

Sample (write on 8 1/2 x 11 paper)

IN THE _____ COURT
IN AND FOR _____ COUNTY, FLORIDA

_____ Plaintiff,
vs. Case Number _____
_____ Defendant.

**CLAIM OF EXEMPTION AND
REQUEST FOR HEARING**

I claim exemptions from garnishment under the following categories as checked:

_____ 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 dependant and have net earnings of \$750.00 or less per week.

_____ b. I provide more than one-half of the support for a child or other dependant, have net earnings of more than \$750.00 per week, but have not agreed in writing to have my wages garnished.

- _____ 2. Social Security benefits.
- _____ 3. Supplemental Security Income benefits.
- _____ 4. Public assistance (welfare).
- _____ 5. Worker's Compensation.
- _____ 6. Unemployment Compensation.
- _____ 7. Veteran's benefits.
- _____ 8. Retirement, profit-sharing benefits or pension money.
- _____ 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.
- _____ 10. Disability income benefits.
- _____ 11. Pre-paid college trust fund of medical savings account.
- _____ 12. Other exemptions as provided bylaw.
(explain) _____

(continued next page)

I request a hearing to decide the validity of my claim.
Notice of the hearing should be given to me at (Address)

Telephone: _____

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

I HEREBY CERTIFY that a copy of the foregoing was provided to the Plaintiff and Garnishee, by: (check one of the forms of delivery) _____ regular United States Mail or _____ hand delivery on _____.

Date: _____
_____ Defendant's Signature

Sworn and subscribed to before me on _____, by _____

Notary Public / Deputy Clerk
Personally known — OR. Produced Identification
Type of Identification Produced _____

About Community Legal Services of Mid-Florida (CLSMF)

The mission of CLSMF is to provide access to justice through high quality legal assistance to low-income people.

Community Legal Services of Mid-Florida, Inc. provides free legal assistance to eligible low-income persons in civil matters (we do not provide legal assistance in criminal or traffic matters).



Community Legal Services of Mid-Florida Offices

*BREVARD: 1-866-469-7444

CITRUS & SUMTER
106 N. Osceola Ave., Inverness, FL 34450
(352) 726-6592 — CITRUS
1-800-984-2918— SUMTER

FLAGLER: 1-800-405-1417

HERNANDO: 1-866-801-5566

LAKE— (352) 343-6351
226 West Main St., Tavares, FL 32778

MARION— (352) 629-6257
2300 SE 17th St. Suite 201
Ocala, FL 34471

*ORANGE — (407) 841-7777
122 E. Colonial Drive, Suite 200
Orlando, FL 32801

OSCEOLA — (407) 933-1791
800 North Main St., Kissimmee, FL 34744

PUTNAM: (386) 385-0928
216 S. 6th Street, Palatka, FL 32177

*SEMINOLE: (407) 322-6673

VOLUSIA — (386) 258-5600
128 Orange Ave., Suite 100,
Daytona Beach, FL 32114
Client toll-free number: 1-800-363-2357

If you are not able to get thru on the HelpLine,,you can fill out an online intake form at <http://web.clsmf.org/intake/>

ADMINISTRATIVE OFFICE: (386)506-5396
*Offices currently not offering Family Law services
nfo@clsmf.org
<http://www.clsmf.org>



The Florida Bar Foundation, with Interest on Trust Accounts program funding, provides support for this service.



Community Legal Services of Mid-Florida

Protecting Your Property and Income From Creditors



YOUR HOME

If you own a home, it is protected from all creditors except those holding a mortgage or lien. Your home and up to one-half acre of land is exempt from any forced sale if you live in an incorporated area. Your home and up to 160 acres are exempt if you live in an unincorporated area.



If you cannot pay your mortgage, the mortgage company may proceed with a foreclosure action. If there are liens (tax liens, contractor liens) against the home, those creditors also may proceed with a foreclosure action.



Your Personal Property

Up to \$1,000 of your personal property is exempt from being taken by a creditor. If you do not own a home, then up to \$4,000 of your personal property is exempt. You may choose what property you keep. However, if the property was given as security for a loan, it probably will not be protected from that one creditor. The exemption can include money in the bank. If a creditor tries to take your personal property, immediately file a Notice of Exemption with the court, sheriff and the creditor (See sample Notice of Exemption at the end of this brochure).

Your Wages



Wages of the head of household are exempt from garnishment if you take home \$750 per week or less. Even if your take home pay is more than \$750 per week, it is still exempt if you have not agreed to allow your wages to be taken to pay the debt. You are a head of household if you reside in Florida and you provide more than one-half of the support for a child or other dependent.

If you do not qualify as head of household, you still have protection. If your take home pay is \$290 or less per week, your wages are exempt. If you take home more than \$290 per week, the creditor is limited to taking the lesser of 25% of your net wages or the difference between your net wages and \$290 per week until the judgment is paid in full.

Wages in a bank account that belong to a head of household are protected even when the wages are mixed with money from other sources.

If a creditor garnishes your wages, immediately file a Notice of Exemption with the court, your employer and the creditor (see sample Notice of Exemption at the end of brochure).

Social Security and Other Benefits

Income from Social Security, workers compensation, unemployment benefits, disability benefits, VA benefits and retirement benefits are exempt from garnishment. Even when these benefits are in a bank account they are still exempt.

If a creditor garnishes your bank account, immediately file a Notice of Exemption with the court, your bank and the creditor (see sample Notice of Exemption at the end of brochure).



Your Vehicle

Your vehicle is exempt up to \$1,000. This means that your vehicle cannot be taken to satisfy a judgment unless the value of the car, less the amount of any loan on the car, is greater than \$1,000. File a Notice of exemption with the court, sheriff and creditor (see Notice of Exemption at the end of this brochure).

Other Property

All professionally prescribed health aids used by you or your dependents are exempt from creditors.

If property is owned by husband and wife and the judgment is against only one of them, the property is protected. The debtor and/or the spouse must file a Notice of Exemption with the court, sheriff and creditor (see Notice of Exemption at the end of this brochure).

Procedure for claiming the exemption

File a written Notice of Exemption (see sample at end of brochure) with the court describing the reason the money or property is exempt. Also, send a copy to the attorney for the creditor (or if there is no attorney to the creditor) and a copy to the person holding your money or property. The creditor has 3 business days (8 business days if you mail it to the creditor) to file an objection to your claim. If the creditor contests your exemption the court will promptly set a hearing. If the creditor does not contest your exemption, the court will stop the garnishment.

This brochure is for general education only. It is not intended to be used to solve *individual problems*. If you have specific questions, see an attorney. CLSMF offices are listed on the back of this brochure.