

## NOTICE OF GARNISHMENT AND EXEMPTIONS

### NOTICE: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR.

#### PLEASE READ THIS CAREFULLY.

- (1) A judgment for money has been entered against you, and the creditor has taken steps to garnish your money or property to pay the judgment. If you think the creditor has improperly garnished some of your money or property, you may object to the garnishment by taking the steps described below. You may not use these steps to object to the judgment. **If you think the judgment itself is improper, you must file a timely motion under Utah Rule of Civil Procedure 60(b) to set the judgment aside.**
- (2) If you are the judgment debtor in this action, your rights may be affected. You should read this notice and take steps to protect your rights.
- (3) If you are not the judgment debtor in this action, papers filed with the court indicate that you may have an interest in the judgment debtor's property. Your rights may be affected, and you should read this notice and take steps to protect your rights.
- (4) The Garnishee (someone who possesses your property) has been ordered to hold your property. This means that you cannot obtain the property and it may be used to pay a judgment creditor.
- (5) Certain property and money are exempt from execution (cannot be garnished). The following is a partial list of exempt property and money, but some of these exemptions might not apply to judgments for alimony or child support.
  - (A) A burial plot for you and your family.
  - (B) Health aids.
  - (C) Benefits because of disability, illness or unemployment.
  - (D) Medical care benefits.
  - (E) Veteran's benefits.
  - (F) Social security benefits.
  - (G) Supplemental security income benefits (SSI).
  - (H) Workers' compensation benefits.
  - (I) Certain retirement benefits.
  - (J) Public assistance.
  - (K) Money or property for child support, alimony or separate maintenance.
  - (L) Certain furnishings, appliances, carpets, animals, books, musical instruments, and heirlooms.
  - (M) Provisions for 12 months.

- (N) Wearing apparel, not including jewelry or furs.
  - (O) Beds and bedding.
  - (P) Certain works of art.
  - (Q) Compensatory damages from bodily injury or wrongful death.
  - (R) The proceeds of certain life insurance contracts and trusts.
  - (S) Books, implements and tools of a trade.
  - (T) A personal motor vehicle.
  - (U) A motor vehicle used in trade or business.
  - (V) Part of your wages.
  - (W) 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.
- (6) You should consult Utah Code Title 78B, Chapter 5, Part 5, Utah Exemptions Act for full information about exemptions. There is no exemption solely because you are having difficulty paying your debts.
- (7) If you believe that the Writ of Garnishment was issued improperly, that the Answers to Interrogatories are inaccurate, that the judgment creditor owes you money, or that you are entitled to an exemption, **DO THE FOLLOWING IMMEDIATELY**. You have a deadline of 10 business days from the date the Garnishee mailed or delivered this notice to you.
- (A) Complete the attached "Reply and Request for Hearing" form.
  - (B) Sign your name in the space provided.
  - (C) Mail or deliver the form to: the court clerk, the judgment creditor, (or judgment creditor's attorney) and the Garnishee. Keep a copy for your records. The name and address of the court, the judgment creditor, (or judgment creditor's attorney) and the Garnishee are on the first page of the Writ of Garnishment.
- (8) The court clerk will schedule the matter for hearing and notify you. You should file with the Reply and Request for Hearing form or bring to the hearing any documents that help you prove your claim.
- (9) If you fail to take these steps, the property being held may be used to pay a judgment creditor.
- (10) You may consult an attorney and have the attorney represent you at the hearing.