

SENATE BILL NO. 142—SENATOR DOÑATE

PREFILED JANUARY 30, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing property that is exempt from execution. (BDR 2-707)

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

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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 civil actions; requiring the Department of Business and Industry to adjust monetary amounts set forth in provisions governing property exempt from execution every 3 years; revising the amount of disposable earnings of a judgment debtor that is exempt from execution under certain circumstances; revising the definition of “earnings” for the purposes of provisions governing that exemption; revising the amount of money held in a personal bank account of a judgment debtor that is exempt from execution under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law allows a judgment creditor to obtain a writ of execution,
2 attachment or garnishment to levy on the property of a judgment debtor or
3 defendant in certain circumstances. (Chapters 21 and 31 of NRS) With certain
4 exceptions, existing law exempts certain property from execution, thereby
5 prohibiting such property from being the subject of such a writ. (NRS 21.090-
6 21.105) Among the property exempt from execution, certain property is exempt
7 only up to a specified amount. For example, payments received by a judgment
8 debtor or by a person upon whom the judgment debtor is dependent as
9 compensation for personal injury that are not compensation for pain and suffering
10 or actual pecuniary loss are exempt from execution to the extent that such payments
11 do not exceed \$16,150. (NRS 21.090) Additionally, under existing law, with certain
12 exceptions, \$605,000 in equity in property designated as a homestead, including
13 certain payments made to a defendant or spouse in that amount upon the sale of
14 homestead property under certain circumstances, is protected from a forced sale
15 upon execution or any final process from any court. (NRS 21.090, 115.010,
16 115.050, 115.055) **Sections 1, 4, 5 and 8-11** of this bill require the monetary
17 amounts set forth in the provisions of existing law governing property exempt from



18 execution to be adjusted on April 1, 2026, and every 3 years thereafter in amount
19 equal to the percentage of increase or decrease in the Consumer Price Index for All
20 Urban Consumers, West Region (All Items), as published by the United States
21 Department of Labor for the period beginning on January 1 and ending on
22 December 31 of the year immediately preceding the date of adjustment. **Section 1**
23 requires the Department of Business and Industry, on or before February 1 of each
24 year in which an adjustment is required, to determine the amount of the adjustment,
25 establish the adjusted amounts to take effect on April 1 of that year and post the
26 adjusted amounts on the Internet website of the Department.

27 Under existing law, the greater of the following amounts are exempt from
28 execution: (1) 82 percent of a judgment debtor's disposable earnings for any
29 workweek if his or her gross weekly salary or wage on the date the most recent writ
30 of garnishment was issued was \$770 or less; (2) 75 percent of a judgment debtor's
31 disposable earnings for any workweek if his or her gross weekly salary or wage on
32 the date the most recent writ of garnishment was issued exceeded \$770; or (3) 50
33 times the federal minimum hourly wage. (NRS 21.090, 31.295) **Sections 4 and 8**
34 revise that exemption to instead exempt from execution \$850 of the disposable
35 earnings of a judgment debtor during a workweek and either 90 percent of the
36 disposable earnings of the judgment debtor during that week that exceed \$850, if
37 the disposable earnings of the judgment debtor during that week are \$1,200 or less,
38 or 85 percent of the disposable earnings of the judgment debtor during that week
39 that exceed \$850, if the disposable earnings of the judgment debtor during that
40 week are more than \$1,200. Because **sections 4 and 8** eliminate the use of a
41 judgment debtor's gross weekly salary or wage in determining the amount of the
42 exception, **section 12** of this bill repeals provisions setting forth the manner in
43 which gross weekly salary or wage must be determined.

44 For the purposes of provisions governing the exemption from execution for the
45 disposable earnings of a judgment debtor, existing law defines: (1) "earnings" to
46 mean compensation paid or payable for personal services performed by a judgment
47 debtor in the regular course of business; and (2) "disposable earnings" to mean that
48 part of the earnings of a judgment debtor remaining after the deduction from those
49 earnings of any amounts required by law to be withheld. (NRS 21.090, 31.295)
50 **Sections 4 and 8** revise the definition of the term "earnings" to specify that the
51 term includes compensation paid or payable for personal services performed by a
52 judgment debtor in the regular course of business, regardless of whether the
53 judgment debtor performed such services as an employee or independent
54 contractor.

55 Existing law exempts from execution: (1) \$2,000 in a personal bank account if,
56 within the 45 days immediately preceding the date on which a writ of execution or
57 garnishment is levied on the account, money which is reasonably identifiable as
58 exempt from execution has been electronically deposited into the account; or (2) if
59 no such money has been deposited, \$400. (NRS 21.105) **Section 5** revises those
60 exemptions to eliminate the exemption concerning money deposited within the 45
61 days immediately preceding the date on which the writ is levied and, instead,
62 exempts \$5,000 in a personal bank account, regardless of whether any money
63 reasonably identifiable as exempt was deposited in the account before the writ is
64 levied.

65 **Sections 2, 3, 6 and 7** of this bill revise the form of a writ of execution and of
66 certain notices and interrogatories required to be served in connection with a writ of
67 execution, attachment or garnishment, to reflect the changes set forth in **sections 1,**
68 **4, 5 and 8-11.**



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

1 **Section 1.** Chapter 21 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The monetary amounts set forth in NRS 21.090, 21.105,*
4 *31.295, 115.010, 115.050 and 115.055 must be adjusted on April 1,*
5 *2026, and every 3 years thereafter, by a percentage equal to the*
6 *percentage of increase or decrease in the Consumer Price Index*
7 *for All Urban Consumers, West Region (All Items), as published*
8 *by the United States Department of Labor for the period beginning*
9 *on January 1 and ending on December 31 of the year immediately*
10 *preceding the date of adjustment or, if that index ceases to be*
11 *published by the United States Department of Labor, the published*
12 *index that most closely resembles that index, as determined by the*
13 *Department of Business and Industry. The adjusted amount must*
14 *be rounded off to the next larger integral multiple of \$10. On or*
15 *before February 1 of each year in which an adjustment is required*
16 *pursuant to this section, the Department of Business and Industry*
17 *shall determine the amount of the adjustment, establish the*
18 *adjusted amounts to take effect on April 1 of that year and post the*
19 *adjusted amounts on the Internet website of the Department.*

20 **Sec. 2.** NRS 21.025 is hereby amended to read as follows:

21 21.025 A writ of execution issued on a judgment for the
22 recovery of money must be substantially in the following form **[H]**,
23 *with appropriate modifications to replace any monetary amount*
24 *specified with the applicable adjusted amount established by the*
25 *Department of Business and Industry pursuant to section 1 of this*
26 *act that is in effect at the time the writ is issued:*

27
28 (Title of the Court)
29 (Number and abbreviated title of the case)

EXECUTION

30
31
32 THE PEOPLE OF THE STATE OF NEVADA:

33
34 To the sheriff of County.

35
36 Greetings:

37
38 To FINANCIAL INSTITUTIONS: This judgment is for
39 the recovery of money for the support of a person.

40
41 On(month).....(day).....(year), a judgment was entered
42 by the above-entitled court in the above-entitled action in



1 favor of as judgment creditor and against
2 as judgment debtor for:

- 3
- 4 \$..... principal,
- 5 \$..... attorney's fees,
- 6 \$..... interest, and
- 7 \$..... costs, making a total amount of
- 8 \$..... the judgment as entered, and
- 9

10 WHEREAS, according to an affidavit or a memorandum
11 of costs after judgment, or both, filed herein, it appears that
12 further sums have accrued since the entry of judgment, to wit:

- 13
- 14 \$..... accrued interest, and
- 15 \$..... accrued costs, together with \$..... fee,
16 for the issuance of this writ, making a
17 total of
- 18 \$..... as accrued costs, accrued interest and
19 fees.

20 Credit must be given for payments and partial satisfactions in
21 the amount of

22 \$.....

23 which is to be first credited against the total accrued costs and
24 accrued interest, with any excess credited against the
25 judgment as entered, leaving a net balance of

26 \$.....

27 actually due on the date of the issuance of this writ, of which

28 \$.....

29 bears interest at percent per annum, in the amount of
30 \$..... per day, from the date of judgment to the date of levy,
31 to which must be added the commissions and costs of the
32 officer executing this writ.

33

34 NOW, THEREFORE, SHERIFF OF

35 COUNTY, you are hereby commanded to satisfy this
36 judgment with interest and costs as provided by law, out of
37 the personal property of the judgment debtor, except that for
38 any workweek, ~~[82 percent]~~ **\$850** of the disposable earnings
39 of the debtor during that week ~~[if the gross weekly salary or~~
40 ~~wage]~~ **and either 90 percent of the disposable earnings** of
41 the debtor ~~[on the date the most recent writ of garnishment~~
42 ~~was issued was \$770]~~ **during that week that exceed \$850, if**
43 **the disposable earnings of the debtor during that week are**
44 **\$1,200** or less, ~~[75]~~ **or 85** percent of the disposable earnings
45 of the debtor during that week **that exceed \$850**, if the ~~[gross~~



~~weekly salary or wage]~~ **disposable earnings** of the debtor ~~[on the date the most recent writ of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and in effect at the time the earnings are payable, whichever is greater,]~~ **during that week are more than \$1,200**, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Dated: This day of the month of of the year

....., Clerk.
By....., Deputy Clerk.

Sec. 3. 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 ~~[-]~~ **, with appropriate modifications to replace any monetary amount specified with the applicable adjusted amount established by the Department of Business and Industry pursuant to section 1 of this act that is in effect at the time the writ is issued:**

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.



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

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

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

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

14 4. Proceeds from a policy of life insurance.

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

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

19 7. Payments received as unemployment compensation.

20 8. Veteran's benefits.

21 9. A homestead in a dwelling or a mobile home,
22 including, subject to the provisions of NRS 115.055, the
23 proceeds from the sale of such property, not to exceed
24 \$605,000, unless:

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

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

34 10. All money reasonably deposited with a landlord by
35 you to secure an agreement to rent or lease a dwelling that is
36 used by you as your primary residence, except that such
37 money is not exempt with respect to a landlord or landlord's
38 successor in interest who seeks to enforce the terms of the
39 agreement to rent or lease the dwelling.

40 11. A vehicle, if your equity in the vehicle is less than
41 \$15,000.

42 12. ~~[Eighty two percent]~~ *Eight hundred fifty dollars* of
43 the take-home pay for any workweek ~~[if your gross weekly~~
44 ~~salary or wage was \$770]~~ *and either 90 percent of the take-*
45 *home pay for that workweek that exceeds \$850, if the take-*



1 *home pay for that workweek is \$1,200* or less, ~~[on the date~~
2 ~~the most recent writ of garnishment was issued,]~~ or ~~[seventy-~~
3 ~~five]~~ 85 percent of the take-home pay for ~~[any]~~ *that*
4 workweek *that exceeds \$850*, if ~~[your gross weekly salary or~~
5 ~~wage exceeded \$770 on the date the most recent writ of~~
6 ~~garnishment was issued, unless]~~ the ~~[weekly]~~ take-home pay
7 *for that workweek* is ~~[less than 50 times the federal minimum~~
8 ~~hourly wage, in which case the entire amount may be~~
9 ~~exempt.]~~ *more than \$1,200.*

10 13. Money, not to exceed \$1,000,000 in present value,
11 held in:

12 (a) An individual retirement arrangement which conforms
13 with or is maintained pursuant to the applicable limitations
14 and requirements of section 408 or 408A of the Internal
15 Revenue Code, 26 U.S.C. §§ 408 and 408A, including,
16 without limitation, an inherited individual retirement
17 arrangement;

18 (b) A written simplified employee pension plan which
19 conforms with or is maintained pursuant to the applicable
20 limitations and requirements of section 408 of the Internal
21 Revenue Code, 26 U.S.C. § 408, including, without
22 limitation, an inherited simplified employee pension plan;

23 (c) A cash or deferred arrangement plan which is
24 qualified and maintained pursuant to the Internal Revenue
25 Code, including, without limitation, an inherited cash or
26 deferred arrangement plan;

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

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

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

42 15. All money and other benefits paid pursuant to the
43 order of a court of competent jurisdiction for the support and
44 maintenance of a former spouse, including the amount of any



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

3 16. Regardless of whether a trust contains a spendthrift
4 provision:

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

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

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

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

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

18 17. If a trust contains a spendthrift provision:

19 (a) A present or future interest in the income or principal
20 of a trust that is a mandatory interest in which the trustee does
21 not have discretion concerning whether to make the
22 distribution from the trust, if the interest has not been
23 distributed from the trust; and

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

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

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

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

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

44 22. Payments received as compensation for the loss of
45 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. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$10,000 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 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). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

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 an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice 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 objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any



1 garnishee not less than 5 judicial days before the date set for
2 the hearing. The hearing to determine whether the property or
3 money is exempt must be held within 7 judicial days after the
4 objection to the claim of exemption and notice for the hearing
5 is filed. You may be able to have your property released more
6 quickly if you mail to the judgment creditor or the attorney of
7 the judgment creditor written proof that the property is
8 exempt. Such proof may include, without limitation, a letter
9 from the government, an annual statement from a pension
10 fund, receipts for payment, copies of checks, records from
11 financial institutions or any other document which
12 demonstrates that the money in your account is exempt.

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

19
20 **Sec. 4.** NRS 21.090 is hereby amended to read as follows:

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

24 (a) Private libraries, works of art, musical instruments and
25 jewelry not to exceed \$5,000 , *as adjusted pursuant to section 1 of*
26 *this act*, in value, belonging to the judgment debtor or a dependent
27 of the judgment debtor, to be selected by the judgment debtor, and
28 all family pictures and keepsakes.

29 (b) Necessary household goods, furnishings, electronics,
30 wearing apparel, other personal effects and yard equipment, not to
31 exceed \$12,000 , *as adjusted pursuant to section 1 of this act*, in
32 value, belonging to the judgment debtor or a dependent of the
33 judgment debtor, to be selected by the judgment debtor.

34 (c) Farm trucks, farm stock, farm tools, farm equipment,
35 supplies and seed not to exceed \$4,500 , *as adjusted pursuant to*
36 *section 1 of this act*, in value, belonging to the judgment debtor to
37 be selected by the judgment debtor.

38 (d) Professional libraries, equipment, supplies, and the tools,
39 inventory, instruments and materials used to carry on the trade or
40 business of the judgment debtor for the support of the judgment
41 debtor and his or her family not to exceed \$10,000 , *as adjusted*
42 *pursuant to section 1 of this act*, in value.

43 (e) The cabin or dwelling of a miner or prospector, the miner's
44 or prospector's cars, implements and appliances necessary for
45 carrying on any mining operations and the mining claim actually



1 worked by the miner or prospector, not exceeding \$4,500 , *as*
2 *adjusted pursuant to section 1 of this act*, in total value.

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

6 (g) For any workweek, ~~[82 percent]~~ *\$850, as adjusted pursuant*
7 *to section 1 of this act*, of the disposable earnings of a judgment
8 debtor during that week ~~[if the gross weekly salary or wage]~~ *and*
9 *either 90 percent of the disposable earnings* of the judgment debtor
10 ~~[on the date the most recent writ of garnishment was issued was~~
11 ~~\$770 or]~~ *during that week that exceed \$850, as adjusted pursuant*
12 *to section 1 of this act, if the disposable earnings of the judgment*
13 *debtor during that week are \$1,200, as adjusted pursuant to*
14 *section 1 of this act, or less, [75] or 85 percent of the disposable*
15 *earnings of [a] the judgment debtor during that week that exceed*
16 *\$850, as adjusted pursuant to section 1 of this act*, if the ~~[gross~~
17 ~~weekly salary or wage]~~ *disposable earnings* of the judgment debtor
18 ~~[on the date the most recent writ of garnishment was issued~~
19 ~~exceeded \$770, or 50 times the minimum hourly wage prescribed by~~
20 ~~section 206(a)(1) of the federal Fair Labor Standards Act of 1938,~~
21 ~~29 U.S.C. §§ 201 et seq., and in effect at the time the earnings are~~
22 ~~payable, whichever is greater.]~~ *during that week are more than*
23 *\$1,200, as adjusted pursuant to section 1 of this act*. Except as
24 otherwise provided in paragraphs (o), (s) and (t), the exemption
25 provided in this paragraph does not apply in the case of any order of
26 a court of competent jurisdiction for the support of any person, any
27 order of a court of bankruptcy or of any debt due for any state or
28 federal tax. As used in this paragraph:

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

32 (2) "Earnings" means compensation paid or payable for
33 personal services performed by a judgment debtor in the regular
34 course of business, *regardless of whether the judgment debtor*
35 *performed such services as an employee or independent*
36 *contractor*, including, without limitation, compensation designated
37 as income, wages, tips, a salary, a commission or a bonus. The term
38 includes compensation received by a judgment debtor that is in the
39 possession of the judgment debtor, compensation held in accounts
40 maintained in a bank or any other financial institution or, in the case
41 of a receivable, compensation that is due the judgment debtor.

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



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

3 (j) All courthouses, jails, public offices and buildings, lots,
4 grounds and personal property, the fixtures, furniture, books, papers
5 and appurtenances belonging and pertaining to the courthouse, jail
6 and public offices belonging to any county of this State, all
7 cemeteries, public squares, parks and places, public buildings, town
8 halls, markets, buildings for the use of fire departments and military
9 organizations, and the lots and grounds thereto belonging and
10 appertaining, owned or held by any town or incorporated city, or
11 dedicated by the town or city to health, ornament or public use, or
12 for the use of any fire or military company organized under the laws
13 of this State and all lots, buildings and other school property owned
14 by a school district and devoted to public school purposes.

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

17 (l) The homestead as provided for by law, including:

18 (1) Subject to the provisions of NRS 115.055, the sum of
19 \$605,000 , *as adjusted pursuant to section 1 of this act*, that is paid
20 to the defendant in execution pursuant to subsection 2 of NRS
21 115.050 or to a spouse pursuant to subsection 3 of NRS 115.050;
22 and

23 (2) A homestead for which allodial title has been established
24 and not relinquished and for which a waiver executed pursuant to
25 NRS 115.010 is not applicable.

26 (m) The dwelling of the judgment debtor occupied as a home for
27 himself or herself and family, where the amount of equity held by
28 the judgment debtor in the home does not exceed \$605,000 , *as*
29 *adjusted pursuant to section 1 of this act*, in value and the dwelling
30 is situated upon lands not owned by the judgment debtor.

31 (n) All money reasonably deposited with a landlord by the
32 judgment debtor to secure an agreement to rent or lease a dwelling
33 that is used by the judgment debtor as his or her primary residence,
34 except that such money is not exempt with respect to a landlord or
35 the landlord's successor in interest who seeks to enforce the terms of
36 the agreement to rent or lease the dwelling.

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

41 (p) Any vehicle owned by the judgment debtor for use by the
42 judgment debtor or the judgment debtor's dependent that is
43 equipped or modified to provide mobility for a person with a
44 permanent disability.



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

3 (r) Money, not to exceed \$1,000,000 , *as adjusted pursuant to*
4 *section 1 of this act*, in present value, held in:

5 (1) An individual retirement arrangement which conforms
6 with or is maintained pursuant to the applicable limitations and
7 requirements of section 408 or 408A of the Internal Revenue Code,
8 26 U.S.C. §§ 408 and 408A, including, without limitation, an
9 inherited individual retirement arrangement;

10 (2) A written simplified employee pension plan which
11 conforms with or is maintained pursuant to the applicable
12 limitations and requirements of section 408 of the Internal Revenue
13 Code, 26 U.S.C. § 408, including, without limitation, an inherited
14 simplified employee pension plan;

15 (3) A cash or deferred arrangement plan which is qualified
16 and maintained pursuant to the Internal Revenue Code, including,
17 without limitation, an inherited cash or deferred arrangement plan;

18 (4) A trust forming part of a stock bonus, pension or profit-
19 sharing plan which is qualified and maintained pursuant to sections
20 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.;

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

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

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

38 (u) Payments, in an amount not to exceed \$16,150, *as adjusted*
39 *pursuant to section 1 of this act*, received as compensation for
40 personal injury, not including compensation for pain and suffering
41 or actual pecuniary loss, by the judgment debtor or by a person upon
42 whom the judgment debtor is dependent at the time the payment is
43 received.

44 (v) Payments received as compensation for the wrongful death
45 of a person upon whom the judgment debtor was dependent at the



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

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

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

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

14 (z) Any personal property not otherwise exempt from execution
15 pursuant to this subsection belonging to the judgment debtor,
16 including, without limitation, the judgment debtor's equity in any
17 property, money, stocks, bonds or other funds on deposit with a
18 financial institution, not to exceed \$10,000, *as adjusted pursuant to*
19 *section 1 of this act*, in total value, to be selected by the judgment
20 debtor.

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

25 (bb) Stock of a corporation described in subsection 2 of NRS
26 78.746 except as set forth in that section.

27 (cc) Regardless of whether a trust contains a spendthrift
28 provision:

29 (1) A distribution interest in the trust as defined in NRS
30 163.4155 that is a contingent interest, if the contingency has not
31 been satisfied or removed;

32 (2) A distribution interest in the trust as defined in NRS
33 163.4155 that is a discretionary interest as described in NRS
34 163.4185, if the interest has not been distributed;

35 (3) A power of appointment in the trust as defined in NRS
36 163.4157 regardless of whether the power has been exercised;

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

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

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

43 (1) A distribution interest in the trust as defined in NRS
44 163.4155 that is a mandatory interest as described in NRS 163.4185,
45 if the interest has not been distributed; and



1 (2) Notwithstanding a beneficiary's right to enforce a support
2 interest, a distribution interest in the trust as defined in NRS
3 163.4155 that is a support interest as described in NRS 163.4185, if
4 the interest has not been distributed.

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

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

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

11 (hh) Unemployment compensation benefits received pursuant to
12 NRS 612.710.

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

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

17 (kk) Public assistance provided through the Department of
18 Health and Human Services pursuant to NRS 422.291 and
19 422A.325.

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

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

25 3. Any exemptions specified in subsection (d) of section 522 of
26 the Bankruptcy Reform Act of 1978, 11 U.S.C. §§ 101 et seq., do
27 not apply to property owned by a resident of this State unless
28 conferred also by subsection 1, as limited by subsection 2.

29 **Sec. 5.** NRS 21.105 is hereby amended to read as follows:

30 21.105 1. ~~If a writ of execution or garnishment is levied on~~
31 ~~the personal bank account of the judgment debtor and money has~~
32 ~~been deposited into the account electronically within the~~
33 ~~immediately preceding 45 days from the date on which the writ was~~
34 ~~served which is reasonably identifiable as exempt from execution,~~
35 ~~notwithstanding any other deposits of money into the account,~~
36 ~~\$2,000 or the entire amount in the account, whichever is less, is not~~
37 ~~subject to execution and must remain accessible to the judgment~~
38 ~~debtor. For the purposes of this section, money is reasonably~~
39 ~~identifiable as exempt from execution if the money is deposited in~~
40 ~~the bank account by the United States Department of the Treasury,~~
41 ~~including, without limitation, money deposited as:~~

42 ~~—(a) Benefits provided pursuant to the Social Security Act which~~
43 ~~are exempt from execution pursuant to 42 U.S.C. §§ 407 and 1383,~~
44 ~~including, without limitation, retirement and survivors' benefits,~~
45 ~~supplemental security income benefits, disability insurance benefits~~



1 ~~and child support payments that are processed pursuant to Part D of~~
2 ~~Title IV of the Social Security Act;~~

3 ~~—(b) Veterans’ benefits which are exempt from execution~~
4 ~~pursuant to 38 U.S.C. § 5301;~~

5 ~~—(c) Annuities payable to retired railroad employees which are~~
6 ~~exempt from execution pursuant to 45 U.S.C. § 231m;~~

7 ~~—(d) Benefits provided for retirement or disability of federal~~
8 ~~employees which are exempt from execution pursuant to 5 U.S.C.~~
9 ~~§§ 8346 and 8470;~~

10 ~~—(e) Annuities payable to retired members of the Armed Forces~~
11 ~~of the United States and to any surviving spouse or children of such~~
12 ~~members which are exempt from execution pursuant to 10 U.S.C. §§~~
13 ~~1440 and 1450;~~

14 ~~—(f) Payments and allowances to members of the Armed Forces~~
15 ~~of the United States which are exempt from execution pursuant to~~
16 ~~37 U.S.C. § 701;~~

17 ~~—(g) Federal student loan payments which are exempt from~~
18 ~~execution pursuant to 20 U.S.C. § 1095a;~~

19 ~~—(h) Wages due or accruing to merchant seamen which are~~
20 ~~exempt from execution pursuant to 46 U.S.C. § 11109;~~

21 ~~—(i) Compensation or benefits due or payable to longshore and~~
22 ~~harbor workers which are exempt from execution pursuant to 33~~
23 ~~U.S.C. § 916;~~

24 ~~—(j) Annuities and benefits for retirement and disability of~~
25 ~~members of the foreign service which are exempt from execution~~
26 ~~pursuant to 22 U.S.C. § 4060;~~

27 ~~—(k) Compensation for injury, death or detention of employees of~~
28 ~~contractors with the United States outside the United States which is~~
29 ~~exempt from execution pursuant to 42 U.S.C. § 1717;~~

30 ~~—(l) Assistance for a disaster from the Federal Emergency~~
31 ~~Management Agency which is exempt from execution pursuant to~~
32 ~~44 C.F.R. § 206.110;~~

33 ~~—(m) Black lung benefits paid to a miner or a miner’s surviving~~
34 ~~spouse or children pursuant to 30 U.S.C. § 922 or 931 which are~~
35 ~~exempt from execution; and~~

36 ~~—(n) Benefits provided pursuant to any other federal law.~~

37 ~~—2.] If a writ of execution or garnishment is levied on the~~
38 ~~personal bank account of the judgment debtor [and the provisions of~~
39 ~~subsection 1 do not apply, \$400] , \$5,000, as adjusted pursuant to~~
40 ~~section 1 of this act, or the entire amount in the account, whichever~~
41 ~~is less, is not subject to execution and must remain accessible to the~~
42 ~~judgment debtor, unless the writ of execution or garnishment is for~~
43 ~~the recovery of money owed for the support of any person.~~

44 ~~[3.] 2. If a judgment debtor has more than one personal bank~~
45 ~~account with the bank to which a writ is issued, the amount that is~~



1 not subject to execution must not in the aggregate exceed the
2 amount specified in subsection 1. ~~for 2, as applicable.~~

3 ~~—4.] 3.~~ A judgment debtor may apply to a court to claim an
4 exemption for any amount subject to a writ levied on a personal
5 bank account which exceeds the amount that is not subject to
6 execution pursuant to subsection 1. ~~for 2.~~

7 ~~—5.] 4.~~ If money in the personal account of the judgment debtor
8 which exceeds the amount that is not subject to execution pursuant
9 to subsection 1 ~~for 2]~~ includes exempt and nonexempt money, the
10 judgment debtor may claim an exemption for the exempt money in
11 the manner set forth in NRS 21.112. To determine whether such
12 money in the account is exempt, the judgment creditor must use the
13 method of accounting which applies the standard that the first
14 money deposited in the account is the first money withdrawn from
15 the account. The court may require a judgment debtor to provide
16 statements from the bank which include all deposits into and
17 withdrawals from the account for the immediately preceding 90
18 days.

19 ~~[6.] 5.~~ A financial institution which makes a reasonable effort
20 to determine whether money in the account of a judgment debtor is
21 subject to execution for the purposes of this section is immune from
22 civil liability for any act or omission with respect to that
23 determination . ~~[, including, without limitation, when the financial
24 institution makes an incorrect determination after applying
25 commercially reasonable methods for determining whether money
26 in an account is exempt because the source of the money was not
27 clearly identifiable or because the financial institution inadvertently
28 misidentified the source of the money.]~~ If a court determines that a
29 financial institution failed to identify that money in an account was
30 not subject to execution pursuant to this section, the financial
31 institution must adjust its actions with respect to a writ of execution
32 as soon as possible but may not be held liable for damages.

33 ~~[7.] 6.~~ Nothing in this section requires a financial institution to
34 revise its determination about whether money is exempt, except by
35 an order of a court.

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


37 31.045 1. Execution on the writ of attachment by attaching
38 property of the defendant may occur only if:

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

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



1 ➔ If the attachment occurs pursuant to an ex parte hearing, the clerk
2 of the court shall attach the notice to the writ of attachment at the
3 time the writ is issued.

4 2. The notice required pursuant to subsection 1 must be
5 substantially in the following form , *with appropriate*
6 *modifications to replace any monetary amount specified with the*
7 *applicable adjusted amount established by the Department of*
8 *Business and Industry pursuant to section 1 of this act that is in*
9 *effect at the time the writ is issued:*

10
11 NOTICE OF EXECUTION

12
13 YOUR PROPERTY IS BEING ATTACHED OR
14 YOUR WAGES ARE BEING GARNISHED
15

16 Plaintiff, (name of person), alleges that you
17 owe the plaintiff money. The plaintiff has begun the
18 procedure to collect that money. To secure satisfaction of
19 judgment, the court has ordered the garnishment of your
20 wages, bank account or other personal property held by third
21 persons or the taking of money or other property in your
22 possession.

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

- 26 1. Payments received pursuant to the federal Social
- 27 Security Act, including, without limitation, retirement and
- 28 survivors' benefits, supplemental security income benefits
- 29 and disability insurance benefits.
- 30 2. Payments for benefits or the return of contributions
- 31 under the Public Employees' Retirement System.
- 32 3. Payments for public assistance granted through the
- 33 Division of Welfare and Supportive Services of the
- 34 Department of Health and Human Services or a local
- 35 governmental entity.
- 36 4. Proceeds from a policy of life insurance.
- 37 5. Payments of benefits under a program of industrial
- 38 insurance.
- 39 6. Payments received as disability, illness or
- 40 unemployment benefits.
- 41 7. Payments received as unemployment compensation.
- 42 8. Veteran's benefits.
- 43 9. A homestead in a dwelling or a mobile home,
- 44 including, subject to the provisions of NRS 115.055, the



1 proceeds from the sale of such property, not to exceed
2 \$605,000, unless:

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

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

12 10. All money reasonably deposited with a landlord by
13 you to secure an agreement to rent or lease a dwelling that is
14 used by you as your primary residence, except that such
15 money is not exempt with respect to a landlord or the
16 landlord's successor in interest who seeks to enforce the
17 terms of the agreement to rent or lease the dwelling.

18 11. A vehicle, if your equity in the vehicle is less than
19 \$15,000.

20 12. ~~[Eighty two percent]~~ *Eight hundred fifty dollars* of
21 the take-home pay for any workweek ~~[if your gross weekly~~
22 ~~salary or wage on the date the most recent writ of~~
23 ~~garnishment was issued was \$770]~~ *and either 90 percent of*
24 *the take-home pay for that workweek that exceeds \$850, if*
25 *the take-home pay for that workweek is \$1,200 or less, or*
26 ~~[seventy five]~~ *85 percent of the take-home pay for [any] that*
27 *workweek that exceeds \$850, if [your gross weekly salary or*
28 ~~wage on the date the most recent writ of garnishment was~~
29 ~~issued exceeded \$770, unless the weekly] the take-home pay~~
30 *for that workweek is [less than 50 times the federal minimum*
31 ~~hourly wage, in which case the entire amount may be~~
32 ~~exempt.] more than \$1,200.~~

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

35 (a) An individual retirement arrangement which conforms
36 with the applicable limitations and requirements of section
37 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408
38 and 408A;

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

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

44 (d) A trust forming part of a stock bonus, pension or
45 profit-sharing plan that is a qualified plan pursuant to sections



1 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et
2 seq.; and

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

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

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

19 16. Regardless of whether a trust contains a spendthrift
20 provision:

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

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

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

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

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

34 17. If a trust contains a spendthrift provision:

35 (a) A present or future interest in the income or principal
36 of a trust that is a mandatory interest in which the trustee does
37 not have discretion concerning whether to make the
38 distribution from the trust, if the interest has not been
39 distributed from the trust; and

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



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

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

6 20. Payments, in an amount not to exceed \$16,150, *as*
7 *adjusted pursuant to section 1 of this act*, received as
8 compensation for personal injury, not including compensation
9 for pain and suffering or actual pecuniary loss, by the
10 judgment debtor or by a person upon whom the judgment
11 debtor is dependent at the time the payment is received.

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

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

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

24 24. Personal property, not to exceed \$1,000, *as adjusted*
25 *pursuant to section 1 of this act*, in total value, if the property
26 is not otherwise exempt from execution.

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

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

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



1 **PROCEDURE FOR CLAIMING EXEMPT PROPERTY**
2

3 If you believe that the money or property taken from you
4 is exempt or necessary for the support of you or your family,
5 you must file with the clerk of the court on a form provided
6 by the clerk an executed claim of exemption. A copy of the
7 claim of exemption must be served upon the sheriff, the
8 garnishee and the judgment creditor within 10 days after
9 the notice of execution or garnishment is served on you by
10 mail pursuant to NRS 21.076 which identifies the specific
11 property that is being levied on. The property must be
12 released by the garnishee or the sheriff within 9 judicial days
13 after you serve the claim of exemption upon the sheriff,
14 garnishee and judgment creditor, unless the sheriff or
15 garnishee receives a copy of an objection to the claim of
16 exemption and a notice for a hearing to determine the issue of
17 exemption. If this happens, a hearing will be held to
18 determine whether the property or money is exempt. The
19 objection to the claim of exemption and notice for the hearing
20 to determine the issue of exemption must be filed within 8
21 judicial days after the claim of exemption is served on the
22 judgment creditor by mail or in person and served on the
23 judgment debtor, the sheriff and any garnishee not less than 5
24 judicial days before the date set for the hearing. The hearing
25 must be held within 7 judicial days after the objection to the
26 claim of exemption and notice for a hearing is filed. You may
27 be able to have your property released more quickly if you
28 mail to the judgment creditor or the attorney of the judgment
29 creditor written proof that the property is exempt. Such proof
30 may include, without limitation, a letter from the government,
31 an annual statement from a pension fund, receipts for
32 payment, copies of checks, records from financial institutions
33 or any other document which demonstrates that the money in
34 your account is exempt.
35

36 **IF YOU DO NOT FILE THE EXECUTED CLAIM OF**
37 **EXEMPTION WITHIN THE TIME SPECIFIED, YOUR**
38 **PROPERTY MAY BE SOLD AND THE MONEY GIVEN**
39 **TO THE JUDGMENT CREDITOR, EVEN IF THE**
40 **PROPERTY OR MONEY IS EXEMPT.**
41

42 If you received this notice with a notice of a hearing for
43 attachment and you believe that the money or property which
44 would be taken from you by a writ of attachment is exempt or
45 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 31.290 is hereby amended to read as follows:

31.290 1. The interrogatories to be submitted with any writ of execution, attachment or garnishment to the garnishee may be in substance as follows ~~{ }~~, with appropriate modifications to replace any monetary amount specified with the applicable adjusted amount established by the Department of Business and Industry pursuant to section 1 of this act that is in effect at the time the writ is issued:

INTERROGATORIES

Are you in any manner indebted to the defendants.....

....., or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

Answer:.....

Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount of disposable earnings, as defined in NRS 31.295, that each defendant presently earns during a pay period. State the minimum amount of disposable earnings that is exempt from this garnishment, which is ~~the federal minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.~~

Calculate the garnishable amount as follows:
(Check one of the following) The employee is paid:



A Weekly: ___ [B] Biweekly: ___ [C] Semimonthly: ___ [D] Monthly: ___

(1) Gross Earnings _____ \$ _____

(2) Deductions required by law (not including child support) _____ \$ _____

(3) Disposable Earnings [Subtract line 2 from line 1] _____ \$ _____

(4) Federal Minimum Wage _____ \$ _____

(5) Multiply line 4 by 50 _____ \$ _____

(6) Complete the following directions in accordance with the letter selected above:

[A] Multiply line 5 by 1 _____ \$ _____

[B] Multiply line 5 by 2 _____ \$ _____

[C] Multiply line 5 by 52 and then divide by 24 _____ \$ _____

[D] Multiply line 5 by 52 and then divide by 12 _____ \$ _____

(7) Subtract line 6 from line 3 _____ \$ _____

This is the attachable earnings. This amount must not exceed 18% of \$850 of the disposable earnings [from line 3 if the employee's gross weekly salary or wage on the date the most recent writ of garnishment was issued was \$770] of the employee during any workweek and either 90 percent of the disposable earnings of the employee during that workweek that exceed \$850, if the disposable earnings of the employee during that workweek are \$1,200 or less, or [25%] 85 percent of the disposable earnings [from line 3 if the employee's gross weekly salary or wage on the date the most recent writ of garnishment was issued exceeded \$770.] of the employee during that workweek that exceed \$850, if the disposable earnings of the employee during that workweek are more than \$1,200.

Answer:

[What is the gross weekly salary or wage of the employee? The gross weekly salary or wage of an employee must be determined as follows:

1. Except as otherwise provided in numbers 2 and 3 below, by dividing the employee's gross earnings for the current calendar year as of the date the most recent writ of garnishment was issued by the total number of weeks the employee has worked in the current calendar year.

2. If the most recent writ of garnishment was issued at the beginning of the current calendar year before the employee received any earnings in the current calendar year,



~~but the employee received earnings in the previous calendar year, by dividing the employee's gross earnings for the previous calendar year by the total number of weeks the employee worked in the previous calendar year.~~

~~3. If the employee has not been employed long enough to have been paid as of the date the most recent writ of garnishment was issued, or if the provisions of number 1 or 2 above do not otherwise apply, the gross weekly salary or wage of the employee is the anticipated gross weekly earnings of the employee as determined by his or her employer.~~

~~For the purpose of determining the total number of weeks the employee has worked in the current calendar year or the total number of weeks the employee worked in the previous calendar year, as applicable, if the total number of weeks is not exact, the number must be rounded down if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 3 days or less, and rounded up if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 4 days or more.~~

~~Answer:~~

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in whichis interested? If so, state its value, and state fully all particulars.

Answer:

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to or in whichis interested, and now in the possession or under the control of others? If so, state particulars.

Answer:

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in NRS 21.105, ~~[\$2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made~~



~~into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in NRS 21.105 or, if no such deposit has been made, \$400]~~ ***\$5,000, as adjusted pursuant to section 1 of this act,*** or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer:

State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer:

Garnishee

I (insert the name of the garnishee), declare under penalty of perjury that the answers to the foregoing interrogatories by me subscribed are true and correct.

(Signature of garnishee)

2. The garnishee shall answer the interrogatories in writing upon oath or affirmation and submit the answers to the sheriff within the time required by the writ. The garnishee shall submit his or her answers to the judgment debtor within the same time. If the garnishee fails to do so, the garnishee shall be deemed in default.

Sec. 8. NRS 31.295 is hereby amended to read as follows:

31.295 1. As used in this section:

(a) "Disposable earnings" means that part of the earnings of any person remaining after the deduction from those earnings of any amounts required by law to be withheld.

(b) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, ***regardless of whether the judgment debtor performed such services as an employee or independent contractor,*** including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a



1 bank or any other financial institution or, in the case of a receivable,
2 compensation that is due the judgment debtor.

3 2. The maximum amount of the aggregate disposable earnings
4 of a person which are subject to garnishment may not exceed:

5 (a) ~~Eighteen~~ **Ten** percent of the person's disposable earnings
6 for the relevant workweek *that exceed \$850, as adjusted pursuant*
7 *to section 1 of this act*, if the person's ~~gross weekly salary or wage~~
8 ~~on the date the most recent writ of garnishment was issued was~~
9 ~~\$770~~ *disposable earnings for that workweek were \$1,200, as*
10 *adjusted pursuant to section 1 of this act*, or less; or

11 (b) ~~Twenty five~~ **Fifteen** percent of the person's disposable
12 earnings for the relevant workweek *that exceed \$850, as adjusted*
13 *pursuant to section 1 of this act*, if the person's ~~gross weekly~~
14 ~~salary or wage on the date the most recent writ of garnishment was~~
15 ~~issued exceeded \$770; or~~

16 ~~—(c) The amount by which the person's disposable earnings for~~
17 ~~that week exceed 50 times the federal minimum hourly wage~~
18 ~~prescribed by section 206(a)(1) of the federal Fair Labor Standards~~
19 ~~Act of 1938, 29 U.S.C. §§ 201 et seq., in effect at the time the~~
20 ~~disposable earnings [are payable,~~
21 ~~↪ whichever is less.] for that workweek were more than \$1,200, as~~
22 *adjusted pursuant to section 1 of this act.*

23 3. The restrictions of subsection 2 do not apply in the case of:

24 (a) Any order of any court for the support of any person.

25 (b) Any order of any court of bankruptcy.

26 (c) Any debt due for any state or federal tax.

27 4. Except as otherwise provided in this subsection, the
28 maximum amount of the aggregate disposable earnings of a person
29 for any workweek which are subject to garnishment to enforce any
30 order for the support of any person may not exceed:

31 (a) Fifty percent of the person's disposable earnings for that
32 week if the person is supporting a spouse or child other than the
33 spouse or child for whom the order of support was rendered; or

34 (b) Sixty percent of the person's disposable earnings for that
35 week if the person is not supporting such a spouse or child,

36 ↪ except that if the garnishment is to enforce a previous order of
37 support with respect to a period occurring at least 12 weeks before
38 the beginning of the workweek, the limits which apply to the
39 situations described in paragraphs (a) and (b) are 55 percent and 65
40 percent, respectively.

41 **Sec. 9.** NRS 115.010 is hereby amended to read as follows:

42 115.010 1. The homestead is not subject to forced sale on
43 execution or any final process from any court, except as otherwise
44 provided by subsections 2, 3 and 5, and NRS 115.090 and except as
45 otherwise required by federal law.



1 2. The exemption provided in subsection 1 extends only to that
2 amount of equity in the property held by the claimant which does
3 not exceed \$605,000, *as adjusted pursuant to section 1 of this act*,
4 in value, unless allodial title has been established and not
5 relinquished, in which case the exemption provided in subsection 1
6 extends to all equity in the dwelling, its appurtenances and the land
7 on which it is located.

8 3. Except as otherwise provided in subsection 4, the exemption
9 provided in subsection 1 does not extend to process to enforce the
10 payment of obligations contracted for the purchase of the property,
11 or for improvements made thereon, including any mechanic's lien
12 lawfully obtained, or for legal taxes, or for:

13 (a) Any mortgage or deed of trust thereon executed and given,
14 including, without limitation, any second or subsequent mortgage,
15 mortgage obtained through refinancing, line of credit taken against
16 the property and a home equity loan; or

17 (b) Any lien to which prior consent has been given through the
18 acceptance of property subject to any recorded declaration of
19 restrictions, deed restriction, restrictive covenant or equitable
20 servitude, specifically including any lien in favor of an association
21 pursuant to NRS 116.3116 or 117.070,

22 ↪ by both spouses, when that relation exists.

23 4. If allodial title has been established and not relinquished, the
24 exemption provided in subsection 1 extends to process to enforce
25 the payment of obligations contracted for the purchase of the
26 property, and for improvements made thereon, including any
27 mechanic's lien lawfully obtained, and for legal taxes levied by a
28 state or local government, and for:

29 (a) Any mortgage or deed of trust thereon; and

30 (b) Any lien even if prior consent has been given through the
31 acceptance of property subject to any recorded declaration of
32 restrictions, deed restriction, restrictive covenant or equitable
33 servitude, specifically including any lien in favor of an association
34 pursuant to NRS 116.3116 or 117.070,

35 ↪ unless a waiver for the specific obligation to which the judgment
36 relates has been executed by all allodial titleholders of the property.

37 5. Establishment of allodial title does not exempt the property
38 from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive,
39 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive.

40 6. Any declaration of homestead which has been filed before
41 July 1, 2007, shall be deemed to have been amended on that date by
42 extending the homestead exemption commensurate with any
43 increase in the amount of equity held by the claimant in the property
44 selected and claimed for the exemption up to the amount permitted
45 by law on that date, but the increase does not impair the right of any



1 creditor to execute upon the property when that right existed before
2 July 1, 2007.

3 **Sec. 10.** NRS 115.050 is hereby amended to read as follows:

4 115.050 1. Whenever execution has been issued against the
5 property of a party claiming the property as a homestead, and
6 the creditor in the judgment makes an oath before the judge of the
7 district court of the county in which the property is situated that
8 the amount of equity held by the claimant in the property exceeds, to
9 the best of the creditor's information and belief, the sum of
10 \$605,000, *as adjusted pursuant to section 1 of this act*, the judge
11 shall, upon notice to the debtor, appoint three disinterested and
12 competent persons as appraisers to estimate and report as to the
13 amount of equity held by the claimant in the property and, if the
14 amount of equity exceeds the sum of \$605,000, *as adjusted*
15 *pursuant to section 1 of this act*, determine whether the property
16 can be divided so as to leave the property subject to the homestead
17 exemption without material injury.

18 2. If it appears, upon the report, to the satisfaction of the judge
19 that the property can be thus divided, the judge shall order the
20 excess to be sold under execution. If it appears that the property
21 cannot be thus divided, and the amount of equity held by the
22 claimant in the property exceeds the exemption allowed by this
23 chapter, the judge shall order the entire property to be sold, and out
24 of the proceeds the sum of \$605,000 , *as adjusted pursuant to*
25 *section 1 of this act*, to be paid to the defendant in execution, and
26 the excess to be applied to the satisfaction on the execution. No bid
27 under \$605,000 may be received by the officer making the sale.

28 3. When the execution is against a spouse, the judge may direct
29 the \$605,000 , *as adjusted pursuant to section 1 of this act*, to be
30 deposited in court, to be paid out only upon the joint receipt of both
31 spouses, and, except as otherwise provided in NRS 115.055, the
32 deposit possesses all the protection against legal process and
33 voluntary disposition by either spouse as did the original homestead.

34 4. Except as otherwise provided in NRS 115.055, if the sum of
35 \$605,000 , *as adjusted pursuant to section 1 of this act*, is paid to
36 the defendant in execution pursuant to subsection 2 or to a spouse
37 pursuant to subsection 3, such sum of \$605,000 , *as adjusted*
38 *pursuant to section 1 of this act*, possesses all the protection against
39 legal process and voluntary disposition by the defendant or spouse
40 as did the original homestead.

41 **Sec. 11.** NRS 115.055 is hereby amended to read as follows:

42 115.055 Notwithstanding any other provision of law, the
43 proceeds of \$605,000 , *as adjusted pursuant to section 1 of this act*,
44 from the sale of a homestead pursuant to subsection 2 or 3 of NRS
45 115.050 are only exempt from execution if:



- 1 1. Such proceeds are reinvested in another property of like kind
2 for which the declaration of a homestead will be made; and
3 2. The other property is:
4 (a) Identified not later than 45 days after the sale of the
5 homestead; and
6 (b) Taken possession of not later than 180 days after the sale of
7 the homestead.
8 **Sec. 12.** NRS 21.005 and 31.2955 are hereby repealed.

TEXT OF REPEALED SECTIONS

21.005 Determination of gross weekly salary or wage of employee for purposes of chapter.

1. For the purposes of this chapter:

(a) Except as otherwise provided in paragraphs (b) and (c), the gross weekly salary or wage of an employee must be determined by dividing the employee's gross earnings for the current calendar year as of the date the most recent writ of garnishment was issued by the total number of weeks the employee has worked in the current calendar year.

(b) If the most recent writ of garnishment was issued at the beginning of the current calendar year before an employee received any earnings in the current calendar year, but the employee received earnings in the previous calendar year, the gross weekly salary or wage of the employee must be determined by dividing the employee's gross earnings for the previous calendar year by the total number of weeks the employee worked in the previous calendar year.

(c) If an employee has not been employed long enough to have been paid as of the date the most recent writ of garnishment was issued, or if the provisions of paragraph (a) or (b) do not otherwise apply, the gross weekly salary or wage of the employee is the anticipated gross weekly earnings of the employee as determined by his or her employer.

2. For the purpose of determining the total number of weeks an employee has worked in the current calendar year pursuant to paragraph (a) of subsection 1 or the total number of weeks an employee worked in the previous calendar year pursuant to paragraph (b) of subsection 1, if the total number of weeks is not exact, the number must be:



(a) Rounded down if the number of days the employee was on the payroll of the employer in excess of a whole week is 3 days or less; and

(b) Rounded up if the number of days the employee was on the payroll of the employer in excess of a whole week is 4 days or more.

31.2955 Garnishment of earnings: Calculations for determining gross weekly salary or wage of employee.

1. For the purposes of NRS 31.240 to 31.460, inclusive:

(a) Except as otherwise provided in paragraphs (b) and (c), the gross weekly salary or wage of an employee must be determined by dividing the employee's gross earnings for the current calendar year as of the date the most recent writ of garnishment was issued by the total number of weeks the employee has worked in the current calendar year.

(b) If the most recent writ of garnishment was issued at the beginning of the current calendar year before an employee received any earnings in the current calendar year, but the employee received earnings in the previous calendar year, the gross weekly salary or wage of the employee must be determined by dividing the employee's gross earnings for the previous calendar year by the total number of weeks the employee worked in the previous calendar year.

(c) If an employee has not been employed long enough to have been paid as of the date the most recent writ of garnishment was issued, or if the provisions of paragraph (a) or (b) do not otherwise apply, the gross weekly salary or wage of the employee is the anticipated gross weekly earnings of the employee as determined by his or her employer.

2. For the purpose of determining the total number of weeks an employee has worked in the current calendar year pursuant to paragraph (a) of subsection 1 or the total number of weeks an employee worked in the previous calendar year pursuant to paragraph (b) of subsection 1, if the total number of weeks is not exact, the number must be:

(a) Rounded down if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 3 days or less; and

(b) Rounded up if the number of days the employee was on the payroll of his or her employer in excess of a whole week is 4 days or more.



