

United States Bankruptcy Court  
Western District of Missouri

Summary of Changes to the Missouri Exemption Laws, effective August 28, 2012:

§ 513.430.1(5) - Amended to clarify that the \$3,000 motor vehicle exemption can be claimed, in the aggregate, in more than one vehicle.

§ 513.430.1(6) - By removing “on or” from the phrase “but not on or attached to real property,” this section was amended to clarify that the \$5,000 mobile home principal-residence exemption can be claimed if it is not “*attached to* real property in which the debtor has a fee interest.” If it is “attached” to the debtor’s real property, as opposed to simply being “on” the debtor’s real property, then a debtor will likely get the more generous homestead exemption.

§ 513.430.1(10) - Amended to remove the word “local” from the exemption for public assistance benefits, perhaps to address the decisions in *In re Goertz*, 202 B.R. 614 (Bankr. W.D. Mo. 1996), and *In re Demars*, 279 B.R. 548 (Bankr. W.D. Mo. 2002), which held that the earned income tax credit portion of debtors’ income tax refunds were not “local” public assistance benefits.

§ 513.430.1(f) - Amended to change the reference for the definition of “fraudulent” from § 456.630, which had been repealed in 2004, to § 428.024.2.

§ 513.440 - Amended to increase the maximum age of unmarried dependent children for which a head of family can claim the \$350 exemption to age twenty-one, as opposed to the prior maximum age of eighteen.