
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.

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/)

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/), 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, \$2300 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.

6. 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.

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/>) (formerly Civil Self Help Center)

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 civil legal issues, including name changes. 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.).

Financial Statement

SHORT TITLE: SAMPLE V PERPETRATOR Insert judgment creditor's last name v. your last name

LEVYING OFFICER FILE NO. 23-0004958 Case Number 34-2022-01234

FINANCIAL STATEMENT
(Wage Garnishment—Enforcement of Judgment) Sheriff's Levy Number

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. NONE		Spouse	
b.			
c.			
d.			
e.			

1. Insert this information about anyone you are supporting, and any income they have. If none, state "None."

2. My monthly income

a. My gross monthly pay is: 2a. \$ 2448.75

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</u>
(3)	\$ _____
(4)	\$ _____

My TOTAL payroll deduction amount is (add (1) through (4)): b. \$ 489.75

c. My monthly take-home pay is (a minus b): "c" matches your paycheck c. \$ 1959.00

d. Other money I get each month from (specify source): "d" List money from second job, gig work, etc. d. \$ _____

e. TOTAL MONTHLY INCOME (c plus d) "e" Add lines "c" and "d" to get Total Monthly Income. e. \$ 1959.00

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

a. Cash 3a. \$ 0.00

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

(1) Chase Bank	\$ <u>35.00</u>
(2)	\$ _____
(3)	\$ _____

b. \$ 35.00

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

(1) 2015 Ford Fusion	\$ <u>0.00</u>
(2)	\$ _____
(3)	\$ _____

c. \$ 0.00

d. Real estate equity d. \$ 0.00

e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (list separately):
None 3. Insert savings accounts, investments, equity in vehicles and real estate. Equity=amount you could sell it for minus amount you still owe. e. \$ 0.00

Form Adopted by the Judicial Council of California
WG-007/EJ-165 (Rev. January 1, 2007)

FINANCIAL STATEMENT
(Wage Garnishment—Enforcement of Judgment)

Code of Civil Procedure, §§ 706.124, 703.830
www.courtinfo.ca.gov

Page 1 of 2

Financial Statement (WG-007/EJ-165) (page 1)

SHORT TITLE: SAMPLE V PERPETRATOR

LEVYING OFFICER FILE NO. 23-0004958

COURT CASE NO. WG-007/EJ-165

34-2022-01234

Sheriff's Levy Number

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

a. Rent or house payment and maintenance	4 a. \$	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) (list 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):	m. \$	0.00
n. TOTAL MONTHLY EXPENSES (add a through m):	n. \$	2059.00

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 paymen	399.00	9852.00	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 my basic necessities. There are some months that I am unable to pay all of my basic necessities and to have 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):

7 & 8 Insert info about any garnishments already being withheld from your pay.

8. 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):

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

9. Indicate whether you have a spouse. If so, your spouse must also sign the Financial Statement!

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

Date: 07/13/2023

PETER PERPETRATOR (Date and print name.)

(TYPE OR PRINT NAME)

Signature

Print spouse's name

(TYPE OR PRINT NAME OF SPOUSE)

Spouse's signature

(SIGNATURE OF SPOUSE)

WG-007/EJ-165 (Rev. January 1, 2007) FINANCIAL STATEMENT (Wage Garnishment—Enforcement of Judgment) Page 2 of 2

Date Created
03/30/2023