



# How to Claim Personal Property Exemptions

## Introduction

If you are sued on a debt and lose, a money judgment will be entered against you. The plaintiff (also known as the creditor or judgment creditor) can collect on the judgment. Even if there is a judgment against you, some or all of your personal property may be exempt (protected) from creditors and cannot be taken to satisfy a judgment against you.

These exemptions may not protect you from

- Collection for child support debts.
- Tax debts.
- Certain types of insurance claims by the State.
- Judgments for any part of the sale price of the personal property.
- collection for federal student loan debts

## What is “exempt property”?

Property is **exempt** if a creditor cannot legally take it to collect on a judgment against you.

## What property is exempt?

The main exemptions are:

- SSI
- Social Security Disability, Retirement and Survivor benefits
- Veterans benefits
- TANF benefits

- ABD benefits
- Unemployment compensation benefits
- Child Support you receive
- Federal Student Loans
- Retirement pensions
- Home – The equity in your home is exempt up to \$125,000 (equity is the amount you would keep after selling your home and paying off the mortgage and other liens)
- Money in Bank Account
  - \$2,500 is exempt if your only judgment is for private student loan debt
  - \$2,000 is exempt if the judgment you are being garnished for is consumer debt
  - \$500 in your bank account is exempt for all other debts (and \$1,000 additional cash, for a total exemption of \$1,500)

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❖ Most garnishments of wages and bank accounts will be for judgments for **consumer debt**. These include debts from credit cards, doctor bills, hospital bills, utility bills, phone bills, personal loans from a bank or credit union, debts owed to a landlord or former landlord, or any other debt for personal, family, or household purposes.

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- Wages – The amount of exempt wages depends on how much you earn and what the judgment was for.
- Consumer Judgments:
 

If you earn less than these amounts, all of your wages are exempt

  - \$420.00 weekly (35x the state minimum hourly wage)
  - \$840.00 every 2 weeks
  - \$910.00 twice a month
  - \$1,820.00 monthly
  - Even if you earn more than these amounts, you can still keep the **greater** of 35x the state minimum hourly wage or 80% of your net pay.

- Private Student Loan Judgments

If you earn less than these amounts and your only judgment is for a private student loan, all of your wages are exempt.

- \$804.50 weekly (50x the highest minimum hourly wage in the state)
- \$1,609.00 every 2 weeks
- \$1,743.08 twice a month
- \$3,486.16 monthly
- Even if you earn more than these amounts, you can still keep the **greater** of 50x the highest minimum hourly wage in the state or 85% of your net pay.

- Other Judgments (not consumer or private loan judgments)

If you earn less than these amounts, all of your wages are exempt.

- \$253.75 weekly
- \$507.50 every 2 weeks
- \$549.79 twice a month
- \$1,099.58 monthly
- Even if you earn more than these amounts, you may still keep the **greater** of 35x the federal minimum hourly wage or 75% of your net pay.

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❖ **Net pay** is your earnings after subtracting mandatory deductions. Mandatory deductions include Social Security, Medicare, and federal income taxes.

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- Clothing and Jewelry - up to \$3,500 in value.
- Books and digital media - up to \$3,500 in value.
- All “professionally prescribed health aids” for you and your dependents. Examples: wheelchairs and motorized scooters, if your doctor wrote a note or prescription for them.
- Household goods, appliances, furniture, provisions and fuel, up to \$6,500 in value for one person and \$13,000 for a married couple. (No one thing can be more than \$750.)

- Equity in one motor vehicle used for personal transportation, valued at up to \$3,250 for one person; or in two such vehicles with a combined value up to \$6,500 for a married couple.
- Tools and instruments necessary for your trade - up to \$10,000 in value.
- Money paid or owed to you for bodily injury (not including for pain & suffering or money you lost) of yourself or dependents, up to \$20,000.
- Compensation for lost future earnings, to the extent reasonably necessary to support you and your dependents.

## What is the value of my exempt property?

Its value is what it would sell for (its fair market value) at the time that you identify it as exempt.

## How do I claim these exemptions?

If a third party, like a bank or employer, has your property (including money in a bank account), the creditor can go to court and get a “writ of garnishment” directed to the third party. The creditor must mail or serve on you both of these:

- **A Notice of Garnishment and Your Rights.** See Sample #1.
- **An Exemption Claim Form.** See Samples #2 and #3.

If you get the writ within seven days of the date of its issuance, you must fill out form #2 OR #3 and hand-deliver one copy to the court clerk and mail or hand-deliver one to the creditor or creditor’s lawyer (whoever signed the writ of garnishment), within 28 days after the date on the writ of garnishment.

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❖ Use Sample #3 **only** if the writ went to your employer to garnish your pay. Otherwise, use Sample #2.

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If the creditor serves the writ more than seven days from the date of the writ’s issuance, you have 21 days to fill out form #2 or #3 and mail or hand-deliver one copy to the court clerk and mail or hand-deliver one to the creditor or their lawyer. [RCW 6.27.160 \(1\)](#).

## I sent the creditor an exemption claim form. Now what?

The creditor has seven days after getting your exemption claim form to object to it.

**If the creditor does not object**, the creditor must direct the garnishee to “release” the exempt property to you no more than ten days after the creditor gets your claim form.

**If the creditor objects**, they must file a statement explaining why AND schedule a court hearing within fourteen days after getting your exemption claim form.

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❖ The **garnishee** is the party who has your property, such as the bank holding your money.

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If the judge at the hearing orders the release of your exempt property, or the creditor did not object, the creditor must deliver an order releasing the exempt property to the garnishee holding your property. If the creditor does not do this, see a lawyer. You can sue the creditor for any damages you suffer, plus a fifty-dollar penalty, if they do not take steps to timely release your exempt property.

**Note:** If you make an exemption claim that is not in good faith, you can be liable for lawyer fees.

## Get Legal Help

**Outside King County:** Call the CLEAR Hotline at 1-888-201-1014 weekdays from 9:15 a.m. - 12:15 p.m.

**In King County:** Call 211 for referral to a legal services provider weekdays from 8:00 am – 6:00 pm.

**Persons 60 and Over** can call CLEAR\*Sr at 1-888-387-7111 (statewide).

**Deaf, hard of hearing or speech impaired callers** can call CLEAR or 211 (or toll-free 1-877-211-9274) using a relay service of their choice.

**Apply online with [CLEAR\\*Online](http://CLEAR*Online) - [nwjustice.org/get-legal-help](http://nwjustice.org/get-legal-help)**

CLEAR and 211 will provide a free interpreter.

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Sample #1

## NOTICE OF GARNISHMENT AND OF YOUR RIGHTS

*(Effective July 28, 2019)*

A Writ of Garnishment issued in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the Garnishee held or controlled. This notice of your rights is required by law.

### YOU HAVE THE FOLLOWING EXEMPTION RIGHTS

**WAGES.** If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the Writ of Garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount is calculated.

- If the garnishment is for child support, the exempt amount paid to you will be a percent of your disposable earnings, which is 50 percent of that part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld.
- If the garnishment is for private student loan debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is 85 percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or 50 times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable.
- If the garnishment is for consumer debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is 80 percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or 35 times the state minimum hourly wage.

**BANK ACCOUNTS.** If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Social Security, Veteran's Benefits, Unemployment Compensation, or any federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that

can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

**OTHER EXEMPTIONS.** If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts property of your choice (including up to \$2,500 in a bank account if this garnishment is for private student loan debts; up to \$2,000.00 in a bank account if this garnishment is for consumer debts; or up to \$500 in a bank account for all other debts) and certain other property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

**HOW TO CLAIM EXEMPTIONS.** Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

**THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.**

_____ Court of Washington	
County of _____	
vs.	Plaintiff,
	Defendant(s),
	Garnishee.
	<b>No.</b>
	<b>Exemption Claim</b>
	(Writ to garnish funds or property held by a financial institution)
	<b>(EXMPCL)</b>

**INSTRUCTIONS:**

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the Writ of Garnishment. Deliver one of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the



other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 weeks) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

The account contains payments from:

TANF, SSI, or other public assistance. I receive \$ \_\_\_\_\_ monthly.

Social Security. I receive \$ \_\_\_\_\_ monthly.

Veteran's Benefits. I receive \$ \_\_\_\_\_ monthly.

Unemployment Compensation. I receive \$ \_\_\_\_\_ monthly.

Child support. I receive \$ \_\_\_\_\_ monthly.

Pensions and retirement accounts including, but not limited to, U. S. Government Pension, federally qualified pension, individual retirement account (IRA) 401K, 403(b) and any state retirement system listed in RCW 41.50.030. I receive \$ \_\_\_\_\_ monthly.

Other: *(Explain:)* \_\_\_\_\_  
\_\_\_\_\_

\$2,500 exemption if this garnishment is for private student loan debts.

\$2,000 exemption if this garnishment is for consumer debts.

\$500 exemption for all other debts.

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

No money other than from above payments are in the account.

Moneys in addition to the above payments have been deposited in the account.

*(Explain:)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER PROPERTY:

Describe property: (If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

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Print: Your name

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If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

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Your signature

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Signature of husband, wife, or state registered domestic partner

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Address

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Address (if different from yours)

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Telephone number

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Telephone number (if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

**IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.**



I/We claim the following money or property as exempt:

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

Name and address of employer who is paying the benefits:

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IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

I claim the maximum exemption.

IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

I claim the maximum exemption.

IF EARNINGS ARE GARNISHED FOR CONSUMER DEBT:

I claim the maximum exemption.

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Print: Your name

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If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner

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Your signature

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Signature of husband, wife, or state registered domestic partner

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Address

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Address (if different from yours)

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Telephone number

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Telephone number (if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim.

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