

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 March 16, 2011, a debtor gets an automatic exemption in the amount of \$125,000, and by recording a declaration, a debtor may exempt \$500,000 in a principal family residence; the exemption is to any family member (for children, only minor children are covered) seeking homestead protection. The exemption is not available for debts for taxes, liens recorded prior to establishment 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. Proceeds of a sale of the homestead are covered for at least 1 year. Mortgages are automatically superior to the homestead. Alternatively, without a homestead, the sum needed for rent, not to exceed \$2,500 per month, is exempt.	Mass. Gen. Laws Ann. ch. 188, §§2 and 3

- 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 payment, but such annuity benefits are not exempt from obligations under a support order; health care provider self-insurance funds are exempt

Mass. Gen. Laws Ann.ch. 175, §§110A, 119A and 132C; ch.175F, §15

- Miscellaneous Benefits

Moving expense payments granted any person displaced from lawfully occupied real property upon a taking by eminent domain are exempt from process

Mass. Gen. Laws Ann. ch. 79, §6A

- Motor Vehicles

Debtor may exempt an automobile worth up to \$7,500 in wholesale resale value and necessary for personal transportation or to maintain employment, but if the debtor is handicapped or 60 years of age or older, then the value of the vehicle is up to \$15,000 in wholesale resale value.

Mass. Gen. Laws Ann. ch. 235, §34

- Partnership Property

Massachusetts has adopted the provision of the Uniform Partnership Act exempting a partner's interest in specific partnership property

Mass. Gen. Laws Ann. ch. 108A, §25

- Pensions and Retirement Benefits

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

Mass. Ann. Laws ch. 32, §19; ch. 168, §§41 and 44; ch. 170, § 35; ch. 171, §84; and ch. 246, §28
- Personal Property

Generally, retirement plan benefits are exempt with a limitation on IRA funds that are exempt.

Mass. Gen. Laws Ann. ch. 235, §34A

The debtor may exempt the necessary wearing apparel and beds for his family, one heating unit, and up to \$500 per month for utilities; \$15,000 in additional necessary household furniture, \$500 in books. 2 cows, 12 sheep, 2 swine, 4 tons of hay, \$600 in provisions, one pew, military uniforms, one sewing machine not exceeding \$300 in resale value, 1 computer, 1 television, \$100 in shares in a cooperative, \$125 in cash, bank deposits on wages due plus an additional \$2,500 in a bank deposit, jewelry not to exceed \$1,225 in value. A “wild card” exemption exists for any property not to exceed \$1,000 in value, plus up to \$5,000 in any unused exemption for furniture, tools or automobile.

Mass. Gen. Laws Ann. ch. 235, §34; ch. 246, §28
- 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 \$5,000 in tools, implements and fixtures, \$5,000 in stock-in-trade, and \$1,500 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

Wages equal to the greater of 85 per cent of the debtor's gross wages or 50 times the greater of the Federal or Massachusetts minimum wage for each week or portion thereof is exempt.
- Workers' Compensation Exempt except for certain obligations to state agencies and support obligations Mass. Gen. Laws Ann. ch. 152 §47