

Judgement Debtor's Claim for Exemption

Filing Fee - \$10

**Service Fee - \$30 check or money order made out to the Cole County Sheriff Department
IF SERVICE IS IN COLE COUNTY.**

- **If service is outside of Cole County it is your responsibility to contact the counties sheriff department and obtain the correct service fee.**
 - **You will then include a check or money order with your filing made out to the correct sheriff's department.**



IN THE 19th JUDICIAL CIRCUIT, COLE COUNTY, MISSOURI

Judge or Division:	Case Number:
Petitioner(s):	Garnishment Number (from Garnishment Application and Order):
vs.	
Respondent(s):	

(Date File Stamp)

Affidavit of Judgment Debtor's Claim for Exemption

I, _____ (Petitioner/Respondent), of lawful age, state that I am the Judgment Debtor in the above entitled action in which judgment has been rendered against me, and that a garnishment in aid of execution has been issued to _____ (employer/financial institution); I further state that I am a resident of the state of Missouri.

Please select ONE of the following:

WAGES: This affidavit is made for the purpose of obtaining a release of ninety percent (90%) of all wages due and owing to me from my employer, as provided by statute. I further state that I am the head of a family (contributing substantial support of my spouse and/or dependents) and under the laws of the state of Missouri I am entitled to a head of family exemption from garnishment of wages.

Ninety percent (90%) release does not apply to withholdings for child support, maintenance, taxes plus accumulated interest.

BANK ACCOUNT OR OTHER FINANCIAL INSTITUTION: I am the head of family and I have _____ unmarried dependent children under the age of 21 years, and this affidavit is made for the purpose of obtaining a release of property exempt from execution as provided by law.

I further state that the sum of \$ _____ in my account at _____ can be withdrawn by me and consists of the following exempt funds:

- Social Security Benefits
 Disability
 Veteran Benefits
 Unemployment Compensation
 Local Public Assistance Benefit

Any other property of any kind not to exceed in value six hundred dollars (\$600.00) in the aggregate.
List: _____

OTHER: _____

I swear/affirm under penalty of perjury that these facts are true according to my best knowledge and belief.

Date

Signature

Address

City, State, Zip

INSTRUCTIONS

FOR THIS EXEMPTION TO TAKE EFFECT, IT:

- 1. MUST BE FILED WITH THE CIRCUIT COURT ISSUING THE WRIT OF GARNISHMENT,**
- 2. GIVEN TO YOUR EMPLOYER/FINANCIAL INSTITUTION, AND**
- 3. MAILED TO THE GARNISHOR (CREDITOR/ATTORNEY FOR CREDITOR).**

Garnishments are issued by a clerk or judge to collect a debt that is based on a court judgment against you. Wage garnishments are served by the Sheriff on your employer, who is responsible for taking a certain amount of money out of your pay.

If you are supporting a spouse, a dependent child under the age of twenty-one (21), or a dependent child who is deemed disabled by the Social Security Administration, you may be entitled to a head of family exemption from a garnishment. Under sections 513.440 and 525.030.1, RSMo, persons who are eligible for this exemption can limit the amount taken out of their pay.

If you qualify for a head of family exemption and the debt owed is not for the support of another person, ten percent (10%) of your disposable earnings may be withheld from your wages. See sections 513.440 and 525.030.1, RSMo. "Disposable earnings" is defined as your pay minus any required deductions. Required deductions are federal, state, and local taxes and withholdings for Medicare and social security.

If you qualify for the head of family exemption and the debt owed is for the support of another person, fifty percent (50%) of your disposable earnings may be withheld from your wages. However, this amount can increase to fifty-five percent (55%) if the debt is for past-due support. See 15 U.S.C. 1673 (b)(2). Usually, debts of this kind are for child support or maintenance.

To claim the head of family exemption, you must complete the affidavit on page one. Return the completed affidavit to your employer/financial institution for computing the garnishment percentage.

NOTE: When you receive notice of a garnishment, you should immediately check with your employer. If your employer is already taking out the correct amount from your pay, you may not need to file this affidavit.

If you have any questions about your rights regarding the garnishment, you should speak with an attorney.

Notice to Sheriff's Department – This is the standard form to be used in all Garnishment cases.