

#### **427.150 Property totally or partially exempt.**

- (1) To the extent reasonably necessary for the support of an individual and his dependents in addition to property totally exempt under subsection (2) of this section, that individual shall be entitled to exemption of money or property received and rights to receive money or property for alimony, support, or separate maintenance.
- (2) An individual shall be entitled to exemption of the following property:
  - (a) An award under a crime victim's reparation law;
  - (b) A payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;
  - (c) A payment, not to exceed seven thousand five hundred dollars (\$7,500), on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent;
  - (d) A payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;
  - (e) Assets held, payments made and amounts payable under pensions exempt pursuant to KRS 61.690, 161.700, and 427.125; or
  - (f) The right or interest of a person in an individual retirement account or annuity, deferred compensation account, tax sheltered annuity, simplified employee pension, pension, profit-sharing, stock bonus, or other retirement plan described in the Internal Revenue Code of 1986, or Section 408 or 408A of the Internal Revenue Code, as amended which qualifies for the deferral of income tax until the date benefits are distributed. This exemption shall also apply to the operation of the Federal Bankruptcy Code, for the purpose of applying the provisions of 11 U.S.C. sec. 522(b)(3) in a federal bankruptcy proceeding and only to the extent otherwise allowed by applicable federal law. This exemption shall not apply to any amounts contributed to an individual retirement account or annuity, deferred compensation account, a pension, profit-sharing, stock bonus, or other qualified retirement plan or annuity if the contribution occurs within one hundred twenty (120) days:
    1. Before the debtor files for bankruptcy if this exemption is being applied in a federal bankruptcy proceeding; or
    2. Before the earlier of the entry of the judgment or other ruling against the debtor or the issuance of the levy, attachment, garnishment, or other execution or order against which this exemption is being applied, if this exemption is being applied in other than a federal bankruptcy proceeding. This exemption shall not apply to the right or interest of a person in an individual retirement account or annuity, deferred compensation account, pension, profit-sharing, stock bonus, or other retirement plan to the extent that that right or interest is subject to any of the following:

- a. An order of a court for payment of maintenance;
- b. An order of a court for payment of child support.

**Effective:** January 1, 2015

**History:** Amended 2014 Ky. Acts ch. 92, sec. 313, effective January 1, 2015. -- Amended 2010 Ky. Acts ch. 155, sec. 5, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 376, sec. 1, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 220, sec. 2, effective July 13, 1990. -- Created 1980 Ky. Acts ch. 236, sec. 8, effective April 9, 1980.