

ASSEMBLY BILL NO. 207—ASSEMBLYMEN SPIEGEL;  
CARRILLO, SWANK AND THOMPSON

MARCH 2, 2015

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions relating to the enforcement of judgments. (BDR 2-738)

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 property; revising provisions exempting certain benefits and property from execution; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law provides that certain benefits and property may be exempt from  
2 execution. (NRS 21.075, 21.090) This bill increases the total value of certain  
3 property that may be exempt from execution. This bill also exempts from execution  
4 all money reasonably necessary for the payment of a premium or contribution for,  
5 or coverage of, health insurance for a period of 3 consecutive months.

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

1 **Section 1.** NRS 21.075 is hereby amended to read as follows:  
2 21.075 1. Execution on the writ of execution by levying on  
3 the property of the judgment debtor may occur only if the sheriff  
4 serves the judgment debtor with a notice of the writ of execution  
5 pursuant to NRS 21.076 and a copy of the writ. The notice must  
6 describe the types of property exempt from execution and explain  
7 the procedure for claiming those exemptions in the manner required  
8 in subsection 2. The clerk of the court shall attach the notice to the  
9 writ of execution at the time the writ is issued.  
10 2. The notice required pursuant to subsection 1 must be  
11 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. The judgment creditor 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 \$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



1 money is not exempt with respect to a landlord or landlord's  
2 successor in interest who seeks to enforce the terms of the  
3 agreement to rent or lease the dwelling.

4 11. A vehicle, if your equity in the vehicle is less than  
5 \$15,000.

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

10 13. Money, not to exceed \$500,000 in present value,  
11 held in:

12 (a) An individual retirement arrangement which conforms  
13 with the applicable limitations and requirements of section  
14 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408  
15 and 408A;

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

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

21 (d) A trust forming part of a stock bonus, pension or  
22 profit-sharing plan that is a qualified plan pursuant to sections  
23 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et  
24 seq.; and

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

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

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

41 16. Regardless of whether a trust contains a spendthrift  
42 provision:

43 (a) A present or future interest in the income or principal  
44 of a trust that is a contingent interest, if the contingency has  
45 not been satisfied or removed;



1 (b) A present or future interest in the income or principal  
2 of a trust for which discretionary power is held by a trustee to  
3 determine whether to make a distribution from the trust, if the  
4 interest has not been distributed from the trust;

5 (c) The power to direct dispositions of property in the  
6 trust, other than such a power held by a trustee to distribute  
7 property to a beneficiary of the trust;

8 (d) Certain powers held by a trust protector or certain  
9 other persons; and

10 (e) Any power held by the person who created the trust.

11 17. If a trust contains a spendthrift provision:

12 (a) A present or future interest in the income or principal  
13 of a trust that is a mandatory interest in which the trustee does  
14 not have discretion concerning whether to make the  
15 distribution from the trust, if the interest has not been  
16 distributed from the trust; and

17 (b) A present or future interest in the income or principal  
18 of a trust that is a support interest in which the standard for  
19 distribution may be interpreted by the trustee or a court, if the  
20 interest has not been distributed from the trust.

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

24 19. A prosthesis or any equipment prescribed by a  
25 physician or dentist for you or your dependent.

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

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

37 22. Payments received as compensation for the loss of  
38 future earnings of the judgment debtor or of a person upon  
39 whom the judgment debtor is dependent at the time the  
40 payment is received, to the extent reasonably necessary for  
41 the support of the judgment debtor and any dependent of the  
42 judgment debtor.

43 23. Payments received as restitution for a criminal act.



1           24. Personal property, not to exceed ~~[\$1,000]~~ **\$2,500** in  
2 total value, if the property is not otherwise exempt from  
3 execution.

4           25. A tax refund received from the earned income credit  
5 provided by federal law or a similar state law.

6           26. Stock of a corporation described in subsection 2 of  
7 NRS 78.746 except as set forth in that section.

8           ***27. All money reasonably necessary for the payment of***  
9 ***a premium or contribution for, or coverage of, health***  
10 ***insurance for a period of 3 consecutive months.***

11         ↳ These exemptions may not apply in certain cases such as a  
12 proceeding to enforce a judgment for support of a person or a  
13 judgment of foreclosure on a mechanic's lien. You should  
14 consult an attorney immediately to assist you in determining  
15 whether your property or money is exempt from execution. If  
16 you cannot afford an attorney, you may be eligible for  
17 assistance through ..... (name of organization in  
18 county providing legal services to indigent or elderly  
19 persons). If you do not wish to consult an attorney or receive  
20 legal services from an organization that provides assistance to  
21 persons who qualify, you may obtain the form to be used to  
22 claim an exemption from the clerk of the court.

23  
24                                 PROCEDURE FOR CLAIMING EXEMPT PROPERTY

25  
26           If you believe that the money or property taken from you  
27 is exempt, you must complete and file with the clerk of the  
28 court an executed claim of exemption. A copy of the claim of  
29 exemption must be served upon the sheriff, the garnishee and  
30 the judgment creditor within 10 days after the notice of  
31 execution or garnishment is served on you by mail pursuant  
32 to NRS 21.076 which identifies the specific property that is  
33 being levied on. The property must be released by the  
34 garnishee or the sheriff within 9 judicial days after you serve  
35 the claim of exemption upon the sheriff, garnishee and  
36 judgment creditor, unless the sheriff or garnishee receives a  
37 copy of an objection to the claim of exemption and a notice  
38 for a hearing to determine the issue of exemption. If this  
39 happens, a hearing will be held to determine whether the  
40 property or money is exempt. The objection to the claim of  
41 exemption and notice for the hearing to determine the issue of  
42 exemption must be filed within 8 judicial days after the claim  
43 of exemption is served on the judgment creditor by mail or in  
44 person and served on the judgment debtor, the sheriff and any  
45 garnishee not less than 5 judicial days before the date set for



1 the hearing. The hearing to determine whether the property or  
2 money is exempt must be held within 7 judicial days after the  
3 objection to the claim of exemption and notice for the hearing  
4 is filed. You may be able to have your property released more  
5 quickly if you mail to the judgment creditor or the attorney of  
6 the judgment creditor written proof that the property is  
7 exempt. Such proof may include, without limitation, a letter  
8 from the government, an annual statement from a pension  
9 fund, receipts for payment, copies of checks, records from  
10 financial institutions or any other document which  
11 demonstrates that the money in your account is exempt.

12  
13 IF YOU DO NOT FILE THE EXECUTED CLAIM OF  
14 EXEMPTION WITHIN THE TIME SPECIFIED, YOUR  
15 PROPERTY MAY BE SOLD AND THE MONEY GIVEN  
16 TO THE JUDGMENT CREDITOR, EVEN IF THE  
17 PROPERTY OR MONEY IS EXEMPT.

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

19 21.090 1. The following property is exempt from execution,  
20 except as otherwise specifically provided in this section or required  
21 by federal law:

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

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

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

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

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

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



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

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

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

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

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

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

41 (k) All money, benefits, privileges or immunities accruing or in  
42 any manner growing out of any life insurance.

43 (l) The homestead as provided for by law, including a  
44 homestead for which allodial title has been established and not



1 relinquished and for which a waiver executed pursuant to NRS  
2 115.010 is not applicable.

3 (m) The dwelling of the judgment debtor occupied as a home for  
4 himself or herself and family, where the amount of equity held by  
5 the judgment debtor in the home does not exceed \$550,000 in value  
6 and the dwelling is situated upon lands not owned by the judgment  
7 debtor.

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

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

18 (p) Any vehicle owned by the judgment debtor for use by the  
19 judgment debtor or the judgment debtor's dependent that is  
20 equipped or modified to provide mobility for a person with a  
21 permanent disability.

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

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

25 (1) An individual retirement arrangement which conforms  
26 with the applicable limitations and requirements of section 408 or  
27 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

28 (2) A written simplified employee pension plan which  
29 conforms with the applicable limitations and requirements of section  
30 408 of the Internal Revenue Code, 26 U.S.C. § 408;

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

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

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

43 (s) All money and other benefits paid pursuant to the order of a  
44 court of competent jurisdiction for the support, education and





1 maintenance of a child, whether collected by the judgment debtor or  
2 the State.

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

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

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

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

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

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

28 (z) Any personal property not otherwise exempt from execution  
29 pursuant to this subsection belonging to the judgment debtor,  
30 including, without limitation, the judgment debtor's equity in any  
31 property, money, stocks, bonds or other funds on deposit with a  
32 financial institution, not to exceed ~~1\$1,0001~~ **\$2,500** in total value, to  
33 be selected by the judgment debtor.

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

38 (bb) Stock of a corporation described in subsection 2 of NRS  
39 78.746 except as set forth in that section.

40 (cc) Regardless of whether a trust contains a spendthrift  
41 provision:

42 (1) A distribution interest in the trust as defined in NRS  
43 163.4155 that is a contingent interest, if the contingency has not  
44 been satisfied or removed;



1 (2) A distribution interest in the trust as defined in NRS  
2 163.4155 that is a discretionary interest as described in NRS  
3 163.4185, if the interest has not been distributed;

4 (3) A power of appointment in the trust as defined in NRS  
5 163.4157 regardless of whether the power has been exercised;

6 (4) A power listed in NRS 163.5553 that is held by a trust  
7 protector as defined in NRS 163.5547 or any other person regardless  
8 of whether the power has been exercised; and

9 (5) A reserved power in the trust as defined in NRS 163.4165  
10 regardless of whether the power has been exercised.

11 (dd) If a trust contains a spendthrift provision:

12 (1) A distribution interest in the trust as defined in NRS  
13 163.4155 that is a mandatory interest as described in NRS 163.4185,  
14 if the interest has not been distributed; and

15 (2) Notwithstanding a beneficiary's right to enforce a support  
16 interest, a distribution interest in the trust as defined in NRS  
17 163.4155 that is a support interest as described in NRS 163.4185, if  
18 the interest has not been distributed.

19 (ee) Proceeds received from a private disability insurance plan.

20 (ff) Money in a trust fund for funeral or burial services pursuant  
21 to NRS 689.700.

22 (gg) Compensation that was payable or paid pursuant to  
23 chapters 616A to 616D, inclusive, or chapter 617 of NRS as  
24 provided in NRS 616C.205.

25 (hh) Unemployment compensation benefits received pursuant to  
26 NRS 612.710.

27 (ii) Benefits or refunds payable or paid from the Public  
28 Employees' Retirement System pursuant to NRS 286.670.

29 (jj) Money paid or rights existing for vocational rehabilitation  
30 pursuant to NRS 615.270.

31 (kk) Public assistance provided through the Department of  
32 Health and Human Services pursuant to NRS 422.291 and  
33 422A.325.

34 (ll) Child welfare assistance provided pursuant to NRS 432.036.

35 (mm) *All money reasonably necessary for the payment of a*  
36 *premium or contribution for, or coverage of, health insurance for*  
37 *a period of 3 consecutive months.*

38 2. Except as otherwise provided in NRS 115.010, no article or  
39 species of property mentioned in this section is exempt from  
40 execution issued upon a judgment to recover for its price, or upon a  
41 judgment of foreclosure of a mortgage or other lien thereon.

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



**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.



- 1           7. Payments received as unemployment compensation.  
2           8. Veteran's benefits.  
3           9. A homestead in a dwelling or a mobile home, not to  
4 exceed \$550,000, unless:  
5           (a) The judgment is for a medical bill, in which case all of  
6 the primary dwelling, including a mobile or manufactured  
7 home, may be exempt.  
8           (b) Allodial title has been established and not relinquished  
9 for the dwelling or mobile home, in which case all of the  
10 dwelling or mobile home and its appurtenances are exempt,  
11 including the land on which they are located, unless a valid  
12 waiver executed pursuant to NRS 115.010 is applicable to the  
13 judgment.  
14          10. All money reasonably deposited with a landlord by  
15 you to secure an agreement to rent or lease a dwelling that is  
16 used by you as your primary residence, except that such  
17 money is not exempt with respect to a landlord or the  
18 landlord's successor in interest who seeks to enforce the  
19 terms of the agreement to rent or lease the dwelling.  
20          11. A vehicle, if your equity in the vehicle is less than  
21 \$15,000.  
22          12. Seventy-five percent of the take-home pay for any  
23 workweek, unless the weekly take-home pay is less than 50  
24 times the federal minimum hourly wage, in which case the  
25 entire amount may be exempt.  
26          13. Money, not to exceed \$500,000 in present value,  
27 held in:  
28           (a) An individual retirement arrangement which conforms  
29 with the applicable limitations and requirements of section  
30 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408  
31 and 408A;  
32           (b) A written simplified employee pension plan which  
33 conforms with the applicable limitations and requirements of  
34 section 408 of the Internal Revenue Code, 26 U.S.C. § 408;  
35           (c) A cash or deferred arrangement that is a qualified plan  
36 pursuant to the Internal Revenue Code;  
37           (d) A trust forming part of a stock bonus, pension or  
38 profit-sharing plan that is a qualified plan pursuant to sections  
39 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et  
40 seq.; and  
41           (e) A trust forming part of a qualified tuition program  
42 pursuant to chapter 353B of NRS, any applicable regulations  
43 adopted pursuant to chapter 353B of NRS and section 529 of  
44 the Internal Revenue Code, 26 U.S.C. § 529, unless the  
45 money is deposited after the entry of a judgment against the



1 purchaser or account owner or the money will not be used by  
2 any beneficiary to attend a college or university.

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

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

12 16. Regardless of whether a trust contains a spendthrift  
13 provision:

14 (a) A present or future interest in the income or principal  
15 of a trust that is a contingent interest, if the interest has not  
16 been satisfied or removed;

17 (b) A present or future interest in the income or principal  
18 of a trust for which discretionary power is held by a trustee to  
19 determine whether to make a distribution from the trust, if the  
20 interest has not been distributed from the trust;

21 (c) The power to direct dispositions of property in the  
22 trust, other than such a power held by a trustee to distribute  
23 property to a beneficiary of the trust;

24 (d) Certain powers held by a trust protector or certain  
25 other persons; and

26 (e) Any power held by the person who created the trust.

27 17. If a trust contains a spendthrift provision:

28 (a) A present or future interest in the income or principal  
29 of a trust that is a mandatory interest in which the trustee does  
30 not have discretion concerning whether to make the  
31 distribution from the trust, if the interest has not been  
32 distributed from the trust; and

33 (b) A present or future interest in the income or principal  
34 of a trust that is a support interest in which the standard for  
35 distribution may be interpreted by the trustee or a court, if the  
36 interest has not been distributed from the trust.

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

40 19. A prosthesis or any equipment prescribed by a  
41 physician or dentist for you or your dependent.

42 20. Payments, in an amount not to exceed \$16,150,  
43 received as compensation for personal injury, not including  
44 compensation for pain and suffering or actual pecuniary loss,  
45 by the judgment debtor or by a person upon whom the



1 judgment debtor is dependent at the time the payment is  
2 received.

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

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

14 23. Payments received as restitution for a criminal act.

15 24. Personal property, not to exceed ~~151,000~~ **\$2,500** in  
16 total value, if the property is not otherwise exempt from  
17 execution.

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

20 26. Stock of a corporation described in subsection 2 of  
21 NRS 78.746 except as set forth in that section.

22 27. *All money reasonably necessary for the payment of*  
23 *a premium or contribution for, or coverage of, health*  
24 *insurance for a period of 3 consecutive months.*

25 ↪ These exemptions may not apply in certain cases such as  
26 proceedings to enforce a judgment for support of a child or a  
27 judgment of foreclosure on a mechanic's lien. You should  
28 consult an attorney immediately to assist you in determining  
29 whether your property or money is exempt from execution. If  
30 you cannot afford an attorney, you may be eligible for  
31 assistance through ..... (name of organization in  
32 county providing legal services to the indigent or elderly  
33 persons). If you do not wish to consult an attorney or receive  
34 legal services from an organization that provides assistance to  
35 persons who qualify, you may obtain the form to be used to  
36 claim an exemption from the clerk of the court.

37  
38 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**

39  
40 If you believe that the money or property taken from you  
41 is exempt or necessary for the support of you or your family,  
42 you must file with the clerk of the court on a form provided  
43 by the clerk an executed claim of exemption. A copy of  
44 the claim of exemption must be served upon the sheriff, the  
45 garnishee and the judgment creditor within 10 days after the



1 notice of execution or garnishment is served on you by mail  
2 pursuant to NRS 21.076 which identifies the specific property  
3 that is being levied on. The property must be released by the  
4 garnishee or the sheriff within 9 judicial days after you serve  
5 the claim of exemption upon the sheriff, garnishee and  
6 judgment creditor, unless the sheriff or garnishee receives a  
7 copy of an objection to the claim of exemption and a notice  
8 for a hearing to determine the issue of exemption. If this  
9 happens, a hearing will be held to determine whether the  
10 property or money is exempt. The objection to the claim of  
11 exemption and notice for the hearing to determine the issue of  
12 exemption must be filed within 8 judicial days after the claim  
13 of exemption is served on the judgment creditor by mail or in  
14 person and served on the judgment debtor, the sheriff and any  
15 garnishee not less than 5 judicial days before the date set for  
16 the hearing. The hearing must be held within 7 judicial days  
17 after the objection to the claim of exemption and notice for a  
18 hearing is filed. You may be able to have your property  
19 released more quickly if you mail to the judgment creditor or  
20 the attorney of the judgment creditor written proof that the  
21 property is exempt. Such proof may include, without  
22 limitation, a letter from the government, an annual statement  
23 from a pension fund, receipts for payment, copies of checks,  
24 records from financial institutions or any other document  
25 which demonstrates that the money in your account is  
26 exempt.  
27

28 IF YOU DO NOT FILE THE EXECUTED CLAIM OF  
29 EXEMPTION WITHIN THE TIME SPECIFIED, YOUR  
30 PROPERTY MAY BE SOLD AND THE MONEY GIVEN  
31 TO THE JUDGMENT CREDITOR, EVEN IF THE  
32 PROPERTY OR MONEY IS EXEMPT.  
33

34 If you received this notice with a notice of a hearing for  
35 attachment and you believe that the money or property which  
36 would be taken from you by a writ of attachment is exempt or  
37 necessary for the support of you or your family, you are  
38 entitled to describe to the court at the hearing why you  
39 believe your property is exempt. You may also file a motion  
40 with the court for a discharge of the writ of attachment. You  
41 may make that motion any time before trial. A hearing will be  
42 held on that motion.  
43

44 IF YOU DO NOT FILE THE MOTION BEFORE THE  
45 TRIAL, YOUR PROPERTY MAY BE SOLD AND THE



1 MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE  
2 PROPERTY OR MONEY IS EXEMPT OR NECESSARY  
3 FOR THE SUPPORT OF YOU OR YOUR FAMILY.  
4 **Sec. 4.** This act becomes effective on July 1, 2015.

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