

SB 173

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. (NRS 21.010) Existing law exempts certain property from such a writ of execution up to a specified monetary value. (NRS 21.090) In addition, prior law protected from a forced sale up to \$200,000 in equity of certain property which is designated as a homestead by a person, except in certain circumstances. (NRS 115.005, 115.010)

SB 173 increases the amount of equity protected in homestead property from \$200,000 to **\$350,000**.

SB 173 also increases and revises other exemptions from a writ of execution.

For example, **SB 173** increases the exemption from a writ of execution for private libraries from \$1,500 to \$5,000 and expands the property eligible for this exemption to works of art, musical instruments and jewelry.

SB 173 increases the exemption for necessary household goods and yard equipment from \$10,000 to \$12,000 and expands the property eligible for this exemption to furnishings, electronics, wearing apparel and other personal effects.

SB 173 increases the exemption for professional libraries, office equipment, office supplies and tools from \$4,500 to \$10,000 and expands the property eligible for this exemption to inventory and any equipment and supplies used in the trade or business of the judgment debtor with which he supports himself and his family. This bill increases the exemption for equity from \$200,000 to \$350,000 in the dwelling of the judgment debtor that is occupied as a home for himself and his family and situated upon lands not owned by him.

SB 173 also expands the property eligible for the \$500,000 exemption from writ of execution for money held in certain types of federally authorized savings accounts to include money held in a Roth Individual Retirement Account. (26 U.S.C. § 408A)

Existing law establishes the contents of a writ of execution issued on a judgment for the recovery of money, a notice of writ of execution and a notice of writ of attachment. (NRS 21.025, 21.075, 31.045)

SB 173 revises the contents of these documents to reflect the changes in the exemptions authorized by this bill.

Existing law provides an exemption from a writ of execution for 75 percent of the disposable earnings of a debtor in a pay period or 30 times the minimum hourly wage of the debtor. Existing law also defines the term “disposable earnings” as that part of the

earnings of a judgment debtor remaining after deductions from those earnings that are required by law. (NRS 21.090)

SB 173 provides that the exemption applies to 75 percent of the disposable earnings of a debtor in a workweek or 50 times the minimum hourly wage of the debtor. **SB 173** also defines “earnings” as compensation paid or payable for personal services performed by a judgment debtor in the course of regular business, such as income, wages, tips, a salary, a commission or a bonus. Earnings include compensation received by a judgment debtor that is held in a bank or other financial institution, or a receivable that is due the judgment debtor.