

Creditor protection Laws for LI and Annuities

Provided by Duggan & Bertsch

	TENANCY BY THE ENTIRETY	HOMESTEAD EXEMPTION	IRA	ROTH IRA	STATUTE AND SPECIAL PROVISIONS	LIFE INSURANCE CASH VALUE	LIFE INSURANCE PROCEEDS	ANNUITY CASH VALUE and/or PAYMENTS	529 Plan
AL	NO	\$5,000 Ala. Code § 6-10-2.	YES	NO	Ala. Code § 19-3-1 100% for assets held in “qualified trusts.”	100% for insurance on self or spouse payable to self, spouse, or children. Ala. Code §§ 6-10-8, 27-14-29, 27-14-30	100% for insurance on self or spouse payable to self, spouse, or children. Ala. Code §§ 6-10-8, 27-14-29, 27-14-30	\$250/mo annuity payments in the aggregate. Ala. Code §§ 27-14-30, 27-14-32	NO
AK	YES	\$54,000 Alaska Stat. § 09.38.010	YES	YES	Alaska Stat. § 09.38.017	\$500,000 Alaska Stat. § 09.38.025	Up to wage exemption if beneficiary is insured’s spouse or dependent. Alaska Stat. § 09.38.030(e)(4)	\$500,000 cash value. Alaska Stat. § 09.38.025	YES
AZ	NO	\$150,000 Ariz. Rev. Stat. Ann. § 33-1101(A)	YES	YES	Ariz. Rev. Stat. Ann. § 33-1126	100% Ariz. Rev. Stat. § 33-1126A6	Up to \$20,000 if payable to surviving spouse or child. Ariz. Rev. Stat. § 33-1126(A)(1)	100% Ariz. Rev. Stat. § 33-1126A7	NO
AR	YES	UNLIMITED Ark. Code Ann. § 16-66-210 and Ark. Const. art. 9	YES	YES	Ark. Code Ann. § 16-66-220 In re Holt, 894 F.2d 1005 (8th Cir. 1990) holding that Arkansas statutory exemptions are invalid as they violate the Arkansas Constitution.	To the extent permitted by the Arkansas constitution (\$500). Ark. Code Ann. § 16-66-209; Ark. Const. Art. 9 § 2; In re Hudspeth, 92 Bankr. 827 1988; Federal Sav. & Loan Ins. Co. v. Holt, 894 F.2d 1005 (8 th Cir. 1990)	Same as life insurance cash value	100% Ark. Code. Ann. § 23-79-134; Walker v. Walker, 303 Ark. 34, 791 S.W.2d 710 (1990)	YES
CA	NO	\$50,000(Single) \$75,000(Family) \$150,000(65 or older) Cal. Civ. Proc. Code. § 704.730	NO	NO	Cal. Code of Civ. Proc. §704.115 Limited to the extent reasonably necessary for support.	\$9,700 single / \$19,400 married Cal. Civ. Proc. Code § 704.100	Death benefits exempt to extent reasonably necessary for support of debtor, spouse and dependents. Cal. Civ. Proc. Code § 704.100	Same as life insurance cash value if annuity contract considered “life insurance” and not “investment” In re Payne, 323 B.R. 723 (9 th Cir. BAP 2005)	NO

CO	NO	\$60,000 Colo. Rev. Stat § 38-41-201.	YES	YES	Colo. Rev. Stat. § 13- 54-102	\$50,000 Colo. Rev. Stat. § 13-54- 102(1)(I)(I)(A)	100% Colo. Rev. Stat. § 13-54- 102(1)(I)(B)	None Annuity not "life insurance" <i>In re</i> <i>Raymond</i> , 132 Bankr. 53 (Bankr. D. Colo. 1991)	YES
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CT	NO	\$75,000 Conn. Gen. Stat. Ann. § 52-352b(t).	YES	YES	Conn. Gen. Stat. § 52-321a	\$4,000 Conn. Gen. Stat. § 52-352b(s)	100% if payable to beneficiary other than the insured. Conn. Gen. Stat. § 38a-453	None	NO
DE	NO	NONE Del. Code Ann. tit. 10 § 4901	YES	YES	Del. Code Ann. § 10-4915	100% if payable to beneficiary other than insured. Del. Code Ann. Tit. 18 § 2725.	Same as life insurance cash value.	\$350/mo, plus amount needed for reasonable requirements of debtor and dependents. Del. Code Ann. Tit. 18 § 2728.	NO
DC	YES	UNLIMITED D.C. Code § 15-501(a)(14)	YES	YES	D.C. Code § 15-501(a)(9) & (10)	100% if payable to beneficiary other than insured. D.C. Code Ann. § 31-4716	Same as life insurance cash value	\$200/mo D.C. Code Ann. § 15-503	NO
FL	YES	UNLIMITED (if located within a municipality, to the extent of one-half acre of contiguous land <i>or</i> 160 acres of contiguous land if located outside a municipality) Fla. Const. Art. X, § 4, Fla. Stat. Ann. §§ 222.01 & 222.02.	YES	YES	Fla. Stat. Ann. §222.21, 121.131	100% Fla. Stat. Ann. § 222.14	100% Fla. Stat. Ann. § 222.13	Same as life insurance cash value.	YES
GA	NO	\$10,000 single/\$20,000 married. Georgia Code Ann. § 44-13-100(a)(1).	NO	NO	Ga. Code Ann. §44-13-100, 18-4-22 100% for undistributed interests; Distributions exempt to the extent reasonably necessary for support.	\$2,000 GA Code Ann. § 44-13-100(a)(9). Additionally, § 33-25-11 provides that cash values and proceeds are protected from creditors of insured.	Interest in death benefit exempt to extent reasonably necessary for support if insured was dependent of debtor. GA Code Ann. § 44-13-100(a)(11)	100% GA Code An. § 33-28-7	NO

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HI	YES	\$20,000 \$30,000 for married head of household or over age 65. HI Rev. Stat. § 651-92(a)	YES	YES	Haw. Rev. Stat. § 651-124 100% for funds deposited at least 3 years prior.	100% Hawaii Rev. Stat. § 431-10-232	Same as life insurance cash value	100% Hawaii Rev. Stat. § 431-10-232	NO
ID	NO	\$100,000 Idaho Code § 55-1003	YES	YES	Idaho Code §55-1011, 11-604A	Beneficiary's interest in proceeds and avails protected from insured's creditors. Idaho Code § 41-1833	Same as life insurance cash value	\$1,250/mo Idaho Code § 41-1836	YES
IL	YES	\$15,000. 735 ILCS 5/12-901	YES	YES	I.L.C.S. § 5/12-1006	100% if payable to wife, child, or dependent. I.L.C.S § 5/12-1001(f)	Same as life insurance cash value	Same as life insurance cash value	NO
IN	YES	\$15,000. Ind. Code Ann. § 34-55-10-2(c)(1)	YES	YES	Ind. Code Ann. 55-10-2	100% if payable to spouse, child, dependent or creditor. Ind. Code Ann. § 27-1-12-14(e)	Same as life insurance cash value	100% if payable to spouse, child, dependent or creditor. Ind. Code Ann. § 27-2-5-1(b)	NO
IA	NO	UNLIMITED Iowa Code Ann § 561.16	YES	YES	Iowa Code Ann. § 627.6	100% for policy payable to spouse, child, dependent or creditor, but protection for policy acquired within 2 years or increases in value within 2 years limited to \$10,000. Iowa Code Ann. § 627.6(6)	100% if payable to the spouse, child or dependent. Iowa Code Ann. § 627.6(6)	None <i>In re Huebner</i> , 986 F.2d 1222 (8 th Cir. 1993), cert. denied 510 U.S. 900	NO
KS	YES	UNLIMITED Kan. Stat. Ann. § 60-2301.	YES	YES	Kan. Stat. Ann. § 60.2308 100% for principal. No exemptions for distributions. In re Moore, 214 B.R. 628 (Bankr.D.Kan. 1997)	100% of policy held for more than 1 year. Kan. Stat. Ann. §§ 40-414 and 60-2313(a)(7)	Same as life insurance cash value	100% if policy held for more than 1 year. Kan. Stat. Ann. §§ 40-414 and 60-2313	YES
KY	YES	\$5,000 Ky. Rev. Stat. Ann. § 427.060.	YES	YES	Ky. Rev. Stat. Ann. § 427.150	100% Ky. Rev. Stat. Ann. § 304.14.300	Same as life insurance cash value	\$350/mo Ky. Rev. Stat. Ann. § 304.14.330	YES

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LA	NO	\$25,000 La. Rev. Stat. Ann. § 20:1(2) & La. Const. Art. 12:9.	YES	YES	La. Rev. Stat. Ann. §§ 20:33 & 13:3881 100% for funds deposited at least one year prior.	Beneficiary's interest in proceeds and avails 100% protected. Limited to \$35,000 if issued within 9 months. La. Rev. Stat. Ann. § 22:912	Same as life insurance cash value	100% La. Rev. Stat. Ann. § 22:912	YES
ME	NO	\$47,500/\$95,000 if minor dependent, over 60 years, or disabled. Me. Rev. Stat. Ann. 14 § 4422(1).	NO	NO	Me. Rev. Stat. Ann. Tit. 14, § 4422	Beneficiary's interest in proceeds and avails 100% protected. Interest of owner protected up to \$4,000 14 Me. Rev. Stat. Ann. § 4422(10) and 24A Me. Rev. Stat. Ann. § 2428.	Same as life insurance cash value	\$450/mo 24A Me. Rev. Stat. Ann. §§ 2428 and 2431	YES
MD	YES	\$6,000 Md. Code Ann. Cts. & Jud. Proc. § 11-504(b)(5)	YES	YES	Md. Code Ann. Cts. & Jud. Proc. § 11-504(h)	100% if made for the benefit of spouse, child or dependent. Md. Code Ann. Ins. § 16-111	Same as life insurance cash value	Same as life insurance cash value	YES
MA	YES	\$500,000 Mass. Gen. Laws Ann. ch. 188 § 1.	YES	YES	Mass. Gen. L. Ch. 235 § 34A; 236 § 28 Limited to deposits equal to 7% of debtor's total income in preceding 5 years.	Mass. Gen. L. Ch. 175 § 125 protection exempts cash value from claims of owner's creditors if beneficiary unchanged since issuance. <i>In re Sloss</i> , 79 B.R. 6 (Bankr. D. Mass 2002)	Interest of original beneficiary in proceeds 100% protected Mass. Gen. L. Ch. 175 § 125	None	NO
MI	YES	\$3,500 State Const. Article X § 3	YES	YES	Mich. Comp. Laws 600.60023 & 600.5451 No protection for non-ERISA qualified plans.	100% Mich. Comp. Laws Ann. § 500.2207	Same as life insurance cash value	Same as life insurance cash value	NO

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MN	NO	UNLIMITED Minn. Rev. Stat. Ann. § 510.01.	YES	YES	Minn. Rev. Stat. Ann. § 550.37 Limited to a present value of \$30,000 and additional amounts reasonably necessary.	\$4,000 Minn. Rev. Stat. Ann. § 550.37(23)	\$20,00 if payable to a surviving spouse or child and increased by \$5,000 for every dependent. Minn. Rev. Stat. Ann. §550.37(10)	Beneficiary's interest in proceeds 100% protected. Minn. Rev. Stat. Ann. § 61A.12	NO
MS	YES	\$75,000 Miss. Code. Ann. § 85-3-21	YES	NO	Miss. Code. Ann. § 85-3-1.	Beneficiary's interest in proceeds and avails 100% protected. Limited to \$50,000 if issued within 12 months. Miss. Code Ann. § 85-9-11	Same as life insurance cash value	None	NO
MO	YES	\$15,000 Mo. Ann. Stat. § 513.475	YES	YES	Mo. Ann. Stat. § 513.430.1(e) and (f) Limited to the extent reasonably necessary for support.	\$150,000 Mo. Ann. Stat. § 513.430(8)	100% Mo. Ann. Stat. § 377.090	None <i>In re Stover</i> , 332 B.R. 400 (Bankr. W.D.Mo.2005)	NO
MT	NO	\$250,000 Mont. Code Ann. § 70-32-104 & 70-32-201	YES	NO	Mont. Code Ann. § 19-2-1004, 25-13-608, 31-2-106	\$4,000 Mont. Code Ann. § 25-13-609(4)	Beneficiary's interest in proceeds and avails 100% protected. Mont. Code. Ann. § 33-15-511	\$350/mo Mont. Code Ann. § 33-15-514	NO
NE	NO	\$60,000 Neb. Rev. Stat. § 40-101	YES	YES	Neb. Rev. Stat. § 25-1563.01 Limited to the extent reasonably necessary for support.	\$100,000 for cash value attributable to premiums paid at least three years prior. Neb. Rev. Stat. § 44-371	100% Neb. Rev. Stat § 44-371	\$100,000 for cash value, proceeds and benefits attributable to premiums paid at least three years prior. Neb. Rev. Stat. § 44-371	YES
NV	NO	\$550,000 Nev. Rev. Stat. Ann. § 21.090(1)(l) and Nev. Rev. Stat. Ann. § 115.010(2).	YES	YES	Nev. Rev. Stat. § 21.090 Limited to a present value of \$500,000.	All cash value attributable to premiums not exceeding \$15,000/yr in the aggregate. Nev. Rev. Stat. § 21.090(1)(k)	100% Nev. Rev. Stat. § 21.090(1)(k)	\$350/mo Nev. Rev. Stat. § 687B.290	YES

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NH	NO	\$100,000 N.H. Rev. Stat. Ann. § 480:1.	YES	YES	N.H. Tit. 52 § 511:2 Exemption only applies to extensions of credit and debts arising after Jan. 1, 1999.	None <i>In re Monahan</i> , 171 B.R. 710 (Bankr. D.N.H. 1994)	Beneficiaries interest 100% protected. N.H. Rev. Stat. Ann. § 408:2	None	NO
NJ	YES	NONE	YES	YES	N.J. Stat. Ann. § 25:2-1	Beneficiary's interest in proceeds and avails 100% protected if beneficiary is not owner or insured. N.J. Stat. Ann. § 17B:24-6	Same as life insurance cash value.	\$500/mo N.J. Stat. Ann. § 17B:24-7	YES
NM	NO	\$60,000 N.M. Stat. Ann. § 42-10-9	YES	YES	N.M. Stat. Ann. §§ 42-10-1, 42-10-2	100% N.M. Stat. Ann. § 42-10-3	100% N.M. Stat. Ann. § 42-10-5	100% N.M. Stat. Ann. § 42-10-3	NO
NY	YES	\$50,000 N.Y. Civ. Prac. L. and R. § 5206(a)	YES	YES	N.Y. Civ. Prac. L. and R. § 5205(c).	100% N.Y. Ins. Law § 3212(b). <i>In re Mesinger</i> , 29 F.2d 158 (2 nd Cir. 1928)	100% N.Y. Ins. Law § 3212(b)	100%, however, court may order that debtor pay creditor "just and proper amount" with "due regard for the reasonable requirements" of the debtor and dependents. N.Y. Ins. Law § 3212(d)	YES
NC	YES	\$18,500 N.C. Gen. Stat. § 1C-1601(a)(1)	YES	YES	N.C. Gen. Stat. § 1C-1601(a)(9)	100% for insurance payable to spouse and/or children. N.C. Const. Art. X § 5; N.C. Gen. Stat. § 1C-1601(a)(6); N.C. Gen. Stat. § 58-58-115	Same as life insurance cash value	None	NO

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ND	NO	\$100,000 N.D. Cent. Code §§ 47-18-01, 28-22-02(7).	YES	YES	N.D. Cent. Code § 28-22-03.1(3) \$100,000 per account / \$200,000 max. unless reasonably necessary for support.	\$8,000 N.D. Cent. Code § 28-22-03.1(5)	100% of proceeds payable to the deceased, deceased representatives, heirs or estate. N.D. Cent. Code § 26.1-33-40	None	YES
OH	NO	\$125,000 Ohio Rev. Code. Ann. § 2329.66(A)(1)	YES	YES	Ohio Rev. Code Ann. § 2329.66 Limited to the extent reasonably necessary for support. SEP-IRA not protected. <i>In re rayl</i> , 299 B.R. 465.	100% if payable to spouse, children or dependent Ohio Rev. Code Ann. §§2329.66(A)(6)(b), 3911.10	Same as life insurance cash value	Same as life insurance cash value	YES
OK	YES	\$5,000 Okla. Stat. Ann. tit. 31 § 2.	YES	YES	31 Okla. St. Ann. § 1(A)(20).	100% 36 Okla. St. Ann. § 3631.1	Same as life insurance cash value	Same as life insurance cash value	YES
OR	YES	\$39,600 Or. Rev. Stat. § 18.395	YES	YES	Ore. Rev. Stat. § 18.358.	100% so long as owner's estate is not beneficiary. Ore. Rev. Stat. § 743.046	100% so long as owner or owner's estate is not beneficiary. Ore. Rev. Stat. § 743.046	\$500/mo Ore. Rev. Stat. § 743.049	YES
PA	YES	NONE	YES	YES	42 Pa. C.S. §§ 8124 100% except for amounts contributed within 1 year or contributed in excess of \$15,000 in a one-year period.	Income or return of \$100/mo 42 Pa. C.S. § 8124(c)(3)	100% if payable to spouse, child or dependent. 42 Pa. C.S. § 8124(c)(6)	\$100/mo 42 Pa. C.S. § 8124(c)(3)	YES
RI	YES	\$300,000 R.I. Gen. Laws § 9-26-4.1	YES	YES	R.I. Gen. Laws § 9-26-4 No protection for non-ERISA qualified plans.	Non-owner, non-insured beneficiary's right to proceeds and avails protected from insured's creditors R.I. Gen. Laws §§ 27-4-11, 27-4-12, 27-18-24	Same as life insurance cash value	None	YES

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SC	NO	\$50,000 per owner and \$100,000 maximum. S.C. Code Ann. § 15-41-30(1)	NO	NO	S.C. Code Ann. § 15-41-30 IRA exemption limited to the extent reasonably necessary for support.	\$4,000 S.C. Code Ann. § 15-41-30(9)	100% of beneficiary's interest in proceeds and cash surrender values if payable to spouse, child, or dependent. S.C. Code Ann. § 38-63-40(A)	None	YES
SD	NO	UNLIMITED S.D. Cod. Laws. § 43-45-3.	YES	YES	S.D. Cod. Laws 43-45-16, 17 Limited to \$1,000,000.	\$20,000 S.D. Cod. Laws § 58-12-4	Same as life insurance cash value	\$250/mo S.D. Cod. Laws § 58-12-8	YES
TN	YES	\$5,000 Single \$7,500 Joint Tenn. Code Ann. § 26-2-301	YES	YES	Tenn. Code Ann. § 26-2-105.	100% for insurance payable to spouse, child or dependents. Tenn. Code Ann. § 56-7-203 <i>In re Huffines</i> , 57 B.R. 740 (Bankr. M.D. Tenn. 1985)	Same as life insurance cash value	100% for net amounts payable to spouse, child or dependents. Tenn. Code Ann. § 56-7-203	YES
TX	NO	UNLIMITED Tex. Const. Art. XVI, §§ 50,51 & Tex. Prop. Code §§ 41.001, 41.002	YES	YES	Tex. Prop. Code. § 42.0021.	100% Tex. Ins. Code § 1108.051	Same as life insurance cash value	Same as life insurance cash value	YES
UT	NO	\$20,000 (joint owners may double) Utah Code Ann. § 78B-5-503	YES	YES	Utah Code Ann. § 78-23-5(1) 100% except for amounts contributed within 1 year.	100% for the proceeds and avails, excluding any payments made on the contract during previous year. Utah Code Ann. § 78-23-5(1)(a)(xii)	Same as life insurance cash value	None	NO
VT	YES	\$75,000 Vt. Stat. Ann. tit. 27 § 101	YES	YES	Vt. Stat. Ann. § 2740(16).	100% 12. Vt. Stat. Ann. § 2740(18), 8 Vt. Stat. Ann. § 3706. <i>In re Gabelhart</i> , 138 B.R. 425 (Bankr. D. Vt. 1992)	Beneficiary's interest in payment under policy insuring life of individual on whom debtor was dependent 100%. 12. Vt. Stat. Ann. § 2740(18)&(19)	\$350/mo 8 Vt. Stat. Ann. § 3709	NO

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VA	YES	\$5,000 plus \$500/dependent. Va. Code Ann. § 34-4.	YES	YES	Va. Code Ann. §34-34 Limited to interest in one or more plans sufficient to produce annual benefit of up to \$25,000.	None	Beneficiary's interest in proceeds 100% protected from creditors of owner and insured if beneficiary is not owner or insured. Va. Code Ann. § 38.2-3122	None	YES
WA	NO	\$125,000 Wash. Rev. Code § 6.13.030	YES	YES	Wash. Rev. Code § 6.15.020.	100% for policies payable to others Wash. Rev. Code § 48.18.410	Same as life insurance cash value.	\$2,500/mo Wash. Rev. Code § 48.18.430	NO
WV	NO	\$5,000 W. Va. Code § 38-9-1	YES	NO	Principal 100% protected. Exemption for distributions limited to the extent reasonably necessary for support. W. Va. Code § 38-10-4.	\$8,000 in bankruptcy proceedings W. Va. Code § 38-10-4(h)	Beneficiary's interest in proceeds 100% protected from creditors of owner and insured if beneficiary is not owner or insured. W. Va. Code § 33-6-27	None	YES
WI	NO	\$40,000 Wisc. Stat. § 815.20	YES	YES	Wisc. Stat. Ann. § 815.18(3) 100% except that exemption for interest of "owner-employee" or interest in "owner-dominated" limited to the extent reasonably necessary for support.	\$150,000 (but \$4,000 for policies issued within 2 years) Wisc. Stat. § 815.18(3)(f)	Beneficiary's interest in payment under policy insuring individual of whom debtor was dependent exempt to extent reasonably necessary for support of debtor and dependents. Wis. Stat. § 815.18(3)(i)	\$150,000 (but \$4,000 for policies issued within 2 years) Wisc. Stat. § 815.18(3)(f)	YES
WY	YES	\$10,000 Wy. Stat. Ann. § 1-20-101.	NO	NO	Wy. Stat. Ann. § 1-20-110 100% exemption for qualified retirement plans.	100% Wy. Stat. Ann. § 26-15-129. <i>In re Vigil</i> , 74 Fed. Appx. 19 (10 th Cir. 2003)	Same as life insurance cash value	\$350/mo Wy. Stat. Ann. § 26-15-132	NO