

No. 1979-14

AN ACT

HB 39

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the general monetary exemption.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 8123 (a) and (b) of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, subsection (a) amended April 28, 1978 (P.L.202, No.53), are amended to read:

§ 8123. General monetary exemption.

(a) General rule.—In addition to any other property specifically exempted by this subchapter, property of the judgment debtor to the value of \$300, including bank notes, money, securities, real property, judgments or other indebtedness due the judgment debtor, shall be exempt from attachment or execution on a judgment. Within such time as may be prescribed by general rules the judgment debtor may claim the exemption in kind and may designate the specific items of property to which the exemption provided by this section shall be applicable, unless **[that] the designated** property is not capable of appropriate division, or the judgment debtor may claim the exemption in cash out of the proceeds of the sale.

(b) Exception.—Subsection (a) shall not apply to any judgment:

(1) For support.

(2) Debtor who is not an individual.

(3) Obtained for board for four weeks or less.

(4) For \$100 or less obtained for wages for manual labor.

(5) *Obtained in foreclosing a mortgage secured upon real property whether the judgment is by an action in mortgage foreclosure or an action on a note, bond or other evidence of indebtedness accompanying a mortgage. The exception to the general monetary exemption provided for in this paragraph shall be limited to the real property secured by the mortgage. The exception shall not apply to any deficiency judgment.*

* * *

Section 2. This act shall take effect immediately and shall be retroactive to June 27, 1978. All amounts heretofore collected by officers enforcing orders under 42 Pa.C.S. § 8123 as purported monetary exemptions in mortgage foreclosure actions shall be refunded forthwith to the party entitled thereto.

APPROVED—The 8th day of June, A. D. 1979.

DICK THORNBURGH