

NOTICE TO JUDGMENT DEBTOR HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT

The attached Summons in Garnishment has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court. You have a right to a hearing within seven days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld you may file a claim for exemption.

On the day of the hearing you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

GARNISHMENT EXEMPTION CLAIM

Court Name

v

Judgment Creditor Judgment Debtor

and

Garnishee

I claim that the exemption(s) from garnishment which are checked below apply in this case:

MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW

- _____ 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
- _____ 2. Veterans' benefits (38 U.S.C. § 3101).
- _____ 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- _____ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- _____ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
- _____ 6. Black lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- _____ 7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 1109).
- _____ 8. Unemployment compensation benefits (§ 60.2-600 Code of Virginia).

This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

- _____ 9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).
- _____ 10. Public assistance payments (§ 63.1-88, Code of Virginia).
- _____ 11. Homestead exemption of \$5,000 in cash (§ 34-4, Code of Virginia). This exemption may not be available in certain cases, such as payment of rent or services of a laborer or mechanic (§ 34-5, Code of Virginia).
- _____ 12. Property of disabled veterans -- additional \$2,000 cash (§ 34-4.1, Code of Virginia).
- _____ 13. Workers' Compensation benefits (§ 65.2-531, Code of Virginia).
- _____ 14. Growing crops (§ 8.01-489, Code of Virginia).
- _____ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
- _____ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
- _____ 17. Assignments of certain salary and wages (§ 55-165, Code of Virginia).
- _____ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- _____ 19. Preneed funeral trusts (§ 54.1-2823, Code of Virginia).
- _____ 20. Other (describe exemption): \$_____

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

Address Telephone No.

The statements made in this request are true to the best of my knowledge and belief

Date Signature of Judgment Debtor