

NOTICE TO JUDGMENT DEBTOR HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court.

You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages that are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents that may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

If you do not claim an exemption and do not otherwise contest the garnishment, you are not required to appear in court on the return date on the Garnishment Summons.

It may be helpful for you to seek the advice of an attorney in this matter.

THE REQUEST FOR HEARING FORM IS PRINTED ON THE REVERSE OF THIS FORM.

**REQUEST FOR HEARING –
GARNISHMENT/LIEN EXEMPTION CLAIM**

Case No.

Commonwealth of Virginia VA. CODE § 8.01-512.4

.....
COURT NAME

.....
JUDGMENT CREDITOR

v.

.....
JUDGMENT DEBTOR

and

.....
GARNISHEE

I claim that the exemption(s) from garnishment or lien that are checked below apply in this case:

MAJOR EMEMPTIONS UNDER FEDERAL AND STATE LAW

[There is no exemption solely because you are having difficulty paying your bills.]

- _____ 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
- _____ 2. Veterans’ benefits (38 U.S.C. § 5301).
- _____ 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- _____ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- _____ 5. Longshore and Harbor Workers’ Compensation Act (33 U.S.C. § 916).
- _____ 6. Black Lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- _____ 7. Seaman’s, master’s or fisherman’s wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).
- _____ 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).
- _____ 9. Amounts in excess of portions of wages subject to garnishment (§ 34-29, Code of Virginia).
- _____ 10. Public assistance payments (§ 63.2-506, Code of Virginia).
- _____ 11. Homestead exemption of \$5,000 in cash, or \$10,000 if the householder is 65 years of age or older, and in addition, real or personal property used as the principal residence of the householder or householder’s dependents not exceeding \$25,000 in value. (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of child or spousal support (§ 34-5, Code of Virginia).
- _____ 12. Property of disabled veterans – additional \$10,000 cash (§ 34-4.1, Code of Virginia).
- _____ 13. Worker’s Compensation benefits (§ 65.2-531, Code of Virginia).
- _____ 14. Growing crops (§ 8.01-489, Code of Virginia).
- _____ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
- _____ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
- _____ 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).
- _____ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- _____ 19. Proceeds from funeral trusts (§ 54.1-2823, Code of Virginia).
- _____ 20. Certain retirement benefits (§ 34-34, Code of Virginia).
- _____ 21. Child support payments (§ 20-108.1, Code of Virginia).
- _____ 22. Support for dependent children (§ 34-4.2, Code of Virginia). To claim this exemption, an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing entitlement to this exemption must be attached to this exemption form. (The affidavit, form DC-449, AFFIDAVIT CONCERNING DEPENDENT CHILDREN AND HOUSEHOLD INCOME, is available at <http://www.vacourts.gov/forms/district/dc449.pdf> or the clerk’s office.)
- _____ 23. Emergency relief payments (§ 34-28.3, Code of Virginia). (This exemption does not apply to child support, spousal support or criminal restitution orders.)
- _____ 24. Other (describe exemption): \$

I request a court hearing to decide the validity of my claim. Notice of hearing should be given to me at:

.....
ADDRESS

.....
TELEPHONE NUMBER

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

.....
DATE

.....
SIGNATURE OF JUDGMENT DEBTOR