

Amendment No. 357

Senate Amendment to Senate Bill No. 317

(BDR 7-445)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 317.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

DY/BAW



Date: 4/21/2007

S.B. No. 317—Makes various changes to provisions relating to agents for service of process. (BDR 7-445)



SENATE BILL NO. 317--SENATOR CARE

MARCH 19, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions relating to agents for service of ~~process;~~ **process and business entities.** (BDR 7-445)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to ~~agents for service of process; providing in skeleton form for the certification and regulation of agents for service of process and for the elimination of the formation of new corporations sole; providing penalties;~~ **business entities; establishing provisions relating to the judgment execution of a stockholder's stock; revising the provisions relating to the location of a registered office of a corporation; revising the provisions relating to the maintenance of a corporation's records at its registered office; and providing other matters properly relating thereto.**

Legislative Counsel's Digest:

~~[This bill provides in skeleton form for the certification and regulation of agents for service of process and for the elimination of the formation of new corporations sole.~~

~~— This bill creates the State Board of Registered Agents and sets forth the Board's functions and duties. This bill also establishes provisions relating to the issuance, renewal, reinstatement, suspension or revocation of a certificate for commercial registered agency. This bill further establishes provisions relating to disciplinary proceedings against a registered agent. Finally, this bill makes it a misdemeanor to violate certain provisions relating to commercial registered agents.~~

~~— This bill also prohibits the formation of a new corporation sole on or after July 1, 2007, and eliminates certain provisions relating to the formation and reinstatement of a corporation sole.~~

~~Existing law allows a court to charge the interest of a partner in a partnership or limited partnership or a member of a limited-liability company for payment of an unsatisfied judgment under certain circumstances. (NRS 86.401, 87.280, 87.4342, 88.535) Section 1 of this bill provides that a court may charge a stockholder's stock with payment of an unsatisfied judgment under certain circumstances.~~

~~Existing law requires every corporation to have a resident agent who resides or is located in this State. (NRS 78.090) Section 2 of this bill requires every resident agent to maintain a physical street address. Section 2 also requires the physical street address of the registered office of a resident agent who acts as a resident agent for multiple business entities to be in a location zoned for such use.~~

Existing law establishes provisions relating to the maintenance of a corporation's records at its registered office. (NRS 78.105) Section 3 of this bill requires certain records to be maintained for a period of 3 years by a new resident agent who replaces a previous resident agent.

Existing law provides that certain benefits and property may be exempt from execution. (NRS 21.075, 21.090, 31.045) Sections 4-7 of this bill provide that stock of certain corporations may be exempt from execution under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 38 of this bill and replace with the following new sections 1 through 7:

Section 1. Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On application to a court of competent jurisdiction by a judgment creditor of a stockholder, the court may charge the stockholder's stock with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the stockholder's stock.

2. This section:

(a) Applies only to a corporation that:

(1) Has one or more but fewer than 75 stockholders of record at any time.

(2) Is not a subsidiary of a publicly traded corporation, either in whole or in part.

(3) Is not a professional corporation, as defined in NRS 89.020.

(b) Does not apply to any liability of a stockholder that exists as the result of an action filed before October 1, 2007.

(c) Provides the exclusive remedy by which a judgment creditor of a stockholder or an assignee of a stockholder may satisfy a judgment out of the stockholder's stock of the corporation.

(d) Does not deprive any stockholder of the benefit of any exemption applicable to the stockholder's stock.

(e) Does not supersede any private agreement between a stockholder and a creditor.

Sec. 2. NRS 78.090 is hereby amended to read as follows:

78.090 1. Except during any period of vacancy described in NRS 78.097, every corporation must have a resident agent who resides or is located in this State. Every resident agent must ~~have~~ maintain a physical street address for ~~the~~ receiving service of process, ~~and~~ which is the registered office of the corporation in this State. If the resident agent is in the business of acting as a resident agent for multiple business entities, the physical street address of the registered office must be in a location that is zoned for such use. The resident agent may have a separate mailing address, such as a post office box, which may be different from the street address. ~~[The street address of the resident agent is the registered office of the corporation in this State.]~~

2. If the resident agent is a bank or corporation, it may:

(a) Act as the fiscal or transfer agent of any state, municipality, body politic or corporation and in that capacity may receive and disburse money.

(b) Transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and act as agent of any corporation, foreign or domestic, for any purpose required by statute, or otherwise.

(c) Act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and accept and execute any other municipal or corporate trust not inconsistent with the laws of this State.

(d) Receive and manage any sinking fund of any corporation, upon such terms as may be agreed upon between the corporation and those dealing with it.

3. Every corporation organized pursuant to this chapter which fails or refuses to comply with the requirements of this section is subject to a fine of not less than \$100 nor more than \$500, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

4. All legal process and any demand or notice authorized by law to be served upon a corporation may be served upon the resident agent of the corporation in the manner provided in subsection 2 of NRS 14.020. If any demand, notice or legal process, other than a summons and complaint, cannot be served upon the resident agent, it may be served in the manner provided in NRS 14.030. These manners and modes of service are in addition to any other service authorized by law.

Sec. 3. NRS 78.105 is hereby amended to read as follows:

78.105 1. A corporation shall keep a copy of the following records at its registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually, containing the names, alphabetically arranged, of all persons who are stockholders of the corporation, showing their places of residence, if known, and the number of shares held by them respectively. In lieu of the stock ledger or duplicate stock ledger, the corporation may keep a statement setting out the name of the custodian of the stock ledger or duplicate stock ledger, and the present and complete mailing or street address where the stock ledger or duplicate stock ledger specified in this section is kept.

2. *A stock ledger, duplicate stock ledger or statement setting out the name of the custodian of the stock ledger or duplicate stock ledger described in paragraph (c) of subsection 1 must be maintained by the new resident agent of the corporation for a period of 3 years following the resignation or removal of the resident agent or the dissolution of the corporation by the Secretary of State.*

3. Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding his demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.

~~3.~~ 4. If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person

entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection ~~2~~ 3, the corporation is liable to the person injured for all damages resulting to him therefrom.

~~4~~ 5. When the corporation keeps a statement in the manner provided for in paragraph (c) of subsection 1, the information contained thereon must be given to any stockholder of the corporation demanding the information, when the demand is made during business hours. Every corporation that neglects or refuses to keep a statement available, as in this subsection required, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.

~~5~~ 6. In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

~~6~~ 7. The right to copy records under subsection ~~2~~ 3 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~7~~ 8. The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

Sec. 4. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed \$350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than \$15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the

wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

21. Stock of certain corporations, subject to the provisions of section 1 of this act.

↪ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 5. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed \$10,000 in value.

1 (e) The cabin or dwelling of a miner or prospector, his cars, implements and
2 appliances necessary for carrying on any mining operations and his mining claim
3 actually worked by him, not exceeding \$4,500 in total value.

4 (f) Except as otherwise provided in paragraph (o), one vehicle if the judgment
5 debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to
6 any excess above that equity.

7 (g) For any workweek, 75 percent of the disposable earnings of a judgment
8 debtor during that week, or 50 times the minimum hourly wage prescribed by
9 section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §
10 206(a)(1), and in effect at the time the earnings are payable, whichever is greater.
11 Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided
12 in this paragraph does not apply in the case of any order of a court of competent
13 jurisdiction for the support of any person, any order of a court of bankruptcy or of
14 any debt due for any state or federal tax. As used in this paragraph:

15 (1) "Disposable earnings" means that part of the earnings of a judgment
16 debtor remaining after the deduction from those earnings of any amounts required
17 by law to be withheld.

18 (2) "Earnings" means compensation paid or payable for personal services
19 performed by a judgment debtor in the regular course of business, including,
20 without limitation, compensation designated as income, wages, tips, a salary, a
21 commission or a bonus. The term includes compensation received by a judgment
22 debtor that is in the possession of the judgment debtor, compensation held in
23 accounts maintained in a bank or any other financial institution or, in the case of a
24 receivable, compensation that is due the judgment debtor.

25 (h) All fire engines, hooks and ladders, with the carts, trucks and carriages,
26 hose, buckets, implements and apparatus thereunto appertaining, and all furniture
27 and uniforms of any fire company or department organized under the laws of this
28 State.

29 (i) All arms, uniforms and accouterments required by law to be kept by any
30 person, and also one gun, to be selected by the debtor.

31 (j) All courthouses, jails, public offices and buildings, lots, grounds and
32 personal property, the fixtures, furniture, books, papers and appurtenances
33 belonging and pertaining to the courthouse, jail and public offices belonging to any
34 county of this State, all cemeteries, public squares, parks and places, public
35 buildings, town halls, markets, buildings for the use of fire departments and
36 military organizations, and the lots and grounds thereto belonging and appertaining,
37 owned or held by any town or incorporated city, or dedicated by the town or city to
38 health, ornament or public use, or for the use of any fire or military company
39 organized under the laws of this State and all lots, buildings and other school
40 property owned by a school district and devoted to public school purposes.

41 (k) All money, benefits, privileges or immunities accruing or in any manner
42 growing out of any life insurance, if the annual premium paid does not exceed
43 \$15,000. If the premium exceeds that amount, a similar exemption exists which
44 bears the same proportion to the money, benefits, privileges and immunities so
45 accruing or growing out of the insurance that the \$15,000 bears to the whole annual
46 premium paid.

47 (l) The homestead as provided for by law, including a homestead for which
48 allodial title has been established and not relinquished and for which a waiver
49 executed pursuant to NRS 115.010 is not applicable.

50 (m) The dwelling of the judgment debtor occupied as a home for himself and
51 family, where the amount of equity held by the judgment debtor in the home does
52 not exceed \$350,000 in value and the dwelling is situated upon lands not owned by
53 him.

(n) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(t) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(u) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(v) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as restitution for a criminal act.

(x) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(y) *Stock of certain corporations, subject to the provisions of section 1 of this act.*

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a

1 judgment to recover for its price, or upon a judgment of foreclosure of a mortgage
2 or other lien thereon.

3 3. Any exemptions specified in subsection (d) of section 522 of the
4 Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a
5 resident of this State unless conferred also by subsection 1, as limited by
6 subsection 2.

7 **Sec. 6. NRS 31.045 is hereby amended to read as follows:**

8 31.045 1. Execution on the writ of attachment by attaching property of the
9 defendant may occur only if:

10 (a) The judgment creditor serves the defendant with notice of the execution
11 when the notice of the hearing is served pursuant to NRS 31.013; or

12 (b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor
13 notice of the execution and a copy of the writ at the same time and in the same
14 manner as set forth in NRS 21.076.

15 ☛ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court
16 shall attach the notice to the writ of attachment at the time the writ is issued.

17 2. The notice required pursuant to subsection 1 must be substantially in the
18 following form:

19
20 NOTICE OF EXECUTION

21
22 YOUR PROPERTY IS BEING ATTACHED OR
23 YOUR WAGES ARE BEING GARNISHED

24
25 Plaintiff, (name of person), alleges that you owe him
26 money. He has begun the procedure to collect that money. To secure
27 satisfaction of judgment the court has ordered the garnishment of your
28 wages, bank account or other personal property held by third persons or the
29 taking of money or other property in your possession.

30 Certain benefits and property owned by you may be exempt from
31 execution and may not be taken from you. The following is a partial list of
32 exemptions:

33 1. Payments received pursuant to the federal Social Security Act,
34 including, without limitation, retirement and survivors' benefits,
35 supplemental security income benefits and disability insurance benefits.

36 2. Payments for benefits or the return of contributions under the
37 Public Employees' Retirement System.

38 3. Payments for public assistance granted through the Division of
39 Welfare and Supportive Services of the Department of Health and Human
40 Services or a local governmental entity.

41 4. Proceeds from a policy of life insurance.

42 5. Payments of benefits under a program of industrial insurance.

43 6. Payments received as disability, illness or unemployment benefits.

44 7. Payments received as unemployment compensation.

45 8. Veteran's benefits.

46 9. A homestead in a dwelling or a mobile home, not to exceed
47 \$350,000, unless:

48 (a) The judgment is for a medical bill, in which case all of the primary
49 dwelling, including a mobile or manufactured home, may be exempt.

50 (b) Allodial title has been established and not relinquished for the
51 dwelling or mobile home, in which case all of the dwelling or mobile home
52 and its appurtenances are exempt, including the land on which they are

located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than \$15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

21. *Stock of certain corporations, subject to the provisions of section 1 of this act.*

↪ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 7. NRS 31.050 is hereby amended to read as follows:

31.050 Subject to the order for attachment and the provisions of section 1 of this act and chapter 104 of NRS, the right of shares which the defendant may have in the stock of any corporation or company, together with the interest and profits therein, and all debts due such defendant, and all other property in this State of such defendant not exempt from execution, may be attached, and if judgment be recovered, be sold to satisfy the judgment and execution.