# WEST TENNESSEE LEGAL SERVICES

# Have you been sued?

What you can do if a judge has decided that you owe someone money





## HAVE YOU BEEN SUED?

## ACT WITHIN 10 DAYS TO PROTECT YOUR BANK ACCOUNTS AND BELONGINGS.

This booklet is for you if a judge has decided you owe someone money. The judge's decision is called a judgment against you. The court can take your money or sell your things to pay the debt. You may be able to stop this if you file legal papers within 10 days. You don't need a lawyer. You can use the white paper in this booklet.

The white paper in this booklet is called a "Debtor's Claim of Exempt Property". It protects up to \$10,000 worth of your belongings and money. Plus it can protect all the money in certain bank accounts.

Try to file it **BEFORE** the judgment is <u>final</u>. Ask the court clerk's office how many days until the judgment is final. In general sessions court, a judgment is final 10 days after the hearing. What happens once the judgement is final? The creditor can file to take your property unless you file legal papers first.

The Creditor can <u>never</u> take your clothes, family bible or pictures, trunks, school books, certain health care aids or tools you use to earn a living worth up to \$1,900.

Defendant of your case is on the pap	Г:
<ul> <li>Plaintiff vs. </li> <li>Defendant </li> <li>DEBTOR'S CLAIM OF EXEMPT PROPERTY (OR AMENDMENT TO DEBTOR'S FILING OF EXEMPT PROPERTY) </li> <li>I, the Judgment Debtor herein and a resident of Tennessee, claim and declare the following items, the total value of which does not exceed \$10,000, to be exempt from execution, seizure or attachment pursuant to the provisions of Tennessee Code Annotated \$26-2-101 et seq. (or to amend the previous list filed to assert such exemption). This personal property exemption right is in addition to certain items that are automatically exempt by law and do not need to be included in my \$10,000 total, including funds on deposit in checking and/or savings accounts at: </li> <li>Name of Bank </li> </ul>	
Defendantof your case is on the pap were sued. If you can't fir be able to help.I, the Judgment Debtor herein and a resident of Tennessee, claim and declare the following items, the total value of which does not exceed \$10,000, to be exempt from execution, seizure or attachment pursuant to the provisions of Tennessee Code Annotated \$26-2-101 et seq. (or to amend the previous list filed to assert such exemption). This personal property exemption right is in addition to certain items that are automatically exempt by law and do not need to be included in my \$10,000 total, including funds on deposit in checking and/or savings accounts at:of your case is on the pap were sued. If you can't fir be able to help. • Write your name here. (D 2. Protect a bank account that kinds of money. • Social Security, SSI, SSDI • Families First • Child support and/or alim • Unemployment and/or W • VA and/or state, federal, To keep that money plus the \$10	sued you here. (Plaintiff)
<ul> <li>2. Protect a bank account that second to remease of the second second to the provisions of Tennessee Code Annotated §26-2-101 et seq. (or to amend the previous list filed to assert such exemption).</li> <li>This personal property exemption right is in addition to certain items that are automatically exempt by law and do not need to be included in my \$10,000 total, including funds on deposit in checking and/or savings accounts at:</li> <li>Name of Bank</li> </ul>	vour case here. The number papers you got when you t find it, the court clerk may
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Name of Bank Account Number	SDI alimony or Workers Comp ral, or city pension checks
consisting solely of Social Security, SSI, Unemployment, Workers Comp, AFDC/Families First, Veteran's benefits, alimony or child support, and/or state, federal or city pension. WEST TENI UFC AL COL	

IN THE	COURT FOR	COUNTY, TENNESSEE	3. List the th
Plaintiff			List each thi
vs.		Case No	things becau
Defendant			on the back
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		pank accounts not listed on back of	here, put do
form; cash; etc	.):	\$\$	amount put
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TOTAL (not to	exceed \$10,000)	\$	5. Add the n
	-		it is over \$10

#### 6. Protect tools you use to earn a living.

Do you use your own tools to earn a living? List them on the BACK of the paper.

**7. Sign the paper in front of the court clerk or a notary public.** It is usually easiest to sign at the Clerk's office when you file the claim.

### 8. File your Claim of Exempt Property with the Clerk of the Court.

There is a small fee for filing it.

#### 3. List the things you want to keep

List each thing you want to keep here. You don't have to list some things because the creditor can never take them. They are listed on the back of this page.

Make your first list in pencil in case you have to change it. List cars, furniture, and appliances you own. Are all your belongings together worth less than \$10,000? Then list everything you have.

#### 4. Write what each thing is worth

Write a dollar amount next to each thing you listed.

- If you own something free and clear, put down what you could sell it for used.
- If you still owe on it, subtract what you owe from what you could sell it for used.

Example: You own a car. You could sell it used for: \$1000 You still owe: -<u>\$800</u> What its worth now: \$200

 If you owe more than something is worth now, write "Fully Secured"

Example: You owe \$400 on a TV. If you sold it, you could get only \$200. The TV is "fully secured"

NOTE: What if you keep paying on the TV? Some day you could sell it for more than you owe. To protect it then you must file a new list.

Bank account warning: Only list bank accounts here that don't have the kinds of money listed in #2. If you list a bank account here, put down the most money it will ever hold. Would this amount put your list over \$10,000? Ask a lawyer how to list it.

5. Add the numbers on the list. It can't be more than \$10,000. If it is over \$10,000, take something off the list.

Tools or equipment used to earn I further declare the following items, the valu exempt tools of	e of which does not exceed \$19	900, to be
Item	Value \$ \$\$	
	TOTAL \$ JUDGEMENT DEBTOR (S	ignature)

Your claim of Exempt Property protects only the things you listed. If you get new belongings or change banks or account numbers you should file a new Claim of Exempt Property that lists them. Remember, the total on the front must still be less than \$10,000. If another judgement is filed against you then you must file a separate Claim of Exempt Property each time. You can call the Clerk's

office to see if there are any judgements against you.

A claim of Exempt Property does not protect your paycheck. Do you have a job? Then ask for our booklet "How to keep my paycheck from being garnished".

IN THE	COURT FOR	COUNTY, TENNESSEE
Plaintiff vs.		Case No
 Defendant		
Derendant		AIM OF EXEMPT PROPERTY DEBTOR'S FILING OF EXEMPT PROPERTY)
the total value of which	ch does not exceed \$10,00 sions of Tennessee Code a	resident of Tennessee, claim and declare the following items, 00, to be exempt from execution, seizure or attachment Annotated §26-2-101 et seq. (or to amend the previous list
	eed to be included in my	addition to certain items that are automatically exempt / \$10,000 total, including funds on deposit in checking
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Furniture and Appliance	25:	\$
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Other Household Goods	s (kitchen utensils, linens, et	c.): \$
		\$
		\$
		\$
Other items (including b	out not limited to: bank acco	unts not listed on back of form; cash; etc):
		\$ \$
	TOTAL (not to exce	eed \$10,000)\$

Tools or equipment used to earn a living (Tools of the Trade):

I further declare the following items, the value of which does not exceed \$1900, to be exempt tools of the trade:

ltem			\$ Value
		TOTAL	
JUDGEMENT DEBTOR (Signature)			
Sworn to and subscribed before me this	day of		 , 20
Notary Public (or Clerk)			

My commission expires: \_\_\_\_\_





Contact **West Tennessee Legal Services** if you need civil legal help. Apply for services online or by phone.

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Selmer Office 141 N. Third Street