

STATE OF OKLAHOMA

_____)
Plaintiff,)
- vs-) Case No. _____
_____)
Defendant,)
- and-)
_____)
Garnishee.)

CLAIM FOR EXEMPTION AND REQUEST FOR HEARING

1. Funds sought in garnishment are exempt from execution because they are (check applicable box):

- [] A. Social Security Benefits - 42 U.S.C. § 407.
[] B. Supplemental Security Income - 42 U.S.C. § 1383(d).
[] C. Unemployment Benefits - 40 O.S. § 2-303.
[] D. Workmens' Compensation Benefits - 85 O.S. § 48.
[] E. Welfare Benefits - 56 O.S. § 173.
[] F. Veterans' Benefits - 38 U.S.C. § 3101, 31 O.S. § 7.
[] G. Monies in possession of Police Pensions - 11 O.S. § 50-124.
[] H. Monies in possession of Firemens' Relief & Pension Fund - 11 O.S. § 49-126.
[] I. Monies in possession of County Employee's Retirement System - 19 O.S. § 959.
[] J. Monies in possession of Public Employee's Retirement Fund - 74 O.S. § 923.
[] K. Teacher's Annuities or Retirement Allowance - 70 O.S. § 17-109.
[] L. Annuities and Pension Payments Under Railroad Retirement Act - 45 U.S.C. § 231(m).
[] M. United States Civil Service Retirement & Disability Pension Fund Payments - 5 U.S.C. § 8346.
[] N. United States Civil Service Survivor Annuities - 5 U.S.C. § 8346.
[] O. Interest in Retirement, Pension & Profit Sharing Plans - 60 O.S. § 327, 60 O.S. § 328.
[] P. The Wages of Seamen - 46 U.S.C. § 601.
[] Q. Funds vested in the Alien Property Custodian - 50 U.S.C. Appx. § 9(f).
[] R. Prepaid Burial Benefits - 36 O.S. § 6125.
[] S. Proceeds of Group-Life Insurance Policy - 36 O.S. § 3632 and 36 O.S. § 4026.
[] T. Alimony, support, separate maintenance, or child support necessary for support of judgment debtor or dependent - 31 O.S. § 1.1.
[] U. Personal wage exemption because of undue hardship - 31 O.S. § 1.1.
[] V. _____
Other - (please state)

2. Check one box:

- [] All funds are exempt OR
[] I believe the following amount of money is exempt \$_____ (Fill in amount of funds to be exempt.)

3. Check if applicable:

- [] I have attached copies of the documents that show that my money is exempt.

4. If garnishment is for wages, this claim and request is filed for the pay period _____ through _____, inclusive.

5. I request that this matter be set for hearing.

Signature

Address for Mailing of Court Hearing Notice

Address for Mailing a copy of Claim to Judgment Creditor's Attorney

You must mail the original to the Court Clerk of _____ County at _____ Address

NOTICE OF GARNISHMENT AND EXEMPTIONS

IMPORTANT: YOUR MONEY MAY BE TAKEN TO PAY A JUDGMENT. READ THIS CAREFULLY.

A Garnishee Summons against your account(s), wages or other property has been served on the named garnishee. Money held for you by the named garnishee may be taken by the judgment creditor to pay a judgment against you in this case. However, some money is protected by law ("exempt") and cannot be taken to pay judgments. The following is a list of funds that are exempt. By law, additional exemptions may also be available:

- A. Social Security Benefit 42 U.S.C. §407.
- B. Supplemental Security Income 42 U.S.C. §1383(d).
- C. Unemployment Benefits - 40 O.S. §2-303.
- D. Workmens' Compensation Benefits - 85 O.S. §48.
- E. Welfare Benefits - 56 O.S. §173.
- F. Veteran's Benefits - 38 U.S.C. §3101, 31 O.S. §7.
- G. Monies in possession of Police Pensions - 11 O.S. §50-124.
- H. Monies in possessions of Firemens' Relief and Pensions Fund - 11 O.S. §49-126.
- I. Monies in possession of County Employee's Retirement System - 19 O.S. §959.
- J. Monies in possession of Public Employee's Retirement Fund - 74 O.S. §923.
- K. Teacher's Annuities or Retirement Allowance - 70 O.S. §17-109.
- L. Annuities and Pension Payments Under Railroad Retirement Act - 45 U.S.C. §231(m).
- M. United States Civil Service Retirement and Disability Pension Fund Payments - 5 U.S.C. §8346.
- N. United States Civil Service Survivor Annuities 5 U.S.C. §8346.
- O. Interest in Retirement, Pension and Profit Sharing Plans - 60 O.S. §327, 60 O.S. §328.
- P. The wages of Seamen - 46 U.S.C. §601
- Q. Funds vested in the Alien Property Custodian 50 U.S.C. Appx. §9(f).
- R. Prepaid Burial Benefits 36 O.S. §6125.
- S. Proceeds of Group-Life Insurance Policy - 36 O.S. §3632 and 36 O.S. §4026.
- T. Alimony, support, separate maintenance, or child support necessary for support of judgment debtor or dependent - 31 O.S. §1.1.
- U. Personal wage exemption because of undue hardship - 31 O.S. §1.1.

The above exemptions generally do not apply to judgments and garnishments for Alimony and Child Support.

If you are a corporation, you may have other exemptions.

If an account is being garnished and the money in the account does not belong to you, or if you are aware of other reasons why money should not be taken to pay the judgment, you may want to consult an attorney. Because of the garnishment, the garnishee was required to withhold the amount of money claimed by the judgment creditor. You may not now withdraw that money.

If you believe that you are entitled to an exemption, complete the following steps immediately. You must complete the steps and return the form to the Court Clerk within five (5) days from the date you received this notice.

1. On the attached "Claim for Exemptions and Request for Hearing" form, check the box next to the exemption or exemptions you claim.
2. Check whether you claim all money is exempt. If you do not claim that all money is exempt, write in the amount you believe is exempt.
3. Sign your name in the space indicated on the form. Write the address where the Court Clerk can notify you of the hearing date and time.
4. Mail the Claim for Exemptions and Request for Hearing to the Court Clerk. You may include copies of any information you have that the money is exempt, such as copies of documents or letters from government agencies.

THE COURT CLERK MUST RECEIVE THE CLAIM FOR EXEMPTION AND REQUEST FOR HEARING WITHIN FIVE DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. The Court Clerk will set the matter for hearing and notify you. At the hearing in Court, you will have to prove that your money is exempt from garnishment. You may want to consult an attorney for advice or assistance concerning the hearing. If you have been served with a continuing garnishment, you will be provided with a claim for exemptions and request for hearing during each pay period during the garnishment period.

If you do not request a hearing within five (5) days from the date you received this notice, but believe you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you in claiming an exemption by filing a motion with the court.

YOU MUST MAIL A COPY OF THE CLAIM FOR EXEMPTION AND REQUEST FOR HEARING TO THE JUDGMENT CREDITOR'S ATTORNEY.