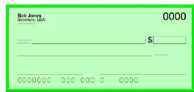


Have you been sued?

Act within 10 days
to protect your
bank accounts
and belongings



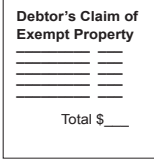
This booklet is for you if a judge has decided you owe someone money. The judge's decision is called a **judgment** against you. The Court can take your money or sell your things to pay the debt.

You may be able to stop this if you file legal papers within 10 days. You don't need a lawyer. You can use the white paper in this booklet.

Try to file it **BEFORE** the judgment is final. Ask the Court Clerk's office how many days until the judgment is final. In General Sessions Court, a judgment is final 10 days after the hearing.

What happens once the judgment is final? The creditor can file to take your property unless you file legal papers first.

NOTE: This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. Tennessee law and court rules may change from time to time. 7/10



The white paper in this booklet is called a **“Debtor’s Claim of Exempt Property.”** It protects up to \$10,000 worth of your belongings and money. Plus it can protect all the money in certain bank accounts.

Here’s how to fill it out:

1. Put who this is about

- Write the court and the county here.
- Write the person who sued you here.
- Write your name here.
- Write the number of your case here.
The number is on the papers you got when you were sued. If you can’t find it, the Court Clerk may be able to help.

2. Protect a bank account that has ONLY certain kinds of money

Do you have an account that holds **ONLY** money from:

- Social Security and/or
- SSI and/or
- Families First and/or
- Child support and/or
- Alimony and/or
- Unemployment and/or
- VA and/or
- Workers Comp, and/or
- State, federal or city pension checks?



To keep that money plus the \$10,000 of stuff you listed, do this. Put the bank name and account number here.

This lets the court know that this account is protected by a different law.

Do you have a disability pension or an IRS qualified pension? Ask a lawyer if they are protected and how to list them on the paper.

Front side of Claim of Exemption paper:

IN THE General Sessions COURT FOR Scott COUNTY, TENNESSEE.

Super Bank
Plaintiff

vs. Case No. 123456789

John Doe
Defendant

DEBTOR’S CLAIM OF EXEMPT PROPERTY
(OR AMENDMENT TO DEBTOR’S FILING OF EXEMPT PROPERTY)

I, the Judgment Debtor herein and a resident of Tennessee, claim and declare the following items, the total value of which does not exceed \$10,000 to be exempt from execution, seizure or attachment pursuant to the provisions of Tennessee Code Annotated §26-2-101 et. seq. (or to amend the previous list filed to assert such exemption).

This personal property exemption right is in addition to certain items that are automatically exempt by law and do not need to be included in my \$10,000 total, including funds on deposit in checking and/or savings accounts at:

Best Bank
Name of Bank

consisting solely of Social Security, SSI, Unemployment, Workers Comp, AFDC/Families First, Veteran’s benefits, alimony or child support, and/or state, federal or city pension.

| Item | Value |
|-------------------------------------------------------------------------------------------------|-----------------------|
| Automobiles/Trucks/Vehicles | |
| <u>1970 Ford Pickup</u> | <u>\$180</u> |
| <u>1992 Dodge Colt</u> | <u>\$200</u> |
| Furniture and Appliances: | fully |
| <u>RCA Color TV</u> | <u>\$secured</u> |
| <u>Kenmore washer</u> | <u>\$ 200</u> |
| <u>Zenith VCR</u> | <u>\$ 200</u> |
| <u>Living room: couch, 2 chairs</u> | <u>\$ 300</u> |
| <u>Bedroom: double bed, dresser</u> | <u>\$ 200</u> |
| <u>Bedroom: twin bed, chair</u> | <u>\$ 50</u> |
| <u>GE refrigerator</u> | <u>\$ 100</u> |
| Other Household Goods (kitchen utensils, linens, etc.) | |
| <u>Dishes</u> | <u>\$ 20</u> |
| <u>Pots and pans</u> | <u>\$ 10</u> |
| <u>Sheets and blankets</u> | <u>\$ 20</u> |
| Other Items (including but not limited to bank accounts not listed on back of form, cash, etc): | |
| <u>Best Bank #1234-56-789</u> | <u>\$ 500</u> |
| | <u>\$</u> |
| TOTAL: (not to exceed \$10,000) | <u>\$1,980</u> |

6. Protect tools you use to earn a living

Do you use your own tools to earn a living? List them on **BACK** of the paper.

Back of the paper:

| Tools of the trade | |
|--------------------------------------------------------------------------------------------------------------------|--------------|
| I further declare the following items, the value of which does not exceed \$1900, to be exempt tools of the trade. | |
| Item | Value |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| TOTAL | \$ _____ |
| _____ | |
| JUDGMENT DEBTOR (signature) | |

7. Sign the paper in front of the Court Clerk or a notary public

It is usually easiest to sign at the Clerk's office when you file the claim.



8. File your Claim of Exemption with the Clerk of the Court

There is a small fee for filing it.

What if you get some new things that you did not list?

Your Claim of Exemption protects only the things you listed. What if you get new things that are not listed? What if you change banks or account numbers? Then you should file a new Claim of Exemption that lists them.

But, look at the total of your Claim on the front of the page. It must still be less than \$10,000.

IMPORTANT: What if another judgment is filed against you? Then you must file a separate Claim of Exemption each time. To see if there is

a judgment against you, ask the Clerk's office. Give them your name and the case number. The case number is on the paper you got from the Sheriff.

Warning: A Claim of Exemption does **not** protect your paycheck. Do you have a job? Then ask for our booklet on how to keep your paycheck from being garnished.

The Court can never take:

- Your clothes
- Family Bible
- Family pictures
- Trunks
- School books
- Certain health care aids
- Tools you use to earn a living, worth up to \$1,900. Are your work tools worth more than \$1,900? Ask a lawyer how to keep them.



Legal Aid Society

of Middle Tennessee and the Cumberland

1-800-238-1443

It's a free call.

Web site: www.las.org



NOTE: This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. Tennessee law and court rules may change from time to time. 7/10

Plaintiff

vs.

Case No. _____

Defendant

DEBTORS CLAIM OF EXEMPT PROPERTY
 (OR AMENDMENT TO DEBTOR'S FILING OF EXEMPT PROPERTY)

I, the Judgment Debtor herein and a resident of Tennessee, claim and declare the following items, the total value of which does not exceed \$10,000, to be exempt from execution, seizure or attachment pursuant to the provisions of Tennessee Code Annotated §26-2-101 et seq. (or to amend the previous list filed to assert such exemption).

This personal property exemption right is in addition to certain items that are automatically exempt by law and do not need to be included in my \$10,000 total, including funds on deposit in checking and/or savings accounts at:

 Name of Bank

 Account Number

consisting solely of Social Security, SSI, Unemployment, Workers Comp, AFDC/Families First, Veteran's benefits, alimony or child support, and/or state, federal or city pension.

| Item | Value |
|---------------------------------------------------------------------------------------------------------|-----------------|
| Automobiles/Trucks/Vehicles: | |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Furniture and Appliances: | |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Other Household Goods (kitchen utensils, linens, etc.): | |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Other Items (including but not limited to: bank accounts <u>not</u> listed on back of form; cash; etc): | |
| _____ | \$ _____ |
| _____ | \$ _____ |
| TOTAL (not to exceed \$10,000) | \$ _____ |

Turn this paper over.

Tools or equipment used to earn a living (Tools of the Trade):

I further declare the following items, the value of which does not exceed \$1900, to be exempt tools of the trade:

| Item | Value |
|-------|----------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| TOTAL | \$ _____ |

JUDGMENT DEBTOR (Signature)

Sworn to and subscribed before me this _____ day of _____,
20_____.

Notary Public (or Clerk)

My commission expires: _____