

**PROPOSED AMENDMENTS TO
SENATE BILL 396**

1 On page 1 of the printed bill, delete “18.845 and 18.896;” and insert
2 “18.395, 18.402, 18.412, 18.845, 18.896 and 18.912;”.

3 On page 2, delete lines 39 through 45 and delete pages 3 through 9 and
4 insert:

5 **“SECTION 2. ORS 18.395 is amended to read:**

6 **“18.395. (1) Except as otherwise provided by law, a homestead [*shall***
7 ***be exempt*]** **is exempt, without the necessity of a claim by the judgment**
8 **debtor, from sale on execution, from the lien of every judgment and from**
9 **liability in any form for the debts of the owner to the amount in value of**
10 **[\$40,000, except as otherwise provided by law. The exemption shall be effective**
11 **without the necessity of a claim thereof by the judgment debtor.]:**

12 **“(a) \$125,000; or**

13 **“(b) \$175,000, if the judgment debtor or the spouse of the judgment**
14 **debtor who resides in the homestead is:**

15 **“(A) A person 65 years of age or older;**

16 **“(B) A person with a disability that prevents the person from en-**
17 **gaging in substantial gainful employment; or**

18 **“(C) A person 55 years of age or older with a gross annual income**
19 **of not more than \$25,000 or, if the judgment debtor is married, a**
20 **combined gross annual income of not more than \$35,000.**

21 **“(2) When two or more members of a household are debtors whose inter-**
22 **ests in the homestead are subject to sale on execution, the lien of a judgment**

1 or liability in any form, their combined exemptions under this section
2 [*shall*] **may** not exceed [*\$50,000*] **\$125,000 or \$175,000, whichever amount**
3 **is applicable under subsection (1) of this section.**

4 “(3) The homestead must be the actual abode of and occupied by the
5 owner, or the owner’s spouse, parent or child, but the exemption shall not
6 be impaired by:

7 “(a) Temporary removal or temporary absence with the intention to re-
8 occupy the same as a homestead;

9 “(b) Removal or absence from the property; or

10 “(c) The sale of the property.

11 “[2] (4) The exemption shall extend to the proceeds derived from such
12 sale to an amount not exceeding [*\$40,000 or \$50,000*] **\$125,000 or \$175,000,**
13 **whichever amount is applicable under subsection (1) of this section, if the**
14 **proceeds are held for a period not exceeding one year and held with the in-**
15 **tention to procure another homestead therewith.**

16 “[3] (5) The exemption period under subsection [(1)(b) and (c)] (3)(b) and
17 (c) of this section [*shall be*] **is** one year from the removal, absence or sale,
18 **whichever occurs first.**

19 “[4] (6) When the owner of a homestead has been granted a discharge
20 in bankruptcy or has conveyed the homestead property, the value thereof, for
21 the purpose of determining a leviable interest in excess of the homestead
22 exemption, [*shall be*] **is** the value on the date of the petition in bankruptcy,
23 whether the value is determined in the bankruptcy proceedings or not, or on
24 the date the conveyance becomes effective, whichever shall first occur.
25 However, with respect to judgments not discharged in the bankruptcy, or
26 entered against the owner after discharge, the value on the effective date of
27 conveyance [*shall be*] **is** controlling.

28 “[5] (7) Except as provided in subsection [(7)] (9) of this section, no
29 homestead that is the actual abode of and occupied by the judgment debtor,
30 or that is the actual abode of and occupied by a spouse, dependent parent

1 or dependent child of the judgment debtor, [*shall*] **may** be sold on execution
2 to satisfy a judgment that at the time of entry does not exceed \$3,000.
3 However, such judgment shall remain a lien upon the real property, and the
4 property may be sold on execution:

5 “(a) At any time after the sale of the property by the judgment debtor;
6 and

7 “(b) At any time after the property is no longer the actual abode of and
8 occupied by the judgment debtor or the spouse, dependent parent or depend-
9 ent child of the judgment debtor.

10 “[~~(6)~~] **(8)** The limitation on execution sales imposed by subsection [~~(5)~~] **(7)**
11 of this section is not impaired by temporary removal or temporary absence
12 with the intention to reoccupy the property as a homestead.

13 “[~~(7)~~] **(9)** The limitation on execution sales imposed by subsection [~~(5)~~] **(7)**
14 of this section does not apply if two or more judgments are owing to a single
15 judgment creditor and the total amount owing to the judgment creditor, de-
16 termined by adding the amount of each individual judgment as of the date
17 the judgment was entered, is greater than \$3,000.

18 “[~~(8)~~] **(10)** Upon the issuance of an order authorizing sale as required by
19 ORS 18.904, and in conformance with subsection [~~(5)~~] **(7)** of this section, the
20 sheriff may proceed to sell the property. If the homestead exemption applies,
21 the sheriff shall pay the homestead owner out of the proceeds the sum of
22 [~~(\$40,000 or \$50,000)~~] **\$125,000 or \$175,000**, whichever is applicable, and apply
23 the balance of the proceeds on the execution. However, no sale [*shall*] **may**
24 be made where the homestead exemption applies unless the sum bid for the
25 homestead is in excess of the sum of the costs of sale and [~~(\$40,000 or~~
26 ~~\$50,000)~~] **\$125,000 or \$175,000**, whichever is applicable. If no such bid is re-
27 ceived, the **petitioner shall bear the** expense of the sale [*shall be borne by*
28 *the petitioner*].

29 “[~~(9)~~] **(11)** The homestead exemption provided by this section applies to a
30 purchaser’s interest under a land sale contract, as defined by ORS 18.960.

1 “[~~(10)~~] (12) The homestead exemption provided by this section applies to:
2 “(a) A floating home, as defined by ORS 830.700; and
3 “(b) A manufactured dwelling, as defined by ORS 446.003.

4 **“SECTION 3.** ORS 18.402 is amended to read:]

5 “18.402. The homestead mentioned in ORS 18.395 [*shall consist*], when not
6 located in any town or city laid off into blocks and lots, **consists** of any
7 quantity of land not exceeding 160 acres, and when located in any such town
8 or city, **consists** of any quantity of land not exceeding one block. However,
9 a homestead under this section [*shall*] **may** not exceed in value the sum of
10 [~~\$40,000 or \$50,000~~] **\$125,000 or \$175,000**, whichever amount is applicable un-
11 der ORS 18.395 (1).

12 **“SECTION 4.** ORS 18.412 is amended to read:

13 “18.412. (1) At any time after the date of execution of an agreement to
14 transfer the ownership of property in which a homestead exemption exists
15 pursuant to ORS 18.395, the homestead owner or the owner’s transferee may
16 give notice of intent to discharge the property from the judgment lien to a
17 judgment creditor. Each notice shall bear the caption of the action in which
18 the judgment was recovered and shall:

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

23 “(b) State the fair market value of the property on the date of the notice
24 or of any applicable petition in bankruptcy, whichever is applicable, and list
25 the encumbrances against the property, including the nature and date of each
26 encumbrance, the name of the encumbrancer and the amount presently se-
27 cured by each encumbrance;

28 “(c) State that the property is claimed by the person giving the notice to
29 be wholly exempt from the lien of the judgment or, if the value of the prop-
30 erty exceeds the sum of the encumbrances specified as required under para-

1 graph (b) of this subsection that are senior to the judgment lien and [~~\$40,000~~
2 ~~or \$50,000~~] **\$125,000 or \$175,000**, whichever amount of the homestead ex-
3 emption is applicable under ORS 18.395 (1), that the amount of the excess
4 or the amount due on the judgment, whichever is less, will be deposited with
5 the court administrator for the court in which the judgment was entered for
6 the use of the judgment holder; and

7 “(d) Advise the holder of the judgment that the property may be dis-
8 charged from any lien arising from the judgment, without further notice to
9 the judgment creditor, unless prior to a specified date, which in no case may
10 be earlier than 14 days after the date of mailing of the notice, the judgment
11 creditor files objections and a request for a hearing on the matter as pro-
12 vided in ORS 18.415.

13 “(2) Each notice described by subsection (1) of this section shall be sent
14 by certified mail to the judgment creditor, as shown by the court records,
15 at the judgment creditor’s present or last-known address according to the
16 best knowledge of the person sending the notice. A copy of each notice, to-
17 gether with proof of mailing, may be filed with the court administrator for
18 the court in which the judgment was entered and shall be filed by the court
19 administrator with the records and files of the action in which the judgment
20 was recovered.

21 **“SECTION 5.** ORS 18.912 is amended to read:

22 “18.912. (1) Whether or not the judgment debtor appears at the hearing,
23 the court shall inquire as to the facts alleged in a motion filed under ORS
24 18.906 and make a summary determination on the motion.

25 “(2) The court shall authorize sale of the property pursuant to a motion
26 filed under ORS 18.906 unless the court finds:

27 “(a) That the property is the homestead of the judgment debtor;

28 “(b) That the judgment is subject to the homestead exemption; and

29 “(c) That the amount of the judgment or judgments was \$3,000 or less at
30 the time of entry of the judgment or judgments as described in ORS 18.395

1 [(7)] (9).

2 “(3) If the court authorizes the sale of residential property, the order must
3 state whether the homestead exemption applies to the property. If the
4 homestead exemption does apply to the property, the order must state the
5 allowed amount of the exemption.

6 “(4) If the court authorizes the sale of residential property, the judgment
7 creditor may recover the costs of service of the motion and notice under ORS
8 18.908 as part of the costs of the sale.

9 **“SECTION 6.** ORS 18.845 is amended to read:

10 “18.845. A notice of exemptions form must be in substantially the form set
11 forth in this section. Nothing in the notice form described in this section is
12 intended to expand or restrict the law relating to exempt property. A deter-
13 mination as to whether property is exempt from execution, attachment and
14 garnishment must be made by reference to other law. The form provided in
15 this section may be modified to provide more information or to update the
16 notice based on subsequent changes in exemption laws.

17 “

18 NOTICE OF EXEMPT PROPERTY
19 AND INSTRUCTIONS FOR
20 CHALLENGE TO GARNISHMENT
21

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

25 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ
26 THIS NOTICE CAREFULLY.

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

29 (1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever
30 of the following amounts is greater:

- 1 (a) 75 percent of your take-home wages; or
2 (b) \$218 per workweek.
- 3 (2) Social Security benefits.
4 (3) Supplemental Security Income (SSI).
5 (4) Public assistance (welfare).
6 (5) Unemployment benefits.
7 (6) Disability benefits (other than SSI benefits).
8 (7) Workers' compensation benefits.
- 9 (8) All Social Security benefits and Supplemental Security Income bene-
10 fits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unem-
11 ployment benefits and disability benefits, that are held in a bank account.
12 You may attach copies of bank statements to the Challenge to Garnishment
13 form if you claim this exemption.
- 14 (9) Spousal support, child support or separate maintenance to the extent
15 reasonably necessary for your support or the support of any of your depen-
16 dents.
- 17 (10) A homestead (house, manufactured dwelling or floating home) occu-
18 pied by you, or occupied by your spouse, parent or child. Up to [~~\$40,000~~]
19 **\$125,000** of the value of the homestead is exempt. If you [*jointly own the*
20 *homestead with another person who is also liable on the debt*] **are (or your**
21 **spouse who resides in the homestead is) 65 years of age or older, a**
22 **person with a disability that prevents you (or your spouse) from en-**
23 **gaging in substantial gainful employment or 55 years of age or older**
24 **with a gross annual income of not more than \$25,000 (or, if you are**
25 **married, are 55 years of age with a combined gross annual income of**
26 **not more than \$35,000), up to [~~\$50,000~~] **\$175,000** of the value of the home-**
27 **stead is exempt.**
- 28 (11) Proceeds from the sale of a homestead described in item 10, up to the
29 limits described in item 10, if you hold the proceeds for less than one year
30 and intend to use those proceeds to procure another homestead.

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

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

5 *(14) Tools, implements, apparatus, team, harness or library that are
6 necessary to carry on your occupation, with a combined value not to exceed
7 \$5,000.

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

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

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

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

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

17 (20) Public or private pensions.

18 (21) Veterans' benefits and loans.

19 (22) Medical assistance benefits.

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

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

24 (25) Federal annuities.

25 (26) Other annuities to \$250 per month (excess over \$250 per month is
26 subject to the same exemption as wages).

27 (27) Professionally prescribed health aids for you or any of your depen-
28 dents.

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

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

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

2 (b) A payment or payments, not exceeding a total of \$10,000, on account
3 of personal bodily injury suffered by you or an individual of whom you are
4 a dependent.

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

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

10 **(31) Your right to the assets held in, or right to receive payments**
11 **under, a medical savings account or health savings account authorized**
12 **under section 220 or 223 of the Internal Revenue Code.**

13 *[(31)] **(32)** Interest in personal property to the value of \$400, but this
14 cannot be used to increase the amount of any other exemption.

15 [(32)] **(33)** Equitable interests in property.

16 [(33)] **(34)** Security deposits or prepaid rent held by a residential landlord
17 under ORS 90.300.

18 [(34)] **(35)** If the amount shown as owing on the Debt Calculation form
19 exceeds the amount you actually owe to the creditor, the difference between
20 the amount owed and the amount shown on the Debt Calculation form.

21

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

24

25 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD
26 SUPPORT AND SPOUSAL SUPPORT. Some property that may not other-
27 wise be taken for payment against the debt may be taken to pay for overdue
28 support. For instance, Social Security benefits, workers' compensation bene-
29 fits, unemployment benefits, veterans' benefits and pensions are normally
30 exempt, but only 50 percent of a lump sum payment of these benefits is ex-

1 empt if the debt is owed for a support obligation.

2

3 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY**
4 **OR PROPERTY BACK.** You may seek to reclaim your exempt property by
5 doing the following:

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

8 (2) Mail or deliver the Challenge to Garnishment form to the court ad-
9 ministrator at the address shown on the writ of garnishment, and mail or
10 deliver a copy of the form to the Garnishor at the address shown on the writ
11 of garnishment. If you wish to claim wages or salary as exempt, you must
12 mail or deliver the form within 120 days after you receive this notice. If you
13 wish to claim that any other money or property is exempt, or claim that the
14 property is not subject to garnishment, you must mail or deliver the form
15 within 30 days after you receive this notice. You have the burden of showing
16 that your challenge is made on time, so you should keep records showing
17 when the challenge was mailed or delivered.

18 (3) The law only requires that the Garnishor hold the garnished money
19 or property for 10 days before applying it to the Creditor's use. You may be
20 able to keep the property from being used by the Creditor by promptly fol-
21 lowing (1) and (2) above.

22

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

25 **YOU MAY USE THE CHALLENGE TO GARNISHMENT FORM ONLY**
26 **FOR THE FOLLOWING PURPOSES:**

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

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

29 (3) To assert that the amount specified in the writ of garnishment as be-
30 ing subject to garnishment is greater than the total amount owed.

1 YOU MAY NOT USE THE CHALLENGE TO GARNISHMENT FORM
2 TO CHALLENGE THE VALIDITY OF THE DEBT.

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

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

13 “ _____

14 **“SECTION 7.** ORS 18.896 is amended to read:

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

21 “(2) A challenge to execution form must be in substantially the following
22 form:

23 “ _____

24 _____ COURT
25 COUNTY OF _____

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

1)
2 _____)
3 Defendant.)

4

5 THIS FORM MAY BE USED BY THE DEBTOR ONLY FOR THE FOL-
6 LOWING PURPOSES:

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

10

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

14

15 THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY
16 OF THE DEBT.

17

18 I/We claim that the following described property or money is exempt from
19 execution:

20 _____
21 _____

22

23 I/We believe this property is exempt from execution because (the Notice
24 of Exempt Property at the end of this form describes most types of property
25 that you can claim as exempt from execution):

26 _____
27 _____

28

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

1 _____
 2 _____
 3
 4 Name _____ Name _____
 5 Signature _____ Signature _____
 6 Address _____ Address _____
 7 _____
 8 Telephone Telephone
 9 Number _____ Number _____
 10 (Required) (Required)

11
 12

13 **YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR**
 14 **PROPERTY BACK.** You may seek to reclaim your exempt property by doing
 15 the following:

16 (1) Fill out the Challenge to Execution form that you received with this
 17 notice.

18 (2) Mail or deliver the Challenge to Execution form to the court admin-
 19 istrator at the address shown on the writ of execution.

20 (3) Mail or deliver a copy of the Challenge to Execution form to the
 21 judgment creditor at the address shown on the writ of execution.

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

24

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

27 (1) To claim such exemptions from execution as are permitted by law.

28 (2) To assert that the amount specified in the writ of execution as being
 29 subject to execution is greater than the total amount owed.

30

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

3
4 IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE
5 SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD IN-
6 CLUDE A FINE. Penalties that you could be subject to are listed in ORS
7 18.899.

8
9 NOTICE OF EXEMPT PROPERTY

10
11 Property belonging to you may have been taken or held in order to satisfy
12 a debt. The debt may be reflected in a judgment or in a warrant or order
13 issued by a state agency. Important legal papers are enclosed.

14 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ
15 THIS NOTICE CAREFULLY.

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

18 (1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever
19 of the following amounts is greater:

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

21 (b) \$218 per workweek.

22 (2) Social Security benefits.

23 (3) Supplemental Security Income (SSI).

24 (4) Public assistance (welfare).

25 (5) Unemployment benefits.

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

27 (7) Workers' compensation benefits.

28 (8) All Social Security benefits and Supplemental Security Income bene-
29 fits, and up to \$7,500 in exempt wages, retirement benefits, welfare, unem-
30 ployment benefits and disability benefits, that are held in a bank account.

1 (9) Spousal support, child support or separate maintenance to the extent
2 reasonably necessary for your support or the support of any of your depen-
3 dents.

4 (10) A homestead (house, manufactured dwelling or floating home) occu-
5 pied by you, or occupied by your spouse, parent or child. Up to [*\$40,000*]
6 **\$125,000** of the value of the homestead is exempt. If you [*jointly own the*
7 *homestead with another person who is also liable on the debt*] **are (or your**
8 **spouse who resides in the homestead is) 65 years of age or older, a**
9 **person with a disability that prevents you (or your spouse) from en-**
10 **gaging in substantial gainful employment or 55 years of age or older**
11 **with a gross annual income of not more than \$25,000 (or, if you are**
12 **married, are 55 years of age with a combined gross annual income of**
13 **not more than \$35,000), up to [*\$50,000*] **\$175,000** of the value of the home-
14 stead is exempt.**

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

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

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

22 *(14) Tools, implements, apparatus, team, harness or library that are
23 necessary to carry on your occupation, with a combined value not to exceed
24 \$5,000.

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

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

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

- 1 (18) Provisions and fuel for your family for 60 days.
- 2 (19) One rifle or shotgun and one pistol. The combined value of all
3 firearms claimed as exempt may not exceed \$1,000.
- 4 (20) Public or private pensions.
- 5 (21) Veterans' benefits and loans.
- 6 (22) Medical assistance benefits.
- 7 (23) Health insurance proceeds and disability proceeds of life insurance
8 policies.
- 9 (24) Cash surrender value of life insurance policies not payable to your
10 estate.
- 11 (25) Federal annuities.
- 12 (26) Other annuities to \$250 per month (excess over \$250 per month is
13 subject to the same exemption as wages).
- 14 (27) Professionally prescribed health aids for you or any of your depen-
15 dents.
- 16 *(28) Elderly rental assistance allowed pursuant to ORS 310.635.
- 17 *(29) Your right to receive, or property traceable to:
- 18 *(a) An award under any crime victim reparation law.
- 19 *(b) A payment or payments, not exceeding a total of \$10,000, on account
20 of personal bodily injury suffered by you or an individual of whom you are
21 a dependent.
- 22 *(c) A payment in compensation of loss of future earnings of you or an
23 individual of whom you are or were a dependent, to the extent reasonably
24 necessary for your support and the support of any of your dependents.
- 25 (30) Amounts paid to you as an earned income tax credit under federal
26 tax law.
- 27 **(31) Your right to the assets held in, or right to receive payments**
28 **under, a medical savings account or health savings account authorized**
29 **under section 220 or 223 of the Internal Revenue Code.**
- 30 [(31)] (32) Interest in personal property to the value of \$400, but this

1 cannot be used to increase the amount of any other exemption.

2 [(32)] (33) Equitable interests in property.

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

5

6 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD
7 SUPPORT AND SPOUSAL SUPPORT. Some property that may not other-
8 wise be taken for payment against the debt may be taken to pay for overdue
9 support. For instance, Social Security benefits, workers' compensation bene-
10 fits, unemployment benefits, veterans' benefits and pensions are normally
11 exempt, but only 50 percent of a lump sum payment of these benefits is ex-
12 empt if the debt is owed for a support obligation.

13 “

14 **“SECTION 8. The amendments to ORS 18.345, 18.395, 18.402, 18.412,**
15 **18.845, 18.896 and 18.912 by sections 1 to 7 of this 2013 Act apply only**
16 **to executions as defined in ORS 18.005 issued on or after the effective**
17 **date of this 2013 Act.**

18 **“SECTION 9. This 2013 Act being necessary for the immediate**
19 **preservation of the public peace, health and safety, an emergency is**
20 **declared to exist, and this 2013 Act takes effect on its passage.”.**

21
