

**NOTICE OF EXEMPTIONS
IMPORTANT LEGAL NOTICE / AVISO LEGAL IMPORTANTE**

TIME SENSITIVE

Claim of Exemption is Due Within 14 Days of Mailing or Service To You

YOUR MONEY OR OTHER PROPERTY HAS BEEN TAKEN TO PAY A COURT JUDGMENT. YOU MAY BE ABLE TO GET YOUR MONEY OR PROPERTY BACK, SO READ THIS NOTICE CAREFULLY.

SU DINERO U OTROS BIENES SE HAN CONFISCADO PARA PAGAR UN FALLO JUDICIAL. TAL VEZ PUEDA RECUPERAR SU DINERO O SUS BIENES, ASÍ QUE LEA ESTE AVISO CON DETENIMIENTO. SI SOLAMENTE HABLA ESPAÑOL, PUEDE OBTENER UN FORMULARIO EN ESPAÑOL EN LA OFICINA DEL SHERIFF

WHY AM I RECEIVING THIS NOTICE?

A court has determined that you owe (amount owed) \$ _____ to: (plaintiff's name) _____, the judgment creditor. You are receiving this notice because the judgment creditor has directed the sheriff to collect your wages, funds, benefits and property to pay this judgment.

WHAT ARE MY RIGHTS?

Idaho and federal law protect certain wages, funds, benefits and property from being taken to pay certain types of judgments. These protected wages, funds, benefits and property are **exempt** from garnishment. To protect your wages, funds, benefits and property, you must file a *Claim of Exemption*.

WHAT IS A CLAIM OF EXEMPTION?

A *Claim of Exemption* will notify the sheriff that the wages, funds, benefits and property which have been taken are **exempt** from garnishment, and the money or property should be returned to you. A copy of the *Claim of Exemption* form and instructions for filling it out and returning it to the sheriff has been included with this notice. You can download a *Claim of Exemption* form at <https://isc.idaho.gov/ircp-new>, at the bottom of the page under Appendix B.

WHAT EXEMPTIONS ARE AVAILABLE TO ME?

This notice includes a *Partial List of Exemptions* under Idaho and Federal Law. The list may not include all exemptions that apply in your case because of periodic changes in the law.

WHAT IS MY NEXT STEP?

Immediately return a completed *Claim of Exemption* to the sheriff at: (sheriff's address) _____.

If you fail to return a Claim of Exemption Form to the sheriff within fourteen (14) days of the mailing/service of this notice, your wages, money, benefits and personal property will be released to pay the judgment. For mailed documents, the 14-day period starts running from the postmark date. You may also lose your right to claim an exemption or you may have to bring further court action to recover your wages, money, benefits and property.

WHO CAN I CONTACT IF I NEED HELP?

If you have any questions concerning your rights in this matter, you should contact an attorney as soon as possible. More information on Claim of Exemption and Garnishments is available from the local court assistance office at www.courtselfhelp.idaho.gov/find-office and Idaho Legal Aid Services, Inc. at www.idaholegalaid.org/node/1564/execution-and-garnishment-judgments. If you cannot afford an attorney, you may contact the nearest office of Idaho Legal Aid Services, Inc. to see if you are eligible for their assistance. See Contact Us: www.idaholegalaid.org.

PARTIAL LIST OF EXEMPTIONS

MONEY AND BENEFITS: Most exemptions are provided by the State of Idaho in Title 11, Chapter 6 of the Idaho Code. <https://legislature.idaho.gov/statutesrules/idstat/Title11/>. Some exemptions will not apply to child support orders.

1. **Wages.** 75% of your disposable earnings. If 75% of your disposable earnings is less than 30 times the federal minimum wage, you are entitled to keep 30 times the federal minimum wage. (I.C. § 11-207)

Amount Available for Garnishment based on \$7.25 Minimum Wage

<u>Weekly</u>		<u>Biweekly</u>		<u>Semimonthly</u>		<u>Monthly</u>	
Wages	Garnishment	Wages	Garnishment	Wages	Garnishment	Wages	Garnishment
\$217.50	NONE	\$435.00	NONE	\$471.25	NONE	\$942.50	NONE
\$217.50 to \$290	Amount ABOVE \$217.50	\$435 to \$580	Amount ABOVE \$435	\$471.25 to \$628.34	Amount ABOVE \$471.25	\$942.50 to \$1256.67	Amount ABOVE \$942.50
More than \$290	Up to 25%	More than \$580	Up to 25%	More than \$628.34	Up to 25%	More than \$1256.67	Up to 25%

2. **Earned but Unpaid Wages.** Total value cannot exceed \$1,500 (I.C. § 11-605(11)).
3. **Public Assistance.** All federal, state, and local public assistance you are receiving, including (but not limited to) TANF, AABD (Old Age Assistance, Aid to the Blind, Aid to Disabled), SNAP Benefits (food stamps), etc. (I.C. § 11-603(4))
4. **Social Security, SSI, SSDI Retirement and Disability Benefit.** (42 U.S.C. § 407)
5. **Workers Compensation.** (I.C. § 72-802, 5 U.S.C. § 8130)
6. **Employee Benefits.** Pensions, Annuities, Retirement Allowances, Disability Allowances, Death Benefits, Profit Sharing Plans, Stock Bonus, etc. (I.C. § 11-604A(3))
7. **Retirement Benefits.** Government Pensions, IRAs, 401(k) and 403(b) accounts. (I.C. § 11-604A)
8. **Military Retirement and Survivor's Benefits.** (10 U.S.C. § 1450)
9. **Veteran's Benefits.** (38 U.S.C. §5301)
10. **Disability Benefits.** (I.C. § 11-604(1)(a))***
11. **Illness Benefits.** (I.C. § 11-604(1)(a))***
12. **Alimony, Support, Maintenance.** (I.C. § 11-604(1)(b))***
13. **Child Support Payments.** (I.C. § 11-604(1)(b))***
14. **Awards/Proceeds from Personal Bodily Injury.** (I.C. § 11-604(1)(c))***
15. **Awards/Proceeds from Bodily Injury or Wrongful Death Payable to Dependent.** (I.C. § 11-604(1)(c))***
16. **Life Insurance Proceeds payable to Spouse or Dependent.** (I.C. § 11-604(1)(d))***

PROPERTY

1. **Burial Plots.** (I.C. § 11-603(1))
2. **Business/Work Items.** Professional Books, Implements, Business Equipment, Tools of the Trade: (Total value cannot exceed \$2,500.) (I.C. § 11-605(3))
3. **Firearm.** Only 1 and the total value cannot exceed \$750. (I.C. § 11-605(8))
4. **Food and Water.** 12 month's supply and storage. (I.C. §11-605(4))
5. **Health Aids.** (I.C. § 11-603(2))
6. **Homestead.** House, Manufactured Home, Mobile Home, and Related Structures. (I.C. § 55-1001)
7. **Household Items.** Furniture, Appliances, Family Heirlooms. (Total value cannot exceed \$7,500; value per-item cannot exceed \$750.) (I.C. § 11-605(1))
8. **Jewelry.** Total value cannot exceed \$1,000. (I.C. § 11-605(2))
9. **Police/Military Uniforms, Arms, Accouterments.** (I.C. § 11-605(6))
10. **Vehicle.** Only 1 and the total value cannot exceed \$7,000. (I.C. § 11-605(3))
11. **Miscellaneous (Tangible) Property.** Total value cannot exceed \$800. (I.C. § 11-605(10))
12. **Life Insurance Contracts.** Including interest, dividends, loan value, and cash surrender value. (I.C. § 11-605(9))
13. **Separate Real or Personal Property** owned at time of marriage or subsequently acquired and non-community rents and profits for separate debts incurred by spouse. (I.C. § 11-204)

***to the extent reasonably necessary for support.