

Exempt Property Benchcard

What is Exempt Property?

Texas property law exempts certain categories of property from seizure to satisfy a debt. This means that if a judgment is entered against a person, it can only be satisfied by specific categories of properties that are not exempt by the law called, ***non-exempt property***. Chapter 41 and 42 of the Texas Property Code govern most property exemptions.

Real Property			
Type	Amount		Statute
Rural Homestead	Family	200 acres	Property Code 41.001, 41.002
	Single Adult	100 acres	
Urban Homestead	10 acres		
Burial Plots	One or more		Property Code 41.001

Personal Property – No Aggregate Limits	
Type	Statute
Current Wages for Personal Services <i>*except for the enforcement of court-ordered child support payments, spousal maintenance, defaulted federal student loans, and federal income taxes</i>	Property Code 42.001
Professionally Prescribed Health Aids <i>*of debtor or debtor's dependent</i>	
Alimony, Spousal Support, or Spousal Maintenance	
Child Support	
Bible or Other Book Containing Sacred Writings of a Religion	
Savings and Retirement Accounts	Property Code 42.001, 42.0021
College Savings Plans	Property Code 42.0022

Personal Property – With Aggregate Limits		
Type	Aggregate Value Limits	
	Family	\$100,000
	Single Adult	\$50,000
Unpaid Commissions for Personal Services	<i>*Not to exceed 25%</i>	
Home Furnishings (including family heirlooms)		
Food		
Farming or Ranching Vehicles and Implements		
Tools, Equipment, Books, and Apparatus (including boats and motor vehicles used in trade or profession)		
Clothes		
Jewelry	<i>*Not to exceed 25%</i>	
Two Firearms		
Athletic and Sporting Equipment (including bicycles)		
Motor Vehicles (two-wheeled, three-wheeled, or four-wheeled) for each member of the family or single adult who holds a driver's license or who relies on another to operate the vehicle for the benefit of the non-licensed person)		
Two Horses, Mules, or Donkeys and a Saddle, Blanket, Bridle, and Food for each		
12 Head of Cattle		
60 Head of Other Types of Livestock		
120 Fowl		
Household Pets		

What are Aggregate Limits?

These are limits of **total** exempt personal property for an individual or family. The values of different types of personal property listed on this chart added together must not exceed the aggregate limits set for a family or individual. There are some additional limitations for some categories of property listed in the above chart.

Example: A person claims home furnishings, tools, and jewelry that together are valued at approximately \$50,000 as exempt property. Note – the value of the jewelry can only make up 25% or less of the \$50,000 (or \$12,500 or less).