

1 **AFEXE**

2 _____
(Name)

3 _____
(Address)

4 _____
(City, State, Zip Code)

5 _____
(Telephone Number)

6 _____
(E-mail Address)

7 Defendant/ Other, Self-Represented

8 **JUSTICE COURT, TOWNSHIP OF _____**
9 **ESMERALDA COUNTY, NEVADA**

11 _____,
12 **Plaintiff(s),**
13 vs.
14 _____,
15 **Defendant(s).**

Case No.: _____
Dept. No.: _____

CLAIM OF EXEMPTION FROM EXECUTION

16 I submit this Claim of Exemption from Execution because the levied property is exempt under the
17 following categories as checked (*check the boxes that apply to what is being garnished or what was garnished*).

18 Exempt monies from my bank account were garnished. NRS 21.105(1)-(2), 31 CFR 212.3. (*If you
checked this box, and your account was garnished more than the allowable amount, also check one of the 3 boxes below.*)

- 19 All the monies that were taken are traceable as exempt.
- 20 In the two months before service of the Writ of Execution, there were electronic deposits that
were identifiable as exempt (*e.g.*, direct deposits from the U.S. Treasury, like Social Security
benefits), so at least \$2,000 of my account is exempt.
- 21 Less than \$400.00 was left in my bank account.

22 Social Security benefits, including retirement, supplemental security income, and disability. NRS
23 21.090(1)(y).

24 Child support or spousal support. NRS 21.090(1)(s)-(t).

25 Workers' Compensation. NRS 21.090(1)(gg).

26 Unemployment Compensation. NRS 21.090(1)(h).

27 Veterans' benefits. 38 U.S.C. § 5301.

28 Life insurance benefits. NRS 21.090(1)(k).

1 My wages have been garnished more than the allowable amount. NRS 21.090(1)(g). (If you checked this box,
2 and your earnings are being garnished more than the allowable amount, also check one of the 3 boxes below.)

3 My gross weekly salary is more than \$770, and 75% of my earnings are exempt.

4 My gross weekly salary is between \$362.50 and \$770, and at least 82% of my disposable
5 earnings are exempt.

6 My disposable weekly earnings do not exceed \$362.50 so all of my earnings are exempt.

(To calculate what amount you are allowed to be garnished, see the footnote. ¹)

7 \$10,000 "wildcard" for any personal property not otherwise exempt. NRS 21.090(z). I am using the
8 exemption on: (Describe what you're exempting) _____

9 Other: _____

10 I am attaching the following evidence in support of my claim of exemption, with personal
11 identifying information redacted (Describe what you are attaching to prove your exemption, i.e. paystubs or bank statements.):

12 (1) _____

13 (2) _____

14 (3) _____

15 DATED this _____ day of _____, 20_____.

16 I declare under penalty of perjury under the laws of the
17 State of Nevada that the foregoing is true and correct.

18 _____ (signature)

19 _____ (print name)

Defendant/ Other, Self-Represented

20 ¹ How to determine what the allowable amount is that can be garnished from your paycheck:

- 21 1. Find the date of the most recent Writ of Garnishment.
- 22 2. Get paystub for the pay period ending as of the most recent Writ of Garnishment.
- 23 3. Find your year-to-date gross earnings on that paystub.
- 24 4. Divide the year-to-date gross earnings by the number of weeks you have worked in the current calendar year. This is your *Gross Weekly Salary*.

25 a. If your *Gross Weekly Salary* is less than \$362.50, then you cannot be garnished at all. Check the box that says, "My
26 disposable weekly earnings do not exceed \$362.50 so all my earnings are exempt."

27 b. If your *Gross Weekly Salary* is higher than \$770, then you can be garnished 25%, so proceed to next step. If your *Gross Weekly Salary* is between \$362.51 and \$769.99, then you can be garnished up to 18%, so proceed to next step.

- 28 5. Go back to the paystub, and look at the gross weekly income on that paystub, then subtract the amounts set aside for federal tax, Medicare, and Social Security. This is your *Disposable Weekly Earnings*.

a. If your *Disposable Weekly Earnings* are less than \$362.50, then you cannot be garnished at all. Check the box that says, "My disposable weekly earnings do not exceed \$362.50 so all my earnings are exempt."

b. If your *Gross Weekly Salary* was higher than \$770, then take your *Disposable Weekly Earnings* and multiply it by 75%. This is the amount you should have been paid after the garnishment. If you got paid less than that number, then you might have been garnished more than the allowable amount. If this is the case, check the box that says, "My gross weekly salary is more than \$770, and 75% of my earnings are exempt."

c. If your *Gross Weekly Salary* was between \$362.50 and \$769.99, then take your *Disposable Weekly Earnings* and multiply it by 82%. This is the amount you should have been paid after the garnishment.

i. If this number falls below \$362.50, then you're entitled to keep the amount that brings you up to \$362.50. So if you have been left with less than \$362.50 per week, check the box that says, "My disposable weekly earnings do not exceed \$362.50, so all my earnings are exempt."

ii. If the number is above \$362.50, but you got paid less than that number, then you might have been garnished more than the allowable amount. If this is the case, check the box that says, "My gross weekly salary is between \$362.50 and \$770, and at least 82% of my disposable earnings are exempt."

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2
3 **STOP!**

4 *Read the following carefully.*

5
6 Before attaching bank statements or paystubs, **make sure you redact**
7 **(scratch out) any personal identifying information.** What you include will be filed
8 with the court and become part of a public record. Remove Social Security
9 numbers and sensitive information!

10 The following page in this packet is the “Certificate of Service.” This is a
11 very important form because it shows the date that you serve copies of the Claim
12 of Exemption from Execution form on the creditor, constable/sheriff, and
13 garnishee (bank or employer). This date triggers how much time the creditor has to
14 file an objection, and how long the constable/sheriff can hold onto your property,
15 so the date that you serve is very important. The Certificate of Service is your
16 proof that you served copies on a certain date.

17 *After* you file your completed Claim of Exemption from Execution, follow
18 the directions below very carefully:

- 19 (1) Make 3 copies of the completed Claim of Exemption from Execution form.
20 (2) Mail or hand-deliver a copy of the Claim of Exemption from Execution form to the
21 Plaintiff or the attorney for the Plaintiff, if there is one. The address for the Plaintiff,
22 or Plaintiff’s attorney, should be on the Writ of Execution.
23 (3) Mail or hand-deliver a copy of the Claim of Exemption from Execution form to the
24 constable or sheriff who is executing on your case. The name and address for the
25 constable or sheriff should be on the Writ of Execution.
26 (4) Mail or hand-deliver a copy of the Claim of Exemption from Execution form to the
27 garnishee—the bank or employer who has garnished from you.
28 (5) Fill out the Certificate of Service with the date that you actually served the copies and
with the names and addresses of all the people and places you served in
Steps 2-4.
(6) File the Certificate of Service.
(7) Wait 8 days after mailing to see if the creditor files an objection.

1 **CERTS**

2 _____
(Name)

3 _____
(Address)

4 _____
(City, State, Zip Code)

5 _____
(Telephone Number)

6 _____
(E-mail Address)

7 Defendant/ Other, Self-Represented

8 **JUSTICE COURT, TOWNSHIP OF _____**
9 **ESMERALDA COUNTY, NEVADA**

	Case No.: _____
Plaintiff(s),	Dept. No.: _____
vs.	
Defendant(s).	

16 **CERTIFICATE OF SERVICE**

17 I HEREBY CERTIFY that on the _____ day of _____, 20____, I
18 delivered a true and correct copy of the foregoing **CLAIM OF EXEMPTION FROM EXECUTION** to
19 the following parties in the following method *(insert the name and address of the following parties/entities and check the box*
20 *for the manner of service)*:

21 Attorney for Plaintiff/Judgment Creditor: _____
22 (or Plaintiff/Judgment Creditor directly if unrepresented) _____
23 _____
24 _____

- by U.S. Mail, with first-class postage prepaid
- by hand delivery

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Sheriff:

- by U.S. Mail, with first-class postage prepaid
- by hand delivery

Garnishee (i.e. employer or bank):

- by U.S. Mail, with first-class postage prepaid
- by hand delivery

DATED this _____ day of _____, 20_____.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

_____ (signature)

_____ (print name)

Defendant/ Other, Self-Represented

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Read the following carefully:

- (1) Fill out your information and the case information on the following documents. Leave everything else blank for now.
- (2) Bring the documents to court with you on your court date.
- (3) The judge might ask you in court if you brought an Order with you. The following Order Regarding Exemption from Execution is the Order the judge is asking about.
- (4) The judge may sign and enter the Order in open court, or the judge may ask you to submit the order to the clerk after the hearing.
- (5) As soon as you have the signed order, make 3 copies of it.
- (6) Finish filling out the Notice of Entry of Order with the Certificate of Mailing. (You are going to have to mail the Order and Notice of Entry of Order, so make sure you are doing this on a day that you can both file and mail. On the Certificate of Mailing, insert the date that you are mailing everything.) Make 3 copies of the Notice of Entry of Order with the Certificate of Mailing.
- (7) Attach 1 copy of the signed Order to 1 copy of the Notice of Entry of Order.
- (8) Mail out the Notice of Entry of Order and copy of the Order to the plaintiff, the sheriff/constable, and the garnishee (your work or bank), just like you mailed out the Claim of Exemption from Execution form.
- (9) Attach your original Order to the Notice of Entry of Order with the Certificate of Mailing. File it at the clerks' office.

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(Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(E-mail Address)

Defendant/ Other, Self-Represented

JUSTICE COURT, TOWNSHIP OF _____
ESMERALDA COUNTY, NEVADA

Plaintiff(s),

vs.

Defendant(s).

Case No.: _____
Dept. No.: _____

ORDER REGARDING EXEMPTION FROM EXECUTION

This matter having come on for hearing on the Plaintiff's Objection to the Claim of Exemption from Execution on the _____ day of _____, 20_____, and the Plaintiff appearing by and through its attorney, _____, and the Defendant appearing self-represented, the Court having reviewed the pleadings and documentation on file herein and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

- The property and/or money is exempt under state and/or federal law, and the Constable/Sheriff and/or Plaintiff shall release the property and/or money in its possession and return the same to the Defendant forthwith.
- Some of the property and/or money is exempt under state and/or federal law, and the Constable/Sheriff and/or Plaintiff shall release and return the following to the Defendant: _____.

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The property and/or money is not exempt under state or federal law, and the Constable/Sheriff shall release the property and/or money in its possession to the Plaintiff.

Other: _____

DATED this _____ day of _____, 20____.

JUSTICE OF THE PEACE

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(Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

(E-mail Address)

Defendant/ Other, Self-Represented

**JUSTICE COURT, TOWNSHIP OF _____
ESMERALDA COUNTY, NEVADA**

Plaintiff(s),

vs.

Defendant(s).

Case No.: _____
Dept. No.: _____

**NOTICE OF ENTRY OF ORDER REGARDING EXEMPTION FROM
EXECUTION**

NOTICE IS HEREBY GIVEN that this Honorable Court entered its Order on the _____
day of _____, 20____. A copy of the Court's Order is attached to this Notice.

DATED this _____ day of _____, 20____.

Pursuant to NRS 53.045, I declare under penalty of
perjury that the foregoing is true and correct.

(signature)
Defendant/ Other, Self-Represented

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the _____ day of _____, 20____, I delivered a true and correct copy of the foregoing **Notice of Entry of Order Regarding Exemption from Execution** to the following parties in the following method *(insert the name and address of the following parties/entities and check the box for the manner of service)*:

Attorney for Plaintiff/Judgment Creditor: _____
(or Plaintiff/Judgment Creditor directly if unrepresented) _____

- by U.S. Mail, with first-class postage prepaid
- by hand delivery

Sheriff: _____

- by U.S. Mail, with first-class postage prepaid
- by hand delivery

Garnishee *(i.e. employer or bank)*: _____

- by U.S. Mail, with first-class postage prepaid
- by hand delivery

DATED this _____ day of _____, 20_____.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

 Defendant/ Other, Self-Represented