

MASSACHUSETTS

Massachusetts has not “opted out” of the federal exemption scheme. Therefore, Massachusetts debtors have the option of utilizing either the Massachusetts exemptions set forth below, or the federal exemptions enumerated in 11 U.S.C. §522(d).

CHECKLIST OF STATE EXEMPTIONS

The following exemptions are available to Massachusetts debtors under Massachusetts law:

Category	Description	Statute
• Cemeteries and Burial Property	Rights of burial and tombs are exempt	Mass. Gen. Laws Ann. ch. 235, §34
• Fraternal Benefit Society Benefits	Exempt prior to and after payment	Mass. Gen. Laws Ann. ch. 176, §22
• Homestead or Residential Property	Effective October 1, 2004, a debtor may exempt \$500,000 in principal family residence; the exemption is only available to one owner. The exemption is not available for debts for taxes, debts arising prior to purchase of the homestead, debts for the purchase of the homestead, judgment debts for support of a spouse or children, or debts for ground rent if debtor does not own the land underlying the homestead. Previously, exemption was for \$100,000, increased to \$300,000 on November 2, 2000, and increased exemption does not apply to liens in place prior to increase.	Mass. Gen. Laws Ann. ch. 188, §§1 and 1A
• Insurance	Up to \$400 a week in disability insurance benefits are exempt before and after payment, except for actions to recover necessities contracted for during period of disability; clauses in annuity contracts and life insurance policies providing for the exemption of payments from the debts of the person entitled to the proceeds shall be effective; group annuity benefits are exempt prior to and after	Mass. Gen. Laws Ann.ch. 175, §§110A, 119A and 132C; ch.175F, §15

	<p>payment, but such annuity benefits are not exempt from obligations under a support order; health care provider self-insurance funds are exempt</p>	
<ul style="list-style-type: none"> • Miscellaneous Benefits 	<p>Moving expense payments granted any person displaced from lawfully occupied real property upon a taking by eminent domain are exempt from process</p>	<p>Mass. Gen. Laws Ann. ch. 79, §6A</p>
<ul style="list-style-type: none"> • Motor Vehicles 	<p>Debtor may exempt an automobile worth up to \$700 and necessary for personal transportation or to maintain employment</p>	<p>Mass. Gen. Laws Ann. ch. 235, §34</p>
<ul style="list-style-type: none"> • Partnership Property 	<p>Massachusetts has adopted the provision of the Uniform Partnership Act exempting a partner's interest in specific partnership property</p>	<p>Mass. Gen. Laws Ann. ch. 108A, §25</p>
<ul style="list-style-type: none"> • Pensions and Retirement Benefits 	<p>Various public and private sector employee pensions and related benefits are exempt except. Such benefits remain subject to claims under support orders. Exempt pension funds are further exempt from claims against the sponsoring pension associations and employers; if a pension is not otherwise exempt, debtor may still exempt \$100 per week of monies due under such pension calculated from that time of the last prior payment</p>	<p>Mass. Ann. Laws ch. 32, §19; ch. 168, §§41 and 44; ch. 170, § 35; ch. 171, §84; and ch. 246, §28</p>
	<p>Generally, retirement plan benefits are exempt with a limitation on IRA funds that are exempt</p>	<p>Mass. Gen. Laws Ann. ch. 235, §34A</p>
<ul style="list-style-type: none"> • Personal Property 	<p>The debtor may exempt the necessary wearing apparel and beds for his family, one heating unit, and up to \$75 per month for utilities; \$3,000 in additional necessary household furniture, \$200 in books. 2 cows, 12 sheep, 2 swine, 4 tons of hay, \$300 in provisions, one pew, military uniforms, one sewing machine not exceeding \$200 in value, \$100 in shares in a</p>	<p>Mass. Gen. Laws Ann. ch. 235, §34; ch. 246, §28</p>

	cooperative, \$125 in cash, bank deposits on wages due plus an additional \$500 in a bank deposit	
• Public Assistance	Debtor may exempt any money received by or owing him as public assistance; aid to dependent children is specifically exempt	Mass. Ann. Laws ch. 118, §10; ch. 235, §34
• Trade Implements	The debtor may exempt \$500 in tools, implements and fixtures, \$500 in stock-in-trade, and \$500 in fishing gear when used in debtor's business	Mass. Gen. Laws Ann. ch. 235, §34
• Unemployment Compensation	Exempt before and after receipt so long as not commingled, but not exempt from certain support obligations	Mass. Gen. Laws Ann. ch. 151A, §36
• Veterans' Benefits	Exempt	Mass. Gen. Laws ch. 115, §5
• Wages	\$125 per week is exempt except from claims for support	Mass. Gen. Laws Ann. ch. 246, §28
• Workers' Compensation	Exempt except For certain obligations to state agencies and support obligations	Mass. Gen. Laws Ann. ch. 152 §47