

10th Annual Domestic Asset Protection Trust State Rankings Chart

Rank	State	Statute (50% weight)	State Income Tax (5% weight)	Uniform Voidable Transactions Act (12.5% weight)	Statute of Limitations (Future/Preexisting Creditor) (5% weight)	Spouse/Child Support Exception Creditors (Spouse 3%, Alimony 1%, Child Support 1% weight)	Preexisting Torts Exception Creditors/Other Exception Creditors (5% weight)	Ease of Use – New Affidavit of Solvency required for every new transfer? (7.5% weight)	Fraudulent Transfer Standard (5% weight)	Decanting State Ranking (5% weight)	Total Score
1	NV	§§166.010 to 166.170	No	No	2 Yrs./2 Yrs. or 0.5 Yr. Discovery	No	No	No Affidavit Required	Clear and convincing	Ranked #2	99
2	SD	§§55-16-1 to 16	No	No	2 Yrs./2 Yrs. or 0.5 Yr. Discovery	Divorcing Spouse; Alimony; Child Support (only if indebted at time of transfer)	No	No Affidavit Required	Clear and convincing	Ranked #1	98
3	OH	Ch. 5816	No (except residents)	No	1.5 Yrs./1.5 Yrs. or 0.5 Yr. Discovery	Divorcing Spouse; Alimony; Child Support	No	Affidavit Required (with exceptions)	Clear and convincing	Ranked #6	85
4	MO	§456.5-505	No (except Missouri source income)	No	4 Yrs./4 Yrs. or 1 Yr. Discovery	Alimony; Child Support	State/U.S. to extent state/federal law provides	No Affidavit Required	Clear and convincing	Ranked #7	84.5
5(tie)	NH	§564-B:5-505A	No (except dividends/interest on residents)	No	4 Yrs./4 Yrs. or 1 Yr. Discovery	Divorcing Spouse; Alimony; Child Support	No	No Affidavit Required	Limited clear and convincing standard	Ranked #4 (tie)	84
5(tie)	TN	§§35-16-101 to 112	No (except dividends/interest on residents)	No	2 Yrs./2 Yrs. or 0.5 Yr. Discovery	Divorcing Spouse; Alimony; Child Support	No	Affidavit Required	Clear and convincing	Ranked #3	84
7	DE	Tit. 12, §§3570-3576	No (except residents)	No	4 Yrs./4 Yrs. or 1 Yr. Discovery	Divorcing Spouse; Alimony; Child Support	Preexisting Torts	No Affidavit Required	Clear and convincing	Ranked #4 (tie)	83
8	AK	§34.40.110; §13.36.310	No	No	4 Yrs./4 Yrs. or 1 Yr. Discovery	Divorcing Spouse	No	Affidavit Required	Clear and convincing	Ranked #8 (tie)	82.5
9	RI	§18-9.2	No	No	4 Yrs./4 Yrs. or 1 Yr. Discovery	Divorcing Spouse; Alimony; Child Support	Preexisting Torts	No Affidavit Required	Clear and convincing	Ranked #14	82
10	WY	§§4-10-502, 504, 506(c), 510-523	No	No	4 Yrs./4 Yrs. or 1 Yr. Discovery	Child Support	Property listed on app. to obtain credit – but only as to that lender	Affidavit Required	Clear and convincing	Ranked #13	78
11	HI	§554G	No (except residents)	No	2 Yrs./2 Yrs. Pers. Injury; 6 Yrs. Contract	Divorcing Spouse; Alimony; Child Support	Preexisting Torts/ Certain Lenders/ Hawaii Tax	No Affidavit Required	Limited clear and convincing standard	None	77
12	MI	§§700.1041 to 700.10502	No (except residents)	Yes	2 Yrs./2 Yrs. or 1 Yr. Discovery	Divorcing Spouse	No	Affidavit Required (with exceptions)	Clear and convincing	Ranked #25 (tie)	75
13	MS	§§91-9-701 to 91-9-723	Yes	No	2 Yrs./2 Yrs. or 0.5 Yr. Discovery	Divorcing Spouse; Alimony; Child Support	Preexisting Torts, State/ Criminal Restitution/ Up to \$1.5MM if no \$1MM Umbrella Policy	Affidavit Required	Clear and convincing	None	72.5
14	UT	§25-6-13	Yes	Yes	None/2 Yrs. or 1 Yr. Discovery (also 120-day mailing/ publication option)	No	No	Affidavit Required	Missing clear and convincing standard	None	65
NR	OK	Tit. 31, §§10 to 18	No (except residents)	No	4 Yrs./4 Yrs. or 1 Yr. Discovery	Child Support	Must be majority Oklahoma assets	No Affidavit Required	Clear and convincing	None	NR
NR	VA	§64.2-745.1; §64.2-745.2	Yes	No	None/5 Yrs.	Child Support	Creditor who has provided services to protect trust/ U.S./city, etc.	No Affidavit Required	Clear and convincing	Ranked #16 (tie)	NR
NR	WV	§44D-5-503A; §44D-5-503B	No (except residents)	No	None/4 Yrs.	No	No	Affidavit Required	Missing clear and convincing standard	None	NR

*9th Annual Domestic Asset Protection Trust State Rankings Chart created in April 2019. Original State Rankings Chart created in April 2010.

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*The Decanting State Ranking column is based on the 6th Annual Trust Decanting State Rankings Chart (Jan. 2019) at <http://www.oshins.com/state-rankings-charts>.

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