
Is opt out limited to residents or domiciliaries of the state? Not specified. Mo. Rev. Stat. § 513.427: “Every person [seeking] relief under Title 11 . . . , shall be permitted to exempt from property of the estate any property that is exempt from attachment and execution under the law of the state of Missouri or under federal law, other than [§ 522(d)], and no such person is authorized to claim as exempt the property that is specified under [§ 522(d)].”

Do state’s exemptions have extraterritorial application?

Homestead: Yes. In re Cline, 2015 WL 3988992 (B.A.P. 9th Cir. June 30, 2015) (Missouri law does not require an individual to be a resident in order to claim Missouri real and personal property exemptions); In re Woodruff, 2005 WL 1139891 (Bankr. W.D. Mo. Apr. 28, 2005) (because Missouri exemption law is silent concerning extraterritorial application, and because Missouri’s exemptions must be construed liberally, Missouri homestead could be claimed for Mississippi home).


Amount: Garnishment limited to 10% for head of family; otherwise similar to federal. Mo. Rev. Stat. § 525.030(2). Discharge of employee for garnishment is forbidden; violation of this provision is a misdemeanor. Mo. Rev. Stat. §§ 525.030(5), 525.030(6).

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

Waiver: Not specified in exemption statute.


Amount: $15,000 in residence and land used in connection with it; exemption for multiple owners may not exceed, in aggregate, $15,000. Mo. Rev. Stat. § 513.475. Manufactured home not on or attached to land in which debtor has a fee interest, used as residence and not exceeding $5000 in value is exempt. Mo. Rev. Stat. § 513.430(1)(6).

Procedural requirements: None stated. Homestead is acquired when deed recorded (or in case of inheritance, when new owner acquires title). Mo. Rev. Stat. § 513.510.


Waiver: Not specified in exemption statute.

**Benefits, retirement plans, insurance, judgments, and other intangibles:** Mo. Rev. Stat. §§ 513.430, 513.440.


*Pensions, retirement plans, and annuities:* Any payment under certain public and private employee benefit plans; money payable to a participant in certain retirement plans, except as to the claims of an alternate payee under a qualified domestic relations order. Inherited plans explicitly included. Mo. Rev. Stat. §§ 513.430(1)(e), 513.430(1)(f).

*Insurance, judgments, or other compensation for injury:* Unmatured life insurance contracts; accrued dividends and loan values of certain life insurance (in bankruptcy, $150,000 limit), and up to $15,000 of any matured life insurance proceeds for actual funeral, cremation, or burial expenses, when the deceased is the spouse, child, or parent of the beneficiary (Mo. Rev. Stat. §§ 513.430(1)(7), 513.430(1)(8)); right to receive disability, illness, or unemployment benefit. Mo. Rev. Stat. § 513.430(1)(10). Right to receive, or property traceable to, wrongful death judgment for person on whom debtor was dependent, so far as needed for support. Mo. Rev. Stat. § 513.430(1)(11).


*Tax refunds:* Not specified in exemption statute. See Hardy v. Fink (*In re* Hardy), 787 F.3d 1189 (8th Cir. 2015) (additional child tax credit is exempt “public assistance benefit” under Missouri law); Christians v. Dmitruk (*In re* Dmitruk), 517 B.R. 921 (B.A.P. 8th Cir. 2014) (same as to education tax credit).

*Survival after payment or deposit:* Not specified in exemption statute, but note that some exemptions refer to “right to receive” and others to “payments under” or “traceable to.”

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