

EXEMPTION FORM INSTRUCTIONS

(Minn. Stat. § 550.143, subd. 3b)

Note: The creditor is who you owe the money to. You are the debtor.

1. Fill out both copies of the attached *Exemption Form* (JGM401) in this packet.

If you check one of the boxes, you should also give proof that shows that some or all of the money in your account is from one or more of the protected sources. Creditors may ask for a hearing if they question your exemptions. To avoid a hearing:

Case numbers should be added to the form. Copies of documents should be sent with the form.

NOTICE: YOU MUST SEND COPIES OF YOUR BANK STATEMENTS FOR THE PAST 60 DAYS BEFORE THE LEVY TO THE CREDITOR'S ATTORNEY (OR TO THE CREDITOR, IF NO ATTORNEY). Keep a copy of your bank statements in case there are questions about your claim. If you do not send bank statements with your exemption claim to the creditor's attorney (or to the creditor, if no attorney), the financial institution may release your money to the Sheriff.

2. **Sign** each of the two copies of the *Exemption Form*. **Make one copy to keep for yourself.**

3. **Mail or hand-deliver** the other copies of the form **within 14 days** of the date postmarked on the front of this correspondence.

BOTH COPIES MUST BE MAILED OR HAND-DELIVERED THE SAME DAY.

One copy of the form and the copies of your bank statements go to:

(Insert name of creditor or creditor's attorney)

(Insert address of creditor or creditor's attorney)

ONE COPY GOES TO:

(Insert name of bank)

(Insert address of bank)

HOW THE PROCESS WORKS

If You Do Not Send in the Exemption Form and Bank Statements:

14 days after the date of this letter some or all of your money may be turned over to the creditor or to the sheriff.

If You Send in the Exemption Form and Bank Statements:

Any money that is NOT protected can be turned over to the sheriff.

If the Creditor Does Not Object:

The financial institution will unfreeze your money six business days after the institution gets your completed form.

If the Creditor Objects:

The money you have said is protected on the form will be held by the bank. The creditor has six business days to object (disagree) and ask the court to hold a hearing. You will receive a *Notice of Objection* and a *Notice of Hearing*.

The financial institution will hold the money until a court decides whether your money is protected or not. Some reasons a creditor may object are because you did not send copies of your bank statements or other proof of the benefits you received. Be sure to include these when you send your exemption form.

You may want to talk to a lawyer for advice about this process. If you are low income you can call Legal Aid.

PENALTIES:

If you claim that your money is protected and a court decides you made that claim in bad faith, the court can order you to pay costs, actual damages, attorney fees, and an additional amount of up to \$100. For example, it may be bad faith if you claim you receive government benefits that you do not receive.

If the creditor made a bad faith objection to your claim that your money is protected, the court can order them to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.