

# Claim of Exemption: Wage Garnishment

If you receive notice from your employer that your wages are being garnished, and you want to object, act fast. The sheriff will hold your wages for 10 days before delivering them to the creditor. You can file a claim of exemption at any time, but until you do, the garnishment will continue, and you will not be entitled to have the money returned.

## Templates and Forms

- [Claim of Exemption \(WG-006\)](https://www.courts.ca.gov/documents/wg006.pdf) (<https://www.courts.ca.gov/documents/wg006.pdf>)
- [Financial Statement \(WG-007\)](https://www.courts.ca.gov/documents/wg007.pdf) (<https://www.courts.ca.gov/documents/wg007.pdf>)

Wage garnishment — automatic collection of up to 20% of your wages — is a main tool creditors use to collect judgments. Part or all of your pay may be exempt from garnishment. This guide shows how to claim that exemption.

To garnish your wages, 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 an *Earnings Withholding Order* (WG-002) (EWO). The Sheriff serves your employer with the EWO, requiring the employer to pay part of your earnings directly to the Sheriff, who passes it to the creditor. If your employer is served, they will let you know and you will have a chance to claim an exemption.

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/](https://saclaw.org/legal_topic/enforcing-a-courts-judgment/))

File a Claim of Exemption (WG-006) and Financial Statement (WG-007) with the sheriff's department listed on the Notice of Levy. Use these forms to explain why some or all of the wages the creditor wants your employer to garnish should be exempt (excluded) from being taken. There are laws and rules that say which types of income or property are exempt. You can read about many of these exemptions in [Exemption from the Enforcement of Judgments \(EJ-155\)](http://www.courts.ca.gov/documents/ej155.pdf) (<http://www.courts.ca.gov/documents/ej155.pdf>). [Exemptions from Enforcement of Judgments](https://www.saclaw.org/resource_library/exemption-from-the-enforcement-of-judgments/) ([https://www.saclaw.org/resource\\_library/exemption-from-the-enforcement-of-judgments/](https://www.saclaw.org/resource_library/exemption-from-the-enforcement-of-judgments/)), 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/](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).

Even if the court orders part of your wages 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).

## Step-by-Step Instructions

### 1 Gather the Required Information

Before completing your forms, it may be useful to gather these documents, which will provide needed information:

- Notice of Wage Garnishment from your employer
- At least one month of pay stubs
- A list of your monthly expenses, such as rent, utilities, insurance, etc.

### 2 Complete the Required Forms

The Judicial Council forms needed for a claim of exemption for wage garnishment are:

- Claim of Exemption (WG-006)
- Financial Statement (WG-007)

Instructions for completing the necessary forms are included at the end of this packet.

### 3 Make Photocopies

Make two copies of each:

- Claim of Exemption (WG-006)
- Financial Statement (WG-007)

### 4 File Your Documents

Take or send your completed documents to the Sheriff's Department listed on the Earnings Withholding Order (WG-002). The Sheriff will mail one copy to the judgment creditor and keep the original. The other copy is for you to keep for your records.

## 5 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.

If the judge agrees with your claim of exemption, you will get your money back. If the judge agrees with the creditor, your employer will send the money to the creditor every month until your judgment is paid in full. The judge may also find that the creditor is entitled to money from your wages, but in an amount less than 20%. In that situation, your employer will send the court-ordered amount to your creditor each month until the judgment is paid in full.

## 8 Review Tentative Ruling at 2 p.m. the Court Day before the Hearing; Schedule Argument by 4 p.m. if Necessary

Before the hearing, the judge reads the motion and opposition and decides how they are going to decide. They post the decision on the court's website for the parties to read by 2 p.m. the court day before the hearing. The parties can then decide whether it is worth their time to request oral argument on the day of the hearing.

Most California courts use the tentative ruling system. In Sacramento, pursuant to [Local Rule 1.06](https://www.saccourt.ca.gov/local-rules/docs/local-rules.pdf) (<https://www.saccourt.ca.gov/local-rules/docs/local-rules.pdf>), the Civil Home Court departments issue tentative rulings on the motion by 2:00 p.m. **the court day before the hearing**. You then have two hours to request oral argument, if you choose to do so. Other departments may have different times or may not use tentative rulings; check with the department clerk.

### Warning! Your hearing will be canceled

If neither you nor the other party calls the court, the hearing will be canceled and you will not be permitted to talk to the judge.

You may [read the tentative ruling online](https://www.saccourt.ca.gov/indexes/new-portal-info.aspx) (<https://www.saccourt.ca.gov/indexes/new-portal-info.aspx>) or call 916-874-7858 or 916-874-7848 to have a clerk read the ruling to you. For more information, see the Sacramento County Superior Court's [Civil Tentative Rulings](https://www.saccourt.ca.gov/civil/docs/cv-tentative-ruling.pdf) (<https://www.saccourt.ca.gov/civil/docs/cv-tentative-ruling.pdf>) page.

Closely review the Tentative Ruling. If you are making the motion, you are looking for your motion to be “GRANTED.” If you are opposing the motion, you are looking for the motion to be “DENIED.” The motion may also be “GRANTED IN PART” and “DENIED IN PART.” The judge sometimes orders the parties to appear, even if neither party requests oral argument.

**Losing party:** If you are not happy with the Tentative Ruling, and wish to present oral argument in front of the judge, you must call all opposing counsel and/or self-represented parties right away. Let them know that that you are appearing, and that they can appear via Zoom. Leaving a message is fine.

Then call the Law and Motion Oral Argument Request Line at (916) 874-5463 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.

**Note:** carefully consider whether it is worth your time to request oral argument. It is very rare for judges to change their mind, but it does happen sometimes.

**Winning party:** If you are happy with the Tentative Ruling, you **do not** need to do anything unless the Tentative Ruling orders you to appear, or the other side calls you before 4:00 p.m. that day to request oral argument. If that happens, you should go to the court hearing in person or by Zoom and be prepared to argue your case.

If neither party requests oral argument by 4:00 p.m., the court will simply make the tentative ruling permanent, and no oral argument will be permitted.

## 7 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 9<sup>th</sup> 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- Wage Garnishment, you must bring:

- Notice of Wage Garnishment from your employer
- At least one month of paystubs (more if income varies monthly)
- A list of your monthly expenses (for example, rent, utilities, insurance, etc.).



## Samples

### Claim of Exemption (Wage Garnishment)

RETURN TO LEVYING OFFICER. DO NOT FILE WITH COURT		WG-006
<b>1</b> ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) PETER PERPETRATOR 11 MAIN ST. #22 SACRAMENTO, CA 95814 TELEPHONE NO: 916-123-9876 FAX NO: (Optional) E-MAIL ADDRESS (Optional)	<b>2</b> FOR LEVYING OFFICER USE ONLY (Levy Officer Name and Address) Sacramento County Sheriff's Department Civil Division 3341 Power Inn Road Sacramento, CA 95826	<b>1</b> Your name, address, and phone number. "In Pro Per" means you are representing yourself. <b>2</b> Insert the name and address of the Sheriff's Civil Division as shown on the Earnings Withholding Order (EWO). <b>3</b> Court name, address, and branch. <b>4</b> Plaintiff = Judgment Creditor Defendant = Judgment Debtor. <b>5</b> Sheriff's Levy number. <b>6</b> Case Number. <b>7</b> Check the boxes that pertain to your situation and indicate where you want the mail sent. <b>8</b> Check either box 4a or 4b to indicate what you consent to have withheld from your paychecks. <b>9</b> Check the appropriate box. <b>10</b> Print Name and Date. <b>11</b> Signature.
<b>3</b> ATTORNEY FOR (Name) IN PRO PER SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento STREET ADDRESS: 720 Ninth Street MAILING ADDRESS: 720 Ninth Street CITY AND ZIP CODE: Sacramento, CA 95814 BRANCH NAME: Civil	LEVYING OFFICER FILE NUMBER 11-0004956	
<b>4</b> PLAINTIFF/PETITIONER: PAUL SAMPLE DEFENDANT/RESPONDENT: PETER PERPETRATOR	<b>5</b> FOR COURT USE ONLY CASE NUMBER 34-2011-00012345	
<b>CLAIM OF EXEMPTION (Wage Garnishment)</b> <b>READ EMPLOYEE INSTRUCTIONS (FORM WG-003) BEFORE COMPLETING THIS FORM</b> Copy all the information required above (except the top left space) from the Earnings Withholding Order. The top left space is for your name or your attorney's name and address. The original and one copy of this form with the Financial Statement attached must be filed with the levying officer. DO NOT FILE WITH THE COURT.		
<b>6</b> 1. My name is: PETER PERPETRATOR 2. I need the following earnings to support myself or my family (check a or b): a. <input checked="" type="checkbox"/> All earnings. b. <input type="checkbox"/> \$ each pay period. 3. Please send all papers to <input checked="" type="checkbox"/> me. <input type="checkbox"/> my attorney at the address <input checked="" type="checkbox"/> shown above <input type="checkbox"/> following (specify): 4. I am willing for the following amount to be withheld from my earnings each pay period during the withholding period. I understand that the judgment creditor can accept this offer by not opposing the Claim of Exemption, which will result in the following sum being withheld each pay period (check a or b): a. <input checked="" type="checkbox"/> None b. <input type="checkbox"/> Withhold \$ 0.00 each pay period. 5. I am paid <input type="checkbox"/> daily <input type="checkbox"/> every two weeks <input type="checkbox"/> monthly <input type="checkbox"/> weekly <input checked="" type="checkbox"/> twice a month <input type="checkbox"/> other (specify): <b>NOTE:</b> You must attach a properly completed Financial Statement form to this Claim of Exemption. The Financial Statement form is available without charge from the levying officer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: 7/13/2011		
<b>10</b> PETER PERPETRATOR (TYPE OR PRINT NAME)	<b>11</b> (SIGNATURE OF DECLARANT)	
Form Approved by the Judicial Council of California WG-006 (Rev. January 1, 2009) <b>CLAIM OF EXEMPTION (Wage Garnishment)</b> Code of Civ. Procedure § 706.124 www.courtinfo.ca.gov		



## Financial Statement

SHORT TITLE: <b>SAMPLE v PERPETRATOR</b>		LEVYING OFFICER FILE NO: <b>21-0004958</b>	COURT CASE NO: <b>34-0111-00012345</b>
<b>FINANCIAL STATEMENT</b> (Wage Garnishment - Enforcement of Judgment)			
<small>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.</small>			
1. The following persons other than myself depend, in whole or in part, on me or my spouse for support:	<b>MONTHLY TAKE-HOME INCOME &amp; SOURCE</b>		
a. none	NAME	AGE	RELATIONSHIP TO ME
b.			Spouse
c.			
d.			
e.			
2. My monthly income			
a. My gross monthly pay is: 2a. \$ <u>2,448.71</u>			
b. My payroll deductions are (specify purpose and amount):			
(1) Federal and state withholding, FICA, and SDI \$ <u>289.75</u>			
(2) Med/Den/Vis \$ <u>200.00</u>			
(3) \$ _____			
(4) \$ _____			
My TOTAL payroll deduction amount is (add (1) through (4)). b. \$ <u>489.75</u>			
c. My monthly take-home pay is (a minus b): c. \$ <u>1,959.00</u>			
d. Other money I get each month from (specify source): d. \$ _____			
e. TOTAL MONTHLY INCOME (c plus d): e. \$ <u>1,959.00</u>			
3. I, my spouse, and my other dependents own the following property:			
a. Cash 3a. \$ <u>0.00</u>			
b. Checking, savings, and credit union accounts (list banks):			
(1) Chase Bank \$ <u>35.00</u>			
(2) \$ _____			
(3) \$ _____			
b. \$ <u>35.00</u>			
c. Cars, other vehicles, and boat equity (list make, year of each):			
(1) 2005 Ford Fusion \$ <u>0.00</u>			
(2) \$ _____			
(3) \$ _____			
c. \$ <u>0.00</u>			
d. Real estate equity d. \$ <u>0.00</u>			
e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (list separately):			
none			
e. \$ <u>0.00</u>			

Form Adopted by the  
Judicial Council of California  
WG-007/EJ-155 (Rev. January 1, 2007)  
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**FINANCIAL STATEMENT**  
(Wage Garnishment - Enforcement of Judgment)

State of Civil Procedure §§ 106.124, 703.530  
www.courtinfo.ca.gov

1 Insert judgment creditor's last name v. your last name.

2 Sheriff's levy number.

3 Court Case number.

4 Insert names, ages, and relationship to you of anyone you are supporting, and any income they may have. If none, state none.

5 Enter your income and payroll deductions. Add lines c and d, then insert Total Monthly Income.

6 Insert your bank account, vehicle, and real estate information, including the equity, if any. Equity = value minus amount owed.



WG-007/EJ-165

**1** SHORT TITLE: **2** LEVYING OFFICER FILE NO. **3** COURT CASE NO.  
SAMPLE v PERPETRATOR 11-0004958 0011-00012345

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

a. Rent or house payment and maintenance	4a. \$	750.00
b. Food and household supplies	b. \$	250.00
c. Utilities and telephone	c. \$	225.00
d. Clothing	d. \$	0.00
e. Medical and dental payments	e. \$	0.00
f. Insurance (life, health, accident, etc.)	f. \$	0.00
g. School, child care	g. \$	0.00
h. Child, spousal support (prior marriage)	h. \$	0.00
i. Transportation & auto expenses (insurance, gas, repair) (first car payments in item 5)	i. \$	405.00
j. Installment payments (insert total and itemize below in item 5)	j. \$	399.00
k. Laundry and cleaning	k. \$	30.00
l. Entertainment	l. \$	0.00
m. Other (specify): none	m. \$	0.00
n. TOTAL MONTHLY EXPENSES (add a through m):	n. \$	2,059.00

**5** I, my spouse, and my other dependents owe the following debts:

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE OWED	OWED BY (State person's name)
Ford Motor Company	car payments	399.00	9,852.00	Peter

**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.)  
My take home income barely covers of my basic necessities. There are some months that I am unable to pay all of my basic necessities and to have to add additional payments will cost me my living arrangements.

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

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

**8** ☐ 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: 07/13/2011

**9** PETER PERPETRATOR (TYPE OR PRINT NAME) (SIGNATURE)  
(TYPE OR PRINT NAME OF SPOUSE) (SIGNATURE OF SPOUSE)

**1** Insert judgment creditor's last name v. your last name.

**2** Sheriff's levy number.

**3** Court Case number.

**4** Insert responses to 4a through 4m. Do not leave blank; if there are no expenses insert 0.00 on the line.

**5** Insert any creditors you are paying on a monthly basis. Total amount and insert in 4.

**6** Insert reasons why you are unable to pay 25% of wages toward judgment.

**7** Insert information if applicable.

**8** Indicate if you have a spouse.

**9** Print your name, date, and sign. If you have a spouse they must also sign.