

1 4-808

2
3 [1-065.2, 2-802, 3-802]

4
5 STATE OF NEW MEXICO

6 IN THE _____ COURT No. _____
7 _____ COUNTY

8
9
10 _____, Plaintiff

11
12 against

13
14 _____, Defendant

15
16
17 **NOTICE OF RIGHT TO CLAIM EXEMPTIONS (GARNISHMENT)**

18
19 **1. THE JUDGMENT CREDITOR IS GARNISHING YOUR PROPERTY WHICH MAY**
20 **INCLUDE YOUR BANK ACCOUNT:**

21
22 A ruling has been made in this case that you owe money to
23 the judgment creditor. The judgment creditor has started
24 to collect that money from your property which may include
25 your bank account.

26
27 **2. PURPOSE OF THIS NOTICE:**

28
29 This notice is to tell you that some kinds of property or
30 money may NOT be taken from you even after the court has
31 ruled that you owe the judgment creditor money. These
32 funds or property are protected under federal or state law.
33 Money or property which may not be taken is called "exempt"
34 property. You may claim an exemption by filing with the
35 court a claim of exemption (garnishment) form. There are
36 limits on how much of your wages may be taken. You do not
37 need to file a claim of exemption form to protect your
38 exempt wages.

39
40 Here is a list of some exempt money and property. Other
41 kinds of money or property not listed may also be exempt.
42 YOU MAY WISH TO CONSULT AN ATTORNEY BEFORE COMPLETING AND
43 FILING THIS FORM.

44
45 **3. PARTIAL LIST OF EXEMPTIONS:**

- 46
47 a. social security benefits (OASDI, SSI);
48
49 b. public assistance benefits (AFDC, Welfare, GA);

- 1 c. life, accident or health insurance proceeds;
- 2
- 3
- 4 d. workers' compensation benefits (part may be garnished
- 5 for child support);
- 6
- 7 e. occupational health benefits;
- 8
- 9 f. unemployment compensation benefits subject to the
- 10 limitations of Section 51-1-37 NMSA 1978;
- 11
- 12 g. veterans' benefits;
- 13
- 14 h. pensions or retirement funds;
- 15
- 16 i. a partner's interest in specific partnership property
- 17 subject to the limitations of Section 54-1-25 NMSA
- 18 1978;
- 19
- 20 j. crime victims' reparation fund payments;
- 21
- 22 k. allowances to surviving spouse and children from
- 23 deceased's estate subject to the limitations of
- 24 Sections 45-2-401 and 45-2-402 NMSA 1978;
- 25
- 26 l. the minimum amount of shares necessary for certain
- 27 cooperative associations as provided by Section
- 28 53-4-28 NMSA 1978;
- 29
- 30 m. fraternal benefit society payments;
- 31
- 32 n. oil and gas equipment not financed by the judgment
- 33 creditor to be used for purposes for which it was
- 34 purchased as provided by Section 70-4-12 NMSA 1978;
- 35

36 **4. HOW TO PROTECT EXEMPT PROPERTY:**

37
38 A "claim of exemption (garnishment)" form is attached for
39 you to complete and file with the court. YOU MUST COMPLETE
40 AND RETURN THE ATTACHED CLAIM OF EXEMPTIONS (GARNISHMENT)
41 FORM TO THE CLERK OF THE COURT WITHIN TEN (10) DAYS AFTER
42 SERVICE OF THIS NOTICE UPON YOU. YOU MUST ALSO SERVE A
43 COPY OF THE COMPLETED AND SIGNED CLAIM OF EXEMPTIONS
44 (GARNISHMENT) FORM ON THE JUDGMENT CREDITOR AND ON THE
45 GARNISHEE.

46
47 If the judgment creditor disputes a claimed exemption, the

1 clerk or the judge will notify you of the date and time for
2 a court hearing on your claim. You must go to that hearing
3 and explain why your money or property is exempt. You must
4 bring to the hearing any proof that your money or property
5 is exempt.

6
7 If you do not complete and file the claim of exemptions
8 (garnishment) form within ten (10) days and attend the
9 hearing, your money or property may be turned over to the
10 judgment creditor.

11
12 DO NOT FILE THE CLAIM OF EXEMPTION FORM TO PROTECT ONLY
13 WAGES.

14
15 **YOU SHOULD COMPLETE AND RETURN THE CLAIM OF EXEMPTION FORM TO**
16 **THE CLERK OF THE COURT WITHIN TEN (10) DAYS AFTER SERVICE OF**
17 **THIS FORM UPON YOU. MAKE A COPY OF THE COMPLETED FORM FOR YOUR**
18 **RECORDS AND SERVE A COPY ON THE JUDGMENT CREDITOR AND ON THE**
19 **GARNISHEE.**

20
21 [As amended, effective July 1, 1992; January 1, 1996.]
22 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000]
23 SQL0530N The insert or update value of the FOREIGN KEY
24 "DBUSER.BILLDETAIL.SQL980508102800170" is not equal to any value
25 of the parent key of the parent table. SQLSTATE=23503
26