

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):   TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	LEVYING OFFICER (Name and Address):    
NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY:	LEVYING OFFICER FILE NUMBER:  COURT CASE NUMBER:
PLAINTIFF:  DEFENDANT:	
<b>NOTICE OF FILING OF CLAIM OF EXEMPTION (Wage Garnishment)</b>	

**TO THE JUDGMENT CREDITOR:**

\_\_\_\_\_ (Name and address) \_\_\_\_\_

\_\_\_\_\_

1. This notice was mailed on

(date): \_\_\_\_\_ at (place): \_\_\_\_\_, California.

2. The judgment debtor (employee) has filed the attached *Claim of Exemption and Financial Statement*. The *Earnings Withholding Order* will be terminated or modified to reflect the amount of earnings claimed to be exempt by the debtor in the *Claim of Exemption unless you oppose the Claim of Exemption*. To oppose the *Claim of Exemption*, you must schedule a court hearing and follow the procedures described below.

Levying Officer, by

..... (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE)

— INSTRUCTIONS TO JUDGMENT CREDITOR —

3. You must complete all of the following steps **within 10 days of the mailing date shown above in item 1:**

**HOW DO I OPPOSE THE CLAIM OF EXEMPTION?**

- a. Obtain at least **five** copies each of the following printed forms:
  - (1) *Notice of Opposition to Claim of Exemption* (form 982.5(7)), and
  - (2) *Notice of Hearing on Claim of Exemption* (form 982.5(8)).
 These forms are available from the clerk of the court.
- b. Complete all five copies of both forms.
- c. Contact the clerk of the court about setting a hearing date, time, and place. You must file your *Notice of Hearing on Claim of Exemption* with the court within 10 days of the date shown in item 1. The date of the **hearing must be not more than 30 days after the date you file your paper with the court.**

(Continued on reverse)

PLAINTIFF:	LEVYING OFFICER FILE NO.:	COURT CASE NUMBER:
DEFENDANT:		

**— INSTRUCTIONS TO JUDGMENT CREDITOR —**

3. (Continued)

**WHAT DO I FILE WITH THE LEVYING OFFICER?**

d. Give the following documents to the LEVYING OFFICER whose name and address are on the front of this form:

- (1) The **original** *Notice of Opposition to Claim of Exemption* with **original** signature, and
- (2) A copy of the *Notice of Hearing on Claim of Exemption*.

**The levying officer must receive the *Notice of Opposition to Claim of Exemption* within 10 days of the mailing date in item 1 on the front of this form, or the *Earnings Withholding Order* will be released or changed as requested in the *Claim of Exemption*.**

**WHAT DO I FILE WITH THE COURT?**

e. File the **original** *Notice of Hearing on Claim of Exemption* with **original** signature with the COURT:

Make sure that the Proof of Service on the reverse has been completed as indicated in item 3g below and that the necessary signature on the Proof of Service is original.

**The court must receive this document within 10 days of the mailing date shown in item 1 on the front of this form.**

Before the hearing, **the levying officer** will file the original *Claim of Exemption* and the original *Notice of Opposition to Claim of Exemption* with the court.

**WHAT DO I SERVE ON THE JUDGMENT DEBTOR?**

f. Have one copy each of the

- (1) *Notice of Opposition to Claim of Exemption*, and
- (2) *Notice of Hearing on Claim of Exemption*

served on the judgment debtor (employee) or the debtor's attorney at the address shown in item 2 on the *Claim of Exemption*. They must be served at least 21 calendar days before the hearing if they are personally served. If they are sent by fax, express mail, or other method of overnight delivery, the required 21-day notice period shall be increased by 2 days. If they are served by mail from and to an address within California, they must be mailed at least 26 calendar days before the hearing. For more information on the time to serve the notices, you should see Code of Civil Procedure sections 706.105(e) and 1005.

**Complete the Proof of Service as shown in item 3g below.**

g. Service of the *Notice of Opposition to Claim of Exemption* and *Notice of Hearing on Claim of Exemption* must be made by first class mail or personal delivery. Service must be made by someone **not** a party to the action (not the judgment creditor). After the notices are served, the person making the service must complete and sign the appropriate Proof of Service on the reverse of the signed **original** *Notice of Hearing on Claim of Exemption*, which will be filed with the court.

4. Take a copy of each form and the *Claim of Exemption* with you to the court hearing.

***If you will not attend the court hearing, check item 3 on the *Notice of Hearing on Claim of Exemption*.***