

Sample Wage Garnishment Exemption Notice

The next pages are an example of the notice you get if a debt collector wants to garnish your wages. The first part is filled out by the creditor. You do not need to write anything on that part. But you need to fill out and mail back the part called "Debtor Exemption Claim Notice."

State of Minnesota

District Court

County of: _____

Court File Number: _____

Judicial District: _____

Case Type: _____

Creditor's full name

vs.

Debtor's full name

and

Third Party (Bank, Employer, or Other)

Garnishment Exemption Notice and Notice of Intent Garnish Earnings (JGM802)

Minn. Stat. § 571.925

Notice: A garnishment may be served on your employer or other third parties. **Garnishment means that part of your earnings can be taken to pay off debts that you owe.** This can happen in 10 days or more after you get this notice. This can happen without any other court action or notice to you. **But some of your money may be protected.**

Your earnings cannot be taken if:

- you are getting government assistance based on need,
- you got any government assistance based on need in the last 6 months, or
- you were an inmate of a correctional institution in the last 6 months.

These are called exemptions. Your money is not protected unless you fill out the *Exemption Claim Notice* attached and send it back to the creditor or the creditor's lawyer. If you are not sure if you have any exemptions, talk to a lawyer.

You can also contact the creditor or their lawyer to talk about a settlement of the debt.

Examples of government assistance based on need:

- **MFIP** – Minnesota Family Investment Program
- **SNAP** – Supplemental Nutrition Assistance Program
- **GA** – General Assistance
- **EGA** – Emergency General Assistance
- **MSA** – Minnesota Supplemental Aid
- **MSA- EA** – MSA Emergency Assistance
- **EA** – Emergency Assistance
- **Energy or Fuel Assistance**
- **Work Participation Cash Benefit**
- **MA** – Medical Assistance
- **MinnesotaCare**
- **Medicare Part B** - Premium Payments help
- **Medicare Part D** - Extra
- **SSI** – Supplemental Security Income
- **Tax Credits** – federal Earned Income Tax Credit (EITC), MN Working family credit
- **Renter’s Refund** (also called Renter’s Property Tax Credit)

Warnings and Fines

- (1) Even if you claim an exemption, a garnishment may still be served on your employer. If they take money from you after you claim an exemption, you may ask the court to review your exemption. If the court finds that the creditor ignored your claim of exemption in bad faith, you are entitled to costs, reasonable lawyer fees, actual damages, and a fine up to \$100. Bad faith is when someone does something wrong on purpose.
- (2) BUT if you claim an exemption, the creditor can also ask the court to review your exemption. If the court finds that you claimed an exemption in bad faith, you are charged costs and reasonable lawyer fees, and a fine up to \$100.
- (3) If you get this notice, then do something in bad faith to try to block or stop the garnishment and the creditor has to take you to court because of it, you will have to pay the creditor’s costs, and reasonable lawyer's fees, and a fine up to \$100.

Date: _____

Creditor’s Signature: _____

(or creditor’s lawyer’s signature)

Creditor’s Name: _____

(or creditor’s lawyer’s name)

Street Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

Email: _____

State of Minnesota

District Court

County of: _____

Court File Number: _____

Judicial District: _____

Case Type: _____

Creditor's full name

vs.

Debtor's full name

and

Third Party (Bank, Employer, or Other)

Debtor's Exemption Claim Notice

I claim that my earnings are exempt because: (check all that apply)

I am getting government assistance based on need. (State the program, case number if you know it, and the county you got it from.)

Program: _____ Case #: _____ County: _____

Program: _____ Case #: _____ County: _____

Program: _____ Case #: _____ County: _____

I am not getting assistance based on need right now, but I did get government assistance based on need within the last 6 months. (State the program, case number if you know it, and the county you got it from.)

Program: _____ Case #: _____ County: _____

Program: _____ Case #: _____ County: _____

Program: _____ Case #: _____ County: _____

I was an inmate of a correctional institution within the last 6 months. (State the correctional institution and location.)

Correctional Institution _____ Location _____

I give my permission to any agency listed above to give information about my benefits to the creditor named above, or to the creditor's lawyer. The information will **ONLY** be if I get assistance, or if I have gotten assistance in the past 6 months. If I was an inmate in the last 6 months, I give my permission to the correctional institution to tell the creditor named above or the creditor's lawyer that I was an inmate there.

Fill in the blanks below then sign and send this form back to the creditor or the creditor's lawyer.

Date: _____

Creditor's Signature: _____
(or creditor's lawyer's signature)

Creditor's Name: _____
(or creditor's lawyer's name)

Street Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

Email: _____

Debtor's Signature: _____

Debtor's name: _____

Street Address: _____

City, State, Zip: _____

Phone: _____

Email: _____