

Exemption from the Enforcement of Judgments

This list includes the most common assets and income that may be exempt from levy upon a judgment. This means that state and federal laws prohibit judgment creditors from taking these types of property in order to satisfy their 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 \(EJ-155\)](http://courts.ca.gov/documents/ej155.pdf) (<http://courts.ca.gov/documents/ej155.pdf>), 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, 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
Social Security	42 USC § 407	Exempt. (1) \$1,750 where one depositor is the designated payee of the directly deposited public benefits payments.
Social Security Direct Deposit Accounts (the account itself)	CCP § 704.080	(2) \$3,500 where one depositor is the designated payee of directly deposited social security payments. (3) \$2,600 where two or more depositors are the designated payees of the directly deposited public benefits payments, unless those depositors are joint payees of directly deposited payments that represent a benefit to only one of the depositors, in which case the exemption under paragraph (1) applies.
Wages	CCP § 704.070	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.
Public Assistance (Welfare)	CCP § 704.170 Welfare & Institutions Code § 17409	Generally exempt, however, once aid is terminated, limitations on the amounts exempt exist as defined in Welfare & Institutions Code § 17409
	W&I § 17409	

Type of Property	Code	Description
Charity; Fraternal Benefit Funds	CCP § 704.170	Aid provided by a charitable organization or fraternal benefit society (defined in Section 10990 of the Insurance Code) is generally exempt.
County and State Public retirement and pension benefits, including death benefits and judgments and awards of back payment of these benefits, in general.	CCP § 704.110	Exempt. An exception exists for judgments of child, spousal, or family support, so that these may be collected from public pensions and retirements. See below for additional codes that apply to public retirement and pension by entity.
PARTIAL list of <i>additional</i> codes that apply to public retirement and pension by entity:		
<ul style="list-style-type: none"> • BART District Benefits Public Utilities Code § 28896 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC&sectionNum=28896). Exempt under CCP § 704.110 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.110). Generally non-assignable. • County Employees Retirement Benefits Government Code § 31452 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=31452). Exempt under CCP § 704.110 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.110), exempt from taxation by State or local entities. Generally non-assignable. • Fire Service Retirement Benefits Government Code § 32210 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=32210). Exempt under CCP § 704.110 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.110), exempt from taxation by State or local entities. Generally non-assignable. • Legislators Retirement Benefits Government Code § 9359.3 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=9359.3). Exempt under CCP § 704.110 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.110), exempt from taxation by State or local entities. Generally non-assignable. • Municipal Utility District Retirement Benefits Public Utilities Code § 12337 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PUC&sectionNum=12337). Exempt under CCP § 704.110 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.110). Generally non-assignable. • Peace Officers Retirement Benefits Government Code § 31913 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=31913). Exempt under CCP § 704.110 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.110), exempt from taxation by State or local entities. Generally non-assignable. 		
Federal Civil Service Retirement Benefits	5 USC § 8346 (https://www.govinfo.gov/content/pkg/USCODE-2018-title5/pdf/USCODE-2018-title5-partIII-subpartG-chap83-subchapIII-sec8346.pdf)	Exempt unless otherwise permitted to be collected upon under federal law.

Type of Property	Code	Description
Private Retirement Plans (Including, but not limited to union retirement plans)	CCP § 704.115	<p>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 (CCP § 703.070), or treated like wages for these family orders if paid periodically (CCP § 706.052).</p>
Public Employee Vacation Credits/Payouts	CCP § 704.113	<p>\$7500 in unused public employee vacation credits are exempt. Vacation credits cashed out and paid are treated as regular wages for purposes of collection.</p>
Military Retirement	<p>10 USC § 1440 10 USC § 1450</p>	<p>Exempt, however military may seek to recover amounts paid in error.</p>
Military Survivors Benefits	<p>10 USC § 1450</p>	<p>Exempt, however military may seek to recover amounts paid in error.</p>
Homestead (including residential boats, trailers, mobile homes, condominiums, etc.)	<p>CCP § 704.710-704.850 (Exemption amounts in § 704.730)</p>	<p>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 exemption is the greater of the following:</p> <ul style="list-style-type: none"> • The countywide median sale price for a single-family home in the calendar year prior to the calendar year in which the judgment debtor claims the exemption, not to exceed six hundred thousand dollars (\$600,000). • Three hundred thousand dollars (\$300,000). <p>The amounts specified in this section shall adjust annually for inflation, beginning on January 1, 2022, based on the change in the annual California Consumer Price Index for All Urban Consumers for the prior fiscal year, published by the Department of Industrial Relations.</p>

Type of Property	Code	Description
Common household items such as: Appliances, clothing, fuel for residence, furniture, and personal effects	CCP § 704.020 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.020.	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.
Automobiles, Trucks, and other motor vehicles , including proceeds traced to the sale of the vehicle.	CCP § 704.010 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.010.	The aggregate equity (value – encumbrance = equity) in motor vehicles exemption is currently \$7500. Equity to be determined by fair market value. \$7500 in execution sale exempt without claim if debtor owns only one vehicle.
Art and Heirlooms & Jewelry	CCP § 704.040 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.040.	Jewelry, heirlooms, and works of art are exempt to the extent that the aggregate equity therein does not exceed six thousand seventy-five dollars (\$8,725)
Relocation Benefits	CCP § 704.180 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.180.	Exempt.
Health Insurance Benefits and Disability Insurance Benefits	CCP § 704.130 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.130.	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%.
Personal Property used for Business, Trade, or Profession Including: One Vessel (Boat), and other personal property	CCP § 704.060 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.060.	Exempt up to a total of \$8,725 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.
Business Licenses or other license issued by a public entity authorizing the debtor to engage in a business.	CCP § 695.060 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=695.060.	The commercial motor vehicle is not exempt if another motor vehicle is owned but exempt under CCP § 704.010 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.010. , if the other exempted vehicle is adequate for the professional need. The commercial motor vehicle exemption is limited to \$4,850.
	CCP § 708.630 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=708.630.	Exempt, <i>except</i> an alcoholic beverage license.

Type of Property	Code	Description
Residential Building Materials	CCP § 704.030 <small>(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.030) (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.030)</small>	Materials about to be used for a repair or improvement of a residence is exempt up to \$3,500 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.
Whole Life Insurance Policies	CCP § 704.100 <small>(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.100)</small>	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 \$13,975, but if the judgment debtor is married, each spouse may claim an exemption (totaling \$27,950).
Student Aid	CCP § 704.190 <small>(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.190)</small>	Proceeds from matured 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. Financial aid for expenses while attending school provided to a student by an institution of higher education is exempt. Exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor EXCEPT:
Personal Injury Actions or Damages	CCP § 704.140 <small>(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.140)</small>	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 2) If paid periodically (e.g. a monthly payment), the award is handled in the manner of wages, resulting only in a partial exemption.
Wrongful Death Actions or Damages	CCP § 704.150 <small>(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.150)</small>	The wrongful death claim is exempt. An award or settlement of damages for the death of a spouse or other person the judgment debtor or spouse was dependent on 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.
Workers Compensation Claims or Awards	CCP § 704.160 <small>(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.160)</small>	Exempt, except as to collection of awards of child, spousal, or family support, which may be collected through a local child enforcement agency.
Unemployment Benefits and Contributions	CCP § 704.120 <small>(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.120)</small>	Exempt, except as to child, spousal, or family support orders for which it is 75% exempt.
Health Aids, Prosthetic and Orthopedic Devices	CCP § 704.050 <small>(http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.050)</small>	Exempt as long as they are reasonably necessary for the judgment debtor or spouse.

Type of Property	Code	Description
Escrow or Trust Funds	Financial Code § 17410 (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=FIN&sectionNum=17410) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=FIN&sectionNum=17410)	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).
Dwelling House	CCP § 704.740 (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.740)	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.
Prisoner's Funds	CCP § 704.090 (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=704.090)	Except for restitution and fines, up to \$1,750. If married, each spouse is entitled to their separate exemption, or may combine their exemptions. The exemption is only \$325 against restitution and fines.

•
Date Created
03/30/2023