

WYOMING EXEMPTIONS

Chapter 20 – Property Exempt from Execution or Attachment

<u>TYPE OF PROPERTY</u>	<u>AMOUNT OF EXEMPTION</u>		<u>STATUTE CREATING EXEMPTION</u>
	INDIVIDUAL	JOINT	
Homestead exemption; right and amount. Every resident of the state is entitled to a homestead not exceeding twenty thousand dollars (\$20,000) in value, exempt from execution and attachment arising from any debt, contract of civil obligation entered into or incurred.			W.S. § 1-20-101
Homestead exemption; when operative (a) The homestead is only exempt as provided in W.S. 1-20-101 while occupied as such by the owner or the person entitled thereto, or his or her family. (b) When two (2) or more persons jointly own and occupy the same residence, each shall be entitled to the homestead exemption.			W.S. § 1-20-102
Homestead exemption; right of family survivors. When any person dies seized of a homestead leaving as survivor a widow, husband or minor children, the survivor is entitled to the homestead. If there is no such survivor, the homestead is liable for the debts of the deceased.			W.S. 1-20-103
Homestead exemption; composition. The homestead may consist of a house on a lot or lots or other lands of any number of acres, or a house trailer or other movable home on a lot or lots, whether or not the house trailer or other movable home is equipped with wheels or resting upon immovable support.			W.S. 1-20-104
Necessary Wearing Apparel The necessary wearing apparel of every person not exceeding two thousand dollars (\$2,000) in value, determined in the manner provided in W.S. 1-20-106 is exempt from levy or sale upon execution, writ of attachment or any process issuing out of any courts in this state. Necessary wearing apparel shall not include jewelry of any type other than wedding rings.			W.S. § 1-20-105
Exemption of other personal property; personalty used in livelihood; appraisalment. (a) The following property, when owned by any person, is exempt from levy or sale upon execution, writ of attachment or any process issuing out of any court in this state and shall continue to be exempt while the person or the family of the person is moving from one (1) place of residence to another in this state: (i) The family Bible, picture and schoolbooks (ii) A lot in any cemetery or burial ground; (iii) Furniture, bedding, provisions and other household articles of any kind or character as the debtor may select, not exceeding in value four thousand dollars (\$4,000). When two (2) or more persons occupy the same residence, each shall be entitled to a separate exemption; (iv) The value in a motor vehicle not exceeding five thousand dollars (\$5,000).			

- (v) Not more than three (3) firearms not exceeding in all the value of three thousand dollars (\$3,000.00) and their associated ammunition not to exceed one thousand (1,000) rounds per firearm.
- (b) The tools, team, implements or stock in trade of any person, used and kept for the purpose of carrying on his trade or business, not exceeding in value four thousand dollars (**\$4,000**), or in the library, instruments and implements of any professional person, not exceeding in value four thousand dollars (**\$4,000**), are exempt from levy or sale upon execution, writ of attachment or any process out of any court in this state.
- (c) The value of the property selected by any debtor shall be ascertained by the appraisal of three (3) disinterested appraisers, to be selected and summoned by the officer claiming to levy upon, attach or sell the property. The appraisers shall be sworn by the officer to make a true appraisal of the value of the property.

W.S. § 1-20-106

Exemptions when head of family dies.

Whenever the head of a family dies, deserts, or ceases to reside with the family, the family is entitled to all the benefits and privileges conferred upon the head of a family residing with the same, and the family, or any member thereof, may select the property claimed as exempt. Where the exempt property is the sole and separate property of the wife, it is, to the same extent and for all purposes, exempt for the debts of the wife.

W.S. § 1-20-107

Exception; residency required.

- (a) No property claimed as exempt under W.S. 1-20-101 through 1-20-106 is exempt from attachment or sale upon execution for the purchase money of the property.
- (b) Any person claiming these exemptions shall be a bona fide resident of this state.

W.S. § 1-20-108

Exemptions from estates in bankruptcy.

In accordance with 11 U.S.C. 552(b)(1), the exemptions from property of the estate in bankruptcy provided in 11 U.S.C. 522 (d) are not authorized in cases where Wyoming law is applicable on the date of the filing of the petition and the debtor's domicile has been located in Wyoming for the one hundred eighty (180) days immediately preceding the date of the filing of the petition or for longer portion of the one hundred eighty (180) day period than in any other place.

W.S. § 1-20-109

Exemption for retirement funds and accounts.

- (a) The following are exempt from execution, attachment, garnishment or any other process issued by any court:
 - (i) Any person's interest in a retirement plan, pension or annuity, whether by way of a gratuity or otherwise, granted, paid or payable:
 - (A) By and private corporation or employer to an employee or a retired employee under a plan or contract which provides that the pension or annuity shall not be assignable; or
 - (B) To any city, town or county employee or retired employee who is not covered by the state retirement system, under a plan or contract which provides that the pension or annuity shall not be assignable.
 - (ii) Any retirement or annuity fund of any person, to the extent of payments made to the fund while solvent, but not exceeding the amount actually excluded or deducted as retirement funding for federal income tax purposes, and the appreciation thereon, the income therefrom and the benefits or annuity payable thereunder;
 - (iii) Any retirement or annuity fund of any person, including individual retirement accounts (IRAs) Roth individual retirement accounts (Roth IRAs) and simplified employee pension individual retirement accounts (SEP IRAs), to the extent payments are made to the fund while solvent, provided the earnings on the fund are protected from federal income tax or subject to deferral of federal income tax, or are not

subject to federal income tax upon withdrawal, and the appreciation thereon, the income therefrom and the benefits or annuity payable thereunder; and

- (iv) All property in this state of the judgment debtor where the judgment is in favor of any state or any political subdivision of any state for failure to pay that state's or political subdivision's income tax on benefits received from a pension or other retirement plan. This paragraph shall apply only to judgments obtained after the judgment debtor has established residency in Wyoming and has been domiciled in Wyoming for at least one hundred eighty (180) days.

W.S. 1-20-110

Exemption for contributions to a medical savings account.

Contributions by an individual to a qualified medical savings account are exempt from execution, attachment, garnishment or any other process issued by any court, except for judgments against an individual or other dependents for medical expenses, to the extent the contributions are allowable as a deduction under the Internal Revenue Code of 1986.

W.S. 1-20-111