

## EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS **Income and Property Creditors Can't Seize**

This Guide lists the most common assets and income that may be exempt from levy upon a judgment. Exemptions are found in the United States Code (USC) and in the California Codes, primarily the Code of Civil Procedure (CCP). The Guide is an adaptation of [Exemptions from the Enforcement of Judgments \(EJ-155\)](#), a Judicial Council form that lists the exemptions and code sections without additional description. The exemptions are listed in the order they are most frequently claimed.

Because this Guide lists only the most common exemptions, and because of periodic changes in the law, the Guide may not include all the exemptions that may apply in your case. Furthermore, although the amount of the exemptions was accurate at the time this document was written (February 2014), these amounts are subject to change, so you should always check the code sections themselves to make sure that the amount of the exemption is current.

### CLICK ON A LINK TO READ THE CODE SECTION

TYPE OF PROPERTY	CODE	DESCRIPTION
<b>Social Security</b>	<a href="#">42 USC § 407</a>	Exempt.
<b>Social Security Direct Deposit Accounts</b> (the account itself)	<a href="#">CCP § 704.080</a>	Two thousand four hundred twenty-five dollars (\$2,425) where one depositor is the designated payee of directly deposited social security payments.  Three thousand six hundred fifty dollars (\$3,650) where two or more depositors are the designated payees of directly deposited social security payments (unless they are only joint payees of a single payment for only one, in which case the individual \$2,425 exemption applies.  Anything over the amount is exempt to the extent that its source is public benefits or social security benefits.
<b>Wages</b>	<a href="#">CCP § 704.070</a>	Disposable wages (wages paid out after deducted taxes) is 75% Exempt (only 50% exempt if enforcement is of a child support order). If wages are deposited, the exemption is preserved as to any funds in the account that can be traced back to wages paid within the previous 30 days before a levy.

<b>Public Assistance (Welfare)</b>	<a href="#">CCP § 704.170</a> <a href="#">Welfare &amp; Institutions Code § 17409</a>	Generally exempt, however, once aid is terminated, limitations on the amounts exempt exist, as defined in <a href="#">Welfare &amp; Institutions Code § 17409</a> .
<b>Charity; Fraternal Benefit Funds</b>	<a href="#">CCP § 704.170</a>	Aid provided by a charitable organization or fraternal benefit society (defined in Section 10990 of the Insurance Code) is generally exempt.
County and State <b>Public retirement and pension</b> benefits, including death benefits and judgments and awards of back payment of these benefits, in general.	<a href="#">CCP § 704.110</a>	Exempt. An exception exists for judgments of child, spousal, or family support, so that these may be collected from public pensions and retirements.
<b>PARTIAL</b> list of <i>additional</i> codes that apply to public retirement and pension by entity: <ul style="list-style-type: none"> <li>· BART District Benefits</li> <li>· County Employees Retirement Benefits</li> <li>· Fire Service Retirement Benefits</li> <li>· Legislators Retirement Benefits</li> <li>· Municipal Utility District Retirement Benefits</li> <li>· Peace Officers Retirement Benefits</li> </ul>	<a href="#">Public Utilities Code § 28896</a>  <a href="#">Government Code § 31452</a>  <a href="#">Government Code § 32210</a>  <a href="#">Government Code § 9359.3</a>  <a href="#">Public Utilities Code § 12337</a>  <a href="#">Government Code § 31913</a>	Exempt under <a href="#">CCP § 704.110</a> . Generally non-assignable  Exempt under <a href="#">CCP § 704.110</a> , exempt from taxation by State or local entities. Generally non-assignable.  Exempt under <a href="#">CCP § 704.110</a> , exempt from taxation by State or local entities. Generally non-assignable.  Exempt under <a href="#">CCP § 704.110</a> , exempt from taxation by State or local entities. Generally non-assignable.  Exempt under <a href="#">CCP § 704.110</a> . Generally non-assignable  Exempt under <a href="#">CCP § 704.110</a> , exempt from taxation by State or local entities. Generally non-assignable.
<b>Federal Civil Service Retirement Benefits</b>	<a href="#">5 USC § 8346</a>	Exempt unless otherwise permitted to be collected upon under federal law.
<b>Private Retirement Plans</b> (Including, but not limited to union retirement plans)	<a href="#">CCP § 704.115</a>	Exempt, except as to judgments or orders for family, spousal, or child support. As to those, withholding is limited by an amount the court deems to be exempt ( <a href="#">CCP § 703.070</a> ), or treated like wages for these family orders if paid periodically ( <a href="#">CCP § 706.052</a> ).

<b>Public Employee Vacation Credits/Payouts</b>	<a href="#">CCP § 704.113</a>	Unused public employee vacation credits are exempt. Vacation credits cashed out and paid are treated as regular wages for purposes of collection.
<b>Military Retirement</b>	<a href="#">10 USC § 1440</a>	Exempt, however military may seek to recover amounts paid in error.
<b>Military Survivors Benefits</b>	<a href="#">10 USC § 1450</a>	Exempt, however military may seek to recover amounts paid in error.
<b>Homestead</b> (including residential boats, trailers, mobile homes, condominiums, etc.)	<a href="#">CCP § 704.710- § 704.850</a>  (Exemption amounts in <a href="#">§ 704.730</a> )	A person may have a single “homestead” which they own and in which they reside. It is exempt from sale, if equity in the homestead does not exceed a specified amount. The current exemptions: <ul style="list-style-type: none"> <li>• \$75,000 is exempt; unless</li> <li>• \$100,000 is exempt if a spouse or member of the family unit that owns no interest in the homestead, or only a community property interest, lives in the household; or</li> <li>• \$175,000 if the debtor or spouse of the debtor in the household is either: <ul style="list-style-type: none"> <li>○ Over 65 years of age;</li> <li>○ Is physically or mentally disabled and unable to work;</li> <li>○ Is over 55 and earns less than \$25,000 a year, or is married with a combined income under \$35,000 per year, <i>if the sale is involuntary.</i></li> </ul> </li> </ul>
<b>Common household items</b> such as: Appliances, clothing, fuel for residence, furniture, and personal effects	<a href="#">CCP § 704.020</a>	Exempt if “ordinarily and reasonably necessary to, and personally used or procured for use by, the judgment debtor and members of the judgment debtor’s family at the judgment debtor’s principal place of residence.” Unusually valuable items may be determined to be non-exempt.
<b>Automobiles, Trucks, and other motor vehicles</b> , including proceeds traced to the sale of the vehicle.	<a href="#">CCP § 704.010</a>	The aggregate equity (value – encumbrance = equity) in motor vehicles exemption is currently \$2,300. Equity to be determined by fair market value. \$2,300 in execution sale exempt without claim if debtor owns only one vehicle.
<b>Art and Heirlooms &amp; Jewelry</b>	<a href="#">CCP § 704.040</a>	Jewelry, heirlooms, and works of art are exempt to the extent that the aggregate equity therein does not exceed six thousand seventy-five dollars (\$6,075)
<b>Relocation Benefits</b>	<a href="#">CCP § 704.180</a>	Exempt.

<b>Health Insurance Benefits and Disability Insurance Benefits</b>	<a href="#">CCP § 704.130</a>	Exempt, unless the creditor is a health care provider, and the benefits are provided to pay for the health care provided to the beneficiary. A local child support agency may, however seek to apply the disability payments toward a child support order, not to exceed 50%.
<b>Personal Property used for Business, Trade, or Profession</b> Including: One Vessel (Boat), and other personal property	<a href="#">CCP § 704.060</a>	Exempt up to a total of \$6,075 if reasonably necessary for the debtor or the debtor's spouse to exercise trade, business or profession by which either earns a livelihood. Twice that amount if both spouses earn their livelihood in the same trade, business or profession.  The commercial motor vehicle is not exempt if another motor vehicle is owned but exempt under <a href="#">CCP § 704.010</a> , if the other exempted vehicle is adequate for the professional need. The commercial motor vehicle exemption is limited to \$4,850.
<b>Business Licenses</b> or other license issued by a public entity authorizing the debtor to engage in a business.	<a href="#">CCP § 695.060</a> <a href="#">CCP § 708.630</a>	Exempt, <i>except</i> an alcoholic beverage license.
<b>Residential Building Materials</b>	<a href="#">CCP § 704.030</a>	Materials about to be used for a repair or improvement of a residence is exempt up to \$2,425 in equity, as long as it was purchased in good faith for repair or improvement of his or her residence; or if living separate and apart from spouse, for use in the repair or improvement of the spouse's residence.
<b>Whole Life Insurance Policies</b>	<a href="#">CCP § 704.100</a>	An unmaturred life insurance policy is exempt as to the policy, but not the loan amount. The loan amount on an unmaturred policy is exempt up to \$9,700, but if the judgment debtor is married, each spouse may claim an exemption (totaling \$19,400).  Proceeds from maturred life insurance are exempt to the extent reasonably necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.
<b>Student Aid</b>	<a href="#">CCP § 704.190</a>	Financial aid for expenses while attending school provided to a student by an institution of higher education is exempt.

<b>Personal Injury Actions or Damages</b>	<a href="#">CCP § 704.140</a>	Exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor EXCEPT: <ol style="list-style-type: none"> <li>1) Not exempt as to creditors who are health care providers seeking to recover for providing health care for the injury that led to the award or settlement; and</li> <li>2) If paid periodically (e.g. a monthly payment), the award is handled in the manner of wages, resulting only in a partial exemption.</li> </ol>
<b>Wrongful Death Actions or Damages</b>	<a href="#">CCP § 704.150</a>	The wrongful death claim is exempt. An award or settlement of damages for the death of a spouse or other person the judgment debtor was dependent is exempt to the extent reasonably necessary for support of the debtor, spouse, and dependents. If paid periodically (e.g. monthly or weekly, etc.), the award is treated as wages.
<b>Workers Compensation Claims or Awards</b>	<a href="#">CCP § 704.160</a>	Exempt, except as to collection of awards of child, spousal, or family support, which may be collected through a local child enforcement agency.
<b>Unemployment Benefits and Contributions</b>	<a href="#">CCP § 704.120</a>	Exempt, except as to child, spousal, or family support orders, for which it is 75% exempt.
<b>Health Aids, Prosthetic and Orthopedic Devices</b>	<a href="#">CCP § 704.050</a>	Exempt as long as they are reasonably necessary for the judgment debtor or spouse.
<b>Escrow or Trust Funds</b>	<a href="#">Financial Code § 17410</a>	If the judgment debtor is only holding funds or assets as an escrow agent or trustee of a trust, the assets and interest on these assets is exempt (the asset doesn't belong to the judgment debtor).
<b>Dwelling House</b>	<a href="#">CCP § 704.740</a>	Sale of a dwelling house requires a court order. If the debtor only has is a leasehold interest in the property with less than two years remaining on the lease, that interest may be sold without a court order.
<b>Prisoner's Funds</b>	<a href="#">CCP § 704.090</a>	Except for restitution and fines, up to \$1,225. If married, each spouse is entitled to their separate exemption, or may combine their exemptions. The exemption is only \$300 against restitution and fines.

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