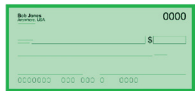


# Have you been sued?

## Here's how to protect your bank accounts and belongings



### Who this booklet is for

It's for you if a Tennessee judge has decided that you owe money. The judge's decision is called a **judgment** against you.

The person who sued you can ask the Court to help them get their money. They can ask the Court to take your bank accounts or things you own. This can only happen after the judgment is final. The Court can then sell your things or take your money to pay the debt. The Court does not have to give you warning before taking your things. You may be able to stop this if you file legal papers right away.

### The Court cannot take:

- Your clothes
- Family Bible
- Family pictures
- Trunks
- School books
- Certain health care aids
- Tools you use to earn a living, worth up to \$1,900. Are your work tools worth more than \$1,900? Ask a lawyer how to keep them.



### To keep your **BANK ACCOUNTS** and **OTHER belongings**, you must file a legal paper

You can keep up to \$4,000 worth of other belongings. To do this, you must file a paper with the court. This paper is called a "**Claim of Exemption.**" That paper is with this pamphlet.

Claim of Exemption	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Total \$ _____	

### When should I file a Claim of Exemption?

File it **BEFORE** the person who sued you asks the Court to take your belongings. It does not work after that. Try to file it before the judgment is final.

When does the judgment become final? If you don't appeal, it is a certain number of days after the court date. In General Sessions Court, a judgment is final after 10 days from the court date.

## How to file a Claim of Exemption

You can fill out the form with this pamphlet and file it with the court. Here's how to fill it out:

### 1. Put who this is about

- Write the court and the county here.
- Write the person who sued you here.
- Write your name here.
- Write the number of your case here. The number is on the papers you got when you were sued. If you can't find it, the Court Clerk may be able to help.



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

Under the word **ITEM**, list each thing you want to keep. Make your first list in pencil. You will have to change it if it adds up to more than \$4,000.

Be sure to list cars, furniture and appliances you own. If the value of all your belongings together is less than \$4,000, then list everything you have.

**Bank account warning:** You can list a bank account here if it **doesn't** have money from Social Security, SSI, Families First, or child support. Or from alimony, Unemployment, VA, Workers Comp, or a state, federal or city pension. **Take those kinds of money out; put them in another account.** List the other account on the back side.

## Front side of Claim of Exemption form:

General	
IN THE <u>Sessions</u> COURT FOR <u>Scott</u> COUNTY, TENNESSEE.	
<u>Super Bank</u> Plaintiff	Case No. <u>123456789</u>
vs.	
<u>John Doe</u> Defendant	
DEBTOR'S CALIM OF EXEMPT PROPERTY (OR AMENDMENT TO DEBTOR'S FILING OF EXEMPT PROPERTY)	
I, the Judgment Debtor herein and a resident of Tennessee, claim and declare the following items, the total value of which does not exceed \$4,000 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).	
Item	Value
Automobiles/Trucks/Vehicles	
<u>1970 Ford Pickup</u>	<u>\$180</u>
<u>1992 Dodge Colt</u>	<u>\$200</u>
Furniture and Appliances:	
<u>RCA Color TV</u>	<u>\$secured</u>
<u>Kenmore washer</u>	<u>\$ 200</u>
<u>Zenith VCR</u>	<u>\$ 200</u>
<u>Living room: couch, 2 chairs</u>	<u>\$ 300</u>
<u>Bedroom: double bed, dresser</u>	<u>\$ 200</u>
<u>Bedroom: twin bed, chair</u>	<u>\$ 50</u>
<u>GE refrigerator</u>	<u>\$ 100</u>
Other Household Goods (kitchen utensils, linens, etc.):	
<u>Dishes</u>	<u>\$ 20</u>
<u>Pots and pans</u>	<u>\$ 10</u>
<u>Sheets and blankets</u>	<u>\$ 20</u>
Other Items (including but not limited to bank accounts not listed on back of form, cash, etc):	
<u>Best Bank #1234-56-789</u>	<u>\$ 500</u>
	<u>\$ _____</u>
<b>TOTAL:</b>	<b><u>\$1,980</u></b>
(not to exceed \$4,000)	

## 3. Write what each thing is worth

Under the word **VALUE**, write a dollar amount for each thing you listed. Here's what to put.



- 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:      - \$ 800

Value:                      \$ 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 can get more for the TV than you owe. To protect the TV then, you must **change your list.**

- Did you list a **bank account** here? Put down the most money it will ever hold. Would this amount put your list over \$4,000? Then ask a lawyer how to list it.

### 4. Add up the **VALUE** list. Keep the total under **\$4,000**

If the total is more than \$4,000, take something off the list. The final list can't add up to more than \$4,000.

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

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

## 6. Protect a bank account that has **ONLY** certain kinds of money

Do you have an account that holds **ONLY** money from:

- Social Security and/or
- SSI and/or
- Families First and/or
- child support and/or
- alimony and/or
- Unemployment and/or
- VA and/or
- Workers Comp, and/or
- state, federal or city pension checks?



**To keep that money plus the \$4,000 in belongings you listed, do this.** Put the bank name and account number here. This lets the court know that this account is protected by a different law.

Do you have a disability pension or an IRS qualified pension? Ask a lawyer if they are protected and how to list them on 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 Exemption with the Clerk of the Court

There is a small fee for filing it.

### Back side of the form:

#### 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.

Item	Value
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

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 \$4000 total, including all necessary and proper wearing apparel for the actual use of the debtor and the debtor's family and the trunks or receptacles necessary to contain them; all family portraits and pictures; and the family Bible and school books; **and further including funds on deposit in checking and/or savings accounts at (name of bank and account numbers):** Midtown Bank #9504200 consisting solely of Social Security, SSI, Unemployment, Workers Comp AFDC/Families First, Veteran's and/or disability insurance benefits. This is in addition to other exemption rights that may be provided by state or federal law.

\_\_\_\_\_  
JUDGMENT DEBTOR (signature)

## What if you get some new things that you did not list?

Your Claim of Exemption protects only the things you listed. What if you get new things that are not listed? What if you change banks or account numbers? Then you should file a new Claim of Exemption that lists them.

But, look at the total of your Claim on the front of the page. It must still be less than \$4,000.

**IMPORTANT:** What if another judgment is filed against you? Then you must file a separate Claim of Exemption each time. To see if there is a judgment against you, ask the Clerk's office. Give them your name and the case number. The case number is on the paper you got from the Sheriff.

**Warning:** A Claim of Exemption does **not** protect your paycheck. Do you have a job? Then ask for our booklet on how to keep your paycheck from being garnished.

**NOTE:** This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. This booklet was revised in November 2002. Tennessee law and court rules may change from time to time. Rep 11/02 C5(S)

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE

\_\_\_\_\_  
**Plaintiff**

vs. Case No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**DEBTORS CLAIM OF EXEMPT PROPERTY**  
(OR AMENDMENT TO DEBTOR'S FILING OF EXEMPT PROPERTY)

I, the Judgment Debtor herein and a resident of Tennessee, claim and declare the following items, the total value of which does not exceed \$4,000, 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).

<b>Item</b>	<b>Value</b>
Automobiles/Trucks/Vehicles:	
_____	\$ _____
_____	\$ _____
Furniture and Appliances:	
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Other Household Goods (kitchen utensils, linens, etc.):	
_____	\$ _____
_____	\$ _____
_____	\$ _____
Other Items (including but not limited to: bank accounts <b>not</b> listed on back of form; cash; etc):	
_____	\$ _____
_____	\$ _____
<b>TOTAL</b>	<b>\$ _____</b>
(not to exceed \$4,000)	

**NOTE: CONTINUE ON BACK**

**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:

<b>Item</b>	<b>Value</b>
_____	\$ _____
_____	\$ _____
_____	\$ _____
	<b>TOTAL</b> \$ _____

This personal property exemption right is in addition to certain items that are exempt by law and do not need to be included in my \$4000 total, including: all necessary and proper wearing apparel for the actual use of the debtor and the debtors family and the trunks or receptacles necessary to contain them; all family portraits and pictures, the family Bible, health care aids; and school books; **and further including funds on deposit in checking and/or savings accounts at** (name of bank and account number): \_\_\_\_\_

\_\_\_\_\_

**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.** This is in addition to other exemption rights that may be provided by state or federal law.

\_\_\_\_\_  
JUDGMENT DEBTOR (Signature)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public (or Clerk)

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

**Tennessee Legal Aid/  
Legal Services Offices**

**Legal Aid Society**

of Middle Tennessee and the Cumberlands

**1-800-238-1443**

**Offices in Clarksville, Columbia, Cookeville, Gallatin, Murfreesboro, Nashville, Oak Ridge, and Tullahoma**

**West Tennessee Legal Services**

**Jackson Office** 1-800-372-8346

**Dyersburg Office** (731) 285-8181

**Huntingdon Office** (731) 986-8975

**Selmer Office** (731) 645-7961

**Memphis Area Legal Services**

**Memphis Office** 1-888-207-6386

**Covington Office** (901) 476-1808

**Legal Aid of East Tennessee**

**Knoxville Office** (865) 637-0484

**Johnson City Office** 1-800-321-5561

**Kingsport Office** 1-800-821-1309

**Chattanooga Office** 1-800-572-7457

**Cleveland Office** 1-800-445-3219