

EXEMPTIONS (SCHEDULE C) FOR ALASKA BANKRUPTCY CASES

(applies to cases filed on or after April 1, 2010)

Debtors who file bankruptcy petitions in Alaska may take either state or federal exemptions on Schedule C. These exemptions can't be mixed, though. Debtors must use either all state exemptions or all federal exemptions. Here is a list of some of the most commonly used exemptions:

Type of Property	Federal Exemption		Alaska Exemption	
	Amount	11 U.S.C. §	Amount	Ak. Stat. §
Homestead (residence)	\$21,625	522(d)(1)	\$70,200	09.38.010(a) ⁽¹⁾
Household Goods, Furniture, Clothing	\$11,525 ⁽²⁾	522(d)(3)	\$3,900	09.38.020(a)
Jewelry	\$1,450	522(d)(4)	\$1,300	09.38.020(b)
Automobile	\$3,450	522(d)(2)	\$3,900	09.38.020(e) ⁽³⁾
Pets	N/A (but see "wild card")		\$1,300	09.38.020(d)
Professional Tools, Books	\$2,175	522(d)(6)	\$3,640	09.38.020(c)
Personal Injury Award	\$21,625	522(d)(11)(D)	⁽⁴⁾	09.38.030(3)
Life Insurance, Annuity	\$11,525	522(d)(8)	\$13,000	09.38.025(a)
Pension, Profit Sharing, IRA ⁽⁵⁾	⁽⁶⁾	522(d)(10)	Unlimited	09.38.017(a)
"Wild Card"	⁽⁷⁾	522(d)(5)	N/A	
Alaska Permanent Fund Dividend (PFD)	N/A (but see "wild card")		20%	09.38.015(a)(9) 45.23.065(a)
Alaska Longevity Bonus	N/A		Unlimited	09.38.015(a)(5)
Liquor Licenses	N/A		Unlimited	09.38.015(a)(7)
Fishing Permits	N/A		Unlimited	16.43.150(g)
Health Aids	Unlimited	522(d)(9)	Unlimited	09.38.015(a)(2)
Social Security, Veteran's Benefits	Unlimited	522(d)(10)	Unlimited	09.38.015(a)(6) ⁽⁸⁾
Unemployment, Disability & Welfare Benefits	Unlimited	522(d)(10)		09.38.030(e)
Alimony, Child Support	⁽⁶⁾	522(d)(10)		09.38.030(e)
Wages of Fishermen, Seamen & Apprentices; Civil Service Retirement; RRA Annuities & Pensions; Foreign Service Retirement/Disability	N/A		Unlimited	09.38.015(a)(6) ⁽⁹⁾
Liquid Assets ⁽¹⁰⁾	N/A		\$1,820	09.38.030(b)
Wrongful Death and Insurance Proceeds; Loss of Future Earnings	⁽⁶⁾	522(d)(11)		09.38.030(b)
Crime Victim's Reparation Award	Unlimited	522(d)(11)	Unlimited	09.38.015(a)(4)

- (1) The Alaska homestead exemption is **not** doubled for a husband and wife filing a joint petition. A husband and wife are entitled to a single homestead exemption, split between them. If a debtor is married and the spouse does not join in the bankruptcy petition, the debtor can only take one-half (1/2) of the total homestead exemption amount. This limitation also applies to a debtor who is a single person but owns the residence jointly with another individual.
- (2) No single item may have a value in excess of \$550.
- (3) Total value of the vehicle may not exceed \$26,000.
- (4) Up to \$1,750 that has actually already been received and is in the hands of the debtor may be exempted.
- (5) If the pension plan is an ERISA qualified plan, it is not considered part of the bankruptcy estate and does not need to be claimed exempt. The exemption is only required if the debtor holds an IRA or a non-ERISA qualified pension plan.
- (6) Exempt only to the extent reasonably necessary to support the debtor or any dependent of the debtor.
- (7) This exemption may be applied to any property, including cash. The exempt amount is \$1,150 plus the unused portion of the federal homestead exemption up to \$10,825. The maximum amount that can be claimed exempt under the wild card exemption is \$11,975.
- (8) The applicable federal laws that apply to exempt these assets include: 11 U.S.C. § 522(b)(2); 41 U.S.C. § 407 (Social Security); 38 U.S.C. §§ 770(g), 3101 (Veteran's Benefits).
- (9) The applicable federal laws that apply to exempt these assets include: 11 U.S.C. § 522(b)(2); 41 U.S.C. § 601 (Fishermen, Seamen & Apprentices); 5 U.S.C. §§ 729, 2265 (Civil Service); 45 U.S.C. § 228(L) (RRA); 22 U.S.C. § 1104 (Foreign Service).
- (10) Liquid assets include: cash, receivables, notes, securities, etc., but **not** the Alaska PFD. The liquid assets exemption is available only if the debtor has no earnings (wages, salary, commissions). May be applied to a future income stream to the extent that the income in any month does not exceed the allowable limitation.