

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 §511:2-a. This statute was repealed, effective January 1, 1997.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:

Category	Description	Statute
• 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:
• Homestead or Residential Property	\$100,000 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)