

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE SMALL CLAIMS COURT OF

Washington Township

5302 N. Keystone Ave., Ste. E
Indianapolis, In 46220

Phone: 317-327-8184
Fax: 317-327-8190

Plaintiff,

vs.

Cause No. 49K07-_____

Defendant.

NOTICE OF EXEMPTION RIGHTS

A person who wins a judgment against you is entitled to collect the judgment from any property you own or income you receive, except when the property or income is protected from collection by state or federal law. When property or income is so protected, we refer to it as “exempt.”

Some exemptions are automatically applied. For example, an Order to take your wages (garnishment) will include limitations required by state and federal laws. For all other exemptions, you should notify the Court in writing that you “claim” a specific exemption.

It is the policy of the Marion County Small Claims Courts to disapprove settlements which would result in the defendant losing exempt property or income, unless it can be shown that the defendant was aware of his or her exemption rights before agreeing to the settlement.

Below is a list of frequently used exemptions:

- A. **Disposable Earnings** (earnings after legally required deductions, e.g., Social Security, taxes). The Defendant is entitled to exempt the greater of:
Thirty (30) times the federal minimum wage per week. 15 U.S.C. § 1673(a). (As of Jan 1, 2012, the federal minimum wage was \$7.25. Thirty (30) times \$7.25 is \$217.50;
or $\frac{3}{4}$ of disposable earnings.

Example: Assume that you earn \$300 per week with mandatory deductions of \$50. Your disposable income would be \$250. You could calculate your exemption in two ways. Three-fourths ($\frac{3}{4}$) of \$250 would result in \$182.50 being exempt. Disregarding thirty (30) times the minimum wage would result in \$217.50 being exempt. Since \$217.50 is greater than \$182.50, the more generous exemption would be used, leaving the amount to be garnished at \$32.50.
- B. **Social Security benefits** (Social Security Pensions, Social Security Disability, SSI, etc.) (42 U.S.C. § 407).
- C. **Veterans’ Administration benefits** (38 U.S.C. § 3101).
- D. **Homestead exemption** up to \$17,600 (husband and wife may double). (Ind. Code § 34-55-10-2(c)(1)). Property held as tenancy by the entirety may be exempt against debts held by only one spouse. (Ind. Code § 34-55-10-2(c)(5)). ‡
- E. **Intangible personal property** (cash, bank account, etc.) up to \$350 (Ind. Code § 34-55-10-2(c)(1)).
- F. **Tangible personal property** (vehicle, furniture, etc.) up to \$9,350 (Ind. Code § 34-55-10-2(c)(2)).
- G. **Unemployment compensation** (Ind. Code § 22-4-33-3). ‡
- H. **Workers’ compensation** (Ind. Code § 22-3-2-17).
- I. **Benefits for victims of crime** (Ind. Code § 5-2-6.1-38).
- J. **Certain retirement benefits** (5 U.S.C. § 8346, 29 U.S.C. § 1056(d)(1), Ind. Code §§ 36-8 et seq., 5-10.3-8-9, 34-55-10-2(c)(6), 5-10.4-5-14, 36-8-10-19).

By signing this Notice of Exemptions form, I acknowledge that I was made aware of my exemption rights under state and federal law and **nonetheless wish to enter into the attached agreed judgment or payment plan.**

Signature of Judgment Debtor

Date

‡ May not be applicable for child or spousal support or maintenance.

Other exemptions under Indiana or federal law may apply to your income or property. You may wish to seek legal advice from these (or other) organizations:

Indianapolis Legal Aid Society, Inc.
615 N. Alabama St., Suite 122
Indianapolis, In 46204
(317) 635-9583

Indiana Legal Services, Inc.
151 N. Delaware St., Suite 1800
Indianapolis, In 46204
(317) 631-9410

Heartland Pro Bono Council
151 N. Delaware St., Suite 1800
Indianapolis, In 46204
(317) 614-5304

Neighborhood Christian Legal Clinic
3333 N. Meridian St., Suite 201
Indianapolis, In 46208
(317) 429-4131