

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 or 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 _____

**Community Legal Services of
Mid-Florida Offices**

***BREVARD:** 1-866-469-7444

CITRUS & SUMTER

106 N. Osceola Avenue, 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 Street, Tavares, FL 32778

MARION: (352) 629-6257

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***ORANGE** (407) 841-7777

122 E. Colonial Drive, Suite 200, Orlando, FL 32801

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800 North Main Street, Kissimmee, FL 34744

PUTNAM: (386) 385-0928

216 S. 6th Street, Palatka, FL 32177

***SEMINOLE:** (407) 322-6673

315 Magnolia Avenue, Sanford, FL 32771

VOLUSIA : (386) 258-5600

128 Orange Avenue, Daytona Beach, FL 32114

Client toll-free number: 1-800-363-2357

ADMINISTRATIVE OFFICE: (386)523-9181

**Certain legal services not offered*

info@clsmf.org

Apply for help online at:

www.clsmf.org



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 Claim of Exemption at the end of this brochure).

Wages of the head of family 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 family if you reside in Florida and you provide more than one-half of the support for a child or other dependent.

Your Wages

If you do not qualify as head of family, you still have protection. If your take home pay is \$217.50 or less per week, your wages are exempt. If you take home more than \$217.50 per week, the creditor is limited to taking the lesser of 25% of your net wages or the difference between your net wages and \$217.50 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 Claim of Exemption with the court, your employer and the creditor (see sample Claim 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 Claim 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 Claim of exemption with the court, sheriff and creditor (see Claim of Exemption at the end of this brochure).

Other Property or income

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 Claim of Exemption with the court, sheriff and creditor (see Claim of Exemption at the end of this brochure).

Procedure for claiming the exemption

File a written Claim 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.

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 persons.

CLSMF is a nonprofit legal aid organization which provides free legal assistance to low-income people with civil legal problems in twelve counties across Central Florida. Since 1966, dedicated CLSMF lawyers, paralegals, legal assistants and advocates have worked diligently to solve civil legal problems for people facing life-changing situations, such as domestic violence, unlawful eviction, or the loss of veterans' health or public benefits. We are committed to delivering the highest quality legal aid, with dignity and respect, for those who are seeking access to justice.

**We do not provide legal assistance in criminal or traffic matters*

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.

