

## **NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF WAGES, MONEY, AND OTHER PROPERTY**

The Writ of Garnishment delivered to you with this notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you. However, you may be able to keep or recover your wages, money or property. **READ THIS NOTICE CAREFULLY.**

State and Federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed below on the form for Claim of Exemption and Request for Hearing. This list does not include all possible exemptions. You should consult a lawyer for specific advice.

To keep your wages, money and property from being garnished, or to get back anything already taken, you must complete the form “Claim Exemptions and Request for Hearing” as set forth below and have the form notarized. You must file the form with the clerk’s office within twenty (20) days after the date you receive this notice or you may lose important rights. You must also mail or deliver at the address listed on the Writ of Garnishment.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff must file any objection within two (2) business days if you **hand delivered** to the plaintiff a copy of the form Claim of Exemption and Request for Hearing or, alternatively, seven (7) days if you **mailed** a copy of the forms to the plaintiff. If the plaintiff files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff fails to file an objection, no hearing is required, the Writ of Garnishment will be dissolved, and your wages, money, and property will be released.

You should file the form Claim of Exemption immediately to keep your wages, money, or property from being applied to the court judgment. The clerk cannot give you legal advice. If you need legal assistance you should see an attorney. If you cannot afford a private attorney, legal services may be available. Contact your local bar services program in your area.

*Note: if you choose to file a Claim of Exemption using the attached form, please copy the plaintiff, defendant and case number information onto the claim form exactly as shown on the Writ of Garnishment.*

## CLAIM OF EXEMPTION AND REQUEST FOR HEARING

Case No: \_\_\_\_\_

Plaintiff(s)

VS

Defendant(s)

I claim exemption from garnishment under the following categories as checked below:

- \_\_\_\_\_ 1. Head of family wages (You must check a. or b. below)
- \_\_\_\_\_ a. I provide more than one-half of the support for a child or other dependent, have net earnings of \$500.00 or less per week.
- \_\_\_\_\_ b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than \$500 per week, but have not agreed in writing to have my wages garnished.
- \_\_\_\_\_ 2. Social Security
- \_\_\_\_\_ 3. Supplemental Security Income Benefits
- \_\_\_\_\_ 4. Public Assistance (Welfare)
- \_\_\_\_\_ 5. Workers' Compensation
- \_\_\_\_\_ 6. Unemployment Compensation
- \_\_\_\_\_ 7. Veterans' Benefits
- \_\_\_\_\_ 8. Retirement or Profit-Sharing Benefits
- \_\_\_\_\_ 9. Life Insurance Benefits or Cash Surrender Value of a life insurance policy or proceeds of an Annuity Contract.
- \_\_\_\_\_ 10. Disability Income Benefits
- \_\_\_\_\_ 11. Prepaid College Trust Fund or Medical Savings Account
- \_\_\_\_\_ 12. Other Exemptions as provided by law. \_\_\_\_\_

(Explain Details)

I request a hearing to decide the validity of my claim. Notice of Hearing should be sent to me at the following address:

Telephone #. \_\_\_\_\_

The statements made in this request are true to the best of my knowledge and belief.

I HEARBY CERTIFY that a copy of foregoing was provided to the Plaintiff and Garnishee by: (check the following forms of deliver) \_\_\_\_\_ regular United States mail or \_\_\_\_\_ hand delivery on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Defendant's Signature

Date

**STATE OF FLORIDA, COUNTY OF SANTA ROSA**

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Plaintiff(s)

Deputy Clerk or Notary