
Is opt out limited to residents or domiciliaries of the state? Not specified. La. Rev. Stat. Ann. § 13:3881(B)(1): “In cases instituted under [Title 11], there shall be exempt . . . only that property and income which is exempt under the laws of the state of Louisiana and under federal laws other than [§ 522(d)].”

Do state’s exemptions have extraterritorial application?


Survival after payment/deposit: Not specified in exemption statute.

Waiver: Not specified in exemption statute.


Amount: Residence and land, building and appurtenances on contiguous tracts of up to five acres if within a municipality, two hundred acres if not. Up to $35,000 (La. Rev. Stat. Ann. § 20:1(A)(1)), except that for expenses resulting from catastrophic or terminal illness or injury, homestead is exempt up to full value. La. Rev. Stat. Ann. §§ 20:1(A)(2), 20:1(A)(3). Some exceptions, including taxes, mortgage, certain criminal restitution. La. Rev. Stat. Ann. § 20.1(C). A homestead may not be seized for consumer credit card charges, but the creditor may file a lien, so as to establish its priority in the proceeds, if the homestead is subsequently sold. The provisions of this section may be waived by a waiver “in authentic form.” The homeowner may sue within one year to annul a sheriff’s sale, if property is purchased by the judgment creditor and is still in the creditor’s hands. Violation of this section may not, however, be asserted against a third party purchaser. La. Rev. Stat. Ann. § 13:3851.1.

Procedural requirements: Not specified.


Waiver: Permitted, but requires signature of spouse, if any, recorded in mortgage records. If, however, homestead is separate property of one spouse, that spouse may waive homestead in a mortgage, without the signature of non-owner spouse. Not permitted for rendering of medical treatment, medical services, or hospitalization. La. Rev. Stat. Ann. § 20:1(D).


Motor vehicles: $7500 in one vehicle, used by debtor and family for any purpose. Only one motor vehicle per household. $7500 in any vehicle substantially modified, equipped or fitted for adapting its use to physical disability of debtor or family, and used for transporting such disabled person. La. Rev. Stat. Ann. §§ 13:3881(A)(7), 13:3881(A)(8).


Waiver: Not specified in exemption statute.


Pensions, retirement plans, and annuities: Pensions, tax-deferred arrangements (defined; includes IRAs, Roth IRA’s specifically included, and SEPs), and annuities, except as to criminal fines, restitution, or incarceration expenses. La. Rev. Stat. Ann. § 13:3881(D). See In re Everett, 520 B.R. 498 (E.D. La. 2014) (inherited IRA is not a “tax-deferred arrangement” within the meaning of Louisiana statute).

Insurance, judgments, or other compensation for injury: Proceeds of any property insurance settlement received as a result of damage caused by a gubernatorially declared disaster to an asset exempt under this section, or held in an escrow account and identified as the proceeds of an exempt asset, is exempt to the same extent as the destroyed or damaged asset. La. Rev. Stat. Ann. § 13:3881(A)(9).

Bank accounts: Not specified in exemption statute.

Alimony, child support: Not specified in exemption statute.


Survival after payment or deposit: “Proceeds” of exempt pensions, tax-deferred arrangements, and annuities are exempt.


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