

Samples

CLAIM OF EXEMPTION (Enforcement of Judgment)
EJ-160

DEBTOR INFORMATION:
 Daniel Debtor
 123 Main St.
 Sacramento, CA 95814
 TELEPHONE NO. 916-555-1212

PLAINTIFF/PETITIONER: Cal Creditor
DEFENDANT/RESPONDENT: Daniel Debtor

CLAIM OF EXEMPTION (Enforcement of Judgment)

Copy all the information required above (except the top left space) from the Notice of Levy. The top left space is for your name or your attorney's name and address. The original and one copy of this form must be filed with the sheriff's officer. **DO NOT FILE WITH THE COURT.**

- My name is: Daniel Debtor
- Papers should be sent to:
 - me
 - my attorney (I have filed with the court and served on the judgment creditor a request that papers be sent to my attorney and my attorney has consented in writing on this request to receive these papers.)
 at the address: shown above following (specify):
- I am not the judgment debtor named in the notice of levy. The name and last known address of the judgment debtor is (specify):
- The property I claim to be exempt is (describe): Any and all deposits held in my name at Financial Savings Bank.
- The property is claimed to be exempt under the following code and section: 42 U.S.C. Section 47 and CCP Section 704.080
- The facts which support this claim are (describe): See Attached Declaration
- The claim is made pursuant to a provision exempting property to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor. **A Financial Statement form is attached to this claim.**
- The property claimed to be exempt is:
 - a. a motor vehicle, the proceeds of insurance, or the proceeds of indemnification for the loss of a motor vehicle;
 - b. tools, implements, materials, or other personal property used in the debtor's trade, business, profession, or occupation;
 - c. all other property of the same type owned by the judgment debtor, either alone or in combination with others, is (describe):
- The property claimed to be exempt consists of the loan value of unexpired life insurance policies (including endowment and annuity policies) or benefits from matured life insurance policies (including endowment and annuity policies). All other property of the same type owned by the judgment debtor or the spouse of the judgment debtor, either alone or in combination with others, is (describe):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Print name and date Signature

Case Number: 34-2020-00123456

Sheriff's Levy Number: 2020-01234

Annotations:
 - "Your name, address, and phone number. 'In Pro Per' means you are representing yourself."
 - "Insert Court County, Address, City, State, Zip, and Branch."
 - "Plaintiff = Judgment Creditor Defendant = Judgment Debtor Names as they appear in Notice of Levy."
 - "Sheriff's Levy Number, found on the Notice of Levy."
 - "Mark these boxes as appropriate" (pointing to checkboxes in question 2).
 - "4. Describe the property that is exempt. 5. Insert applicable code sections. 6. Insert 'See attached Declaration.'" (pointing to question 4).
 - "If you are claiming that some, or all, of the amount levied should be withheld because it is needed for the basic necessities of life, you will need to check box 7 and complete and attach a Financial Statement (WG-007/EJ-165)." (pointing to question 7).
 - "Complete paragraphs 7, 8, & 9 ONLY if they pertain to your situation." (pointing to questions 7, 8, and 9).
 - "Print name and date" and "Signature" (pointing to the signature line).

Claim of Exemption (EJ-160)



If you are claiming that some, or all, of the amount levied should be returned to you because it is needed for the basic necessities of life, you will need to complete and attach a *Financial Statement* (WG-007/EJ-165). The statement provides the court with a snapshot of your monthly income and expenses. If your only claim is that the funds are statutorily exempt, you do not need to complete this form.

WG-007/ EJ-165

SHORT TITLE Creditor v Debtor	LETTING OFFICER'S FILE NO. 2020-01234	COURT CASE NO. 34-2020-00123456
----------------------------------	--	------------------------------------

FINANCIAL STATEMENT
(Wage Garnishment - Enforcement of Judgment)

NOTE: If you are married, this form must be signed by your spouse unless you and your spouse are living separate and apart. If this form is not signed by your spouse, check the applicable box on the reverse in item 9.

1. The following persons other than myself depend, in whole or in part, on me or my spouse for support:

NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE-HOME INCOME & SOURCE
a. Debbie Debtor	39	Spouse	1,328.43 Employment at Acme Inc.
b. David Debtor	10	Son	0.00
c. Darla Debtor	7	Daughter	0.00
d.			
e.			

List each person in your household. If you have no spouse, write "none" on line a.

2. My monthly income

a. My gross monthly pay is: 2a \$ 2,600.00

b. My payroll deductions are (specify purpose and amount):

(1) Federal and state withholding, FICA, and SDI	\$ <u>461.23</u>
(2) _____	\$ _____
(3) _____	\$ _____
(4) _____	\$ _____

My TOTAL payroll deduction amount is (add (1) through (4)): b \$ 461.23

c. My monthly take-home pay is (a minus b): c \$ 2,138.77

d. Other money I get each month from (specify source): d \$ 0.00

e. TOTAL MONTHLY INCOME (c plus d): e \$ 2,138.77

Describe your monthly income. You may need several pay stubs to complete this section.

3. I, my spouse, and my other dependents own the following property:

a. Cash: 3a \$ 45.00

b. Checking, savings, and credit union accounts (list banks):

(1) Fictional Savings Bank checking account (Levied)	\$ <u>734.00</u>
(2) Arbitrary Savings and Loan savings account	\$ <u>80.00</u>
(3) _____	\$ _____

b. \$ 814.00

c. Cars, other vehicles, and boat equity (list make, year of each):

(1) 1989 Adobe Automobile	\$ <u>100.00</u>
(2) _____	\$ _____
(3) _____	\$ <u>0.00</u>

c. \$ 100.00

d. Real estate equity: d. \$ _____

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (list separately):

Misc. household furnishings: e. \$ 300.00

Complete your asset information. Remember "equity" is the fair value of the property minus the amount owed on it. If the total is negative, the equity is \$0.

Financial Statement (WG-7/EJ-165) (page 1)



As a general rule, entertainment (line 4(l)) and most installment payments (line 4(j) and section 5) are not considered "basic necessities of life," and such amounts will typically be ordered paid to the creditor. Exceptions are installments being paid to prior judgment debtors, installments being paid to the government for back taxes, or other debts that are legally entitled to priority over the judgment in this case.

Debtor Name: Creditor v Debtor
Case No: 34-2020-00123456

4. The monthly expenses for me, my spouse, and my other dependants

a. Rent or house payment and maintenance	4a. \$	1,000.00
b. Food and household supplies	b. \$	425.00
c. Utilities and telephone	c. \$	250.00
d. Clothing	d. \$	60.00
e. Medical and dental payments	e. \$	85.00
f. Insurance (life, health, accident, etc.)	f. \$	479.00
g. School, child care	g. \$	450.00
h. Child, spousal support (prior marriage)	h. \$	0.00
i. Transportation & auto expenses (insurance, gas, repair) (list car payments in item 5)	i. \$	400.00
j. Installment payments (insert total and itemize below in item 5)	j. \$	197.00
k. Laundry and cleaning	k. \$	38.00
l. Entertainment	l. \$	18.00
m. Other (specify):		

List your monthly expenses. If not paid monthly, estimate the amount if broken into monthly payments.

m. \$ _____
n. TOTAL MONTHLY EXPENSES (add a through m): n. \$ 3,402.00

5. I, my spouse, and my other dependants owe the following debts:

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE OWED	OWED BY (State person's name)
Adobe Automobile	Car payments	179.00	900.00	

6. Other facts which support this Claim of Exemption (i.e., unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) (describe): (if more space is needed, attach page labeled Attachment 6.)

If there are other facts to consider, list them here.

7. An earnings withholding order is now in effect with respect to my earnings or those of my spouse or dependent named in item 1 (specify each person's name and monthly amount).

8. A wage assignment for support is now in effect with respect to my earnings or those of my spouse or dependent named in item 1 (specify each person's name and monthly amount).

Earnings withholdings or assignments (support payments) in effect as to your income or the income of a household member are listed in paragraphs 7 or 8.

9. My spouse has signed below.
 I have no spouse.
 My spouse and I are living separate and apart.

Check the appropriate box in paragraph 9. If the debtor is married, his or her spouse must sign unless the two are separated and living apart.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: 09/02/2020

Daniel Debtor _____
Debbie Debtor _____
(TYPE OR PRINT NAME(S) OF DEBTOR)

Print name(s) and date

(SIGNATURE OF DEBTOR)

Signature(s)

Financial Statement (WG-7/EJ-165) (page 2)



MC-030

PLAINTIFF (OR PARTY WHOM YOU REPRESENT) ATTORNEY: _____

Daniel Debtor

123 Main St.
Sacramento, CA 95814
Telephone No. 916-555-1212

PLAINTIFF (OR PARTY WHOM YOU REPRESENT): **In Pro Per**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento

720 Ninth Street
Sacramento, CA 95814
Civil

PLAINTIFF/PETITIONER: **Cal Creditor**

DEFENDANT/RESPONDENT: **Daniel Debtor**

DECLARATION

CASE NUMBER: 34-2020-00123456

I, **Doug Debtor**, declare:

The bank account that is levied is exempt from collection because the entire source of these funds are from my spouse, **Debra Debtor's Social Security Disability**. I have attached redacted bank statements for the last three months showing that the only money deposited into this account was her Social Security Disability payment, and that no other deposits took place.

Your declaration should provide a detailed description of why any funds are exempt from collection. You will also need to attach two or three months' worth of bank statements to show the source of any money that goes into the bank account. The more sources of income, the more complicated the declaration will be in "tracing" the funds in the bank account. The amount of the funds that can be traced back to exempt sources (i.e. Social Security, SSI, etc.) will be exempt up to the amount allowed for each exemption. Keep in mind that this is being read by a sheriff, creditor, and possibly judge who has no prior knowledge of your circumstances, so be sure to explain things concisely and with sufficient detail. If you are attaching bank statements, be sure to "redact" (black out so they cannot be read) the account numbers (except the last four digits), as this document might eventually end up filed with the court.

If your Claim of Exemption is based on the necessities of life, it is possible to use a declaration to explain your household circumstances.

I declare under penalty of perjury under the laws of the State of California
Date: 09/02/2020

Doug Debtor _____

Print name and date

Sign and mark the "Defendant" box if you are the defendant, otherwise check the appropriate box. If no other box fits, check "Other" and write your title in this space.

Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify): _____

DECLARATION

Page 1 of 1

Declaration (MC-030)