

House Bill 3016

Sponsored by Representatives GALLEGOS, WILLIAMSON, HOYLE; Representatives BARTON, BOONE, FAGAN, FREDERICK, GREENLICK, KOMP, WITT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts entire value of homestead from sale on execution, lien of judgment or liability for debts of owner if debt arises directly from or as result of "catastrophic or terminal illness or injury." Defines "catastrophic or terminal illness or injury."

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to homestead exemptions for debts that arise from obligations to health care providers;
3 creating new provisions; amending ORS 18.395, 18.402, 18.412, 18.845, 18.896 and 18.912; and de-
4 claring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 18.395 is amended to read:

7 18.395. (1)(a) A homestead *[shall be]* **is** exempt from sale on execution, from the lien of *[every]*
8 **a** judgment and from liability in any form for the debts of the owner to the amount in value of
9 \$40,000, except as **provided in paragraph (b) of this subsection or as** otherwise provided by law.
10 The exemption *[shall be]* **is** effective without the necessity *[of a claim thereof by]* **for** the judgment
11 debtor **to claim the exemption.** *[When]* **If** two or more members of a household are debtors whose
12 interests in the homestead are subject to sale on execution, the lien of a judgment or liability in any
13 form, *[their]* **the** combined exemptions **of the debtors** under this section *[shall]* **may** not exceed
14 \$50,000. The homestead **property** must be the actual abode of and occupied by the owner, or the
15 owner's spouse, parent or child, but the exemption *[shall]* **is** not *[be]* impaired by:

16 *[(a)]* **(A)** Temporary removal or temporary absence with the intention to reoccupy the *[same]*
17 **property** as a homestead;

18 *[(b)]* **(B)** Removal or absence from the property; or

19 *[(c)]* **(C)** The sale of the property.

20 **(b) The homestead is exempt from sale on execution, from the lien of a judgment and**
21 **from liability in any form for the owner's debts to the full value of the homestead, deter-**
22 **mined as of a date one year before the execution occurs or the lien or liability attaches, if**
23 **the owner demonstrates that the owner's debts arise directly from or as a result of a cat-**
24 **astrophic or terminal illness or injury. For purposes of this paragraph, "catastrophic or**
25 **terminal illness or injury" means an illness or injury that results in the owner incurring an**
26 **uninsured obligation to a health care provider, as defined in ORS 30.792, that is more than**
27 **\$10,000 and amounts to more than 50 percent of the owner's annual adjusted gross income,**
28 **as determined by averaging the adjusted gross income shown in the owner's federal income**
29 **tax returns for the three years preceding the date on which the owner incurred the most**
30 **recent uninsured obligation.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) The exemption *[shall extend]* **extends** to the proceeds derived from *[such]* a sale **of the**
 2 **homestead property** to an amount *[not exceeding \$40,000 or \$50,000, whichever]* **that does not ex-**
 3 **ceed the applicable** amount *[is applicable]* **specified** under subsection (1) of this section, if the
 4 proceeds are held *[for a period not exceeding one year and held with the intention to procure another*
 5 *homestead therewith]* **for a period that does not exceed one year with the intention to procure**
 6 **another homestead.**

7 (3) The exemption period under subsection *[(1)(b) and (c)]* **(1)(a)(B) and (C)** of this section *[shall*
 8 *be]* **is** one year from the **date of the** removal, absence or sale, whichever occurs first.

9 (4) *[When]* **If** the owner of a homestead has been granted a discharge in bankruptcy or has
 10 conveyed the homestead property, the value *[thereof]* **of the homestead property**, for the purpose
 11 of determining a leviable interest, **if any**, in excess of the homestead exemption, *[shall be]* **is** the
 12 value on the date of the petition in bankruptcy, whether the value is determined in the bankruptcy
 13 proceedings or not, or on the date the conveyance becomes effective, whichever *[shall first occur]*
 14 **occurs first.** However, with respect to judgments not discharged in the bankruptcy, or entered
 15 against the owner after discharge, the value on the effective date of conveyance *[shall be*
 16 *controlling]* **controls.**

17 (5) Except as provided in subsection (7) of this section, *[no]* homestead **property** that is the ac-
 18 tual abode of and occupied by the judgment debtor, or that is the actual abode of and occupied by
 19 a spouse, dependent parent or dependent child of the judgment debtor, *[shall]* **may not** be sold on
 20 execution to satisfy a judgment that at the time of entry does not exceed \$3,000. However, *[such]*
 21 **the judgment** *[shall remain]* **remains** a lien upon the real property, and the property may be sold
 22 on execution:

23 (a) At any time after the *[sale of]* **judgment debtor sells** the property *[by the judgment*
 24 *debtor]*; and

25 (b) At any time after the property is no longer the actual abode of and occupied by the judgment
 26 debtor or the spouse, dependent parent or dependent child of the judgment debtor.

27 (6) The limitation on execution sales imposed by subsection (5) of this section is not impaired
 28 by temporary removal or temporary absence with the intention to reoccupy the property as a
 29 homestead.

30 (7) The limitation on execution sales imposed by subsection (5) of this section does not apply if
 31 two or more judgments are owing to a single judgment creditor and the total amount owing to the
 32 judgment creditor, determined by adding the amount of each individual judgment as of the date the
 33 judgment was entered, is greater than \$3,000.

34 (8) Upon the issuance of an order authorizing sale as required by ORS 18.904, and in conform-
 35 ance with subsection (5) of this section, the sheriff may proceed to sell the property. If the home-
 36 stead exemption **set forth in subsection (1)(a) of this section** applies, the sheriff shall pay the
 37 homestead owner out of the proceeds the sum of \$40,000 or \$50,000, whichever is applicable, and
 38 apply the balance of the proceeds on the execution. *[However, no sale shall be made where]* **A sale**
 39 **may not occur if the homestead exemption set forth in subsection (1)(b) of this section ap-**
 40 **plies or if the homestead exemption set forth in subsection (1)(a) of this section** applies
 41 *[unless]* **and** the sum bid for the homestead *[is in excess of]* **property does not exceed** the sum of
 42 the costs of sale and \$40,000 or \$50,000, whichever is applicable. If *[no such]* **a qualifying bid is not**
 43 received, the **petitioner shall bear the** expense of the sale *[shall be borne by the petitioner].*

44 (9) The homestead exemption provided by this section applies to a purchaser's interest under a
 45 land sale contract, as defined by ORS 18.960.

(10) The homestead exemption provided by this section applies to:

(a) A floating home, as defined by ORS 830.700; and

(b) A manufactured dwelling, as defined by ORS 446.003.

SECTION 2. ORS 18.402 is amended to read:

18.402. The homestead [mentioned] **described** in ORS 18.395 [shall consist, when], **if** not located in [any] **a** town or city laid off into blocks and lots, **consists** of any quantity of land [not exceeding] **that does not exceed** 160 acres, and [when], **if** located in [any such] **a** town or city, **consists** of any quantity of land [not exceeding] **that does not exceed** one block. However, a homestead under this section [shall] **may** not exceed in value the sum of \$40,000 or \$50,000, whichever amount is applicable under ORS 18.395 [(1)] **(1)(a), except in the circumstances described in ORS 18.395 (1)(b).**

SECTION 3. ORS 18.412 is amended to read:

18.412. (1) At any time after the date of execution of an agreement to transfer the ownership of property in which a homestead exemption exists [pursuant to] **under** ORS 18.395, the homestead owner or the owner's transferee may give notice of intent to discharge the property from the judgment lien to a judgment creditor. [Each] **The** notice shall bear the caption of the action in which the judgment was recovered and shall:

(a) Identify the property and the judgment and state that the judgment debtor is about to transfer, or has transferred, the property and that the transfer is intended to discharge the property from any lien effect of the judgment;

(b) State the fair market value of the property on the date of the notice or of any applicable petition in bankruptcy, whichever is applicable, and list the encumbrances against the property, including the nature and date of each encumbrance, the name of the encumbrancer and the amount presently secured by each encumbrance;

(c) State that the **person that gives the notice claims that the** property is [claimed by the person giving the notice to be] wholly exempt from the lien of the judgment **by reason of the homestead exemption set forth under ORS 18.395 (1)(b) or for another reason** or, if the value of the property exceeds the sum of the encumbrances specified as required under paragraph (b) of this subsection that are senior to the judgment lien and \$40,000 or \$50,000, whichever amount of the homestead exemption is applicable under ORS 18.395 [(1)] **(1)(a)**, that the amount of the excess or the amount due on the judgment, whichever is less, will be deposited with the court administrator for the court in which the judgment was entered for the use of the judgment holder; and

(d) Advise the [holder of the] judgment **holder** that the property may be discharged from any lien arising from the judgment, without further notice to the judgment creditor, unless prior to a specified date, which [in no case] may **not** be earlier than 14 days after the date of mailing of the notice, the judgment creditor files objections and a request for a hearing on the matter as provided in ORS 18.415.

(2) [Each] **A** notice described by subsection (1) of this section [shall] **must** be sent by certified mail to the judgment creditor, as shown by the court records, at the judgment creditor's present or last-known address according to the best knowledge of the person sending the notice. A copy of [each] **the** notice, together with proof of mailing, may be filed with the court administrator for the court in which the judgment was entered and shall be filed by the court administrator with the records and files of the action in which the judgment was recovered.

SECTION 4. ORS 18.912 is amended to read:

18.912. (1) Whether or not the judgment debtor appears at the hearing, the court shall inquire

1 as to the facts alleged in a motion filed under ORS 18.906 and make a summary determination on
 2 the motion.

3 (2) The court shall authorize sale of the property pursuant to a motion filed under ORS 18.906
 4 unless the court finds **that**:

5 (a) *[That]* The property is the homestead of the judgment debtor;

6 (b) *[That]* The judgment is subject to the homestead exemption; and

7 (c) *[That]* The amount of the judgment or judgments was \$3,000 or less at the time of entry of
 8 the judgment or judgments as described in ORS 18.395 (7) **or that the homestead exemption set**
 9 **forth in ORS 18.395 (1)(b) applies.**

10 (3) If the court authorizes the sale of residential property, the order must state whether the
 11 homestead exemption applies to the property. If the homestead exemption does apply to the property,
 12 the order must state the allowed amount of the exemption.

13 (4) If the court authorizes the sale of residential property, the judgment creditor may recover
 14 the costs of service of the motion and notice under ORS 18.908 as part of the costs of the sale.

15 **SECTION 5.** ORS 18.845 is amended to read:

16 18.845. A notice of exemptions form must be in substantially the form set forth in this section.
 17 *[Nothing in]* The notice form described in this section *[is intended to]* **does not** expand or restrict
 18 the law relating to exempt property. A determination as to whether property is exempt from exe-
 19 cution, attachment and garnishment must be made by reference to other law. The form provided in
 20 this section may be modified to provide more information or to update the notice based on subse-
 21 quent changes in exemption laws.

22
 23
 24 **NOTICE OF EXEMPT PROPERTY**
 25 **AND INSTRUCTIONS FOR**
 26 **CHALLENGE TO GARNISHMENT**
 27

28 Property belonging to you may have been taken or held in order to satisfy a debt. The debt may be
 29 reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers
 30 are enclosed.

31 **YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CARE-**
 32 **FULLY.**

33 State and federal law specify that certain property may not be taken. Some of the property that
 34 you may be able to get back is listed below.

35 (1) Wages or a salary as described in ORS 18.375 and 18.385[. *Whichever of the following*
 36 *amounts is greater]* **in an amount that does not exceed the greater of the following amounts:**

37 (a) 75 percent of your take-home wages; or

38 (b) \$218 per workweek.

39 (2) Social Security benefits.

40 (3) Supplemental Security Income (SSI).

41 (4) Public assistance (welfare).

42 (5) Unemployment benefits.

43 (6) Disability benefits (other than SSI benefits).

44 (7) Workers' compensation benefits.

45 (8) All Social Security benefits and Supplemental Security Income benefits, and up to \$7,500 in

1 exempt wages, retirement benefits, welfare, unemployment benefits and disability benefits, that are
2 held in a bank account. You may attach copies of bank statements to the Challenge to Garnishment
3 form if you claim this exemption.

4 (9) Spousal support, child support or separate maintenance to the extent reasonably necessary
5 for your support or the support of any of your dependents.

6 (10) A homestead (house, manufactured dwelling or floating home) occupied by you, or occupied
7 by your spouse, parent or child. Up to \$40,000 of the value of the homestead is exempt. If you jointly
8 own the homestead with another person who is also liable on the debt, up to \$50,000 of the value
9 of the homestead is exempt. **If you can demonstrate that your debts arise from a catastrophic
10 or terminal illness or injury, that your debts exceed \$10,000 and that the amount of your
11 debts is more than 50 percent of your adjusted gross income, the entire value of your
12 homestead may be exempt.**

13 (11) Proceeds from the sale of a homestead described in item 10, up to the limits described in
14 item 10, if you hold the proceeds for less than one year and intend to use those proceeds to procure
15 another homestead.

16 (12) Household goods, furniture, radios, a television set and utensils with a combined value not
17 to exceed \$3,000.

18 *(13) An automobile, truck, trailer or other vehicle with a value not to exceed \$3,000.

19 *(14) Tools, implements, apparatus, team, harness or library that are necessary to carry on your
20 occupation, with a combined value not to exceed \$5,000.

21 *(15) Books, pictures and musical instruments with a combined value not to exceed \$600.

22 *(16) Wearing apparel, jewelry and other personal items with a combined value not to exceed
23 \$1,800.

24 (17) Domestic animals and poultry for family use with a combined value not to exceed \$1,000
25 and their food for 60 days.

26 (18) Provisions and fuel for your family for 60 days.

27 (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt
28 may not exceed \$1,000.

29 (20) Public or private pensions.

30 (21) Veterans' benefits and loans.

31 (22) Medical assistance benefits.

32 (23) Health insurance proceeds and disability proceeds of life insurance policies.

33 (24) Cash surrender value of life insurance policies not payable to your estate.

34 (25) Federal annuities.

35 (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same ex-
36 emption as wages).

37 (27) Professionally prescribed health aids for you or any of your dependents.

38 *(28) Elderly rental assistance allowed pursuant to ORS 310.635.

39 (29) Your right to receive, or property traceable to:

40 (a) An award under any crime victim reparation law.

41 (b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily in-
42 jury suffered by you or an individual of whom you are a dependent.

43 (c) A payment in compensation of loss of future earnings of you or an individual of whom you
44 are or were a dependent, to the extent reasonably necessary for your support and the support of
45 any of your dependents.

1 (30) Amounts paid to you as an earned income tax credit under federal tax law.

2 *(31) Interest in personal property to the value of \$400, but this cannot be used to increase the
3 amount of any other exemption.

4 (32) Equitable interests in property.

5 (33) Security deposits or prepaid rent held by a residential landlord under ORS 90.300.

6 (34) If the amount shown as owing on the Debt Calculation form exceeds the amount you actu-
7 ally owe to the creditor, the difference between the amount owed and the amount shown on the Debt
8 Calculation form.

9
10 Note: If two or more people in your household owe the claim or judgment, each of them may
11 claim the exemptions marked by an asterisk (*).

12
13
14 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND
15 SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt
16 may be taken to pay for overdue support. For instance, Social Security benefits, workers' compen-
17 sation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but
18 only 50 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support
19 obligation.

20
21 YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.
22 You may seek to reclaim your exempt property by doing the following:

23 (1) Fill out the Challenge to Garnishment form that you received with this notice.

24 (2) Mail or deliver the Challenge to Garnishment form to the court administrator at the address
25 shown on the writ of garnishment, and mail or deliver a copy of the form to the Garnishor at the
26 address shown on the writ of garnishment. If you wish to claim wages or salary as exempt, you must
27 mail or deliver the form within 120 days after you receive this notice. If you wish to claim that any
28 other money or property is exempt, or claim that the property is not subject to garnishment, you
29 must mail or deliver the form within 30 days after you receive this notice. You have the burden of
30 showing that your challenge is made on time, so you should keep records showing when the chal-
31 lenge was mailed or delivered.

32 (3) The law only requires that the Garnishor hold the garnished money or property for 10 days
33 before applying it to the Creditor's use. You may be able to keep the property from being used by
34 the Creditor by promptly following (1) and (2) above.

35
36 You should be prepared to explain your exemption in court. If you have any questions about the
37 garnishment or the debt, you should see an attorney.

38 YOU MAY USE THE CHALLENGE TO GARNISHMENT FORM ONLY FOR THE FOLLOW-
39 ING PURPOSES:

40 (1) To claim such exemptions from garnishment as are permitted by law.

41 (2) To assert that property is not garnishable property under ORS 18.618.

42 (3) To assert that the amount specified in the writ of garnishment as being subject to
43 garnishment is greater than the total amount owed.

44
45 YOU MAY NOT USE THE CHALLENGE TO GARNISHMENT FORM TO CHALLENGE THE

1 VALIDITY OF THE DEBT.

2 IF YOU FILE A CHALLENGE TO A GARNISHMENT IN BAD FAITH, YOU MAY BE SUB-
3 JECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties
4 that you could be subject to are listed in ORS 18.715.

5 When you file a Challenge to Garnishment form, the Garnishee may be required to make all
6 payments under the garnishment to the court, and the Garnishor may be required to pay to the
7 court all amounts received by the Garnishor that are subject to the challenge to the garnishment.
8 The Garnishee and Garnishor are subject to penalties if they do not. For a complete explanation of
9 their responsibilities, see ORS 18.705 and 18.708.

10 _____
11
12 **SECTION 6.** ORS 18.896 is amended to read:

13 18.896. (1) The challenge to execution form described in this section does not expand or restrict
14 the law relating to exempt property. A determination as to whether property is exempt from at-
15 tachment or execution must be made by reference to other law. The form provided in this section
16 may be modified to provide more information or to update the notice based on subsequent changes
17 in exemption laws.

18 (2) A challenge to execution form must be in substantially the following form:
19 _____

20
21 _____ COURT
22 COUNTY OF _____

23
24 _____) CHALLENGE TO
25 Plaintiff,) EXECUTION
26)
27 vs.) Case No. _____
28)
29 _____)
30 Defendant.)

31
32 THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOLLOWING PURPOSES:

- 33 (1) To claim such exemptions from execution as are permitted by law.
34 (2) To assert that the amount specified in the writ of execution as being subject to execution is
35 greater than the total amount owed.

36
37 THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY TO CLAIM
38 AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

39
40 THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE DEBT.

41
42 I/We claim that the following described property or money is exempt from execution:
43 _____
44 _____
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I/We believe this property is exempt from execution because (the Notice of Exempt Property at the end of this form describes most types of property that you can claim as exempt from execution):

I am a person other than the Debtor and I have the following interest in the property:

Name _____	Name _____
Signature _____	Signature _____
Address _____	Address _____
_____	_____
Telephone _____	Telephone _____
Number _____	Number _____
(Required)	(Required)

YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.

You may seek to reclaim your exempt property by doing the following:

- (1) Fill out the Challenge to Execution form that you received with this notice.
- (2) Mail or deliver the Challenge to Execution form to the court administrator at the address shown on the writ of execution.
- (3) Mail or deliver a copy of the Challenge to Execution form to the judgment creditor at the address shown on the writ of execution.

You should be prepared to explain your exemption in court. If you have any questions about the execution or the debt, you should see an attorney.

YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY FOR THE FOLLOWING PURPOSES:

- (1) To claim such exemptions from execution as are permitted by law.
- (2) To assert that the amount specified in the writ of execution as being subject to execution is greater than the total amount owed.

YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE VALIDITY OF THE DEBT.

IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject

1 to are listed in ORS 18.899.

2
3 NOTICE OF EXEMPT PROPERTY
4

5 Property belonging to you may have been taken or held in order to satisfy a debt. The debt may
6 be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers
7 are enclosed.

8 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CARE-
9 FULLY.

10 State and federal law specify that certain property may not be taken. Some of the property that
11 you may be able to get back is listed below.

12 (1) Wages or a salary as described in ORS 18.375 and 18.385[. *Whichever of the following*
13 *amounts is greater*] **in an amount that does not exceed the greater of the following amounts:**

- 14 (a) 75 percent of your take-home wages; or
- 15 (b) \$218 per workweek.
- 16 (2) Social Security benefits.
- 17 (3) Supplemental Security Income (SSI).
- 18 (4) Public assistance (welfare).
- 19 (5) Unemployment benefits.
- 20 (6) Disability benefits (other than SSI benefits).
- 21 (7) Workers' compensation benefits.

22 (8) All Social Security benefits and Supplemental Security Income benefits, and up to \$7,500 in
23 exempt wages, retirement benefits, welfare, unemployment benefits and disability benefits, that are
24 held in a bank account.

25 (9) Spousal support, child support or separate maintenance to the extent reasonably necessary
26 for your support or the support of any of your dependents.

27 (10) A homestead (house, manufactured dwelling or floating home) occupied by you, or occupied
28 by your spouse, parent or child. Up to \$40,000 of the value of the homestead is exempt. If you jointly
29 own the homestead with another person who is also liable on the debt, up to \$50,000 of the value
30 of the homestead is exempt. **If you can demonstrate that your debts arise from a catastrophic
31 or terminal illness or injury, that your debts exceed \$10,000 and that the amount of your
32 debts is more than 50 percent of your adjusted gross income, the entire value of your
33 homestead may be exempt.**

34 (11) Proceeds from the sale of a homestead described in item 10, up to the limits described in
35 item 10, if you hold the proceeds for less than one year and intend to use those proceeds to procure
36 another homestead.

37 (12) Household goods, furniture, radios, a television set and utensils with a combined value not
38 to exceed \$3,000.

39 *(13) An automobile, truck, trailer or other vehicle with a value not to exceed \$3,000.

40 *(14) Tools, implements, apparatus, team, harness or library that are necessary to carry on your
41 occupation, with a combined value not to exceed \$5,000.

42 *(15) Books, pictures and musical instruments with a combined value not to exceed \$600.

43 *(16) Wearing apparel, jewelry and other personal items with a combined value not to exceed
44 \$1,800.

45 (17) Domestic animals and poultry for family use with a combined value not to exceed \$1,000

1 and their food for 60 days.

2 (18) Provisions and fuel for your family for 60 days.

3 (19) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt
4 may not exceed \$1,000.

5 (20) Public or private pensions.

6 (21) Veterans' benefits and loans.

7 (22) Medical assistance benefits.

8 (23) Health insurance proceeds and disability proceeds of life insurance policies.

9 (24) Cash surrender value of life insurance policies not payable to your estate.

10 (25) Federal annuities.

11 (26) Other annuities to \$250 per month (excess over \$250 per month is subject to the same ex-
12 emption as wages).

13 (27) Professionally prescribed health aids for you or any of your dependents.

14 *(28) Elderly rental assistance allowed pursuant to ORS 310.635.

15 *(29) Your right to receive, or property traceable to:

16 *(a) An award under any crime victim reparation law.

17 *(b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily in-
18 jury suffered by you or an individual of whom you are a dependent.

19 *(c) A payment in compensation of loss of future earnings of you or an individual of whom you
20 are or were a dependent, to the extent reasonably necessary for your support and the support of
21 any of your dependents.

22 (30) Amounts paid to you as an earned income tax credit under federal tax law.

23 (31) Interest in personal property to the value of \$400, but this cannot be used to increase the
24 amount of any other exemption.

25 (32) Equitable interests in property.

26 Note: If two or more people in your household owe the claim or judgment, each of them may
27 claim the exemptions marked by an asterisk (*).

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30 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND
31 SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt
32 may be taken to pay for overdue support. For instance, Social Security benefits, workers' compen-
33 sation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but
34 only 50 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support
35 obligation.

37
38 **SECTION 7. The amendments to ORS 18.395, 18.402, 18.412, 18.845, 18.896 and 18.912 by**
39 **sections 1 to 6 of this 2013 Act apply to liens or other liabilities that attach to, judgments**
40 **that are entered against, or sales or other transfers of ownership that occur on or after the**
41 **effective date of this 2013 Act in connection with residential real property that qualifies for**
42 **a homestead exemption.**

43 **SECTION 8. This 2013 Act being necessary for the immediate preservation of the public**
44 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
45 **on its passage.**

