

Claim of Exemption – Bank Levy

If you receive notice from your bank that funds have been withdrawn due to a court judgment (“levied”), and you want to object, act fast. You have 15 days (20 days, if you were served by mail) to file a Claim of Exemption. Here’s how.

Templates and Forms

- [Claim of Exemption \(EJ-160\)](http://www.courts.ca.gov/documents/ej160.pdf) (<http://www.courts.ca.gov/documents/ej160.pdf>)
- [Financial Statement \(WG-007/EJ-165\)](http://www.courts.ca.gov/documents/ej165.pdf) (<http://www.courts.ca.gov/documents/ej165.pdf>)
- [Declaration \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>)

Creditors commonly collect on court judgments by levying, or seizing, funds from a debtor’s bank or credit union accounts. To levy an account, the creditor must have a valid court judgment against you. The creditor must then ask the court for a *Writ of Execution*, which is an order directing the Sheriff to enforce the judgment, and hire the sheriff or a process server to serve your bank or credit union. The bank provide you with a *Notice of Levy* (EJ-150) to let you know. The bank or sheriff will hold the seized funds for up to 20 days, allowing you the opportunity to seek to stop or reduce the levy by filing a *Claim of Exemption* (EJ-160).

For a complete list of our guides and videos on enforcement of judgments, visit our [Enforcing Judgments topic page](https://saclaw.org/legal_topic/enforcing-a-courts-judgment/). (https://saclaw.org/legal_topic/enforcing-a-courts-judgment/)

NOTE: If the judgment was obtained by default, you may be able to ask the court to set aside the judgment, and allow you to present a defense to the claim. **This is a separate process and will not stop the levy!** For more information, see the Step-by-Step guide on [Relief from Default Judgments](https://www.saclaw.org/resource_library/motion-to-set-aside-relief-from-default-judgment/) (https://www.saclaw.org/resource_library/motion-to-set-aside-relief-from-default-judgment/) on our website.

Upon receiving the order to levy, the bank will typically freeze the funds in the affected account(s) (up to the amount of levy), or will give those funds to the sheriff. Only funds in the account at the time of the levy will be frozen or seized. (For this reason, creditors often levy accounts after the first of the month when most people have just received paychecks.) You will receive a *Notice of Levy* (EJ-150) along with other documents to alert you to the levy.

IMPORTANT: Remember, once you receive these documents you have **15 days** (20 days, if you were served by mail) to file your *Claim of Exemption* (EJ-160), *Financial Statement* (WG-007/EJ-165) and *Declaration* (MC-030) with the sheriff’s department listed on the *Notice of Levy* (EJ-150). If you mail it by a service that gives you a tracking number, such as USPS Priority Mail, the postmark date counts as the date of “filing.” Otherwise, the date the Sheriff receives it is the date of filing.

There are a number of exemptions for different types of income which may apply to lessen or halt the bank levy. Important ones include Social Security payments, pension and government benefits. In addition, if you can show that the money in the account is needed for the basic necessities of life, it will be exempt.

- Exemptions List (#advqb-tabs-tab0)
- Automatic Exemptions (#advqb-tabs-tab1)
- Recent Changes Protecting Debtors (#advqb-tabs-tab2)

Exemptions List

One of the documents that you should receive with your *Notice of Levy* (EJ-150) is Exemptions from the Enforcement of Judgments (EJ-155). This form lists the various asset types that may be exempt from collection. An adaptation of this document, with hyperlinks to the applicable code sections, is available on the [Law Library's website](https://www.saclaw.org/resource_library/exemption-from-the-enforcement-of-judgments/) (https://www.saclaw.org/resource_library/exemption-from-the-enforcement-of-judgments/). It is very important to read and understand the specific exemption(s) that may apply to you, because not all of these exemptions are complete (for example, employment wages are only 80% exempt), and some have limits on the amount of the exemption (for example, \$8625 in a vehicle's equity is exempt).

Automatic Exemptions

Automatic exemptions: Pension payments and government benefits are automatically exempt as long as they are direct-deposited into your account. Up to \$4400 in Social Security funds (\$6575 if two payees use the account) and up to \$2175 in other benefits (\$3250 for two payees using the same account) is shielded from being frozen by the bank or seized by the sheriff. These amounts are adjusted annually.

If a judgment creditor attempts to levy your bank account, you will be mailed a *Notice of Levy* (EJ-150), along with some other informational documents.

The court may order some or all of the funds in an account exempt if:

- The money in the account is from a source that is exempt by law. Social Security is one example, but there are many others; or
- The money in the account is required for the basic necessities of life.

Even if the court orders funds in the account exempt from collection, the judgment still exists, and will continue to accrue 10% simple interest each year (5% for judgments entered after January 1, 2023 for medical expenses or personal debt).

Recent Changes Protecting Debtors

Effective Sept. 1, 2020: California law exempts a minimum amount in one account, regardless of its source. (Exception: if the debt is for child or spousal support (alimony), or for wages you owe someone, this exemption does not apply.) This amount changes annually on July 1. For the period of July 1, 2024 – June 30, 2025, the exempt amount is \$2170. If the exemption for public benefits or pensions is larger, that exemption applies instead.

This new exemption is limited to one (1) bank account per debtor. If you have more than one account, and want to specify which account is protected by the automatic exemption, you may file an application with the court, using the forms [Ex Parte Application for Order on Deposit Account Exemption](#)

<https://www.courts.ca.gov/documents/ej157.pdf> (EJ-157), [Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption](https://www.courts.ca.gov/documents/ej158.pdf) (<https://www.courts.ca.gov/documents/ej158.pdf>) (EJ-158), and [Order on Application for Designation of Deposit Account Exemption](https://www.courts.ca.gov/documents/ej159.pdf) (<https://www.courts.ca.gov/documents/ej159.pdf>) (EJ-159).

If you do not specify, the bank will decide which account is exempt.

Before filling out the forms, gather the following information:

Notice of Levy

Have a copy of the Notice of Levy handy so you have all the info about the case and the levying account.

Three months of bank statements

You will need to submit proof of the sources of the money in your bank account and your monthly expenses.

At least one month of pay stubs

If your income varies from month to month, more pay stubs will be required. You will need these to list your income, deductions for taxes and other deductions, and total take-home pay.

List of monthly expenses

Expenses for you, your spouse, and other dependents. Expenses include rent or house payments, food, utilities, clothing, insurance, child care or school, transportation, existing debt payments, etc.

Step-by-Step Instructions

1 Complete the Necessary Forms

The forms commonly used in this procedure are:

- [Claim of Exemption \(EJ-160\)](http://www.courts.ca.gov/documents/ej160.pdf) (<http://www.courts.ca.gov/documents/ej160.pdf>)
- [Financial Statement \(WG-007/EJ-165\)](http://www.courts.ca.gov/documents/ej165.pdf) (<http://www.courts.ca.gov/documents/ej165.pdf>) (if you're claiming the funds are necessary for the basic necessities of life)
- [Declaration \(MC-030\)](http://www.courts.ca.gov/documents/mc030.pdf) (<http://www.courts.ca.gov/documents/mc030.pdf>)

Sample completed forms with instructions are included at the end of this guide.

2 Copying and Assembling

Make two copies of each:

- Claim of Exemption (EJ-160)
- Financial Statement (WG-007/EJ-165) (if applicable)
- Declaration (MC-030)

If you are submitting a *Financial Statement* (WG-007/EJ-165), attach one copy to each copy of your *Claim of Exemption* (EJ-160).

3 Turn in Your Papers

Turn in your papers from Step 3 to the levying officer listed on the *Notice of Levy* (EJ-150). This is usually the sheriff's department. **Deadline:** 15 days to do this (20 if you were served by mail). If you send in your forms by mail, you must send them before the last day:

- Delivered in person: must be received by close of business on or before the last day
- Mail: must be *received by the sheriff* by close of business on or before the last day, so mail at least a few days ahead, or use trackable mail
- Trackable mail (certified mail or a delivery service): must be *postmarked* on or before the last day.

The sheriff will mail one copy to the judgment creditor and keep the second. Keep the other copy you made in Step 2 for your records.

4 Creditor Can Oppose the Claim of Exemption

The levied money will be held until either: 1) 10 days go by and the creditor does not oppose your claim of exemption; or 2) the judge makes a decision on the claim of exemption. If the creditor does not oppose your claim of exemption, the garnished money will be returned to you.

If the creditor opposes your claim of exemption, you will receive a Notice of Opposition to Claim of Exemption (EJ-170) and Notice of Hearing on Claim of Exemption (EJ-175) that will set a court date for a judge to make a

decision, probably within the month. You do not need to file anything; the judge will rely on your Claim of Exemption.

5 Checking the Tentative Ruling the Day Before the Hearing

In Sacramento (and most counties), the judges read the papers and decide how they are going to rule ahead of time. Then their decisions are posted on the [court's online case portal](https://www.saccourt.ca.gov/indexes/new-portal-info.aspx) (<https://www.saccourt.ca.gov/indexes/new-portal-info.aspx>) at 2 p.m. the business day before the hearing date. The parties must check the tentative ruling online or call the department to hear the decision.

If You Agree With The Tentative Ruling...

You do not need to do anything. If the other party disagrees, they must contact you and the court by 4:00 pm the same day. If the other party does not contact you by 4:00 pm, the Tentative Ruling will become the order of the Court at the hearing.

If You Disagree With The Tentative Ruling...

Call the opposing party by 4:00 p.m. and tell them that you are appearing, and that they can appear via Zoom.

Call the Law and Motion Oral Argument Request Line at (916) 874-2615 by 4:00 p.m. Leave a message with the following information: 1. Your name, and that you want to appear; the item number (to the left of your case number on the Tentative Ruling); that you have let the other parties know you are appearing, and that they can appear via Zoom.

More info: [How to Look Up a Tentative Ruling and Attend a Hearing](https://saclaw.org/resource_library/tentative-rulings-in-sacramento-court/) (https://saclaw.org/resource_library/tentative-rulings-in-sacramento-court/)

If Neither Party Calls...

If neither you nor the opposing party requests oral argument, the court will simply make the tentative ruling the official order of the court. If you go to court anyway, you will find that the hearing is cancelled.

6 Attending the Hearing

If you or the other party request oral argument, arrive or log onto Zoom early. There will probably be other cases scheduled at the same time; there is usually a list posted on the wall outside the courtroom that lists the order in which cases will be heard. Go into the courtroom or Zoom waiting room and check in with the bailiff or clerk.

Remote (Video or Telephone) Hearings are an Option

For most types of motions, you can appear remotely by connecting on the Zoom app. The tentative ruling will explain how to connect.

When your name is called, be ready to speak and to answer any questions the judge has. You will only have a few minutes. After both sides speak, the judge may make a decision right away, or may “take it under consideration” and mail out the decision in a few days.

For help

SH@LL (Self-Help at the Law Library) (<https://saclaw.org/services/civil-self-help/>)

609 9th Street, Sacramento CA 95814

(916) 476-2731 (Appointment Request Line)

Services Provided: SH@LL provides general information and basic assistance to self-represented litigants on a variety of legal issues. All assistance is provided by telephone. Visit [“What we can help with](https://saclaw.org/services/civil-self-help/#canhelp) (<https://saclaw.org/services/civil-self-help/#canhelp>)” for a list of qualifying cases.

Eligibility: Must be a Sacramento County resident or have a [qualifying case](https://saclaw.org/services/civil-self-help/#who) (<https://saclaw.org/services/civil-self-help/#who>) in the Sacramento County Superior Court.

For assistance with a Claim of Exemption- Bank Levy, you must provide:

- Notice of Levy
- Three months of bank statements issued prior to and including or ending with the levy date
- At least one month of pay stubs (more if income varies monthly)
- A list, including the amounts of, your monthly expenses (e.g., rent, utilities, insurance, etc.)



Samples

CLAIM OF EXEMPTION (EJ-160)

YOUR NAME, ADDRESS, AND PHONE NUMBER. "IN PRO PER" MEANS YOU ARE REPRESENTING YOURSELF.

Insert Court County, Address, City, State, Zip, and Branch.

Sheriff's Levy Number, found on the Notice of Levy.

Plaintiff = Judgment Creditor
Defendant = Judgment Debtor
Names as they appear in Notice of Levy.

Mark these boxes as appropriate

Case Number

Complete paragraphs 7, 8, & 9 ONLY if they pertain to your situation.

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).

CLAIM OF EXEMPTION (Enforcement of Judgment)

Form Approved by the Judicial Council of California EJ-160 (Rev. January 1, 2009)

CLB Essential Forms

Code of Civil Procedure, § 709.520 www.courtinfo.ca.gov

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.

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

WG-007/ EJ-165

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	\$ 461.23
(2)	\$
(3)	\$
(4)	\$

My TOTAL payroll deduction amount is (add (1) through (4)):

c. My monthly take-home pay is (a minus b): b. \$ 461.23
c. \$ 2,138.77

d. Other money I get each month from (specify source):
is 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.

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.

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)	\$ 734.00
(2) Arbitrary Savings and Loan savings account	\$ 80.00
(3)	\$

b. \$ 814.00

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

(1) 1989 Adobe Automobile	\$ 100.00
(2)	\$
(3)	\$ 0.00

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

Form Adopted by the
Judicial Council of California
05-0076J-165 (Rev. January 1, 2007)

EB Essential
Forms

FINANCIAL STATEMENT
(Wage Garnishment - Enforcement of Judgment)

Code of Civil Procedure, §§ 706-124, 703.530
www.courtinfo.ca.gov

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.

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):

9. ☒ My spouse has signed below.
☐ I have no spouse.
☐ My spouse and I are living separate and 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 OF SPOUSE)

Print name(s) and date

Signature(s)

(SIGNATURE OF SPOUSE)

WG-07/EJ-165 (Rev. January 1, 2007)

FINANCIAL STATEMENT
(Wage Garnishment - Enforcement of Judgment)

Page 2 of 2

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



MC-030	
<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (In Pro Per) Daniel Debtor</p> <p>123 Main St. Sacramento, CA 95814 TELEPHONE NO: 916-555-1212 FAX NO: (Optional)</p> <p>E-MAIL ADDRESS (Optional) In Pro Per</p> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento</p> <p>STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil</p> <p>PLAINTIFF/PETITIONER: Cal Creditor</p> <p>DEFENDANT/RESPONDENT: Daniel Debtor</p>	<p>FOR COURT USE ONLY</p> <p>CASE NUMBER: 34-2020-00123456</p>

DECLARATION

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, Debora 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 (TYPE OR 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
☐ Respondent ☐ Plaintiff ☐ Petitioner ☒ Defendant
☐ Other (Specify):

Form Approved for Optional Use
Judicial Council of California
MC-030 (Rev. January 1, 2006)

CEB Essential
eForms

DECLARATION

Page 1 of 1

Declaration (MC-030)