

I. NORTH DAKOTA EXEMPTIONS

North Dakota exemptions are found in the following sections and chapters of the North Dakota Century Code: Ch. 28-22 (General Comprehensive Exemption Statute); Ch. 47-18 (Homestead Exemption Statute); N.D.C.C. § 32-09.1-03 (Garnishment Wage Exemption Statute); and Ch. 28-24 (Redemption Rights Statute).

A. CHOSEN BY "HEAD OF FAMILY"

1. **All family pictures.**
2. **A pew or other sitting in any house of worship.**
3. **A lot or lots in any burial ground.**
4. **Family Bible or other family primary religious text**
5. **All schoolbooks and other books used as part of family library**
6. **Wearing apparel and clothing of debtor and family** (limited to \$5000)
(Wearing apparel includes jewelry and anything else worn on the body that is not clothing, while the term clothing goes from underwear out to the winter parka.)
7. **Food for one year, provided or growing, in kind** (2009 Legislature limited this exemption to food "in kind" meaning it must be in existence at the time it is claimed exempt and not represented by money, a bank account or something other than the food itself; to qualify as exempt, the food must be frozen in the deep-freezer, dry or canned in the pantry, or growing in the garden or field)
8. **Fuel for one year, in kind, for motor vehicle and for home heating** (2009 Legislature clarified that the fuel exemption is for *both* home heating *and* motor vehicle fuel, but it must be "in kind" fuel, meaning that money or a bank account representing fuel expenses will not be permitted as exempt, and the fuel must be in existence piled in the woodshed or stored in tanks at the time the exemption is claimed)
9. **Homestead up to \$100,000 equity over liens** (This type of homestead is the traditional stick built or brick built house affixed to real estate in which the debtor and his family live. Homestead claims must also be "contiguous" meaning that other tracts of land surrounding the house can be included in the \$100,000 exemption as long as those other tracts touch the tract on which the house is built. Also, the proceeds of the sale of the homestead are exempt for a period of one year after the sale and the proceeds get the same protection as the homestead itself.)

10. Crops and grain growing on or harvested from 160 acres
11. Insurance proceeds from damage to exempt property (limited to insurance proceeds which are still in cash or which have been invested in property which is, itself, exempt or capable of being exempted)
12. Mobile home family residence, limited to \$100,000 equity over liens
13. \$7,500 "wild card" applicable to any personal property, but not to real estate

CHOSEN BY "RESIDENT" OF STATE

14. In lieu of homestead, \$10,000 additional "wild card" in any property (but if one member of the family chooses the \$100,000 homestead exemption above, this exemption not available to another member of the family living in the same homestead)
15. Motor vehicle \$2,950 equity over liens (Remember this is a "resident exemption. Husband and Wife who are joint debtors can stack this to get \$5,900 applied as an exemption for a car. Exemption for a vehicle goes up to \$32,000 for a specially modified vehicle for a handicapped person with a permanent disability)
16. \$1,500 in tools, implements, or professional books of the trade of the debtor
17. Professionally prescribed health aides for the debtor or the debtor's dependents
18. Unmatured life insurance contract owned by the debtor (no dollar value limit); debtor's aggregate interest in any accrued dividend or interest under, or loan value of, any unmatured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent (not to exceed \$8000)
19. Retirement Pensions, annuities, IRAs, Keogh plans, and other qualified retirement plans and proceeds and values thereof, up to \$100,000 per item, aggregate maximum \$200,000 per debtor, must have been in existence for at least one year prior to execution or bankruptcy (exception: these items are not exempt for spousal and child support claims)
20. Wrongful death award necessary to support surviving debtor or dependents
21. Personal bodily injury award \$18,450 (does not include pain and suffering) plus award for loss of earnings to the extent necessary to support debtor and dependents

22. **Social Security** (exception: child support claims)
23. **Veteran's disability** (exception: military retirement pay, child support claims)
24. **Alimony and support necessary for the support of debtor and dependents**
25. **Unemployment, disability, or illness benefits**
26. **Payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service necessary for support of debtor and dependents** (unless the plan or contract was established by an insider that employed the debtor, the payment is on account of age or length of service, and the plan or contract does not qualify under IRC §§ 401(a), 403(a), 403(b), or 408)
27. **Award under crime victim reparation laws**
28. **40x federal minimum wage per week or, alternatively, 75% of take-home pay, whichever is greater**
29. **Redemption rights during foreclosure of real estate mortgage** (foreclosed debtor does not have to pay the foreclosing bank anything during the redemption period, and debtor has exclusive right to rents, profits, use and benefit of the real estate during the redemption period)