

SOUTH DAKOTA STATE EXEMPTION STATUTES

Federal Bankruptcy Exemptions are not available.

All law references are to South Dakota Codified Laws.

ASSET	EXEMPTION	LAW PROVISION
Homestead	Real property (or mobile home larger than 240 square feet at its base and registered in state at least 6 months before filing for bankruptcy) to unlimited value; property cannot exceed 1 acre in town or 160 acres elsewhere; sale proceeds to \$30,000 (unlimited if you're over age 70 or an unmarried widow or widower) exempt for 1 year after sale (can't exempt gold or silver mine, mill or smelter, 43-31-5	43-31-1, 43-31-2, 43-31-3, 43-31-4
	Spouse or child of deceased owner may claim homestead exemption	43-31-13
	May file homestead declaration	43-31-6
Insurance	Annuity contract proceeds to \$250 per month	58-12-6, 58-12-8
	Endowment, life insurance policy, proceeds or cash value to \$20,000 (husband and wife may not double, In re James, 31 B.R. 67 (D. S.D. 1983)	58-12-4
	Fraternal benefit society benefits	58-37-68
	Health benefits to \$20,000	58-12-4
	Life insurance proceeds, held pursuant to agreement by insurer, if clause prohibits proceeds from being used to pay beneficiary's creditors	58-15-70
	Life insurance proceeds to \$10,000, if beneficiary is surviving spouse or child	43-45-6
Miscellaneous	Property of business partnership	48-4-14
Pensions	City employees	9-16-47
	Public employees	3-12-115
Personal Property	1. All debtors may exempt bible, books to \$200, pictures, burial plots, church pew, food & fuel to last 1 year and clothing	43-45-2
	2. Head of family may claim \$4000 of any personal property or:	43-45-4, 43-45-5
	Books & musical instrument to \$200	43-45-5(1)
	2 cows, 5 swine, 25 sheep with lambs under 6 months; wool, cloth or yarn of sheep; food for all to last 1 year	43-45-5(3)
	Farming machinery, utensils, tackle for teams, harrow, 2 plows, sleigh, wagon to \$1250 total	43-45-5(3)
	Furniture, including bedsteads & bedding to \$200	43-45-5(2)
	Library & tools of professional to \$300	43-45-5(5)
	Tools of mechanic & stock in trade to \$200	43-45-5(4)
	2 yokes of oxen, or span of horses or mules	43-45-5(3)
	3. Non-head of family may claim \$2000 of any personal property	43-45-4
Public Benefits	Public assistance	28-7-16
	Unemployment compensation	61-6-28
	Workers' compensation	62-4-42
Tools of Trade	<i>See personal property</i>	
Wages	Earned wages owed 60 days before filing for bankruptcy, needed for support of family	15-20-12
	Wages of prisoners in work programs	24-8-10
Wild Card	<i>See personal property</i>	