

## NOTICE OF GARNISHMENT AND EXEMPTIONS

Please read this carefully.

Your property may be taken to pay a creditor.

You have a deadline of 14 days in which to object.

1. A judgment for money has been entered against the judgment debtor, and the creditor has taken steps to garnish (seize) their money or property to pay the judgment.
2. If you are the judgment debtor in this case, your rights may be affected. Read this notice and take steps to protect your rights.
3. If you are not the judgment debtor in this case, you may have an interest in the judgment debtor's property and your rights may be affected. Read this notice and take steps to protect your rights.
4. The court has ordered the garnishee to hold your money or property. This means that you cannot get the property and it may be used to pay a judgment creditor.
5. Some property and money can't be taken and are "exempt" from execution.

This is a **partial** list of exempt property and money. Some of these exemptions might not apply to judgments for alimony or child support.

- Declaration of Homestead. (The Declaration must be filed with the county recorder before the auction of the property. (Utah Code 78B-5-504.))
- A burial plot for you and your family.
- Health aids.
- Benefits because of disability, illness or unemployment.
- Medical care benefits.
- Veteran's benefits.
- Money or property for child support, alimony or separate maintenance.
- Social security benefits.
- Supplemental security income benefits (SSI).
- Workers' compensation benefits.
- Certain retirement benefits.
- Public assistance.
- Money saved for college that is held in a qualified tuition plan (529 plan).
- Certain furnishings, appliances, carpets, animals, books, musical instruments, works of art and heirlooms.
- Provisions for 12 months.
- Wearing apparel, not including jewelry or furs.
- Beds and bedding.
- Certain works of art.

- Compensatory damages from bodily injury or wrongful death.
- The proceeds of certain life insurance contracts and trusts.
- Certain books, implements and tools of a trade.
- A personal motor vehicle up to a specified amount.
- A motor vehicle used in trade or business.
- Part of your wages.
- Property of a person who did not have a judgment entered against him or her, such as the co-owner of the property being held.

See the Utah Exemptions Act (Utah Code Title 78B, Chapter 5, Part 5) for more information about exemptions. There is no exemption solely because you are having trouble paying your debts.

6. If you think your property should not be taken because:

- the Writ of Garnishment was not issued correctly,
- the Answers to Interrogatories are wrong,
- the judgment creditor owes you money, or
- you are entitled to an exemption,

**do the following immediately.** You have a deadline of **14 days** from the date the garnishee mailed or delivered this notice to you.

- Complete the attached Reply and Request for Hearing form.
- Sign your name in the space provided.
- Mail or deliver a copy of the form to:
  - the court,
  - the judgment creditor or, if they have one, their attorney, and
  - the garnishee.

Keep a copy for your records. The name and address of the court, and the garnishee are on the first page of the Writ of Garnishment. The address for the judgment creditor or, if they have one, their attorney is:

\_\_\_\_\_

Name

\_\_\_\_\_

Address

\_\_\_\_\_

City, State, Zip

\_\_\_\_\_

Phone

\_\_\_\_\_

Email

7. The court will schedule a hearing and notify you. You should file with the Reply and Request for Hearing form any documents that help you prove your claim, or bring them to the hearing.
8. If you do not take these steps, the property being held may be used to pay a judgment creditor.
9. You may talk to an attorney and have the attorney represent you at the hearing. See the court's Finding Legal Help page for information about free and low cost ways to get the help of an attorney: [www.utcourts.gov/howto/legalassist/](http://www.utcourts.gov/howto/legalassist/).
10. The judgment debtor may not use the steps in paragraph 6 to challenge why the judgment was entered. If you are the judgment debtor and you think the judgment should not have been entered against you, possible options include:
  - an appeal. See the court's Appeals page for more information about the process and forms: [www.utcourts.gov/howto/appeals/](http://www.utcourts.gov/howto/appeals/).
  - a Motion to Set Aside Judgment (Utah Rule of Civil Procedure 60(b)). See the court's Motion to Set Aside Judgment page for more information about the process and forms: [www.utcourts.gov/howto/judgment/set\\_aside/](http://www.utcourts.gov/howto/judgment/set_aside/).

Simply filing an appeal or Motion to Set Aside the Judgment does not stop the collection of the judgment.