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)
- Financial Statement (WG-007) (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/)

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) . Exemptions from 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/). 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.

7 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 papers and decides how they plan to rule. They post the decision on the court's website the day before the hearing. If a party wants a chance to speak to the judge to change their mind, they must notify the other party and the court by 4 p.m.

Most California courts use the tentative ruling system. In Sacramento, pursuant to Local Rule 1.06 (https://www.saccourt.ca.gov/general-information/local-rules-standing-orders), 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 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/online-services/case-search) 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/home/showpublisheddocument/1208/639184911463700000) 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 ("APPEARANCE REQUIRED"), 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 before 4:00 p.m.:

Department 8C: 916-874-8380
Department 8D: 916-874-7719
Department 16C: 916-874-1475
Department 16D: 916-874-3056

Leave a message with the following information: 1. Your name, and that you want to appear; 2. the item number (to the left of your case number on the Tentative Ruling); and 3. 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 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)" for a list of qualifying cases.

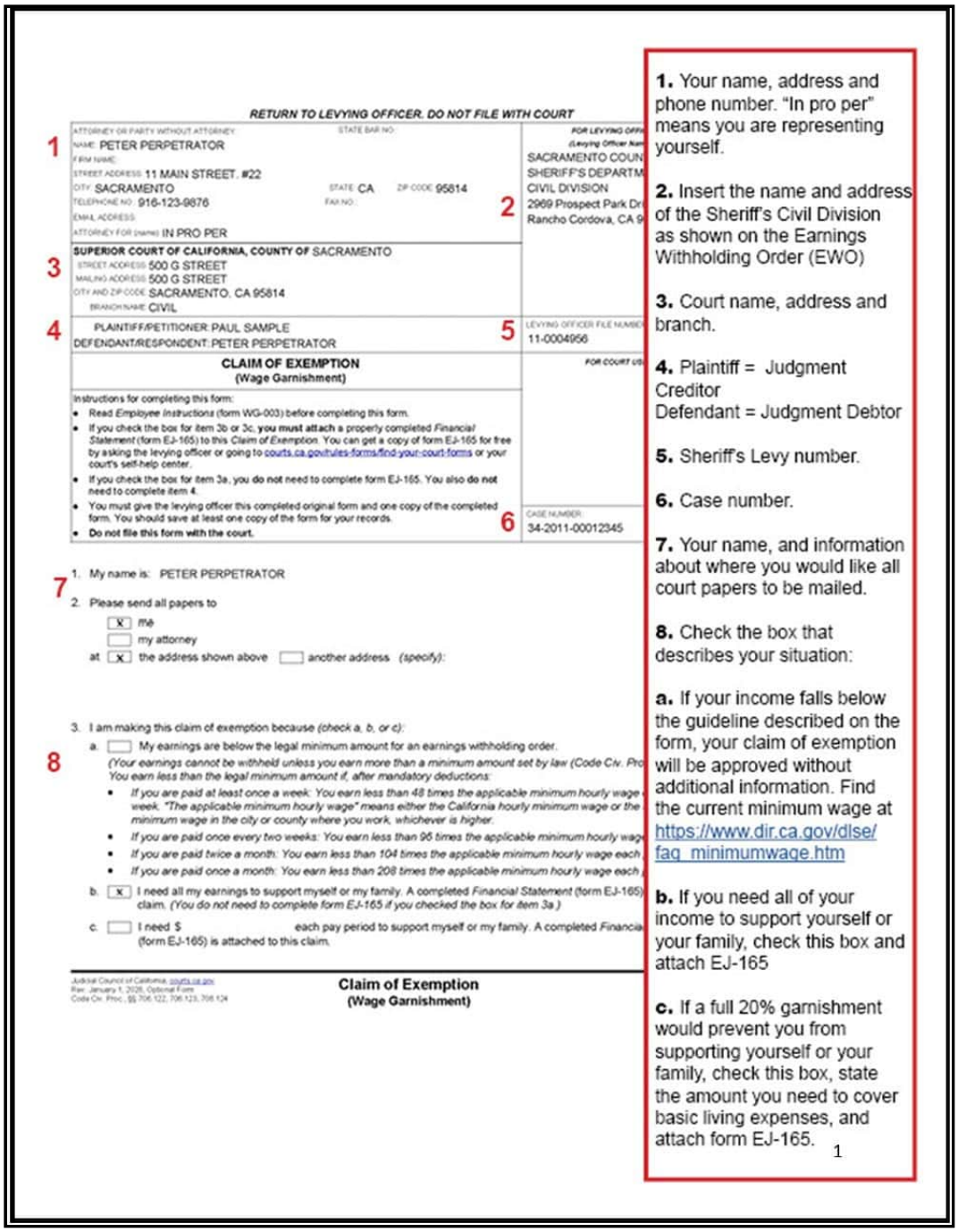
Eligibility: Must be a Sacramento County resident or have a qualifying case (https://saclaw.org/services/civil-self-help/#who) in the Sacramento County Superior Court.

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

1 NAME: PETER PERPETRATOR
STREET ADDRESS: 11 MAIN STREET. #22
CITY: SACRAMENTO STATE: CA ZIP CODE: 95814
TELEPHONE NO.: 916-123-9876
ATTORNEY FOR (name): IN PRO PER

2 SACRAMENTO COUN
SHERIFF'S DEPARTM
CIVIL DIVISION
2969 Prospect Park Dr
Rancho Cordova, CA 9

3 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
STREET ADDRESS: 500 G STREET
MAILING ADDRESS: 500 G STREET
CITY AND ZIP CODE: SACRAMENTO, CA 95814
BRANCH NAME: CIVIL

4 PLAINTIFF/PETITIONER: PAUL SAMPLE
DEFENDANT/RESPONDENT: PETER PERPETRATOR

5 LEVYING OFFICER FILE NUMBER: 11-0004956

CLAIM OF EXEMPTION
(Wage Garnishment)

Instructions for completing this form:
- Read *Employee Instructions* (form WG-003) before completing this form.
- If you check the box for item 3b or 3c, **you must attach** a properly completed *Financial Statement* (form EJ-165) to this *Claim of Exemption*. You can get a copy of form EJ-165 for free by asking the levying officer or going to courts.ca.gov/rules-forms/find-your-court-forms or your court's self-help center.
- If you check the box for item 3a, you do not need to complete form EJ-165. You also do not need to complete item 4.
- You must give the levying officer this completed original form and one copy of the completed form. You should save at least one copy of the form for your records.
- **Do not file this form with the court.**

6 CASE NUMBER: 34-2011-00012345

7 1. My name is: PETER PERPETRATOR
2. Please send all papers to
[X] me
[ ] my attorney
at [X] the address shown above [ ] another address *(specify)*:

8 3. I am making this claim of exemption because *(check a, b, or c)*:
a. [ ] My earnings are below the legal minimum amount for an earnings withholding order.
*(Your earnings cannot be withheld unless you earn more than a minimum amount set by law (Code Civ. Pro
You earn less than the legal minimum amount if, after mandatory deductions:*
- *If you are paid at least once a week: You earn less than 48 times the applicable minimum hourly wage*
week. "The applicable minimum hourly wage" means either the California hourly minimum wage or the
minimum wage in the city or county where you work, whichever is higher.
- *If you are paid once every two weeks: You earn less than 96 times the applicable minimum hourly wag*
- *If you are paid twice a month: You earn less than 104 times the applicable minimum hourly wage each*
- *If you are paid once a month: You earn less than 208 times the applicable minimum hourly wage each*

b. [X] I need all my earnings to support myself or my family. A completed *Financial Statement* (form EJ-165)
claim. *(You do not need to complete form EJ-165 if you checked the box for item 3a.)*

c. [ ] I need $ each pay period to support myself or my family. A completed *Financia*
(form EJ-165) is attached to this claim.

Judicial Council of California, courts.ca.gov
Rev. January 1, 2026, Optional Form
Code Civ. Proc., §§ 706.122, 706.123, 706.124

Claim of Exemption
(Wage Garnishment)

1. Your name, address and phone number. "In pro per" means you are representing yourself.

2. Insert the name and address of the Sheriff's Civil Division as shown on the Earnings Withholding Order (EWO)

3. Court name, address and branch.

4. Plaintiff = Judgment Creditor
Defendant = Judgment Debtor

5. Sheriff's Levy number.

6. Case number.

7. Your name, and information about where you would like all court papers to be mailed.

8. Check the box that describes your situation:

a. If your income falls below the guideline described on the form, your claim of exemption will be approved without additional information. Find the current minimum wage at https://www.dir.ca.gov/dlse/faq_minimumwage.htm

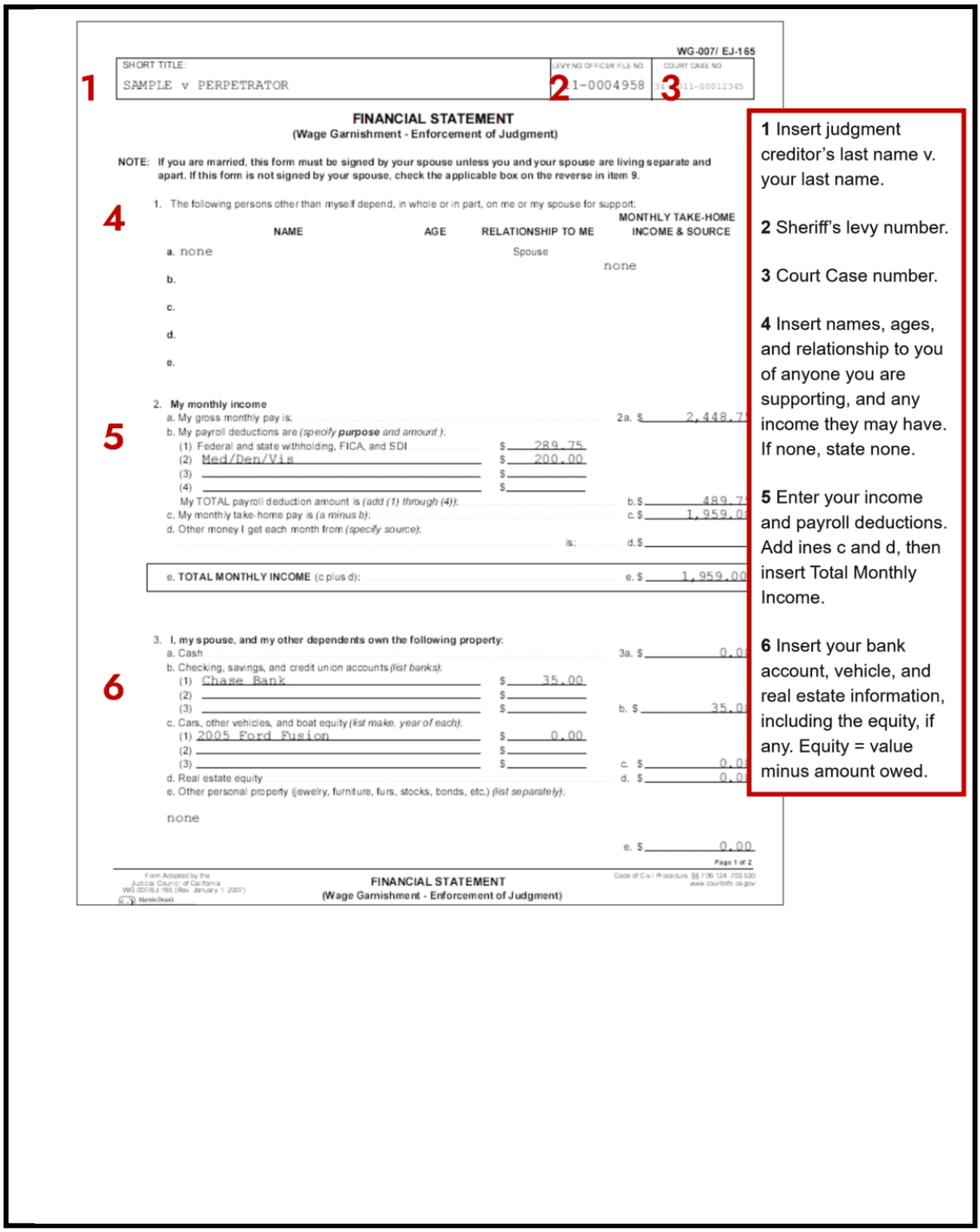
b. If you need all of your income to support yourself or your family, check this box and attach EJ-165

c. If a full 20% garnishment would prevent you from supporting yourself or your family, check this box, state the amount you need to cover basic living expenses, and attach form EJ-165.

1

Claim of Exemption (Wage Garnishment) (WG-006)

Financial Statement



WG-007/ EJ-165

1 SHORT TITLE: SAMPLE v PERPETRATOR | 2 LEVYING OFFICER FILE NO: 21-0004958 | 3 COURT CASE NO: 34-2011-00012345

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.

4 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	none
b.			
c.			
d.			
e.			

5 2. My monthly income
a. My gross monthly pay is: 2a. $ 2,448.75
b. My payroll deductions are (specify **purpose** and amount):
(1) Federal and state withholding, FICA, and SDI $ 289.75
(2) Med/Den/Vis $ 200.00
(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. $ 1,959.00
d. Other money I get each month from (specify source): is: d. $
e. **TOTAL MONTHLY INCOME** (c plus d): e. $ 1,959.00

6 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 $ 35.00
(2) $
(3) $
b. $ 35.00
c. Cars, other vehicles, and boat equity (list make, year of each):
(1) 2005 Ford Fusion $ 0.00
(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
e. $ 0.00

Page 1 of 2

FINANCIAL STATEMENT
(Wage Garnishment - Enforcement of Judgment)

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

2 Sheriff's levy number.

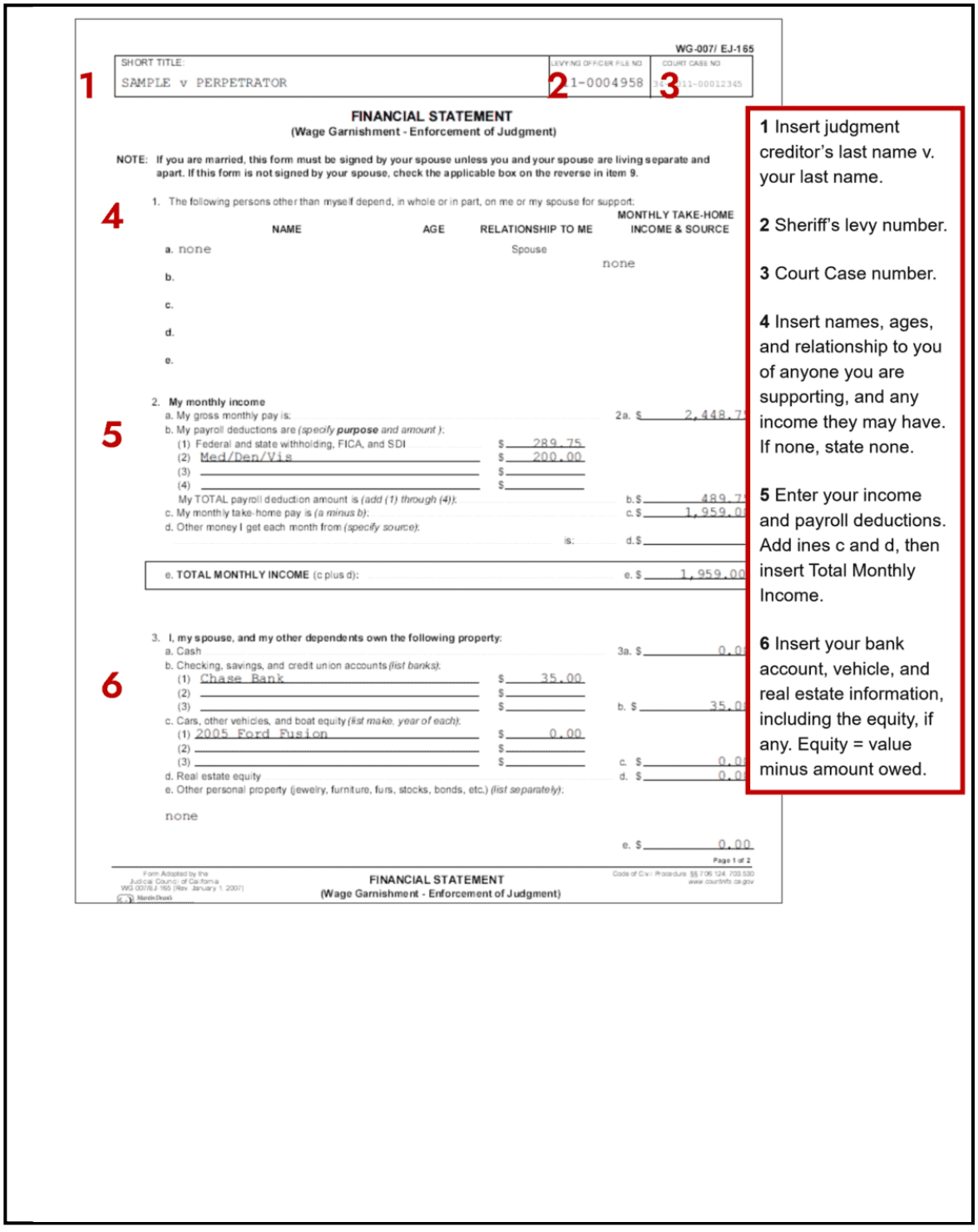
3 Court Case number.

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 ines 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.

Financial Statement (WG-007) page 2



WG-007/ EJ-165

SHORT TITLE: SAMPLE v PERPETRATOR — LEVYING OFFICER FILE NO: 21-0004958 — COURT CASE NO: 34-2011-00012345

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. none		Spouse	none
b.			
c.			
d.			
e.			

2. My monthly income
a. My gross monthly pay is: 2a. $ 2,448.75
b. My payroll deductions are *(specify **purpose** and amount)*:
(1) Federal and state withholding, FICA, and SDI $ 289.75
(2) Med/Den/Vis $ 200.00
(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. $ 1,959.00
d. Other money I get each month from *(specify source)*: is: d. $
e. **TOTAL MONTHLY INCOME** (c plus d): e. $ 1,959.00

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 $ 35.00
(2) $
(3) $
b. $ 35.00
c. Cars, other vehicles, and boat equity *(list make, year of each)*:
(1) 2005 Ford Fusion $ 0.00
(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
e. $ 0.00

Page 1 of 2

Form Adopted by the Judicial Council of California WG-007/EJ-165 (Rev. January 1, 2007) — Code of Civil Procedure §§ 706.124, 703.530 — www.courtinfo.ca.gov

FINANCIAL STATEMENT
(Wage Garnishment - Enforcement of Judgment)

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 ines 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.

Financial Statement (WG-007) page 1

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