

# CALIFORNIA EXEMPTIONS

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Use of federal bankruptcy exemptions in 11 USC § 522(d) not permitted in this state. See C.C.P. 703.130

Type of Property	Amount of Exemption	Statute Creating Exemption
Earnings of debtor	Amount necessary for support of debtor or debtor's family	C.C.P. § 706.051
Homestead exemption. Includes house + outbuildings & land, or mobile home, or boat; and includes proceeds from sale, damage or taking thereof	\$75,000 for family unit member living with 1 or more non-owner family unit members. \$100,000 for person who is 65 or older, disabled, or over 55 with annual gross income of \$15,000 or less if single or \$20,000 or less if married. \$50,000 for any other person	*C.C.P. § 704.730 NOTE- Debtor or spouse must reside in homestead and the exemption must be apportioned between the spouses if both are entitled to the exemption.
Necessary personal household furnishings, provisions, appliances, wearing apparel and personal effects of debtor and family	100%	C.C.P. § 704.020
Equity in motor vehicles, including insurance or execution sale proceeds for 90 days under § 704.010	\$ 2300.-	C.C.P. § 704.010
Tools, implements, materials, books and equipment used in trade or business (can include motor vehicle if not claimed under C.C.P. § 704.010)	\$5,000 each for debtor & spouse if each is engaged in trade or business (motor vehicle limit is \$4,000 each)	C.C.P. § 704.060
Prosthetic and orthopedic appliances and health aids	100%	C.C.P. § 704.050
Jewelry, heirlooms and works of art	\$ 6075.-	C.C.P. § 704.040
Residential building materials	\$ 2425.-	C.C.P. § 704.030
Prisoners' funds in inmates' trust accounts	\$ 1,225.-	C.C.P. § 704.090
Bank accounts used for direct deposit of Social Security or public benefit funds	\$1,225 for one public benefit depositor \$2,425 for one social security depositor \$1,825 for 2 or more public benefit depositors \$3,650 for 2 or more social security depositors	C.C.P. § 704.080 (all traceable social security and benefit funds in account are exempt)
Earnings in deposit accounts or in cash or its equivalent	75%, except that all earnings subject support orders or assignments are exempt	C.C.P. § 704.070
Unmatured life insurance policies	100%	C.C.P. § 704.100(a)
Aggregate loan values of unmaturred life insurance policies	\$9,700 each for debtor and spouse	C.C.P. § 704.100(b)
Proceeds of matured life insurance policies	Amount reasonably necessary to support debtor and dependents	C.C.P. § 704.100(c)
Retirement funds and benefits held or payable by a public entity	100% (support claims excepted)	C.C.P. § 704.110(b) Government Code § 21201
Public retirement benefits received	100%	C.C.P. § 704.110(d)
State and public employees' vacation credits	100% (lump sum payments subject to federal earnings exemptions)	C.C.P. § 704.113
Funds and benefits of private retirement plans, except self-employed retirement plans	100% (support claims excepted)	C.C.P. § 704.115(b)
Funds and benefits of self employed retirement plans, including IRAs and Roth IRAs	Funds - Amounts necessary to support debtor and dependents upon retirement Periodic benefits - Amount necessary for support of debtor or debtor's family	C.C.P. § 704.115(e)(f)
Health and disability insurance benefits	100% with health care and support claims excepted	C.C.P. § 704.130
Personal injury and wrongful death claims	100%	C.C.P. §§ 704.140(a), 704.150(a)
Proceeds of personal injury and wrongful death claims	Amount necessary to support debtor and dependents (periodic payments subject only to federal earnings exemption)	C.C.P. §§ 704.140(d), 704.150(c)

\* C.C.P. stands for Code of Civil Procedure

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Type of Property	Amount of Exemption	Statute Creating Exemption
Workmen's compensation benefits	100% (support claims excepted)	C.C.P. § 704.160
Unemployment insurance contributions and benefits	100% (support claims excepted)	C.C.P. § 704.120
Relocation payments	100%	C.C.P. § 704.180
Welfare and Fraternal Benefit Society benefits	100%	C.C.P. § 704.170
Students' financial aid from institution of higher learnings	100%	C.C.P. § 704.190
Burial plots of debtor and spouse	100%	C.C.P. § 704.200
Specific partnership property	100% of partner's interest	Corp. Code § 15025

NOTE: The exemptions listed below apply only to bankruptcy cases and may only be used in lieu of the exemptions listed above. The exemptions listed below may be used as follows: (1) if a husband and wife file a joint petition, they must both use either the exemptions listed above or the exemptions listed below, but not both; (2) if a married person files a single petition, the exemptions listed above must be used unless both spouses sign a written waiver waiving the above exemptions for the period in which the case is pending; (3) a single person may use either the exemptions listed above or the exemptions listed below, but not both. See C.C.P. § 703.140(a). The exemptions listed above and below apply jointly to both debtors in a joint case and may not be claimed separately by each debtor in a joint case. See C.C.P. § 703.110 and In Re Talmadge, 832 F. 2d 1120.

Type of Property	Amount of Exemption	Statute Creating Exemption
Debtor's aggregate interest in real or personal property that the debtor or a dependent of the debtor uses as a residence; or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or in a burial lot for the debtor or a dependent of the debtor	\$ 17,425.-	C.C.P. § 703.140(b)(1)
1 motor vehicle	\$ 2,775.-	C.C.P. § 703.140(b)(2)
Household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments held primarily for the personal, family, or household use of the debtor or a dependent of the debtor	<del>\$400.00</del> per item (no aggregate limit) \$ 450.-	C.C.P. § 703.140(b)(3)
Jewelry held primarily for personal, family, or household use of debtor or a dependent of the debtor	\$1,000.00 \$1,150	C.C.P. § 703.140(b)(4)
Any property selected by debtor	\$ 925.- plus unused portion of § 703.140(b)(1) exemption	C.C.P. § 703.140(b)(5)
Implements, professional books, or tools, of the trade of debtor or a dependent of the debtor	\$1,750	C.C.P. § 703.140(b)(6)
Unmatured life insurance contracts owned by debtor, except credit life insurance contracts	100%	C.C.P. § 703.140(b)(7)
Accrued dividends or interest under, or loan value of, any unmaturred life insurance contract owned by debtor in which the insured is the debtor or a person of whom the debtor is a dependent	\$ 9,300.-	C.C.P. § 703.140(b)(8)
Professionally prescribed health aids of debtor and dependents	100%	C.C.P. § 703.140(b)(9)
Social security, unemployment compensation, or public assistance benefits	100%	C.C.P. § 703.140(b)(10)(A)

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Veterans' benefits	100%	C.C.P. § 703.140(b)(10)(B)
Disability, illness, or unemployment benefits	100%	C.C.P. § 703.140(b)(10)(C)
Alimony, support, or separate maintenance	100% of amount reasonably necessary for support of debtor and dependents	C.C.P. § 703.140(b)(10)(D)
Payments under stock bonus, pension, profitsharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service	100% of amount reasonably necessary for support of debtor and dependents	C.C.P. § 703.140(b)(10)(E)
NOTE - Exemption does not apply if: plan or contract was established under auspices of insider that employed debtor at time plan or contract arose; such payment is on account of age or length of service; and such plan or contract does not qualify under 26 USC §§ 401(a), 403(a), 403(b), 408, or 408A.		
Crime victim's reparation law benefits or awards	100%	C.C.P. § 703.140(b)(11)(A)
Payments on account of the wrongful death of individual of whom debtor was a dependent	100% of amount reasonably necessary for support of debtor and independents	C.C.P. § 703.140(b)(11)(B)
Payments under life insurance contract insuring life of an individual of whom debtor was a dependent	100% of amount reasonably necessary for support of debtor and dependents	C.C.P. § 703.140(b)(11)(C)
Payments on account of personal bodily injury of debtor or person of whom debtor is a dependent (does not include compensation for pain and suffering or actual pecuniary loss)	\$ 17,425.	C.C.P. § 703.140(b)(11)(D)
Payments in compensation for loss of future earnings of debtor or person of whom debtor is a dependent	100% of amount reasonably necessary for support of debtor and dependents	C.C.P. § 703.140(b)(11)(E)