

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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**NOTICE PURSUANT TO FLORIDA STATUTE 77.041 TO DEFENDANT OF RIGHT
AGAINST GARNISHMENT OF WAGES, MONEY AND OTHER PROPERTY**

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you.

HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.

State and federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed on the attached form "Claim of Exemption and Request for Hearing". This list does not include all possible exemptions. You should consult a lawyer for specific advice.

TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST COMPLETE THE ATTACHED FORM "CLAIM OF EXEMPTION AND REQUEST FOR HEARING" AND HAVE THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff must file any objection within 3 business days if you hand delivered to the plaintiff a copy of the form "Claim of Exemption and Request for Hearing" or, alternatively, 8 business days if you mailed a copy of the form to the plaintiff. If the plaintiff files an objection to your "Claim of Exemption and Request for Hearing", the clerk shall schedule the hearing and notice shall be provided by the plaintiff to all required parties pursuant to this court's Local Rule 9073-1(A). You may attend the hearing with or without an attorney. If the plaintiff fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

YOU SHOULD FILE THE ATTACHED FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER. IF YOU CANNOT AFFORD A PRIVATE LAWYER, LEGAL SERVICES MAY BE AVAILABLE. CONTACT THE LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA. INFORMATION ABOUT LEGAL SERVICES PROGRAMS IS ALSO POSTED ON THE COURT'S PRO SE WEB PAGES.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

The notice on the reverse side is provided pursuant to Florida Statute 77.041 in accordance with Local Rule 7069-1(D).

The plaintiff must mail, by first class, a copy of the writ of garnishment, a copy of the motion for writ of garnishment, a copy of Local Rule 7069-1(D), a copy of this court's Local Form "Notice Pursuant to Florida Statute 77.041 to Defendant of Right Against Garnishment of Wages, Money and Other Property and Claim of Exemption and Request for Hearing" to the defendant's last known address within 5 business days after the writ is issued or 3 business days after the writ is served on the garnishee, whichever is later. However, if such documents are returned as undeliverable by the post office, or if the last known address is not discoverable after diligent search, the plaintiff must mail, by first class, the documents to the defendant at the defendant's place of employment. The plaintiff shall file in the proceeding a certificate of such service.

Upon the filing by a defendant of the "Claim of Exemption and Request for Hearing", (original and one copy required) a hearing will be held as soon as is practicable to determine the validity of the claimed exceptions. If the plaintiff does not file a sworn written statement (original and one copy required) that contests the defendant's claim of exemption within 3 business days after hand delivery of the claim and request or, alternatively, 8 business days, if the claim and request were served by mail, no hearing is required and the clerk must automatically dissolve the writ and notify the parties of the dissolution by mail.

UNITED STATES BANKRUPTCY COURT
Southern District of Florida

In re	Debtor)	
)	Case No. _____
)	
	Plaintiff)	Chapter _____
vs.)	
	Defendant)	Adv. Proc. No. _____
)	
	Garnishee)	

CLAIM OF EXEMPTION AND REQUEST FOR HEARING

I claim exemptions from garnishment under the following categories as checked:

- 1. Head of family wages. (You must check “a” or “b” below.)
 - a. I provide more than one-half of the support for a child or other dependent and have net earnings of \$500 or less per week.
 - b. I provide more than one-half of the support for a child or other dependent, have net earnings of more than \$500 per week, but have not agreed in writing to have my wages garnished.
- 2. Social Security benefits.
- 3. Supplemental Security Income benefits.
- 4. Public assistance (welfare).
- 5. Workers' Compensation.
- 6. Unemployment Compensation.
- 7. Veterans' benefits.
- 8. Retirement or profit-sharing benefits or pension money.
- 9. Life insurance benefits or cash surrender value of a life insurance policy or proceeds of annuity contract.
- 10. Disability income benefits.
- 11. Prepaid College Trust Fund or Medical Savings Account.

___ 12. Other exemptions as provided by law. _____ (explain)

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

Address: _____

Telephone number: _____

The statements made in this request are true to the best of my knowledge and belief.

I, _____, hereby certify that a copy of the foregoing has been provided by hand delivery mail to the following on ____ (day) _____ (month) _____ (year)

Plaintiff: _____

Garnishee: _____

Other parties: _____

Defendant's signature

Date

STATE OF FLORIDA
COUNTY OF

Sworn and subscribed to before me on _____ (date) by _____
(name of person making statement)

Notary Public/Deputy Clerk

Personally Known Or

Produced Identification - Type of Identification Produced _____