
Is opt out limited to residents or domiciliaries of the state? Yes. Miss. Code Ann. § 85-3-2: “Residents of the State of Mississippi shall not be entitled to the federal exemptions . . . [in § 522(d)].”

Do state’s exemptions have extraterritorial application?

Homestead: Uncertain.

Personal property: Uncertain.

Wages: Miss. Code Ann. §§ 85-3-1(j), 85-3-1(k), 85-3-4.

Scope: Wages, salaries or other compensation of laborers or employees. Miss. Code Ann. § 85-3-4.

Amount: Exempt for thirty days after date of service of writ of attachment, execution, or garnishment; thereafter similar to federal (Miss. Code Ann. § 85-3-4); $5000 federal tax refund; $5000 state tax refund. Miss. Code Ann. §§ 85-3-1(i) through 85-3-1(k).

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

Waiver: Not specified in exemption statute.

Homestead: Miss. Code Ann. §§ 85-3-21 through 85-3-27, 85-3-1(d).

Amount: Householder may claim $75,000 of 160 acres owned and occupied as a residence, subject to liens. Miss. Code Ann. §§ 85-3-21, 85-3-23. $30,000 for manufactured home used as debtor’s residence; debtor who has claimed a homestead exemption pursuant to Miss. Code Ann. § 85-3-21 may not claim this personal property exemption for mobile home. Miss. Code Ann. § 85-3-1(d).

Procedural requirements: Permitted but not required to record declaration of homestead. If this is not done, statute prescribes a formula for determining what land is homestead. Miss. Code Ann. §§ 85-3-25, 85-3-27.

Special provisions: Proceeds of sale or insurance are exempt. Miss. Code Ann. § 85-3-1(b), 85-3-23. Spouses, widows, or widowers over 60 may claim exemption on former residence even if they no longer reside there. Miss. Code Ann. § 85-3-21.

Waiver: Not specified in exemption statute.

Tangible personal property: Miss. Code Ann. § 85-3-1.

Household goods: Tangible personal property of the following kinds to a total value of $10,000: household goods (definition similar to that of FTC rule restricting non-possessory security interests), wearing apparel, books, animals or crops, motor vehicles, implements, professional books or tools of a trade, cash on hand, professionally prescribed health aids, and any item of personal property worth less than $200. Miss. Code Ann. § 85-3-1(a).

Motor vehicles: Included in $10,000 exemption above.

Tools of trade: Included in $10,000 exemption above.

Clothing and jewelry: Included in $10,000 exemption above.

Miscellaneous and wildcard: Included in $10,000 exemption above. Additional $50,000 wildcard exemption for debtors age 70 or older. Miss. Code Ann. § 85-3-1(h).

Waiver: Not specified in exemption statute.

Benefits, retirement plans, insurance, judgments, and other intangibles: Miss. Code Ann. §§ 85-3-1, 85-3-11 through 85-3-19.
Public benefits: $5000 in earned income tax credit proceeds. Miss. Code Ann. § 85-3-1(i).


Insurance, judgments, or other compensation for injury: Sale or insurance proceeds of exempt property; income from disability insurance (Miss. Code Ann. § 85-3-1(b)); certain life insurance proceeds (but not cash surrender or loan value of more than $50,000 resulting from payments or deposits within one year before writ issues) (Miss. Code Ann. § 85-3-11); $10,000 personal injury judgments. Miss. Code Ann. § 85-3-17.

Bank accounts: Assets of health or catastrophe savings account; moneys paid into certain educational savings accounts, or paid out from the account, for use as tuition. Miss. Code Ann. §§ 85-3-1(f), 85-3-1(g). The $10,000 wildcard for tangible personal property can be applied to cash on hand. Miss. Code Ann. § 85-3-1(a)(iv).

Alimony, child support: Not specified in exemption statute.

Tax refunds: $5000 Federal tax refund; $5000 state tax refund; $5000 earned income credit. Miss. Code Ann. §§ 85-3-1(i) through 85-3-1(k).

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

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