

By Mr. Granfield of Springfield, petition of W. H. Sargent relative to exempting in certain cases the avails of life or endowment policies or annuity contracts from the claims of creditors. Insurance. Jan. 16.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Eight.

An Act exempting in Certain Cases the Avails of Life or Endowment Policies or Annuity Contracts from the Claims of Creditors.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter one hundred seventy-five of  
2 the General Laws is hereby amended by striking  
3 out section one hundred twenty-five and inserting  
4 in place thereof the following new section:—

5 *Section 125.* That the cash surrender value and  
6 net amount payable by a life insurance company  
7 under any policy of life or endowment insurance,  
8 or under any annuity contract, upon the life of any  
9 person heretofore or hereafter made for the benefit  
10 of, or assigned to, the wife or children or other rela-  
11 tive dependent upon such person, whether or not the  
12 right to change the named beneficiary is reserved by  
13 the insured, or is permitted by the insurer, shall be  
14 exempt from all claims of the creditors of such in-  
15 sured person arising out of or based upon any ob-  
16 ligation created after the passage of this act; pro-  
17 vided, however, that subject to the statute of limi-

18 tations the amount of any premiums for said in-  
19 surance paid in fraud of creditors, with interest  
20 thereon, shall not be exempt hereunder. The per-  
21 son to whom a policy of life or endowment insur-  
22 ance, issued subsequent to April eleventh, eighteen  
23 hundred and ninety-four, is made payable may  
24 maintain an action thereon in his own name.

1 SECTION 2. Section one hundred twenty-six of  
2 said chapter one hundred seventy-five is hereby  
3 amended by inserting after the word "person" in  
4 the sixth line the words:—and whether or not the  
5 right to change the named beneficiary is reserved by  
6 or permitted to the person effecting such insur-  
7 ance,—so as to read as follows:—*Section 126.*  
8 Every policy of life or endowment insurance made  
9 payable to or for the benefit of a married woman,  
10 or after its issue assigned, transferred or in any  
11 way made payable to a married woman, or to any  
12 person in trust for her or for her benefit, whether  
13 procured by herself, her husband or by any other  
14 person, and whether the assignment or transfer is  
15 made by her husband or by any other person, and  
16 whether or not the right to change the named  
17 beneficiary is reserved by or permitted to the per-  
18 son effecting such insurance, shall enure to her  
19 separate use and benefit, and to that of her chil-  
20 dren, subject to the provisions of the preceding sec-  
21 tion relative to premiums paid in fraud of credi-  
22 tors and to sections one hundred and forty-four to  
23 one hundred and forty-eight, inclusive.



