

SENATE BILL NO. 357—SENATOR ROBERSON
(BY REQUEST)

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to property exempt from execution. (BDR 2-238)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to judgments; eliminating certain property from the list of property exempt from execution; providing that such exemptions do not apply to a judgment that has been determined to be nondischargeable by a bankruptcy court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. (NRS 21.010) Existing law exempts certain property from such a writ of execution. (NRS 21.090) **Section 2** of this bill eliminates from the list of property exempt from execution: (1) any tax refund received by the judgment debtor that is derived from the earned income credit provided by federal law or a similar credit under state law; (2) stock of certain corporations; (3) certain trusts regardless of whether a trust contains a spendthrift provision; and (4) certain trusts that contain a spendthrift provision. **Section 2** also provides that these exemptions from execution do not apply to judgments that have been determined to be nondischargeable by a bankruptcy court.

Sections 1 and 3 of this bill remove the same exemptions eliminated in **section 2** from the list of exemptions provided in certain notices of execution.

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

Section 1. 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



1 serves the judgment debtor with a notice of the writ of execution
2 pursuant to NRS 21.076 and a copy of the writ. The notice must
3 describe the types of property exempt from execution and explain
4 the procedure for claiming those exemptions in the manner required
5 in subsection 2. The clerk of the court shall attach the notice to the
6 writ of execution at the time the writ is issued.

7 2. The notice required pursuant to subsection 1 must be
8 substantially in the following form:
9

10 NOTICE OF EXECUTION

11 YOUR PROPERTY IS BEING ATTACHED OR 12 YOUR WAGES ARE BEING GARNISHED 13 14

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

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

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

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

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

34 4. Proceeds from a policy of life insurance.

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

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

39 7. Payments received as unemployment compensation.

40 8. Veteran's benefits.

41 9. A homestead in a dwelling or a mobile home, not to
42 exceed \$550,000, unless:

43 (a) The judgment is for a medical bill, in which case all of
44 the primary dwelling, including a mobile or manufactured
45 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. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

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

12. 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.

13. 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.

14. 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.



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

6 16. ~~[Regardless of whether a trust contains a spendthrift~~
7 ~~provision:~~

8 ~~—(a) A present or future interest in the income or principal~~
9 ~~of a trust, if the interest has not been distributed from the~~
10 ~~trust;~~

11 ~~—(b) A remainder interest in the trust whereby a beneficiary~~
12 ~~of the trust will receive property from the trust outright at~~
13 ~~some time in the future under certain circumstances;~~

14 ~~—(c) A discretionary power held by a trustee to determine~~
15 ~~whether to make a distribution from the trust, if the interest~~
16 ~~has not been distributed from the trust;~~

17 ~~—(d) The power to direct dispositions of property in the~~
18 ~~trust, other than such a power held by a trustee to distribute~~
19 ~~property to a beneficiary of the trust;~~

20 ~~—(e) Certain powers held by a trust protector or certain~~
21 ~~other persons;~~

22 ~~—(f) Any power held by the person who created the trust;~~
23 ~~and~~

24 ~~—(g) Any other property of the trust that has not been~~
25 ~~distributed from the trust. Once the property is distributed~~
26 ~~from the trust, the property is subject to execution.~~

27 ~~—17. If a trust contains a spendthrift provision:~~

28 ~~—(a) A mandatory interest in the trust in which the trustee~~
29 ~~does not have discretion concerning whether to make the~~
30 ~~distribution from the trust, if the interest has not been~~
31 ~~distributed from the trust;~~

32 ~~—(b) A support interest in the trust in which the standard~~
33 ~~for distribution may be interpreted by the trustee or a court, if~~
34 ~~the interest has not been distributed from the trust; and~~

35 ~~—(c) Any other property of the trust that has not been~~
36 ~~distributed from the trust. Once the property is distributed~~
37 ~~from the trust, the property is subject to execution.~~

38 ~~—18.] A vehicle for use by you or your dependent which is~~
39 ~~specially equipped or modified to provide mobility for a~~
40 ~~person with a permanent disability.~~

41 ~~[19.]~~ 17. A prosthesis or any equipment prescribed by a
42 physician or dentist for you or your dependent.

43 ~~[20.]~~ 18. Payments, in an amount not to exceed \$16,150,
44 received as compensation for personal injury, not including
45 compensation for pain and suffering or actual pecuniary loss,



1 by the judgment debtor or by a person upon whom the
2 judgment debtor is dependent at the time the payment is
3 received.

4 ~~[21.]~~ 19. Payments received as compensation for the
5 wrongful death of a person upon whom the judgment debtor
6 was dependent at the time of the wrongful death, to the extent
7 reasonably necessary for the support of the judgment debtor
8 and any dependent of the judgment debtor.

9 ~~[22.]~~ 20. Payments received as compensation for the loss
10 of future earnings of the judgment debtor or of a person upon
11 whom the judgment debtor is dependent at the time the
12 payment is received, to the extent reasonably necessary for
13 the support of the judgment debtor and any dependent of the
14 judgment debtor.

15 ~~[23.]~~ 21. Payments received as restitution for a criminal
16 act.

17 ~~[24.]~~ 22. Personal property, not to exceed \$1,000 in total
18 value, if the property is not otherwise exempt from execution.

19 ~~[25.—A tax refund received from the earned income credit
20 provided by federal law or a similar state law.~~

21 ~~—26. Stock of a corporation described in subsection 2 of
22 NRS 78.746 except as set forth in that section.]~~

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

32 33 PROCEDURE FOR CLAIMING EXEMPT PROPERTY

34
35 If you believe that the money or property taken from you
36 is exempt, you must complete and file with the clerk of the
37 court a notarized affidavit claiming the exemption. A copy of
38 the affidavit must be served upon the sheriff and the judgment
39 creditor within 8 days after the notice of execution is mailed.
40 The property must be returned to you within 5 days after you
41 file the affidavit unless you or the judgment creditor files a
42 motion for a hearing to determine the issue of exemption. If
43 this happens, a hearing will be held to determine whether the
44 property or money is exempt. The motion for the hearing to
45 determine the issue of exemption must be filed within 10 days



1 after the affidavit claiming exemption is filed. The hearing to
2 determine whether the property or money is exempt must be
3 held within 10 days after the motion for the hearing is filed.
4

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

10 **Sec. 2.** NRS 21.090 is hereby amended to read as follows:

11 21.090 1. The following property is exempt from execution,
12 except as otherwise specifically provided in this section or required
13 by federal law:

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

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

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

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

30 (e) The cabin or dwelling of a miner or prospector, the miner's
31 or prospector's cars, implements and appliances necessary for
32 carrying on any mining operations and the mining claim actually
33 worked by the miner or prospector, not exceeding \$4,500 in total
34 value.

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

38 (g) For any workweek, 75 percent of the disposable earnings of
39 a judgment debtor during that week, or 50 times the minimum
40 hourly wage prescribed by section 6(a)(1) of the federal Fair Labor
41 Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the
42 time the earnings are payable, whichever is greater. Except as
43 otherwise provided in paragraphs (o), (s) and (t), the exemption
44 provided in this paragraph does not apply in the case of any order of
45 a court of competent jurisdiction for the support of any person, any



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1 order of a court of bankruptcy or of any debt due for any state or
2 federal tax. As used in this paragraph:

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

6 (2) "Earnings" means compensation paid or payable for
7 personal services performed by a judgment debtor in the regular
8 course of business, including, without limitation, compensation
9 designated as income, wages, tips, a salary, a commission or a
10 bonus. The term includes compensation received by a judgment
11 debtor that is in the possession of the judgment debtor,
12 compensation held in accounts maintained in a bank or any other
13 financial institution or, in the case of a receivable, compensation
14 that is due the judgment debtor.

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

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

21 (j) All courthouses, jails, public offices and buildings, lots,
22 grounds and personal property, the fixtures, furniture, books, papers
23 and appurtenances belonging and pertaining to the courthouse, jail
24 and public offices belonging to any county of this State, all
25 cemeteries, public squares, parks and places, public buildings, town
26 halls, markets, buildings for the use of fire departments and military
27 organizations, and the lots and grounds thereto belonging and
28 appertaining, owned or held by any town or incorporated city, or
29 dedicated by the town or city to health, ornament or public use, or
30 for the use of any fire or military company organized under the laws
31 of this State and all lots, buildings and other school property owned
32 by a school district and devoted to public school purposes.

33 (k) All money, benefits, privileges or immunities accruing or in
34 any manner growing out of any life insurance, if the annual
35 premium paid does not exceed \$15,000. If the premium exceeds that
36 amount, a similar exemption exists which bears the same proportion
37 to the money, benefits, privileges and immunities so accruing or
38 growing out of the insurance that the \$15,000 bears to the whole
39 annual premium paid.

40 (l) The homestead as provided for by law, including a
41 homestead for which allodial title has been established and not
42 relinquished and for which a waiver executed pursuant to NRS
43 115.010 is not applicable.

44 (m) The dwelling of the judgment debtor occupied as a home for
45 himself or herself and family, where the amount of equity held by



1 the judgment debtor in the home does not exceed \$550,000 in value
2 and the dwelling is situated upon lands not owned by the judgment
3 debtor.

4 (n) All money reasonably deposited with a landlord by the
5 judgment debtor to secure an agreement to rent or lease a dwelling
6 that is used by the judgment debtor as his or her primary residence,
7 except that such money is not exempt with respect to a landlord or
8 the landlord's successor in interest who seeks to enforce the terms of
9 the agreement to rent or lease the dwelling.

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

14 (p) Any vehicle owned by the judgment debtor for use by the
15 judgment debtor or the judgment debtor's dependent that is
16 equipped or modified to provide mobility for a person with a
17 permanent disability.

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

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

21 (1) An individual retirement arrangement which conforms
22 with the applicable limitations and requirements of section 408 or
23 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

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

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

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

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

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

43 (t) All money and other benefits paid pursuant to the order of a
44 court of competent jurisdiction for the support and maintenance of a
45 former spouse, including the amount of any arrearages in the



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1 payment of such support and maintenance to which the former
2 spouse may be entitled.

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

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

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

18 (x) Payments received as restitution for a criminal act.

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

23 (z) Any personal property not otherwise exempt from execution
24 pursuant to this subsection belonging to the judgment debtor,
25 including, without limitation, the judgment debtor's equity in any
26 property, money, stocks, bonds or other funds on deposit with a
27 financial institution, not to exceed \$1,000 in total value, to be
28 selected by the judgment debtor.

29 ~~[(aa) Any tax refund received by the judgment debtor that is~~
30 ~~derived from the earned income credit described in section 32 of the~~
31 ~~Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided~~
32 ~~pursuant to a state law.~~

33 ~~—(bb) Stock of a corporation described in subsection 2 of NRS~~
34 ~~78.746 except as set forth in that section.~~

35 ~~—(cc) Regardless of whether a trust contains a spendthrift~~
36 ~~provision:~~

37 ~~—(1) A beneficial interest in the trust as defined in NRS~~
38 ~~163.4145 if the interest has not been distributed;~~

39 ~~—(2) A remainder interest in the trust as defined in NRS~~
40 ~~163.416 if the trust does not indicate that the remainder interest is~~
41 ~~certain to be distributed within 1 year after the date on which the~~
42 ~~instrument that creates the remainder interest becomes irrevocable;~~

43 ~~—(3) A discretionary interest in the trust as described in NRS~~
44 ~~163.4185 if the interest has not been distributed;~~



~~—— (4) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been distributed or transferred;~~

~~—— (5) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been distributed or transferred;~~

~~—— (6) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been distributed or transferred; and~~

~~—— (7) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.~~

~~—— (dd) If a trust contains a spendthrift provision:~~

~~—— (1) A mandatory interest in the trust as described in NRS 163.4185 if the interest has not been distributed;~~

~~—— (2) Notwithstanding a beneficiary's right to enforce a support interest, a support interest in the trust as described in NRS 163.4185 if the interest has not been distributed; and~~

~~—— (3) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.]~~

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

3. *No article or species of property mentioned in this section is exempt from execution issued upon a judgment that has been determined to be nondischargeable by a court of bankruptcy.*

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

Sec. 3. NRS 31.045 is hereby amended to read as follows:

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

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

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

➤ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment 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

Plaintiff, (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of 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 \$550,000, 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. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

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

12. 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.

13. 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.

14. 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.

15. 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.



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16. ~~[Regardless of whether a trust contains a spendthrift provision:~~

~~— (a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;~~

~~— (b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;~~

~~— (c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;~~

~~— (d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;~~

~~—(e) Certain powers held by a trust protector or certain other persons;~~

~~(f) Any power held by the person who created the trust;~~
and

~~— (g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.~~

~~17. If a trust contains a spendthrift provision:~~

~~— (a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;~~

~~— (b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and~~

~~— (c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.~~

~~—18.1~~ 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.

[19.] 17. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[20.]~~ **18.** 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.

~~[21.]~~ **19.** 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.

~~[22.]~~ 20. 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.

~~[23.]~~ 21. Payments received as restitution for a criminal act.

~~[24.]~~ 22. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

~~[25.— A tax refund received from the earned income credit provided by federal law or a similar state law.~~

~~—26.— Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.]~~

↳ 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



1 CREDITOR, EVEN IF THE PROPERTY OR MONEY IS
2 EXEMPT.
3

4 If you received this notice with a notice of a hearing for
5 attachment and you believe that the money or property which
6 would be taken from you by a writ of attachment is exempt or
7 necessary for the support of you or your family, you are
8 entitled to describe to the court at the hearing why you
9 believe your property is exempt. You may also file a motion
10 with the court for a discharge of the writ of attachment. You
11 may make that motion any time before trial. A hearing will be
12 held on that motion.
13

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

