

VIRGINIA STATE EXEMPTION STATUTES

Federal Bankruptcy Exemptions are not available.
All law references are to Code of Virginia unless otherwise noted.

| ASSET | EXEMPTION | LAW PROVISION | |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|--------------|
| Homestead | \$5000 plus \$500 per dependent; may also claim rents & profits; sale proceeds exempt to \$5000 (husband and wife may double), <i>Cheeseman v. Nachman</i> , 656 F. 2d 60 (4 th Cir. 1981); unused portion of homestead may be applied to any personal property May include mobile home | 34-4, 34-18, 34-20 <i>In re Goad</i> , 161 B.R. 161 (W.D. Va. 1993) | |
| | Must file homestead declaration before filing for bankruptcy Property held as tenancy by the entirety may be exempt against debts owed by only one spouse | 34-6 <i>In re Harris</i> , 155 B.R. 948 (E.D. Va. 1993) | |
| Insurance | Accident or sickness benefits | 38.2-3549 | |
| | Burial society benefits | 38.2-4021 | |
| | Cooperative life insurance benefits | 38.2-3811 | |
| | Fraternal benefit society benefits | 38.2-4118 | |
| | Group life or accident insurance for government employees | 51.1-510 | |
| | Group life insurance policy or proceeds | 38.2-3339 | |
| | Industrial sick benefits | 38.2-3549 | |
| Miscellaneous | Property of business partnership | 50-25 | |
| Pensions | City, town & county employees | 51.1-802 | |
| | ERISA-qualified benefits to \$17,500 per year | 34-34 | |
| Also see wages | Judges | 51.1-102 | |
| | State employees | 51.1-102 | |
| Personal Property | Bible | 34-26(1) | |
| | Burial plot | 34-26(3) | |
| | Clothing to \$1000 | 34-26(4) | |
| | Family portraits and heirlooms to \$5000 total | 34-26(2) | |
| | Health aids | 34-26(6) | |
| | You must be a householder to exempt any personal property | Household furnishings to \$5000 | 34-26(4) (a) |
| | | Motor vehicle to \$2000 | 34-26(8) |
| | | Personal injury causes of action | 34-28.1 |
| | | Personal injury recoveries | 34-28.1 |
| | | Pets | 34-26(5) |
| Wedding and engagement rings | | 34-26(1) (a) | |
| Public Benefits | Aid to blind, aged, disabled, AFDC, general relief | 63.1-88 | |
| | Crime victims' compensation unless seeking to discharge debt for treatment of injury incurred during crime | 19.2-368.12 | |
| | Unemployment compensation | 60.2-600 | |
| | Workers' compensation | 65.2-531 | |
| Tools of Trade | Horses, mules, (pair) with gear, wagon or cart, tractor to \$3000, plows (2), drag, harvest, cradle, pitchfork, rake, iron wedges (2), fertilizer to \$1000 of farmer (you must be a householder) | 34-27 | |
| | Tools, books and instruments of trade, including motor vehicles, to \$10,000, needed in your occupation or education (you must be a householder) | 34-26 | |
| | Uniforms, arms, equipment of military member | 44-96 | |
| Wages | Minimum 75% of earned but unpaid wages, pension payments; bankruptcy judge may authorize more for low-income debtors | 34-29 | |
| Wild Card | Unused portion of homestead, of any personal property | 34-13 | |
| | \$2000 of any property for disabled veterans (you must be a householder) | 34-4.1 | |