

DUGGAN BERTSCH

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	TENANCY BY THE ENTIRETY	HOMESTEAD EXEMPTION	IRA	ROTH IRA	STATUTE AND SPECIAL PROVISIONS	LIFE INSURANCE CASH VALUE	LIFE INSURANCE PROCEEDS	ANNUITY CASH VALUE and/or PAYMENTS
AL	NO	\$15,000 on property not exceeding 160 acres in area. Ala. Code § 6-10-2.	YES	NO	Ala. Code § 19-3B-508 100% for assets held in “qualified trusts.”	100% for insurance on self or spouse payable to self, spouse, or children. Ala. Code §§ 6-10-8, 27-14-29, 27-14-30	100% for insurance on self or spouse payable to self, spouse, or children. Ala. Code §§ 6-10-8, 27-14-29, 27-14-30	\$250/mo annuity payments in the aggregate. Ala. Code §§ 27-14-30, 27-14-32
AK	YES	\$54,000 Alaska Stat. § 09.38.010	YES	YES	Alaska Stat. § 09.38.017	Entitled to full exemption up to \$500,000 – where creditors may obtain court order requiring debtor to pay. Alaska Stat. § 09.38.025	Up to wage exemption if beneficiary is insured’s spouse or dependent. Individual debtor entitled to exemption of individual debtors weekly net earnings not exceeding \$350. Alaska Stat. § 09.38.030(a), (e)(4)	Same as Life Insurance Cash Value Alaska Stat. § 09.38.025
AZ	NO	\$150,000 Ariz. Rev. Stat. Ann. § 33-1101(A)	YES	YES	Ariz. Rev. Stat. Ann. § 33-1126	100%- The amount of any premium that is recoverable or avoidable by creditor pursuant to title 44, chapter 8 article 1, with interest thereon, is not exempt. Ariz. Rev. Stat. § 33-1126A6	Up to \$20,000 if payable to surviving spouse or child. Ariz. Rev. Stat. § 33-1126(A)(1)	100%-Subject to the statute of limitations, the amount of any premium that is recoverable or avoidable by a creditor pursuant to title 44, chapter 8, article 1, is not exempt. Ariz. Rev. Stat. § 33-1126A7
AR	YES	UNLIMITED for married persons/heads of household. Ark. Code Ann. § 16-66-210 and Ark. Const. art. 9 § 3	YES	YES	Ark. Code Ann. § 16-66-220 <i>Clinical Study Centers, Inc. v. Boellner</i> , 411 S.W.3d 695 (2012) –	To the extent permitted by the Arkansas constitution (\$500). Ark. Code Ann. § 16-66-209; Ark. Const. Art. 9 §	Same as life insurance cash value	100% Ark. Code. Ann. § 23-79-134; <i>Walker v. Walker</i> , 303 Ark. 34, 791 S.W.2d 710

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		If between ¼ and 1 acre, Additional exemption up to \$2,500. Ark. Code Ann. § 16-66-210 and Ark Const. Art. 4 § 5			held IRA-exemption statute did not contravene Arkansas Constitutional exemption of personal property items of a specified dollar value.	2; <i>In re Hudspeth</i> , 92 Bankr. 827 1988; <i>Federal Sav. & Loan Ins. Co. v. Holt</i> , 894 F.2d 1005 (8 th Cir. 1990)		(1990)
CA	NO	\$75,000(Single) \$100,000(Family) \$175,000(65 or older) Cal. Civ. Proc. Code. § 704.730	YES	NO	Cal. Code of Civ. Proc. §704.115 Limited to the extent reasonably necessary for support.	\$9,700 single / \$19,400 married Cal. Civ. Proc. Code § 704.100	Death benefits exempt to extent reasonably necessary for support of debtor, spouse and dependents. Cal. Civ. Proc. Code § 704.100	Same as life insurance cash value if annuity contract considered “life insurance” and not “investment” <i>In re Payne</i> , 323 B.R. 723 (9 th Cir. BAP 2005)
CO	NO	\$60,000 if occupied as a home by an owner there of owner’s family OR \$90,000 if occupied by an elderly or disabled owner. Colo. Rev. Stat § 38-41-201.	YES	YES	Colo. Rev. Stat. § 13-54-102	\$250,000 that have been owned by a debtor for a continuous period of 48 months. Colo. Rev. Stat. § 13-54-102(1)(1)(I)(A)	100% Colo. Rev. Stat. § 13-54-102(I)(I)(B)	100% <i>In re Griese</i> , 172 B.R. 336 (1994) – held the term “avails” as used in CO exemption for avails of policies or certificates of life insurance is broad enough to include cash surrender value of policies.
CT	NO	\$75,000 OR \$125,000 if money judgment arises out of services provided at a	YES	YES	Conn. Gen. Stat. § 52-321a	\$4,000 Conn. Gen. Stat. § 52-352b(s)	100% if payable to beneficiary other than the insured. Conn. Gen. Stat. §	None

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		hospital. Conn. Gen. Stat. Ann. § 52-352b(t).					38a-453	
DE	NO	NONE Del. Code. Ann. tit. 10 § 4901	YES	YES	Del. Code Ann. § 10-4915	100% if payable to beneficiary other than insured. Del. Code Ann. Tit. 18 § 2725.	Same as life insurance cash value.	\$350/mo, plus amount needed for reasonable requirements of debtor and dependents. Del. Code Ann. Tit. 18 § 2728.
DC	YES	UNLIMITED D.C. Code § 15-501(a)(14)	YES	YES	D.C. Code § 15-501(a)(9) & (10)	100% if payable to beneficiary other than insured. D.C. Code Ann. § 31-4716	Same as life insurance cash value	\$200/mo D.C. Code Ann. § 15-503
FL	YES	UNLIMITED Fla. Const. Art. X, § 4, Fla. Stat. Ann. §§ 222.01 & 222.02.	YES	YES	Fla. Stat. Ann. §222.21, 121.131	100% Fla. Stat. Ann. § 222.14	100% Fla. Stat. Ann. § 222.13	Same as life insurance cash value.
GA	NO	\$21,500 if single/ \$43,000 if married. Georgia Code Ann. § 44-13-100(a)(1).	NO	NO	Ga. Code Ann. §44-13-100, 18-4-22 100% for undistributed interests; Distributions exempt to the extent reasonably necessary for support.	\$2,000 GA Code Ann. § 44-13-100(a)(9). Additionally, § 33-25-11 provides that cash values and proceeds are protected from creditors of insured.	Interest in death benefit exempt to extent reasonably necessary for support if insured was dependent of debtor. GA Code Ann. § 44-13-100(a)(11)(c)	100% GA Code An. § 33-28-7
HI	YES	\$20,000 \$30,000 for married head of household or over age 65. HI Rev. Stat. § 651-92(a)	YES	YES	Haw. Rev. Stat. § 651-124 100% for funds deposited at least 3 years prior.	100% Hawaii Rev. Stat. § 431-10-232	Same as life insurance cash value	100% Hawaii Rev. Stat. § 431-10-232
ID	NO	\$100,000	YES	YES	Idaho Code §55-1011,	Beneficiary's interest in	Same as life	\$1,250/mo

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		Idaho Code § 55-1003			11-604A	proceeds and avails protected from insured's creditors. Idaho Code § 41-1833	insurance cash value	Idaho Code § 41-1836
IL	YES	\$15,000-cannot exceed 30,000. 735 ILCS 5/12-901	YES	YES	I.L.C.S. § 5/12-1006	100% if payable to spouse, child, or dependent. I.L.C.S § 5/12-1001(f)	Same as life insurance cash value	Same as life insurance cash value
IN	YES	\$15,000 Ind. Code Ann. § 34-55-10-2(c)(1)	YES	YES	Ind. Code Ann. § 34-55-10-2	100% if payable to spouse, child, dependent or creditor. Ind. Code Ann. § 27-1-12-14(e)	Same as life insurance cash value	100% if payable to spouse, child, dependent or creditor. Ind. Code Ann. § 27-2-5-1(b)
IA	NO	UNLIMITED Iowa Code Ann § 561.16	YES	YES	Iowa Code Ann. § 627.6	100% for policy payable to spouse, child, dependent or creditor, but protection for policy acquired within 2 years or increases in value within 2 years limited to \$10,000. Iowa Code Ann. § 627.6(6)	100% if payable to the spouse, child or dependent. Iowa Code Ann. § 627.6(6)	None <i>In re Huebner</i> , 986 F.2d 1222 (8 th Cir. 1993), cert. denied 510 U.S. 900
KS	YES	UNLIMITED Kan. Stat. Ann. § 60-2301.	YES	YES	Kan. Stat. Ann. § 60.2308 100% for principal. No exemptions for distributions. In re Moore, 214 B.R. 628 (Bankr.D.Kan. 1997)	100% of policy held for more than 1 year. Kan. Stat. Ann. §§ 40-414 and 60-2313(a)(7)	Same as life insurance cash value	100% if policy held for more than 1 year. Kan. Stat. Ann. §§ 40-414 and 60-2313
KY	YES	\$5,000 Ky. Rev. Stat. Ann. § 427.060.	YES	YES	Ky. Rev. Stat. Ann. § 427.150	100% Ky. Rev. Stat. Ann. § 304.14.300	Same as life insurance cash value	\$350/mo Ky. Rev. Stat. Ann. § 304.14.330
LA	NO	\$35,000 La. Rev. Stat. Ann. §	YES	YES	La. Rev. Stat. Ann. §§ 20:33 & 13:3881	Beneficiary's interest in proceeds and avails 100%	Same as life insurance cash value	100% La. Rev. Stat. Ann. §

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		20:1(2) & La. Const. Art. 12:9.			100% for funds deposited at least one year prior.	protected. Limited to \$35,000 if issued within 9 months. La. Rev. Stat. Ann. § 22:912		22:912
ME	NO	\$47,500/\$95,000 if minor dependent, over 60 years, or disabled. Me. Rev. Stat. Ann. 14 § 4422(1).	YES	YES	Me. Rev. Stat. Ann. Tit. 14, § 4422	Beneficiary's interest in proceeds and avails 100% protected. 14 Me. Rev. Stat. Ann. § 4422(10) and 24A Me. Rev. Stat. Ann. § 2428.	Same as life insurance cash value	\$450/mo 24A Me. Rev. Stat. Ann. §§ 2428 and 2431
MD	YES	\$6,000 Md. Code Ann. Cts. & Jud. Proc. § 11-504(b)(5)	YES	YES	Md. Code Ann. Cts. & Jud. Proc. § 11-504(h)	100% if made for the benefit of spouse, child or dependent. Md. Code Ann. Ins. § 16-111	Same as life insurance cash value	Same as life insurance cash value
MA	YES	\$500,000 – for exemptions created by a written declaration. - \$125,000 automatic exemption. Mass.Gen. Laws Ann. ch. 188 § 1.	YES	YES	Mass. Gen. L. Ch. 235 § 34A; 236 § 28 Limited to deposits equal to 7% of debtor's total income in preceding 5 years.	Mass. Gen. L. Ch. 175 § 125 - protection exempts cash value from claims of owner's creditors whether or not the right to change the named beneficiary is reserved by or permitted to such person.	Interest of original beneficiary in proceeds 100% protected Mass. Gen. L. Ch. 175 § 125	None
MI	YES	\$3,500 State Const. Article X § 3	YES	YES	Mich. Comp. Laws 600.6023 & 600.5451 No protection for non-ERISA qualified plans.	100% Mich. Comp. Laws Ann. § 500.2207	Same as life insurance cash value	Same as life insurance cash value
MN	NO	UNLIMITED Minn. Rev. Stat. Ann. § 510.01.	YES	YES	Minn. Rev. Stat. Ann. § 550.37 Limited to a present value of \$30,000 and additional amounts	\$9,200 Minn. Rev. Stat. Ann. § 550.37(23)	\$46,000 if payable to a surviving spouse or child and increased by \$11,500 for every dependent.	Beneficiary's interest in proceeds 100% protected. Minn. Rev. Stat. Ann. § 61A.12

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					reasonably necessary.		Minn. Rev. Stat. Ann. §550.37(10)	
MS	YES	\$75,000 Miss. Code. Ann. § 85-3-21	YES	YES	Miss. Code. Ann. § 85-3-1.	Beneficiary's interest in proceeds and avails 100% protected. Limited to \$50,000 if issued within 12 months. Miss. Code Ann. § 85-9-11	Same as life insurance cash value	None
MO	YES	\$15,000 Mo. Ann. Stat. § 513.475	YES	YES	Mo. Ann. Stat. § 513.430.1(e) and (f) Limited to the extent reasonably necessary for support.	\$150,000 Mo. Ann. Stat. § 513.430(8)	100% Mo. Ann. Stat. § 377.090	None <i>In re Stover</i> , 332 B.R. 400 (Bankr. W.D.Mo.2005)
MT	NO	\$250,000 Mont. Code Ann. § 70-32-104 & 70-32-201	YES	YES	Mont. Code Ann. § 19-2-1004, 25-13-608(e), 31-2-106	\$4,500 Mont. Code Ann. § 25-13-609	Beneficiary's interest in proceeds and avails 100% protected. Mont. Code. Ann. § 33-15-511	\$350/mo Mont. Code Ann. § 33-15-514
NE	NO	\$60,000 Neb. Rev. Stat. § 40-101	YES	YES	Neb. Rev. Stat. § 25-1563.01 Limited to the extent reasonably necessary for support.	\$100,000 for cash value attributable to premiums paid at least three years prior. Neb. Rev. Stat. § 44-371	100% Neb. Rev. Stat § 44-371	\$100,000 for cash value, proceeds and benefits attributable to premiums paid at least three years prior. Neb. Rev. Stat. § 44-371
NV	NO	\$550,000 Nev.Rev. Stat. Ann. § 21.090(1)(m) and Nev.Rev. Stat. Ann. § 115.010(2).	YES	YES	Nev. Rev. Stat. § 21.090 Limited to a present value of \$500,000.	100% Nev. Rev. Stat. § 21.090(1)(k)	100% Nev. Rev. Stat. § 21.090(1)(k)	100% Nev. Rev. Stat. § 687B.290
NH	NO	\$120,000	YES	YES	N.H. Tit. 52 § 511:2	None	Beneficiaries interest	None

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		N.H. Rev. Stat. Ann. § 480:1.			Exemption only applies to extensions of credit and debts arising after Jan. 1, 1999.	<i>In re Monahan</i> , 171 B.R. 710 (Bankr. D.N.H. 1994)	100% protected. N.H. Rev. Stat. Ann. § 408:2	
NJ	YES	NONE	YES	YES	N.J. Stat. Ann. § 25:2-1	Beneficiary's interest in proceeds and avails 100% protected if beneficiary is not owner or insured. N.J. Stat. Ann. § 17B:24-6	Same as life insurance cash value.	\$500/mo N.J. Stat. Ann. § 17B:24-7
NM	NO	\$60,000 N.M. Stat. Ann. § 42-10-9	YES	YES	N.M. Stat. Ann. §§ 42-10-1, 42-10-2	100% N.M. Stat. Ann. § 42-10-3	100% N.M. Stat. Ann. § 42-10-5	100% N.M. Stat. Ann. § 42-10-3
NY	YES	\$150,000 for Kings, Queens, New York, Bronx, Richmond, Nassau, Suffolk, Rockland Counties. \$1250,000 for Dutchess, Albany, Columbia, Orange, Saratoga, and Ulster counties. \$75,000 for remaining counties. N.Y. Civ. Prac. L. and R. § 5206(a)	YES	YES	N.Y. Civ. Prac. L. and R. § 5205(c).	100% N.Y. Ins. Law § 3212(b). <i>In re Mesinger</i> , 29 F.2d 158 (2 nd Cir. 1928)	100% N.Y. Ins. Law § 3212(b)	100%, however, court may order that debtor pay creditor "just and proper amount" with "due regard for the reasonable requirements" of the debtor and dependents. N.Y. Ins. Law § 3212(d)
NC	YES	\$35,000 \$60,000 for unmarried debtor 65 years or older so long as property was previously owned by debtor as tenant by entireties or joint tenants with right of survivorship and former	YES	YES	N.C. Gen. Stat. § 1C-1601(a)(9)	100% for insurance payable to spouse and/or children. N.C. Const. Art. X § 5; N.C. Gen. Stat. § 1C-1601(a)(6); N.C. Gen. Stat. § 58-58-115	Same as life insurance cash value	None

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		co-owner is deceased. Texal reall property- N.C. Gen. Stat. § 1C-1601(a)(1)						
ND	NO	\$100,000 N.D. Cent. Code §§ 47-18-01, 28-22-02(7).	YES	YES	N.D. Cent. Code §28-22-03.1 (7) Which have been in effect for at least a year; \$100,000 per account / \$200,000 max. unless reasonably necessary for support.	\$8,000 N.D. Cent. Code § 28-22-03.1(5)	100% of proceeds payable to the deceased, deceased representatives, heirs or estate. N.D. Cent. Code § 26.1-33-40	None
OH	NO (YES, but only if created between 1972-1984)	\$125,000 Ohio Rev. Code. Ann. § 2329.66(A)(1)(a)	YES	YES	Ohio Rev. Code Ann. § 2329.66(A)(10)(c) Limited to the extent reasonably necessary for support of the person and any of the person's dependants. Ohio Rev. Code Ann. § 2329.66(A)(10)(d) SEP-IRA not protected. <i>In re rayl</i> , 299 B.R. 465. Inherited IRAs are protected. Ohio Rev. Code Ann. § 2329.66(A)(10)(e)	100% if payable to spouse, children or dependants Ohio Rev. Code Ann. §§2329.66(A)(6)(b), 3911.10	Same as life insurance cash value	Same as life insurance cash value
OK	YES	\$5,000 Okla. Stat. Ann. tit. 31 § 2(c)	YES	YES	31 Okla. St. Ann. § 1(A)(20). U.S. V. Wagoner Country Real Estate.	100% 36 Okla. St. Ann. § 3631.1	Same as life insurance cash value	Same as life insurance cash value
OR	YES	\$40,000 – if two or	YES	YES	Ore. Rev. Stat. § 18.358.	100% so long as owner's	100% so long as	\$500/mo

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		more members of a household are debtors whose interests in homestead are subject to sale on execution, the amount shall not exceed \$50,000 Or. Rev. Stat. § 18.395				estate is not beneficiary. Ore. Rev. Stat. § 743.046	owner or owner's estate is not beneficiary. Ore. Rev. Stat. § 743.046	Ore. Rev. Stat. § 743.049
PA	YES	NONE	YES	YES	42 Pa. C.S. §§ 8124 100% except for amounts contributed within 1 year or contributed in excess of \$15,000 in a one-year period.	Income or return of \$100/mo 42 Pa. C.S. § 8124(c)(3)	100% if payable to spouse, child or dependent. 42 Pa. C.S. § 8124(c)(6)	\$100/mo 42 Pa. C.S. § 8124(c)(3)
RI	YES	\$500,000 R.I. Gen. Laws § 9-26-4.1	YES	YES	R.I. Gen. Laws § 9-26-4 No protection for non-ERISA qualified plans.	Non-owner, non-insured beneficiary's right to proceeds and avails protected from insured's creditors R.I. Gen. Laws §§ 27-4-11, 27-4-12, 27-18-24	Same as life insurance cash value	None
SC	NO	\$50,000 per owner and \$100,000 maximum. S.C. Code Ann. § 15-41-30(1)	YES	YES	S.C. Code Ann. § 15-41-30 Exemption available whether such individual has an interest in retirement plan as a participant, beneficiary, contingent annuitant, or alternate payee.	\$4,000 S.C. Code Ann. § 15-41-30(9)	100% of beneficiary's interest in proceeds and cash surrender values if payable to spouse, child, or dependent. S.C. Code Ann. § 38-63-40(A)	None
SD	NO	UNLIMITED S.D. Cod. Laws. § 43-45-3.	YES	YES	S.D. Cod. Laws 43-45-16, 17 Limited to \$1,000,000.	\$20,000 S.D. Cod. Laws § 58-12-4	Same as life insurance cash value	\$250/mo S.D. Cod. Laws § 58-12-8

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TN	YES	\$5,000 Single \$7,500 Joint Tenn. Code Ann. § 26-2-301	YES	YES	Tenn. Code Ann. § 26-2-105.	100% for insurance payable to spouse, child, or dependent relatives. Tenn. Code Ann. § 56-7-203 <i>In re Huffines</i> , 57 B.R. 740 (Bankr. M.D. Tenn. 1985)	Same as life insurance cash value	100% for net amounts payable to spouse, child or dependent relatives. Tenn. Code Ann. § 56-7-203
TX	NO	UNLIMITED Tex. Const. Art. XVI, §§ 50,51 & Tex. Prop. Code §§ 41.001, 41.002	YES	YES	Tex. Prop. Code. § 42.0021.	100% Tex. Ins. Code § 1108.051	Same as life insurance cash value	Same as life insurance cash value
UT	NO	\$30,000 – joint owners may double to \$60,000. Utah Code Ann. § 78B-5-503	YES	YES	Utah Code Ann. § 78b-5-505 100% except for amounts contributed within 1 year.	100% for the proceeds and avails, excluding any payments made on the contract during previous year. Utah Code Ann. §78b-5-505(1)(a)(xiii)	Same as life insurance cash value	None
VT	YES	\$125,000 Vt. Stat. Ann. tit. 27 § 101	YES	YES	Vt. Stat. Ann. § 2740(16).	100% 12. Vt. Stat. Ann. § 2740(18), 8 Vt. Stat. Ann. § 3706. <i>In re Gabelhart</i> , 138 B.R. 425 (Bankr. D. Vt. 1992)	To the extent necessary for the support of the debtor and any dependents. 100%. 12. Vt. Stat. Ann. § 2740(18)&(19)	\$350/mo 8 Vt. Stat. Ann. § 3709
VA	YES (As long as they are married.)	\$5,000 plus \$500/dependent. \$10,000 if householder is 65 or older. Va. Code Ann. § 34-4.	YES	YES	Va. Code Ann. §34-34	None	Beneficiary's interest in proceeds 100% protected from creditors of owner and insured if beneficiary is not owner or insured.	None

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							Va. Code Ann. § 38.2-3122	
WA	NO	\$125,000 Wash. Rev. Code § 6.13.030	YES	YES	Wash. Rev. Code § 6.15.020.	100% for policies payable to others Wash. Rev. Code § 48.18.410	Same as life insurance cash value.	\$3,000/mo Wash. Rev. Code § 48.18.430
WV	YES	\$5,000 for any husband, wife, parent, or other head of a household, or the infant children of deceased or insane parents. W. Va. Code § 38-9-1	YES	YES (NO on excess contributions)	Principal 100% protected. Exemption for distributions limited to the extent reasonably necessary for support. W. Va. Code § 38-10-4.	\$8,000 in bankruptcy proceedings W. Va. Code § 38-10-4(h)	Beneficiary's interest in proceeds 100% protected from creditors of owner and insured if beneficiary is not owner or insured. W. Va. Code § 33-6-27	None
WI	YES	\$75,000. With spouses, each spouse can exempt \$75,000. Wisc. Stat. § 815.20	YES	YES	Wisc. Stat. Ann. § 815.18(3) 100% except that exemption for interest of "owner-employee" or interest in "owner-dominated" limited to the extent reasonably necessary for support.	\$150,000 (but \$4,000 for policies issued within 2 years) Wisc. Stat. § 815.18(3)(f)	Beneficiary's interest in payment under policy insuring individual of whom debtor was dependent exempt to extent reasonably necessary for support of debtor and dependents. Wis. Stat. § 815.18(3)(i)	\$150,000 (but \$4,000 for policies issued within 2 years) Wisc. Stat. § 815.18(3)(f)
WY	YES	\$20,000 Wy. Stat. Ann. § 1-20-101.	YES	YES	Wy. Stat. Ann. § 1-20-110 100% exemption for qualified retirement plans.	100% Wy. Stat. Ann. § 26-15-129. <i>In re Vigil</i> , 74 Fed. Appx. 19 (10 th Cir. 2003)	Same as life insurance cash value	\$350/mo Wy. Stat. Ann. § 26-15-132

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