

Sample (write on 8 1/2 x 11 paper)

IN THE _____ COURT
IN AND FOR _____ COUNTY, FLORIDA

_____ Plaintiff,

vs. Case Number _____
_____ Defendant.

**CLAIM OF EXEMPTION AND
REQUEST FOR HEARING**

I claim exemptions from garnishment 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 dependant 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, 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 bylaw.
(explain) _____

(continued next page)

I request a hearing to decide the validity of my claim.
Notice of the 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 or _____ hand delivery on _____.

Date: _____
_____ Defendant's Signature

Sworn and subscribed to before me on _____, by _____

Notary Public / Deputy Clerk
Personally known — OR. Produced Identification
Type of Identification Produced _____

**About
FloridaLawHelp.org**

FloridaLawHelp.org is administered by Florida Legal Services, Inc. and is produced in cooperation with Pro Bono Net and the legal services organizations and government agencies throughout Florida and the United States.



FloridaLawHelp.org

FloridaLawHelp.org

To locate your local legal aid or legal services office, please visit us on the web at

www.floridalawhelp.org

Your local legal aid or legal services office can be located through either the "Find Local Help" or "Directory" links.

If you don't have access to the internet, consult your local Directory Assistance for the number of the legal aid or legal services office nearest to you.

Special thanks to Community Legal Services of Mid-Florida, Inc.



The Florida Bar Foundation, with Interest on Trust Accounts program funding, provides support for this service.



YOUR HOME

If you own a home, it is protected from all creditors except those holding a mortgage or lien. Your home and up to one-half acre of land is exempt from any forced sale if you live in an incorporated area. Your home and up to 160 acres are exempt if you live in an unincorporated area.



If you cannot pay your mortgage, the mortgage company may proceed with a foreclosure action. If there are liens (tax liens, contractor liens) against the home, those creditors also may proceed with a foreclosure action.



Your Personal Property

Up to \$1,000 of your personal property is exempt from being taken by a creditor. If you do not own a home, then up to \$4,000 of your personal property is exempt. You may choose what property you keep. However, if the property was given as security for a loan, it probably will not be protected from that one creditor. The exemption can include money in the bank. If a creditor tries to take your personal property, immediately file a Notice of Exemption with the court, sheriff and the creditor (See sample Claim of Exemption at the end of this brochure).

Your Wages



Wages of the head of family are exempt from garnishment if you take home \$750 per week or less. Even if your take home pay is more than \$750 per week, it is still exempt if you have not agreed to allow your wages to be taken to pay the debt. You are a head of family if you reside in Florida and you provide more than one-half of the support for a child or other dependent.

If you do not qualify as head of family, you still have protection. If your take home pay is \$217.50 or less per week, your wages are exempt. If you take home more than \$217.50 per week, the creditor is limited to taking the lesser of 25% of your net wages or the difference between your net wages and \$217.50 per week until the judgment is paid in full.

Wages in a bank account that belong to a head of household are protected even when the wages are mixed with money from other sources.

If a creditor garnishes your wages, immediately file a Claim of Exemption with the court, your employer and the creditor (see sample Claim of Exemption at the end of brochure).

Social Security and Other Benefits

Income from Social Security, workers compensation, unemployment benefits, disability benefits, VA benefits and retirement benefits are exempt from garnishment. Even when these benefits are in a bank account they are still exempt.

If a creditor garnishes your bank account, immediately file a Claim of Exemption with the court, your bank and the creditor (see sample Notice of Exemption at the end of brochure).



Your Vehicle

Your vehicle is exempt up to \$1,000. This means that your vehicle cannot be taken to satisfy a judgment unless the value of the car, less the amount of any loan on the car, is greater than \$1,000. File a Claim of exemption with the court, sheriff and creditor (see Claim of Exemption at the end of this brochure).

Other Property

All professionally prescribed health aids used by you or your dependents are exempt from creditors.

If property is owned by husband and wife and the judgment is against only one of them, the property is protected. The debtor and/or the spouse must file a Claim of Exemption with the court, sheriff and creditor (see Claim of Exemption at the end of this brochure).

Procedure for claiming the exemption

File a written Claim of Exemption (see sample at end of brochure) with the court describing the reason the money or property is exempt. Also, send a copy to the attorney for the creditor (or if there is no attorney to the creditor) and a copy to the person holding your money or property. The creditor has 3 business days (8 business days if you mail it to the creditor) to file an objection to your claim. If the creditor contests your exemption the court will promptly set a hearing. If the creditor does not contest your exemption, the court will stop the garnishment.

This brochure is for general education only. It is not intended to be used to solve *individual problems*. If you have specific questions, see an attorney.