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Bankruptcy Exemptions Quick Reference Guide The Debtor's New Best Friend

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| Federal Exemption Statutes | Amount of Exemption | Texas Exemption Statutes | Amount of Exemption |
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|--|------------|-------------|------------|
| <p>§522(b)(3)(A) - Exemptions</p> <p>(A) subject to subsections (o) and (p), any property that is exempt under Federal law, other than subsection (d) of this section, or State or local law that is applicable on the date of the filing of the petition to the place in which the debtor's domicile has been located for the 730 days immediately preceding the date of the filing of the petition or if the debtor's domicile has not been located in a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place</p> <p>Comments:</p> <p>In an effort to thwart forum shopping by debtors who move to states with more generous exemption rights, Congress amended 11 U.S.C. 522(b)(3)(A) and provided a complicated choice of law provision that determines the exemptions that a debtor may claim.</p> <p>A debtor must be domiciled in a state for 730-days in order to avail himself of that state's property exemptions. If the debtor's domicile was not located at a single location for 730-days, the state law where the debtor was domiciled for 180-days immediately preceding the 730-day period, or for</p> | <p>N/A</p> | <p>None</p> | <p>N/A</p> |
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| Federal Exemption Statutes | Amount of Exemption | Texas Exemption Statutes | Amount of Exemption |
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| the longest portion of such 180-days. | | | |
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| <p>§522(b)(3)(C)(*) - Exemptions</p> <p>(Hanging paragraph - savings clause):</p> <p>If the effect of the domiciliary requirement under (A) is to render the debtor ineligible for any exemption, the debtor may elect to exempt property that is specified in (d).</p> | N/A | None | N/A |
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| <p>§ 522(c) - Exemptions</p> <p>Unless the case is dismissed, property exempted under this section is not liable during or after the case for any debt of the debtor that arose, or that is determined under §502 if such debt had arisen, before the commencement of the case except--</p> <p>(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in such paragraph);</p> <p>(2) a debt secured by a lien that is--</p> <p>(A)(i) not avoided under subsection (f) or (g) of this section or under section 544, 545, 547, 548, 549, or 724(a) of this title; and</p> <p>(ii) not void under section 506(d) of this title; or</p> <p>(B) a tax lien, notice of which is properly filed;</p> | N/A | None | N/A |
|---|-----|------|-----|

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