

Claim of Exemption and Request for Hearing

Case No. _____

Plaintiff

v

Defendant

I claim exemptions from garnishments under the following categories **as checked**:

- ___ 1. Head of family wages (**You must check "a" or "b" below**)
 - ___ a. I provide more than one-half of the support for a child or other dependent and have net earnings of \$750.00 or less per week.
 - ___ b. I provide more than one-half of the support for a child or other dependant, have net earnings of more than \$750.00 per week, but have not agreed in writing to have my wages garnished.
- ___ 2. Social Security benefits
- ___ 3. Supplemental Security Income benefits.
- ___ 4. Public assistance (welfare)
- ___ 5. Worker's Compensation.
- ___ 6. Unemployment Compensation
- ___ 7. Veteran's benefits
- ___ 8. Retirement of profit-sharing benefits or pension money
- ___ 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.
- ___ 10. Disability income benefits.
- ___ 11. Pre-paid college trust fund or Medical Savings Account
- ___ 12. Other exemptions as provided by law. (Explain) _____

I request a hearing to decide the validity of my claim. Notice of hearing should be given to me at: Address: _____

Telephone: _____

The statements made in this request are true to the best of my knowledge and belief. I HEREBY CERTIFY that a copy of the foregoing was provided to the Plaintiff and Garnishee, by (check one of the forms of delivery) ___ regular United States Mail; ___ hand delivery on the ___ day of _____, 20__.

Defendant Signature _____ Date _____

Sworn to and subscribed before me this _____ day of _____, 20__ by:

Notary Public / Deputy Clerk

Personally known _____ OR Produced Identification _____

Type of Identification produced: _____

**NOTICE TO DEFENDANT OR RIGHT AGAINST GARNISHMENT OF WAGES,
MONEY AND OTHER PROPERTY**

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a Court Judgment against you.

HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

State and Federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of Court Judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed below on the form for Claim of Exemption and Request for Hearing. The list does not include all possible exemptions. You should consult a lawyer for specific advice.

TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

If you request a hearing it will be held as soon as possible after your request is received by the court. The Plaintiff must file any objection within 3 business days if you hand deliver to the plaintiff a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 8 days if you mailed a copy of the form for claim and request to the Plaintiff. If the Plaintiff files an objection to your Claim of Exemption and Request for Hearing, the court will notify you and other parties by mail of the time and date of the hearing. You may attend the hearing with or without an attorney. If the Plaintiff fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR OTHER PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CAN'T AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICE PROGRAMS IN YOUR AREA.

Note: If you choose to file a claim of Exemption using the enclosed form, please copy the Plaintiff, Defendant, and Case Number information onto the claim form exactly as shown on the writ.