

## **NEW HAMPSHIRE**

New Hampshire had previously enacted legislation “opting out” of the federal exemptions as of August 18, 1981. N.H. Rev. Stat. Ann. §511:2-a. This statute was repealed, effective January 1, 1997. Therefore, New Hampshire debtors will be permitted to exempt property under state law or federal law pursuant to 11 U.S.C. §522(d).

### **CHECKLIST OF STATE EXEMPTIONS**

The following exemptions are available to New Hampshire debtors under New Hampshire law:

<b>Category</b>	<b>Description</b>	<b>Statute</b>
• Cemeteries and Burial Property	Debtor may exempt an interest in one lot or right of burial in any cemetery	N.H. Rev. Stat. Ann. §511:2(XV)
• Fraternal Benefit Society Benefits	Exempt except for debts owing to the society	N.H. Rev. Stat. Aim. §418:17
• Homestead or Residential Property	\$120,000 in a homestead is exempt; exemption is subject to certain liens	N.H. Rev. Stat. Ann. §§ 480:1 and 4
• Insurance Benefits	Firefighter’s death and disability benefits are exempt	N.H. Rev. Stat. Ann. § 402:69
• Motor Vehicles	\$4,000 in one automobile is exempt	N.H. Rev. Stat. Ann. § 511 :2(XVI)
• Partnership Property	New Hampshire has adopted the provisions of the Uniform Partnership Act exempting a partner’s interest in specific partnership property	N.H. Rev. Stat. Ann. § 304-A:25(II)(c)
• Pensions and Retirement Benefits	Benefits under various employee retirement systems are exempt	N.H. Rev. Stat. Ann. §§100-A:26, 100-A:26-a, 102:23 and 103.18
• Personal Property	The Debtor may exempt clothing; bedding; \$3,500 in household furniture; a cooking stove, a heating stove, a refrigerator; a sewing machine; \$400 in fuel and provisions; militia uniforms and arms: \$800 in books; various	N.H. Rev. Stat. Ann. §511:2

	livestock; a meeting-house pew; \$500 in jewelry	
• Public Assistance	All exempt	N.H. Rev. Stat. Ann. §167:25
• Trade Implements	Debtor may exempt \$5,000 in Trade Implements, a cow, yoke of oxen or a horse farming trade implements; a when required for farming	N.H. Rev. Stat. Ann. §511:2(IX) and (XII)
• Unemployment Compensation	Exempt if funds are not commingled unless debts are for necessities furnished while the debtor was unemployed or for child support	N.H. Rev. Stat. Ann. §282A:159
• Wages	Debtor may exempt 50 times the federal minimum wage per week and all wages earned after service of trustee process; 40% of earnings exempt when parent providing support does not support second family	N.H. Rev. Stat. Ann. §§161-C:11 and 512.21
• Workers' Compensation	Exempt except for court-approved claims arising from a compensated injury and child support payments	N.H. Rev. Stat. Ann. 281-A:52
• Miscellaneous	May exempt any property up to a value of \$1,000, plus may use another \$7,000 exemption (only if unused from other exemptions under RSA §511) for any property	N.H. Rev. Stat. Ann. §511:2(XVIII)
• Retirement Funds	Subject to the Uniform Fraudulent Transfer Act, RSA 545-A, provides exemption for any qualified retirement fund.	N.H. Rev. Stat. Ann. §511:2(XIX)