

# CLAIM OF EXEMPTION FOR WAGE GARNISHMENT

## SELF-HELP FORM PACKET



SHC-CPJ-02 (Rev. 09/01/2021)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to [www.occourts.org/self-help](http://www.occourts.org/self-help) (click the blue button labeled *Click Here to Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select CIVIL as the case type on the form.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):    TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR LEVYING OFFICER USE ONLY</b> (Levying Officer Name and Address)
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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF**

STREET ADDRESS:  
 MAILING ADDRESS:  
 CITY AND ZIP CODE:  
 BRANCH NAME:

PLAINTIFF/PETITIONER:  
 DEFENDANT/RESPONDENT:

LEVYING OFFICER FILE NUMBER:

**CLAIM OF EXEMPTION**  
(Wage Garnishment)

**FOR COURT USE ONLY**

**READ EMPLOYEE INSTRUCTIONS (FORM WG-003)  
BEFORE COMPLETING THIS FORM**

**Copy all the information required above (except the top left space) from the Earnings Withholding Order. The top left space is for your name or your attorney's name and address. The original and one copy of this form with the Financial Statement attached must be filed with the levying officer. DO NOT FILE WITH THE COURT.**

CASE NUMBER:

- My name is :
- I need the following earnings to support myself or my family (check a or b):
  - All earnings.
  - \$ \_\_\_\_\_ each pay period.
- Please send all papers to
  - me.
  - my attorney
 at the address  shown above  following (specify):
- I am willing for the following amount to be withheld from my earnings **each pay period** during the withholding period. **I understand that the judgment creditor can accept this offer by not opposing the Claim of Exemption, which will result in the following sum being withheld each pay period (check a or b):**
  - None
  - Withhold \$ \_\_\_\_\_ each pay period.
- I am paid
 

<input type="checkbox"/> daily	<input type="checkbox"/> every two weeks	<input type="checkbox"/> monthly
<input type="checkbox"/> weekly	<input type="checkbox"/> twice a month	<input type="checkbox"/> other (specify):

**NOTE: You must attach a properly completed Financial Statement form to this Claim of Exemption.**  
 The Financial Statement form is available without charge from the levying officer.

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

Date:

\_\_\_\_\_  \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.
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**FINANCIAL STATEMENT**  
(Wage Garnishment—Enforcement of Judgment)

**NOTE: If you are married, this form must be signed by your spouse unless you and your spouse are living separate and apart. If this form is not signed by your spouse, check the applicable box on the reverse in item 9.**

1. The following persons other than myself depend, in whole or in part, on me or my spouse for support:

	NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE-HOME INCOME & SOURCE
a.			Spouse	
b.				
c.				
d.				
e.				

**2. My monthly income**

- a. My gross monthly pay is:..... 2a. \$ \_\_\_\_\_
- b. My payroll deductions are (*specify purpose and amount*):
  - (1) Federal and state withholding, FICA, and SDI. .... \$ \_\_\_\_\_
  - (2) \_\_\_\_\_ \$ \_\_\_\_\_
  - (3) \_\_\_\_\_ \$ \_\_\_\_\_
  - (4) \_\_\_\_\_ \$ \_\_\_\_\_
- My TOTAL payroll deduction amount is (*add (1) through (4)*): ..... b. \$ \_\_\_\_\_
- c. My monthly take-home pay is (*a minus b*): ..... c. \$ \_\_\_\_\_
- d. Other money I get each month from (*specify source*):  
 \_\_\_\_\_ is ..... d. \$ \_\_\_\_\_

<b>e. TOTAL MONTHLY INCOME</b> ( <i>c plus d</i> ) .....	e. \$ _____
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**3. I, my spouse, and my other dependents own the following property:**

- a. Cash ..... 3a. \$ \_\_\_\_\_
- b. Checking, savings, and credit union accounts (*list banks*):
  - (1) \_\_\_\_\_ \$ \_\_\_\_\_
  - (2) \_\_\_\_\_ \$ \_\_\_\_\_
  - (3) \_\_\_\_\_ \$ \_\_\_\_\_
- c. Cars, other vehicles, and boat equity (*list make, year of each*):
  - (1) \_\_\_\_\_ \$ \_\_\_\_\_
  - (2) \_\_\_\_\_ \$ \_\_\_\_\_
  - (3) \_\_\_\_\_ \$ \_\_\_\_\_
- d. Real estate equity ..... d. \$ \_\_\_\_\_
- e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (*list separately*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ e. \$ \_\_\_\_\_

SHORT TITLE:	LEVYING OFFICER FILE NO.	COURT CASE NO.
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**4. The monthly expenses for me, my spouse, and my other dependents**

- |   |         |  |
|---|---------|--|
| a. Rent or house payment and maintenance .....  | 4 a. \$ |  |
| b. Food and household supplies .....  | b. \$   |  |
| c. Utilities and telephone .....  | c. \$   |  |
| d. Clothing .....   | d. \$   |  |
| e. Medical and dental payments .....  | e. \$   |  |
| f. Insurance (life, health, accident, etc.) .....   | f. \$   |  |
| g. School, child care .....   | g. \$   |  |
| h. Child, spousal support (prior marriage) .....  | h. \$   |  |
| i. Transportation & auto expenses (insurance, gas, repair) <i>(list car payments in item 5)</i> ..... | i. \$   |  |
| j. Installment payments <i>(insert total and itemize below in item 5)</i> .....                       | j. \$   |  |
| k. Laundry and cleaning .....   | k. \$   |  |
| l. Entertainment .....  | l. \$   |  |
| m. Other <i>(specify)</i> :   |         |  |
|   | m. \$   |  |

n. <b>TOTAL MONTHLY EXPENSES</b> <i>(add a through m)</i> : .....	n. \$	
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**5. I, my spouse, and my other dependents owe the following debts:**

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE OWED	OWED BY <i>(State person's name)</i>
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6. Other facts which support this Claim of Exemption (i.e., unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) *(describe)*: *(If more space is needed, attach page labeled Attachment 6.)*

7.  An earnings withholding order is now in effect with respect to my earnings or those of my spouse or dependents named in item 1 *(specify each person's name and monthly amount)*:

8.  A wage assignment for support is now in effect with respect to my earnings or those of my spouse or dependents named in item 1 *(specify each person's name and monthly amount)*:

9.  My spouse has signed below.  
 I have no spouse.  
 My spouse and I are living separate and apart.

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

**Date:**

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(TYPE OR PRINT NAME OF SPOUSE)

▶

\_\_\_\_\_  
(SIGNATURE)

▶

\_\_\_\_\_  
(SIGNATURE OF SPOUSE)

## EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

The following is a list of assets that may be exempt from levy in enforcing a judgment.

Exemptions are found in the United States Code (**USC**) and in the California codes, primarily the Code of Civil Procedure (**CCP**).

Because of periodic changes in the law, the list may not include all exemptions that apply in your case. The exemptions may not apply in full or under all circumstances. Some are not available after a certain period of time. You or your attorney should read the statutes.

If you believe the assets that are being levied on are exempt, file the claim of exemption form that you received with the *Notice of Levy* packet.

**AMOUNT OF EXEMPTIONS:** For the exemption amount, please refer to the code section listed below for each type of property. The current amounts of certain exemptions are listed in *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156). The amounts of some of the exemptions are amended every three years and become effective immediately on April 1 under the provisions of Code of Civil Procedure section 703.150.

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
ABLE Accounts . . . . .	Welf & I C § 4880(c)	Benefit Payments ( <i>cont.</i> )	
Accounts ( <i>See Deposit Accounts</i> )		Relocation Benefits . . . . .	CCP § 704.180
Appliances . . . . .	CCP § 704.020	Retirement Benefits	
Art and Heirlooms . . . . .	CCP § 704.040	and Contributions:	
Automobiles . . . . .	CCP § 704.010	Private . . . . .	CCP § 704.115
BART District Benefits . . . . .	CCP § 704.110	Public . . . . .	CCP § 704.110
	Pub Util C § 28896	Segregated Benefit Funds . . . . .	Ins C § 10498.5
Benefit Payments:		Social Security Benefits . . . . .	42 USC § 407
BART District Benefits . . . . .	CCP § 704.110	Strike Benefits . . . . .	CCP § 704.120
	Pub Util C § 28896	Supplemental Security Income . . . . .	42 USC § 1383
Charity . . . . .	CCP § 704.170		42 USC § 407(d)
Civil Service Retirement		Transit District Retirement	
Benefits (Federal) . . . . .	5 USC § 8346	Benefits (Alameda and	
County Employees		Contra Costa Counties) . . . . .	CCP § 704.110
Retirement Benefits . . . . .	CCP § 704.110	Pub Util C § 25337	
	Govt C § 31452	Unemployment Benefits	
Disability Insurance Benefits . . . . .	CCP § 704.130	and Contributions . . . . .	CCP § 704.120
Fire Service Retirement		Veterans Benefits . . . . .	38 USC § 5301
Benefits . . . . .	CCP § 704.110	Veterans Medal of Honor	
	Govt C § 32210	Benefits . . . . .	38 USC § 1562
Fraternal Organization		Welfare Payments . . . . .	CCP § 704.170
Funds Benefits . . . . .	CCP § 704.130		Welf & I C § 17409
	CCP § 704.170	Workers Compensation . . . . .	CCP § 704.160
Health Insurance Benefits . . . . .	CCP § 704.130	Boats . . . . .	CCP § 704.060
Irrigation System			CCP § 704.710
Retirement Benefits . . . . .	CCP § 704.110	Books . . . . .	CCP § 704.060
Judges Survivors Benefits		Building Materials (Residential) . . . . .	CCP § 704.030
(Federal) . . . . .	28 USC § 376(n)	Business:	
Legislators Retirement		Licenses . . . . .	CCP § 695.060
Benefits . . . . .	CCP § 704.110		CCP § 699.720(a)(1)
	Govt C § 9359.3	Tools of Trade . . . . .	CCP § 704.060
Life Insurance Benefits:		Cars and Trucks (including	
Group . . . . .	CCP § 704. 100	proceeds) . . . . .	CCP § 704.010
Individual . . . . .	CCP § 704. 100	Cash . . . . .	CCP § 704.070
Lighthouse Keepers		Cemeteries:	
Surviving Spouses Benefits . . . . .	33 USC § 775	Land Proceeds . . . . .	Health & SC § 7925
Longshore & Harbor Workers		Plots . . . . .	CCP § 704.200
Compensation or Benefits . . . . .	33 USC § 916	Charity . . . . .	CCP § 704.170
Military Benefits:		Claims, Actions and Awards:	
Retirement . . . . .	10 USC § 1440	Personal Injury . . . . .	CCP § 704.140
Survivors . . . . .	10 USC § 1450	Worker's Compensation . . . . .	CCP § 704.160
Municipal Utility District		Wrongful Death . . . . .	CCP § 704.150
Retirement Benefits . . . . .	CCP § 704.110	Clothing . . . . .	CCP § 704.020
	Pub Util C § 12337	Condemnation Proceeds . . . . .	CCP § 704.720(b)
Peace Officers Retirement		County Employees Retirement	
Benefits . . . . .	CCP § 704.110	Benefits . . . . .	CCP § 704.110
Pension Plans			Govt C § 31452
(and Death Benefits):		Damages ( <i>See Personal Injury</i>	
Private . . . . .	CCP § 704.115	and <i>Wrongful Death</i> )	
Public . . . . .	CCP § 704.110	Deposit Accounts:	
Public Assistance . . . . .	CCP § 704.170	Deposit Accounts (generally) . . . . .	CCP § 704.220
	Welf & I C § 17409	Deposit Accounts (hardship) . . . . .	CCP § 704.225

**EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS**

(Continued)

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
Deposit Accounts ( <i>cont.</i> )		Motor Vehicle (Including Proceeds) . . . . .	CCP § 704.010 CCP § 704.060
Escrow or Trust Funds . . . . .	Fin C § 17410	Municipal Utility District Retirement Benefits . . . . .	CCP § 704.110
Social Security Direct Deposits . . . . .	CCP § 704.080	Peace Officers Retirement Benefits . . . . .	Pub Util C § 12337 CCP § 704.110
Direct Deposit Account:		Pension Plans:	Govt C § 31913
Social Security . . . . .	CCP § 704.080	Private . . . . .	CCP § 704.115
Supplemental Security Income . . . . .	CCP § 704.080	Public . . . . .	CCP § 704.110
Public Benefits . . . . .	CCP § 704.080	Personal Effects . . . . .	CCP § 704.020
Disability Insurance Benefits . . . . .	CCP § 704.130	Personal Injury Actions or Damages . . . . .	CCP § 704.140
Dwelling House . . . . .	CCP § 704.740	Prisoner's Funds . . . . .	CCP § 704.090
Earnings . . . . .	CCP § 704.070 CCP § 706.050 15 USC § 1673(a)	Property Not Subject to Enforcement of Money Judgments . . . . .	CCP § 704.210
Educational Grant . . . . .	Ed C § 21116	Prosthetic and Orthopedic Devices . . . . .	CCP § 704.050
Employment Bonds . . . . .	Lab C § 404	Provisions (for Residence) . . . . .	CCP § 704.020
Federal Emergency Management Agency (FEMA) funds . . . . .	CCP § 704.230	Public Assistance . . . . .	CCP § 704.170 Welf & I C § 17409
Financial Assistance:		Public Employees:	
Charity . . . . .	CCP § 704.170	Death Benefits . . . . .	CCP § 704.110
Public Assistance . . . . .	CCP § 704.170 Welf & I C § 17409	Pension . . . . .	CCP § 704.110
Student Aid . . . . .	CCP § 704.190	Retirement Benefits . . . . .	CCP § 704.110
Welfare ( <i>See Public Assistance</i> ) . . . . .		Vacation Credits . . . . .	CCP § 704.113
Fire Service Retirement . . . . .	CCP § 704.110 Govt C § 32210	Railroad Retirement Benefits . . . . .	45 USC § 231m
Fraternal Organizations Funds and Benefits . . . . .	CCP § 704.130 CCP § 704.170	Railroad Unemployment Insurance . . . . .	45 USC § 352(e)
Fuel for Residence . . . . .	CCP § 704.020	Relocation Benefits . . . . .	CCP § 704.180
Furniture . . . . .	CCP § 704.020	Retirement Benefits and Contributions:	
General Assignment for Benefit of Creditors . . . . .	CCP § 1801	Private . . . . .	CCP § 704.115
Health Aids . . . . .	CCP § 704.050	Public . . . . .	CCP § 704.110 Ins C § 10498.5
Health Insurance Benefits . . . . .	CCP § 704.130	Scholarshare (Higher Education Savings) . . . . .	CCP § 704.105
Home:		Segregated Benefit Funds . . . . .	Ins C § 10498.6
Building Materials . . . . .	CCP § 704.030	Servicemembers Property . . . . .	50 USC § 523(b)
Dwelling House . . . . .	CCP § 704.740	Social Security . . . . .	42 USC § 407
Homestead . . . . .	CCP § 704.720 CCP § 704.730	Social Security Direct Deposit . . . . .	CCP § 704.080
House trailer . . . . .	CCP § 704.710	Strike Benefits . . . . .	CCP § 704.120
Mobilehome . . . . .	CCP § 704.710	Supplemental Security Income . . . . .	42 USC § 1383(d) 42 USC § 407
Homestead . . . . .	CCP § 704.720 CCP § 704.730	Student Aid . . . . .	CCP § 704.190
Household Furnishings . . . . .	CCP § 704.020	Tools of Trade . . . . .	CCP § 704.060
Insurance:		Transit District Retirement Benefits (Alameda and Contra Costa Counties) . . . . .	CCP § 704.110 Pub Util C § 25337
Disability Insurance . . . . .	CCP § 704.130	Travelers Check Sales Proceeds . . . . .	Fin C § 1875
Fraternal Benefit Society . . . . .	CCP § 704.110	Unemployment Benefits and Contributions . . . . .	CCP § 704.120
Group Life . . . . .	CCP § 704.100	Uniforms . . . . .	CCP § 704.060
Health Insurance Benefits . . . . .	CCP § 704.130	Vacation Credits (Public Employees) . . . . .	CCP § 704.113
Individual . . . . .	CCP § 704.100	Veterans Benefits . . . . .	38 USC § 5301
Insurance Proceeds—		Veterans Medal of Honor Benefits . . . . .	38 USC § 1562
Motor Vehicle . . . . .	CCP § 704.010	Wages . . . . .	CCP § 704.070 CCP § 706.050 CCP § 706.051
Irrigation System Retirement Benefits . . . . .	CCP § 704.110	Welfare Payments . . . . .	CCP § 704.170 Welf & I C § 17409
Jewelry . . . . .	CCP § 704.040	Workers Compensation Claims or Awards . . . . .	CCP § 704.160
Judges Survivors Benefits (Federal) . . . . .	28 USC § 376(n)	Wrongful Death Actions or Damages . . . . .	CCP § 704.150
Legislators Retirement Benefits . . . . .	CCP § 704.110 Govt C § 9359.3		
Licenses . . . . .	CCP § 695.060 CCP § 720(a)(1)		
Lighthouse Keepers Surviving Spouses Benefit . . . . .	33 USC § 775		
Longshore and Harbor Workers Compensation or Benefits . . . . .	33 USC § 916		
Military Benefits:			
Retirement . . . . .	10 USC § 1440		
Survivors . . . . .	10 USC § 1450		
Military Personnel—Property . . . . .	50 USC § 3934		

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