

## NOTICE OF GARNISHMENT AND EXEMPTIONS

### **IMPORTANT: YOUR MONEY MAY BE TAKEN TO PAY A JUDGMENT. READ THIS CAREFULLY.**

A Garnishment Summons against your account(s), wages or other property has been served on the named garnishee. Money held for you by the named garnishee may be taken to pay a judgment against you. However, some money is protected by law ("exempt") and cannot be taken to pay certain types of judgments. The following is a list of funds that may be exempt. By law, additional exemptions may also be available:

- A. Social Security Benefit – 42 U.S.C. § 407.
- B. Supplemental Security Income – 42 U.S.C. § 1383 (d)
- C. Unemployment Benefits – 40 O.S. § 2-303.
- D. Workers' Compensation Benefits – 85A O.S. § 10.
- E. Welfare Benefits – 56 O.S. § 173.
- F. Veteran's Benefits – 38 U.S.C. § 5301, 31 O.S. § 7.
- G. Monies in possession of Police Pensions – 11 O.S. § 50-124.
- H. Monies in possession of Firemen's Relief and Pensions Fund – 11 O.S. § 49-126.
- I. Monies in possession of County Employee's Retirement System – 19 O.S. § 959.
- J. Monies in possession of Public Employee's Retirement Fund – 74 O.S. § 923.
- K. Teacher's Annuities or Retirement Allowance – 70 O.S. § 17-109.
- L. Annuities and Pension Payments under Railroad Retirement Act – 45 U.S.C. § 231m.
- M. United States Civil Service Retirement and Disability Pension Fund Payments – 5 U.S.C. § 8346.
- N. United States Civil Service Survivor Annuities – 5 U.S.C. § 8346.
- O. Interest in Retirement, Pension and Profit Sharing Plans – 60 O.S. § 327, 60 O.S. § 328.
- P. The Wages of Masters and Seamen – 46 U.S.C. § 11109.
- Q. Funds vested in the Alien Property Custodian – 50 U.S.C. § 4309(f).
- R. Prepaid Burial Benefits – 36 O.S. § 6125.
- S. Proceeds of Group Life Insurance Policy – 36 O.S. § 3632 and 36 O.S. § 4025.
- T. Alimony, support, separate maintenance, or child support necessary for support of defendant dependent – 31 O.S. § 1.1.
- U. Personal wage exemption because of undue hardship – 31 O.S. § 1.1.
- V. Longshore and Harbor Worker's Death and Disability Benefits – 33 U.S.C. § 916
- W. Foreign Service Retirement and Disability Benefits – 22 U.S.C. § 4060
- X. Compensation for Injury, Death, or Detention of Employees of Contractors with the US Outside of the US – 42 U.S.C. § 1717
- Y. Student loans or work assistance – 20 U.S.C. § 1095a
- Z. FEMA Assistance – 44 CFR 206.110

The above exemptions generally do not apply to judgments and garnishments for Alimony and Child Support. If you are a corporation, you may have other exemptions.

If an account is being garnished and the money in the account does not belong to you, or if you are aware of other reasons why money should not be taken to pay the judgment, you may want to consult an attorney. Because of the garnishment, the garnishee may be required to withhold the amount of money claimed by the plaintiff. You may not be able to withdraw that money. If your account contains Social Security payments or other federal benefit payments, your bank may have determined that some amounts are protected from garnishment.

If you believe that you are entitled to an exemption, complete the following steps immediately. **You must complete the steps and return the form to the Court Clerk within five (5) days from the date you received this notice.**

1. On the attached "Claim for Exemptions and Request for Hearing" form, check the box next to the exemptions you claim.
2. Check whether you claim all money is exempt. If you do not claim that all money is exempt, write in the amount you believe is exempt.
3. Sign your name in the space indicated on the form. Write the address where the Court Clerk can notify you of the hearing date and time.
4. Mail the claim for Exemptions and Request for Hearing to the Court Clerk. You may include copies of any information you have that the money is exempt, such as copies of documents or letters from government agencies.

THE COURT CLERK MUST RECEIVE THE CLAIM FOR EXEMPTION AND REQUEST FOR HEARING WITHIN FIVE DAYS FROM THE DATE YOU RECEIVED YOUR NOTICE. The Court Clerk will set the matter for hearing and notify you. At the hearing in Court, you will have to prove that your money is exempt from garnishment. You may want to consult an attorney for advice concerning the hearing. If you have been served with a continuing garnishment, you will be provided a claim for exemptions and request for hearing during each pay period during the garnishment period.

If you do not request a hearing within five (5) days from the date you received this notice, but believe you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you in claiming an exemption by filing a motion with the court.

YOU MUST ALSO MAIL A COPY OF YOUR CLAIM FOR EXEMPTION AND REQUEST FOR HEARING TO THE JUDGMENT CREDITOR'S ATTORNEY.