

Sample Garnishment Exemption Notice

The next pages are an example of the notice you get in the mail from the Creditor who is garnishing you. The first 2 pages would be filled out by the creditor with the necessary info. You do not need to write anything on them. But the 3rd page is the exemption form you need to fill out and mail back.

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
_____ JUDICIAL DISTRICT

(Creditor)

against

GARNISHMENT EXEMPTION NOTICE
AND NOTICE OF INTENT TO GARNISH
EARNINGS WITHIN TEN DAYS

(Debtor)

and

(Garnishee)

THE STATE OF MINNESOTA
TO THE ABOVE NAMED DEBTOR

PLEASE TAKE NOTICE that a garnishment summons or levy may be served upon your employer or other third parties, without any further court proceedings or notice to you, ten days or more from the date hereof. Some or all of your earnings are exempt from garnishment. If your earnings are garnished, your employer must show you how the amount that is garnished from your earnings was calculated. You have the right to request a hearing if you claim the garnishment is incorrect.

Your earnings are completely exempt from garnishment if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months.

Relief based on need includes the Minnesota Family Investment Program (MFIP), Emergency

Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the creditor's lawyer and the garnishee.

You may wish to contact the lawyer for the creditor in order to arrange for a settlement of the debt or contact a lawyer to advise you about exemptions or other rights.

PENALTIES

(1) Be advised that even if you claim an exemption, a garnishment summons may still be served on your employer. If your earnings are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable lawyer fees, actual damages, and an amount not to exceed \$100.

(2) HOWEVER, BE WARNED if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable lawyer's fees plus an amount not to exceed \$100.

(3) If after receipt of this notice, you take action in bad faith to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable lawyer's fees plus an amount not to exceed \$ 100.

DATED: _____
_____ (Lawyer for) Creditor

Address _____

Telephone _____