

# 8th Annual Domestic Asset Protection Trust State Rankings Chart

| Rank     | State | Statute (50% weight)                             | State Income Tax (10% weight)                | Statute of Limitations (Future Creditor) (5% weight) | Statute of Limitations (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 (7.5% weight) | Decanting State Ranking (5% weight) | Total Score |
|----------|-------|--|--|--|--|--|---|--|--|-------------------------------------|-------------|
| 1        | NV    | <a href="#">§§166.010 to 166.170</a>             | No   | 2 Yrs.   | 2 Yrs. or 0.5 Yr. Discovery  | No   | No  | No Affidavit Required  | Clear and convincing                       | Ranked #2                           | 99          |
| 2        | SD    | <a href="#">§§55-16-1 to 16</a>                  | 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        | TN    | <a href="#">§§35-16-101 to 112</a>               | No (except dividends/ interest on residents) | 2 Yrs.   | 2 Yrs. or 0.5 Yr. Discovery  | Divorcing Spouse; Alimony; Child Support   | No  | Affidavit Required   | Clear and convincing                       | Ranked #3                           | 86.5        |
| 4        | OH    | <a href="#">Ch. 5816</a>                         | No (except residents)                        | 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                           | 86          |
| 5        | MI    | <a href="#">§700.1042</a>                        | No (except residents)                        | 2 Yrs.   | 2 Yrs. or 1 Yr. Discovery  | Divorcing Spouse   | No  | Affidavit Required (with exceptions)   | Clear and convincing                       | Ranked #20 (tie)                    | 85          |
| 6        | MO    | <a href="#">§456.5-505</a>                       | No (except Missouri source income)           | 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 #10 (tie)                    | 80          |
| 7        | DE    | <a href="#">Tit. 12, §§3570-3576</a>             | No (except residents)                        | 4 Yrs.   | 4 Yrs. or 1 Yr. Discovery  | Divorcing Spouse; Alimony; Child Support   | Preexisting Torts   | No Affidavit Required  | Clear and convincing                       | Ranked #5                           | 79.5        |
| 8        | AK    | <a href="#">§34.40.110; §13.36.310</a>           | No   | 4 Yrs.   | 4 Yrs. or 1 Yr. Discovery  | Divorcing Spouse   | No  | Affidavit Required   | Clear and convincing                       | Ranked #7 (tie)                     | 77          |
| 9        | RI    | <a href="#">§18-9.2</a>                          | No   | 4 Yrs.   | 4 Yrs. or 1 Yr. Discovery  | Divorcing Spouse; Alimony; Child Support   | Preexisting Torts   | No Affidavit Required  | Clear and convincing                       | Ranked #19                          | 76.5        |
| 10       | WY    | <a href="#">§§4-10-502, 504, 506(c), 510-523</a> | 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 #10 (tie)                    | 74.5        |
| 11       | NH    | <a href="#">§564-D:1-18</a>                      | No (except dividends/ interest on residents) | 4 Yrs.   | 4 Yrs. or 1 Yr. Discovery  | Divorcing Spouse; Alimony; Child Support   | Preexisting Torts   | No Affidavit Required  | Limited clear and convincing standard      | Ranked #4                           | 73.5        |
| 12       | HI    | <a href="#">§554G</a>                            | No (except residents)                        | 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                                | 70          |
| 13 (tie) | MS    | <a href="#">§§91-9-701 to 91-9-723</a>           | Yes  | 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                                | 67.5        |
| 13 (tie) | UT    | <a href="#">§25-6-13</a>                         | Yes  | None   | 2 Yrs. or 1 Yr. Discovery (also 120-day mailing/ publication option) | No   | No  | Affidavit Required   | Missing clear and convincing standard      | None                                | 67.5        |
| NR       | OK    | <a href="#">Tit. 31, §§10 to 18</a>              | No (except residents)                        | 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    | <a href="#">§64.2-745.1; §64.2-745.2</a>         | Yes  | None   | 5 Yrs.   | Child Support  | Creditor who has provided services to protect trust/ U.S./city, etc.                      | No Affidavit Required  | Clear and convincing                       | Ranked #14                          | NR          |
| NR       | WV    | <a href="#">§44D-5-503a; §44D-5-503b</a>         | No (except residents)                        | None   | 4 Yrs.   | No   | No  | Affidavit Required   | Missing clear and convincing standard      | None                                | NR          |

\*8th Annual Domestic Asset Protection Trust State Rankings Chart created in April 2017. Original State Rankings Chart created in April 2010.

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\*The Decanting State Ranking column is based on the 4th Annual Trust Decanting State Rankings Chart (Jan. 2017) at [http://www.oshins.com/images/Decanting\\_Rankings.pdf](http://www.oshins.com/images/Decanting_Rankings.pdf).

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