

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

_____)	
_____)	Case Number: _____
Plaintiff,)	
)	CHALLENGE TO GARNISHMENT
v)	
)	
_____)	
_____)	
Defendant.)	

I/We Claim that the following described property or money is exempt from execution or is not subject to garnishment:

I/We believe this property is exempt from or not subject to garnishment because (the Notice of Exempt Property that you received lists most types of property that you can claim as exempt from or not subject to the garnishment):

I am a person other than the Debtor and I have the following interest in the property: _____

Name _____

Name _____

Signature _____

Signature _____

Address _____

Address _____

Telephone Number _____

Telephone Number _____

(Required)

NOTICE OF EXEMPT PROPERTY

Property belonging to you may have been taken or held in order to satisfy a debt. The debt may be reflected in a judgment or in a warrant or order issued by a state agency.

YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CAREFULLY.

State and federal law specify that certain property may not be taken. Some of the property that you may be able to get back is listed below:

- (1) Wages or a salary as described in ORS 23.175 and ORS 23.186. Whichever of the following amounts is greater.
 - (a) 75 per cent of your take-home wages;
 - (b) \$170 per workweek.
- (2) Social Security benefits.
- (3) Supplemental Security Income (SSI)
- (4) Public Assistance (welfare).
- (5) Unemployment benefits
- (6) Disability Benefits (other than SSI benefits).
- (7) Workers Compensation benefits.
- (8) Exempt wages, Social Security benefits (other than SSI), welfare, unemployment benefits and disability benefits

when placed in a checking or savings account (up to \$7500).

- (9) Spousal support, child support or separate maintenance to the extent reasonably necessary for your support or the support of any of your dependents.
- (10) A homestead (home, farm, manufactured dwelling or houseboat) if you live in it, to the value of \$20,000 (\$23,000 for a manufactured dwelling with land included; \$25,000 for any other homestead with land included) or proceeds from its sale for one year.
- (11) Household goods, furniture, radios, a television set and utensils with a combined value not to exceed \$3,000.
- *(12) An automobile, truck trailer or other vehicle with a value not to exceed \$1700.
- *(13) Tools, implements, apparatus, team, harness or library that are necessary to carry on your occupation, with a combined value not to exceed \$3000.
- *(14) Books, pictures and musical instruments with a combined value not to exceed \$600.
- *(15) Wearing apparel, jewelry and other personal items with a combined value not to exceed \$1800.
- (16) Domestic animals and poultry for family use with a combined value not to exceed \$1000 and their food for 60 days.
- (17) Provisions (food) and fuel for your family for 60 days.
- (18) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt may not exceed \$1000.
- (19) Public or private pensions.
- (20) Veteran's benefits and loans
- (21) Medial assistance benefits.
- (22) Health insurance proceeds and disability proceeds of life insurance policies.
- (23) Cash surrender value of life insurance policies not payable to your estate.
- (24) Federal Annuities.
- (25) Other annuities to \$250 per month (excess over \$250 per month is subject to the same exemption as wages).
- (26) Professionally prescribed health aids for you or any of your dependents.
- *(27) Elderly rental assistance allowed pursuant to ORS 310.635
- *(28) Your right to receive , or property traceable to:
 - *(a) An award under any crime victim reparation law.
 - *(b) A payment or payments, not exceeding total of \$10,000, on account of personal bodily injury suffered by you or an individual of whom you are a dependent.
 - *(c) A payment in compensation of loss of future earnings of you or an individual of whom you are or were a dependent, to the extent of reasonably necessary for your support and the support of any dependants.
- (29) Interest in personal property to the value of \$400, but this cannot be used to increase the amount of any other exemption.
- (30) Equitable interests in property.
- (31) If the amount shown owing on the Debt Calculation form exceeds the amount you actually owe to the creditor, the difference between the amount owed and the amount shown on the Debt Calculation form.

NOTE: If two or more people in your household owe the claim or judgment, each of them may claim the exemptions marked by an asterisk (*).

SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND SPOUSAL SUPPORT

Some property that may not otherwise be taken for payment against the debt may be taken to pay for overdue support. For instance, Social Security benefits, workers compensation benefits, unemployment benefits, veterans benefits and pensions are normally exempt, but only 75 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support obligation.

YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK. You may seek reclaim of your exempt property by doing the following:

- (1) Fill out the Challenge to Garnishment form
- (2) Mail or deliver the Challenge to Garnishment form to the clerk of the court at the address shown on the writ of garnishment. If you wish to claim wages or salary as exempt, you must mail or deliver the form within 120 days after you receive the garnishment. If you wish to claim that other money or property is exempt, or claim that the property is not subject to garnishment, you must mail or deliver the form within 30 days after your receive this notice. You have the burden of showing that your challenge is made on time, so you should keep records showing when the challenge was mailed or delivered.

- (3) The law only requires that the Garnishor hold the garnished money or property for 10 days before applying it to the Creditor's use. You may be able to keep the property from being used by the Creditor by promptly following (1) and (2) above.

You should be prepared to explain your exemption in court. If you have any questions about the garnishment or debt, you should see an attorney.

IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject to are listed in ORS 18.715.

When you file a Challenge to Garnishment form, The Garnishee may be required to make all payments under the garnishment to the court, and the Garnishor may be required to pay to the court all amounts received by the Garnishor that are subject to the challenge to the garnishment. The Garnishee and Garnishor are subject to penalties if they do not. For a complete explanation of their responsibilities, see ORS 18.705 and ORS 18.708.