

IMPORTANT LEGAL NOTICE/NOTICIA LEGAL IMPORTANTE

MONEY/PERSONAL PROPERTY BELONGING TO YOU MAY HAVE BEEN TAKEN OR HELD IN ORDER TO SATISFY A COURT JUDGMENT. YOU MAY BE ABLE TO GET YOUR MONEY/PROPERTY BACK SO READ THIS NOTICE CAREFULLY.

SI SOLAMENTE HABLA ESPANOL PUEDE OBTENER UNA FORMA EN ESPANOL EN EL DEPARTAMENTO DEL SHERIFE.

The enclosed writ of execution and/or notice of garnishment directs the sheriff to take custody by levying on your money and/or personal property in order to satisfy a court judgment.

The sheriff has levied on your money and/or personal property. You have FOURTEEN (14) DAYS after the date of mailing or personal service of these documents to file a claim of exemption with the sheriff. An exemption from levy entitles you to obtain the release of your money and personal property. You may also obtain the release of your money and personal property by paying the amount of the court judgment.

The following is a partial list of money and personal property that may be exempt from levy. EXEMPTIONS ARE PROVIDED BY IDAHO AND FEDERAL LAW AND CAN BE FOUND IN IDAHO CODE AND IN THE UNITED STATES CODE. MOST OF THE EXEMPTIONS PROVIDED BY THE STATE ARE CONTAINED IN CHAPTER 6, TITLE 11, IDAHO CODE. GOVERNMENTAL BENEFITS SUCH AS SOCIAL SECURITY, SSI, VETERANS, RAILROAD RETIREMENT, MILITARY, AND WELFARE ARE EXEMPT FROM LEVY IN MOST CASES UNDER FEDERAL LAW.

This list may not be complete and may not include all exemptions that apply in your case because of periodic changes in the law. Additionally, some of the exemptions may not apply in full or under all circumstances. There may be special requirements for child support. You or your attorney should read the exemption statutes which apply to you.

If you believe the money or personal property that are being levied upon are exempt, you should immediately file a claim of exemption. If you fail to make a timely claim of exemption, the sheriff will release money to the plaintiff, or the property may be sold at an execution sale, perhaps at a price substantially below its value, and you may have to bring further court action to recover the money and/or property.

The sheriff cannot give legal advice. Therefore, if you have any questions concerning your rights in this action, you should consult an attorney as soon as possible. You may contact the nearest office of Idaho Legal Aid Services, Inc. to inquire if you are eligible for their assistance.

SOME EXEMPTIONS TO WHICH YOU MAY BE ENTITLED

Type of Money and Property

1. Alimony, support, maintenance (money or property)
2. Appliances (household) (\$500 per item, up to \$5,000 gross)
3. Annuity contract payments
4. Bodily injury and wrongful death awards*
5. Books (professional) up to \$1,500
6. Burial plots
7. Child support payments*
8. Disability or illness benefits*
9. Furnishings (household) (\$500 per item, up to \$5,000 gross)
10. Health aids
11. Homestead, house, mobile home, and related structures.
12. Jewelry (up to \$1000)
13. Life insurance benefits payable to spouse or dependent*
14. Medical and/or hospital benefits
15. Military retirement and survivors benefits
16. Motor vehicle: car, truck, motorcycles with a value of up to \$3000 per person
17. Pension: stock bonus, profit sharing annuity, or similar plans
18. Personal property: (\$500 per item, up to \$5000 gross) (furnishings, appliances, one firearm, animals, musical instruments, books, clothes, family portraits, and heirlooms)
19. Public assistance: federal, state, or local including: Aid to Aged, Blind, and Disabled (AABD); Aid to Dependent Children (AFDC); Aid to Permanently and Totally Disabled (APTD)
20. Public Employees Benefits including Federal Civil Service Retirement, Idaho Retirement and Disability.
21. Railroad Retirement Benefits
22. Retirement, pension or profit sharing plan qualified by IRS
23. Social Security Disability and Retirement Benefits
24. SSI (Supplemental Security Insurance Benefits)
25. Tools of trade and implements up to \$1,500
26. Unemployment benefits
27. Veterans benefits and insurance
28. Wages or salary. Consumer debts primarily for personal or household purposes: exemption is 40 times the federal minimum wage or 25% of disposable income, whichever is greater.
Nonconsumer debts: exemption is 30 times the federal minimum wage or 25% of disposable income, whichever is greater.
29. Workers compensation
30. An unmaturred life insurance contract other than a credit life insurance contract
31. An aggregate interest, not to exceed, \$5,000, in any accrued dividend or interest under, or loan value of, an unmaturred life insurance contract under which the insured is the individual or a person of whom the individual is a dependent
32. An aggregate interest in any tangible personal property, not to exceed the value of \$800

* To the extent reasonably necessary for support of family and if not commingled with other funds.

INSTRUCTIONS TO DEFENDANTS AND THIRD PARTIES

In order to claim an exemption from execution and garnishment under Idaho and federal law, you, the defendant, judgment debtor, or a third party, holding or known to interest in the money and/or property, must:

1. DELIVER OR MAIL A CLAIM OF EXEMPTION TO THE SHERIFF WHO LEVIED UPON YOU MONEY AND/OR PERSONAL PROPERTY AT 6TH AND VAN BUREN, PO BOX 8068, MOSCOW ID 83843 WITHIN FOURTEEN (14) DAYS AFTER MAILING OR PERSONAL SERVICE OF THESE INSTRUCTIONS, NOTICE OF EXEMPTIONS AND FORM FOR FILING A CLAIM OF EXEMPTION. IF YOU MAIL A CLAIM OF EXEMPTION, IT MUST BE RECEIVED BY THE SHERIFF WITHIN THE FOURTEEN (14) DAY PERIOD.
2. The sheriff has to notify the plaintiff or judgment creditor within one (1) business day, excluding weekends, and holidays, that you filed a claim of exemption. The judgment creditor has five (5) business days, excluding weekends and holidays, after the date notice was provided that a claim of exemption was filed with the sheriff, to file a motion with the court contesting the claim of exemption.
3. If the judgment creditor notifies the sheriff that he will not object to the claim of exemption or does not file a motion with the court contesting the claim of exemption, the Sheriff will immediately return the money and/ or personal property or notify the bank or depository instruction to release the money and/ or personal property which has been levied upon.
4. IF THE JUDGMENT CREDITOR DOES FILE A MOTION WITH THE COURT CONTESTING THE CLAIM OF EXEMPTION, YOU, THE JUDGMENT DEBTOR OR ANY INTERESTED THIRD PARTY, WILL RECEIVE A COPY OF THE MOTION AND NOTICE OF HEARING. A HEARING WILL BE HELD WITHIN NOT LESS THAN (5) NOR MORE THAN TWELVE (12) DAYS AFTER THE FILING DATE OF THE MOTION. YOU SHOULD BE PREPARED TO EXPLAIN THE GROUNDS FOR CLAIMING THE EXEMPTION IN COURT ON THE DATE AND TIME SET FOR THE HEARING. YOU SHOULD BRING WHATEVER DOCUMENTS YOU HAVE TO SUPPORT YOUR CLAIM.
5. This is a notice, not legal advice. If you have any questions concerning your rights in this action, you should contact an attorney as soon as possible. If you are low income and cannot afford an attorney, you may contact the nearest office of Idaho Legal Aid Services, Inc. to inquire if they can assist you.

IN THE DISTRICT COURT OF THE 2ND JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Plaintiff(s)

Case # _____

vs.

CLAIM OF EXEMPTION

Defendant(s)

I claim an exemption from levy for the following described money and/or property:

a. Money, including money in a bank account, which was paid to me or my family as:

- Public Assistance of any kind
- Social Security or SSI
- Worker's Compensation
- Unemployment Benefits
- Child Support
- Retirement, Pension, or Profit Sharing Benefits
- Military or Veteran's Benefits
- Life Insurance of other Insurance
- Disability, Illness, Medical or Hospital Benefits
- Alimony, Support or Maintenance
- Annuity Contract Benefits
- Bodily Injury or Wrongful Death Awards
- Other money (DESCRIBE) _____
- Wages (DO NOT CHECK THIS BOX UNTIL: You have first talked to your employer to see if he correctly calculated your exemption according to the formula under item 28 on the form entitled "SOME EXEMPTIONS TO WHICH YOU MAY BE ENTITLED." Then check this box only if you believe your employer's calculation is incorrect).

b. Property:

- Professional Books
- Burial Plots
- Health Aids
- Homestead, House, Mobile Homes and Related Structures
- Jewelry
- Car, Truck or Motorcycle
- Tools & Implements
- Appliances, furnishings, firearms, animals, musical instruments, books, clothes, family portraits, and heirlooms
- Other Property (DESCRIBE) _____

Return to: Latah County Sheriff's Office
Civil Department
P.O. Box 8068
Moscow, ID 83843

Judgment debtor, third party or Representative

Address

Phone Number