

STATE OF INDIANA)
)SS:
COUNTY OF WAYNE)

IN THE WAYNE SUPERIOR COURT NO. 3

CAUSE NO. 89D03-_____

Notice to Defendant of Exemption Rights

A person who wins a judgment against you is entitled to collect the judgment from any property you own or income you receive, except when the property or income is protected from collection by state or federal law. When property or income is so protected, the property is referred to as "exempt".

Some exemptions are automatically applied. For example, an Order to take your wages (garnishment) will include limitations required by state and federal laws. For all other exemptions, you must notify the Court in writing that you "claim" a specific exemption.

It is the policy of the Wayne Superior Court No. 3 to disapprove settlements which would result in the defendant losing exempt property or income, unless it can be shown that the defendant was aware of his or her exemption rights before agreeing to the settlement.

Below is a list of frequently used exemptions:

- A. **Weekly disposable earnings** (earnings after legally required deductions are taken, such as Social Security, federal, and state taxes) as follows:
 - 1. Thirty (30) times the federal minimum wage (30 x \$7.25 = \$217.50) per week, or
 - 2. One-fourth (1/4) or 25% of your disposable earnings, whichever is less. (15 U.S.C. 1673 (a)). *
(Example: If you earn \$300 per week and your weekly disposable earnings are \$250 after all required deductions, thirty (30) times the current federal minimum wage (\$7.25) is \$217.50. This means that your wages can be garnished up to \$62.50 (25% of \$250) or \$32.50 (\$250 minus \$217.50) per week, whichever is less. As a result, your wages may only be garnished up to \$32.50 per week because you do not make enough money for creditors to be able to garnish 25% of your disposable earnings.)
- B. **Social Security benefits** (Social Security Pensions, Social Security Disability, SSI, etc.)(42 U.S.C. 407).
- C. **Veterans' Administration benefits** (38 U.S.C. 5301).
- D. **Homestead exemption** up to \$15,000. (Ind. Code 34-55-10-2(c)(1)). Property held as tenancy by the entirety may be exempt against debts held by only one spouse. (Ind. Code 34-55-10-2(c)(5)). May not be applicable for child or spousal support or maintenance.
- E. **Intangible personal property** up to \$300.00. (Ind. Code 34-55-10-2(c)(3)).
- F. **Unemployment compensation** (Ind. Code 22-4-33-3). May not be applicable for child or spousal support or maintenance.
- G. **Workers' compensation** (Ind. Code 22-3-2-17). May not be applicable for child support orders.
- H. **Benefits for victims of crime** (Ind. Code 5-2-6.1-38).
- I. **Certain retirement benefits** (5 U.S.C. 8346, 29 U.S.C. 1056(d)(1), Ind. Code 36-8 et seq., Ind. Code 5-10.3-8-9, Ind. Code 34-55-10-2(c)(6), Ind. Code 5-10.4-5-14).

By signing this Notice to Defendant of Exemption Rights form, I acknowledge that I received a copy of the Notice and I was made aware of my exemption rights under state and federal law.

Signature of Defendant

Date

*A higher percentage of disposable income may be garnished when a judgment is for child support.

Other exemptions under Indiana or federal law may apply to your income or property. You may wish to seek legal advice from attorneys in your local area. Resources for finding legal help are available on-line at: <http://www.in.gov/judiciary/probono/2343.htm>.