or maintenance;
- (ii) unpaid earnings of up to one month's compensation or the full-time equivalent of one month's compensation for personal services of an employee; or
- (iii) state or local taxes.

(b) The only deductions that can be withheld from unemployment benefits are those listed in Section 35A-4-103.

(c) A creditor may levy against exempt property to enforce a claim for:

- (i) the purchase price of the property or a loan made for the purpose of enabling an individual to purchase the specific property used for that purpose;
- (ii) labor or materials furnished to make, repair, improve, preserve, store, or transport the specific property; and
- (iii) a special assessment imposed to defray costs of a public improvement benefiting the property.

(2) This section does not affect the right to enforce any statutory lien or security interest in exempt property.

**78B-5-513 Exemption provisions applicable in bankruptcy proceedings.**

An individual may not exempt from the property of the estate in any bankruptcy proceeding the property specified in Subsection (d) of Section 522 of the Bankruptcy Reform Act (Public Law 95-598), unless the individual is a nonresident of this state and has been for the 180 days immediately preceding filing for bankruptcy.