IMPORTANT LEGAL NOTICE/NOTICIA LEGAL IMPORTANTE

MONEY/PERSONAL PROPERTY BELONGING TO YOU MAY HAVE BEEN TAKEN OR HELD IN ORDER TO SATISFY A COURT JUDGMENT.

YOU MAY BE ABLE TO GET YOUR MONEY/PROPERTY BACK *SO READ THIS NOTICE CAREFULLY.*

SI SOLAMENTE HABLA ESPANOL PUEDE OBTENER UNA FORMA EN ESPANOL EN EL DEPARTMENTO DEL SHERIFE.

The enclosed writ of execution and/or notice of garnishment have directed the sheriff to take custody by levying on your money and/or personal property in order to satisfy a court judgment.

The sheriff has levied on your money and/or personal property. You have FOURTEEN (14) DAYS after the date of mailing or personal service of these documents to file a claim of exemption with the sheriff. An exemption from levy entitles you to obtain the release of your money and personal property.

The following is a partial list of money and personal property that may be exempt from levy. EXEMPTIONS ARE PROVIDED BY IDAHO AND FEDERAL LAW AND CAN BE FOUND IN THE IDAHO CODE AND IN THE UNITED STATES CODE. MOST OF THE EXEMPTIONS PROVIDED BY THE STATE ARE CONTAINED IN CHAPTER 6, TITLE 11, IDAHO CODE. GOVERNMENTAL BENEFITS SUCH AS SOCIAL SECURITY, SSI, VETERANS, RAILROAD RETIREMENT, MILITARY, AND WELFARE ARE EXEMPT FROM LEVY IN MOST CASES UNDER FEDERAL LAW.

The list may not be complete and may not include all exemptions that apply in your case because of periodic changes in the law. Additionally, some of the exemptions may not apply in full or under all circumstances. There may be special requirements or child support. You or your attorney should read the exemption statutes which apply to you.

If you believe the money or personal property that is being levied upon is exempt, you should immediately file a claim of exemption. If you fail to make a timely claim of exemption, the sheriff will release money to the plaintiff, or the property may be sold at an execution sale, perhaps at a price substantially below its value, and you may have to bring further court action to recover the money and property.

The sheriff cannot give you legal advice. Therefore, if you have any questions concerning your rights in this action, you should consult an attorney as soon as possible. You may contact the nearest office of Idaho Legal Aid Services, Inc, to inquire if you are eligible for their assistance.

INSTRUCTIONS TO DEFENDANTS AND THIRD PARTIES

In order to claim an exemption from execution and garnishment under Idaho and federal law, you, the defendant, judgment debtor, or a third party, holding or known to have an interest in the money and/or personal property, must:

1. **DELIVER OR MAIL A CLAIM OF EXEMPTION TO THE SHERIFF WHO LEVIED UPON YOUR MONEY AND/OR PERSONAL PROPERTY AT 7200 BARRISTER, BOISE ID 83704**, WITHIN FOURTEEN (14) DAYS AFTER MAILING OR PERSONAL SERVICE OF THESE INSTRUCTIONS, NOTICE OF EXEMPTIONS AND FORM FOR FILING A CLAIM OF EXEMPTION. IF YOU MAIL A CLAIM OF EXEMPTION, THE SHERIFF MUST RECEIVE IT WITHIN THE FOURTEEN (14) DAY PERIOD.

2. The sheriff has to notify the plaintiff or judgement creditor within one (1) business day, excluding weekends and holidays, that you filed a claim of exemption. The judgment creditor has five (5) business days, excluding weekends and holidays, after notice was provided that a claim of exemption was filed with the sheriff, to file a motion with the court contesting the claim of exemption.

3. If the judgement creditor notifies the sheriff that he will not object to the claim of exemption or does not file a motion with the court contesting the claim of exemption, the sheriff will immediately return the money and/or personal property or notify the bank or depository institution to release the money and/or personal property which has been levied upon.

4. IF THE JUDGEMENT CREDITOR DOES FILE A MOTION WITH THE COURT CONTESTING THE CLAIM OF EXEMPTION, YOU, THE JUDGMENT DEBTOR OR ANY INTERESTED THIRD PARTY, WILL RECEIVE A COPY OF THE MOTION AND NOTICE OF HEARING. A HEARING WILL BE HELD WITHIN NOT LESS THAN FIVE (5) DAYS NOR MORE THAN TWELVE (12) DAYS AFTER THE FILING DATE OF THE MOTION. YOU SHOULD BE PREPARED TO EXPLAIN THE GROUNDS FOR CLAIMING THE EXEMPTION IN COURT ON THE DATE AND TIME SET FOR THE HEARING. YOU SHOULD BRING WHATEVER DOCUMENTS YOU HAVE TO SUPPORT YOUR CLAIM.

5. This is a notice, not legal advice. If you have any questions concerning your rights in this action, you should contact an attorney as soon as possible. If you are low income and cannot afford an attorney, you may contact the nearest office of the Idaho Legal Aid Services, Inc. to inquire if they can assist you.

SOME EXEMPTIONS TO WHICH YOU MAY BE ENTITLED

Type of Money and Property

1. Alimony, support, maintenance (money or property)
2. Appliance (household) ($750 per item, up to $7,500 gross)
3. Annuity contract payments
4. Bodily injury and wrongful death awards*
5. Books (professional) up to $2,500-(tools of trade)
6. Burial plots
7. Child Support payments*
8. Disability or illness benefits*
9. Furnishings (household) ($750 per item, up to $7,500 gross)
10. Health aids
11. Homestead, house, mobile home, and related structures (up to $100,000)
12. Jewelry (up to $1000 aggregate value)
13. Life Insurance Benefits payable to spouse or dependent*
14. Medical and/or hospital benefits
15. Military retirements and survivors benefits
16. Motor vehicle: car, truck, motorcycle with a value of up to $7,000 per person
17. Pension: stock bonus, profit sharing annuity, or similar plans
18. Personal property: ($750 per item, up to $7,500 gross) (furnishings, appliances, one firearm, animals, musical instruments, books, clothes, family portraits and heirlooms)
19. Public assistance: federal, state, or local funding
20. Public employees benefits including Federal Civil Service Retirement, Idaho Retirement and Disability
21. Railroad Retirement Benefits
22. Retirement, Pension or profit sharing plan qualified by IRS
23. Social Security Disability and Retirement Benefits
24. SSI (Supplemental Security Insurance Benefits)
25. Tools of trade and implements up to $2500
26. Unemployment benefits
27. Veterans benefits and insurance
28. **Wages or Salary**:

    Consumer debts primarily for personal or household purposes: Exemption is 30 times the Federal minimum wage or 25% of disposable income, whichever is greater;

    Non-consumer debts: Exemption is 30 times the Federal minimum wage or 25% of disposable income whichever is greater. Exemption is any amount over these figures.
29. Workers compensation
30. Tangible Personal Property (not to exceed $800 value)
31. An unmatured life insurance contract other than a credit life insurance contract.
32. An aggregate interest, not to exceed $5,000, in any accrued dividend or interest under, or loan value of, an unmatured life insurance contract under which the insured is the individual or a person of whom the individual is a dependent.

*To the extent reasonably necessary for support of family and if not co-mingled with other funds.

IN THE DISTRICT COURT OF THE _____ JUDICIAL OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____
PLAINTIFF (S)

CASE NO. _____

-vs-

CLAIM OF EXEMPTION OR THIRD PARTY CLAIM

_____
DEFENDANT (S)

1. I claim an exemption from levy for the following described money and/or property:

a. Money, including money in a bank account, which was paid to me or my family as:

_____ Public assistance of any kind
_____ Social Security or SSI
_____ Worker's compensation
_____ Unemployment Benefits
_____ Child Support
_____ Retirement, Pension, or Profit Sharing Benefits
_____ Military or Veteran's Benefits
_____ Life Insurance or Other Insurance
_____ Disability, Illness, Medical or Hospital Benefits
_____ Alimony, Support or Maintenance
_____ Annuity Contract Benefits
_____ Bodily Injury or Wrongful Death Awards
_____ Other Money Describe: _____
_____ Wages (DO NOT CHECK THIS BOX UNTIL: You have first talked to your employer to see if he correctly calculated your exemption according to the formula under item #28 on the form entitled: "SOME EXEMPTIONS TO WHICH YOU MAY BE ENTITLED." Then check this box only if you believe your employer's calculation is incorrect.)

b. Property:

_____ Professional Books
_____ Burial Plots
_____ Health Aids
_____ Homestead, House, Mobile Homes and Related Structures
_____ Jewelry
_____ Car, Truck or Motorcycle
_____ Tools and Implements
_____ Appliances, Furnishing, Firearms, Pets, Musical Instruments, Books, Clothes, Family Portraits and Heirlooms
_____ Other property (Describe)_____

_____

MAIL OR DELIVER TO:

ADA COUNTY SHERIFF'S OFFICE
ATTN: CIVIL SECTION
7200 BARRISTER DR.
BOISE ID 83704
Phone 208-577-3750
Fax 208-577-3759

_____
Defendant or Representative

_____
_____
_____
Address and Phone Number