

10 DAY EXEMPTION NOTICE

STATE OF MINNESOTA

DISTRICT COURT

Judgment Creditor

Judgment Debtor

EXECUTION EXEMPTION NOTICE & NOTICE OF INTENT TO LEVY ON EARNINGS W/IN 10 DAYS

The State of Minnesota To: the above named Judgment Debtor:

Please take notice that a Levy may be served upon your Employer or other third parties, without any further court proceedings or notice to you, ten days or more from the date hereof. Your earnings are completely exempt from Execution Levy if you are now a recipient of relief based on need, if you have been a recipient of such relief within the last six months, or if you have been an inmate of a Correctional Institution in the last six months.

Relief based on need includes: Aid to Families with dependent Children (AFDC), AFDC-Emergency Assistance (AFDC-EA), Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Work Readiness, Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI) and Energy Assistance. If you wish to claim such an exemption, you should fill out the appropriate space below, sign it and send it to the Judgment Creditor or the Judgment Creditor's Attorney.

You may wish to contact the attorney for the Judgment Creditor in order to arrange for a settlement of the debt or contact an attorney to advise you about exemptions or other rights.

PENALTIES

- 1. Be advised that even if you claim an exemption, an Execution Levy may still be served on your Employer. If your earnings are levied on after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the Judgment Creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney's fees, actual damages, in an amount not to exceed \$100.
2. HOWEVER, BE WARNED - if you claim an exemption, the Creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and attorney's fees plus an amount not to exceed \$100.
3. If after receipt of this notice, you in bad faith take action to frustrate the Execution Levy, thus requiring the Creditor to petition the court to resolve the problem, you will be liable to the Judgment Creditor for costs and reasonable attorney's fees plus an amount not to exceed \$100.

Dated: Judgment Creditor or Attorney:

Address/Phone:

I hereby claim that my earnings are exempt from Execution because:

1. I am presently a recipient of relief based on need. (Specify the program, case no. and the county from which the relief has been received.)

2. I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case no. and the county from which the relief had been received.)

3. I have been an inmate of a Correctional Institution within the last six months. (Specify Institution and location.)

Correctional Institution Location

I hereby authorize any agency that has distributed relief to me or any Correctional Institution in which I was an inmate to disclose to the above named Judgment Creditor or the Judgment Creditor's Attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a Correctional Institution within the last six months. I have mailed or delivered a copy of this form to the Judgment Creditor or Judgment Creditor's Attorney.

Judgment Debtor Address

IF YOU CLAIM AN EXEMPTION:

1. Nonexempt money can be turned over to the Judgment Creditor or Sheriff;
2. The Financial Institution will keep holding the money claimed to be exempt; and
3. Seven days after receiving your exemption claim, the Financial Institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE JUDGMENT CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM

The institution will hold the money until a court decides if your exemption claim is valid, **BUT ONLY IF** the institution gets a copy of your court motion papers asserting the exemption **WITHIN TEN DAYS** after the objection is mailed or given to you. You may wish to consult an attorney regarding your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the Clerk of the above court.

PENALTIES

If you claim an exemption in bad faith, or if the Judgment Creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

Judgment Creditor or Attorney: _____

Address: _____

EXEMPTION

A. Amount of Exemption Claim

_____ I claim **all** the funds being held are exempt.

_____ I claim **some** of the funds being held are exempt.

The exempt amount is \$ _____.

B. Basis for exemption:

Of the 11 categories listed above, I am in category number(s) _____. (If more than one category applies, you may fill in as many as apply. If the source is a type of relief based on need, list the case no. and county.)

The source of the exempt funds is the following:

Case No. _____ **County** _____

I hereby authorize any agency that has distributed relief to me or any Correctional Institution in which I was an inmate to disclose to the above named Judgment Creditor or Judgment Creditor's attorney *only* whether or not I am or have been a recipient of relief based on need or an inmate of a Correctional Institute within the last six months.

I have mailed or delivered a copy of the exemption notice to the Judgment Creditor or Judgment Creditor's attorney.

Dated: _____ **Judgment Debtor Name:** _____

Address: _____