

MUTUAL WAIVER OF RIGHT TO CLAIM STATE EXEMPTIONS,  
OTHER THAN THOSE PROVIDED IN CALIFORNIA CODE OF CIVIL PROCEDURE  
SECTION 703.140(b), DURING PENDENCY OF BANKRUPTCY CASE  
(California Code of Civil Procedure § 703.140(a)(2))

1. IDENTIFICATION OF PARTIES. This mutual waiver, is made by \_\_\_\_\_ and \_\_\_\_\_,  
as a married couple.

2. PURPOSE OF THIS WAIVER. This waiver is made to satisfy the requirement set forth in California Code of Civil Procedure § 703.140(a)(2) regarding the election of exemptions pursuant to § 703.140(b) by married debtors who file an individual bankruptcy petition.

3. LEGAL RIGHTS WAIVED. California Code of Civil Procedure § 703.140(a)(2) provides:

IF THE PETITION IS FILED INDIVIDUALLY, AND NOT JOINTLY, FOR A SPOUSE, THE EXEMPTIONS PROVIDED BY THIS CHAPTER OTHER THAN THE PROVISIONS OF SUBDIVISION (b) ARE APPLICABLE, EXCEPT THAT, IF BOTH OF THE SPOUSES EFFECTIVELY WAIVE IN WRITING THE RIGHT TO CLAIM, DURING THE PERIOD THE CASE COMMENCED BY FILING THE PETITION IS PENDING, THE EXEMPTIONS PROVIDED BY THE APPLICABLE EXEMPTION PROVISIONS OF THIS CHAPTER, OTHER THAN SUBDIVISION (b), IN ANY CASE COMMENCED BY FILING A PETITION FOR EITHER OF THEM UNDER TITLE 11 OF THE UNITED STATES CODE, THEN THEY MAY ELECT TO INSTEAD UTILIZE THE APPLICABLE EXEMPTIONS SET FORTH IN SUBDIVISION (b).

4. MUTUAL WAIVER. Both parties, by executing this agreement below, hereby waive their right to claim any state exemptions, other than those provided in California Code of Civil Procedure § 703.140(b), during the pendency of the chapter 7 bankruptcy of \_\_\_\_\_ filed in the U.S. Bankruptcy Court for the Southern District of California.

5. RIGHT TO HAVE INDEPENDENT COUNSEL REVIEW WAIVER. Both parties acknowledge that they have been informed of their right to consult an attorney regarding the effect of this waiver on them.

The foregoing mutual waiver is agreed to by:

Dated: \_\_\_\_\_  
(Debtor)

Dated: \_\_\_\_\_  
(Nonfiling Spouse)