

Notice of Exemption Rights and Request for Hearing

Use this form when:

→ You are the Judgment Creditor and

- You have filed **Interrogatories to Financial Institution**
- You must complete the top half of the **Notice of Exemption Rights and Request for Hearing** and the **Order**.
 - The **Notice of Exemption Rights and Request for Hearing** has a front and a back. You must print and send both sides of this form to the Judgment Debtor.
- You must attach both a **Notice of Exemption Rights and Request for Hearing** and the **Order** to the **Interrogatories to Financial Institution**. You must serve the debtor with the **Notice of Exemption Rights and Request for Hearing** and **Order**.

Print and bring all forms to court.

→ You are the Judgment Debtor and

- Judgment Creditor has filed **Interrogatories to Financial Institution** and
- The filing of these **Interrogatories** has resulted in your bank account being “frozen” and
- You believe all or some of the money in your account is exempt from collection.
- If you want a hearing to release the “hold” on your bank account, you must fully complete the **Request for Hearing**..
- You must file the **Notice of Exemption Rights and Request for Hearing** and the **Order** with the court. A hearing on this Request will be scheduled promptly.

Print and bring all forms to court.

SCROLL DOWN FOR Notice of Exemption Rights and Request for Hearing

NOTICE OF EXEMPTION RIGHTS – VERIFIED REQUEST FOR HEARING

TIPPECANOE SUPERIOR COURT No. 4

Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266

CAUSE NO. 79D04-_____ -PL/SC-_____

Judgment Creditor 1 (owed money by Debtor)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Judgment Debtor 1 (owes money to Creditor)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Judgment Creditor 2 (owed money by Debtor)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Judgment Debtor 2 (owes money to Creditor)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

NOTICE OF EXEMPTION RIGHTS

A person who is awarded a Judgment against you is entitled to collect the Judgment from any property you own or income you receive. This includes wages and income from an employer or monies and funds already on deposit in a bank account. However, state or federal law does protect some income, monies, funds or property from collection. When property or income is protected, we refer to that protected property or income as “exempt.”

Some exemptions are automatically applied. For example, an Order to take your wages (garnishment) will include limitations required by state and federal laws. For all other exemptions, you should notify the Court in writing that you believe a specific exemption applies to you.

It is the policy of this Court to not approve settlements which would result in the Judgment Debtor losing exempt property or income unless it is shown the Judgment Debtor was aware of his/her exemption rights before agreeing to the settlement. This is a list of common exemptions but it is not a complete list.

A. Weekly disposable earnings (income after required deductions for Social Security FICA, federal, state and local income taxes but not health insurance, union dues, retirement, etc. deductions) as follows:

- (1) Thirty (30) times the federal minimum wage: $\$7.25 \times 30 = \217.50 -- **OR** --
- (2) One-fourth (25%) of your disposable earnings >> whichever is less.

EXAMPLE: You earn \$300 per week and after all required deductions your disposable earnings are \$250.

- (1) Thirty times the federal minimum wage ($30 \times \$7.25$) is \$217.50. So the first \$217.50 of your \$250 disposable earnings are exempt. $\$250 - \$217.50 = \$32.50$ potentially available to be garnished.
- (2) One-fourth (25%) of \$250 = \$62.50 potentially available to be garnished.

Because 25% of your disposable earnings (\$62.50) is the lesser of the two amounts, your wages under this example may only be garnished up to \$62.50 per week.

B. Social Security benefits (Social Security pensions, disability, SSI, etc.) (42 U.S.C. § 407)

C. Veterans’ Administration benefits (38 U.S.C. § 5301)

D. Homestead exemption up to \$15,000 (I.C. § 34-55-10-2(c)(1)). Property held as tenancy by the entirety (legally married couples) may be exempt against debts held by only one spouse. (I.C. 34-55-10-2(c)(5)). This exemption may not be applicable for child or spousal support or maintenance.

E. Intangible personal property up to \$300 (I.C. §34-55-10-2(c)(3))

F. Unemployment compensation (I.C. 22-4-33-3). May not be applicable for child support orders.

G. Workers’ compensation (I.C. 22-3-2-17). May not be applicable for child support orders.

H. Benefits for crime victims (I.C. 5-2-6.1-38)

I. Certain retirement benefits (5 U.S.C. §8346, 29 U.S.C. §1056(d)(1), I.C. §36-8 et seq., I.C. §5-0.3-8-9, §34-55-10-2(c)(6), §5-10.4-5-14).

(See important information on reverse side)

**Other exemptions under Indiana or federal law may apply to your income and property.
You may wish to seek legal advice from an attorney.**

Resources for finding legal help are available online at: <http://www.in.gov/judiciary/probono/2343.htm>

The Judgment Creditor may have already filed a Verified Motion for Proceedings Supplemental and/or Interrogatories to Financial Institution. Under Indiana law, this may have already resulted in a HOLD being placed on the monies and funds on deposit in certain bank accounts held by you, either in your name only or jointly with another person.

If you (or a person who maintains a joint banking account with you) believe all or some of the funds in these accounts are exempt by law, you (or the other person) are entitled to a prompt hearing to present evidence to prove this exemption and to seek the release of the HOLD.

If you (or the other person) do not request an earlier hearing, you may still present evidence to prove this exemption at the Proceedings Supplemental hearing date listed in the accompanying Order to Appear for Proceedings Supplemental.

By signing this Notice of Exemption form, I acknowledge that I was made aware of my exemption rights under state and federal law.

_____, 20_____
Date

Judgment Debtor 1

_____, 20_____
Date

Judgment Debtor 2

VERIFIED REQUEST FOR HEARING

I am the Judgment Debtor OR a person who maintains a joint banking account with the Judgment Debtor. I believe all or part of the monies or funds in my/our account for which a HOLD has been placed are exempt funds as described in this Notice. I am requesting a prompt hearing to release this HOLD so I may again have access to these monies or funds.

I swear or affirm under penalties for perjury, as specified in I.C. 35-44-2-1, the information herein is true and accurate to the best of my knowledge and belief and that on the date this Request was filed, I served a copy of this Request on the other party by: U.S. Mail (1st class) to the address of the Judgment Creditor as listed above.
 Email to the address of the Judgment Creditor as listed above.
 Other: _____.

_____, 20_____
Date

Signature/Printed Name _____

Address _____

[JOINT ACCOUNT HOLDER: include your address
and other contact information] >>>>>>

City _____ State _____ Zip _____

Telephone (_____) _____

Email _____

ORDER TO APPEAR FOR HEARING ON NOTICE OF EXEMPTION RIGHTS

TIPPECANOE SUPERIOR COURT No. 4

Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266

CAUSE NO. 79D04-_____ -PL/SC-_____

Judgment Creditor 1 (owed money by Debtor)

Name _____
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City _____ State _____ Zip _____
Telephone (_____) _____
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Judgment Debtor 1 (owes money to Creditor)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Judgment Creditor 2 (owed money by Debtor)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Judgment Debtor 2 (owes money to Creditor)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

ORDER TO APPEAR FOR HEARING ON NOTICE OF EXEMPTION RIGHTS

Judgment Debtor (or person who maintains a joint account with the Judgment Debtor) files his/her Verified Request for Hearing. The Court now GRANTS the Request. All parties are ORDERED to appear in this Court on

_____ [day], _____ [date] at _____ [time]

Further, Judgment Debtor (or person who maintains a joint account with the Judgment Debtor), you are ORDERED to bring with you any and all documentation and records to support your claim for exemption.

Date

Mathew S. Sandy, Judge
Tippecanoe Superior Court No. 4

COPY: Judgment Creditor Judgment Debtor Other _____

OR PARTIES NOTIFIED BY: Court staff (initials: _____) on _____, 20____ at _____ AM/PM by
 Telephone (personal or voice mail) In person
 Email Other _____