

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

AT KANSAS CITY

AT INDEPENDENCE

PLAINTIFF

vs.

CASE NO

Circuit Judge Case

Associate Circuit Judge Case

EXECUTION NO: _____

DEFENDANT

EXEMPTION AFFIDAVIT

- WAGES BANK ACCOUNT OR OTHER FINANCIAL INSTITUTION
- HOMESTEAD WILDCARD OTHER

I, _____, of lawful age, being first duly sworn, upon my oath 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 against _____; I further state that I am a resident of the State of Missouri.

WAGES: This affidavit is made for the purpose of obtaining a release of ninety per cent (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 to dependents.)

Accounts: I am the head of a family and I have _____unmarried dependent children under the age of (18) 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 \$_____ of money in my account at _____, is readily withdrawable by me and consists of the following exempt funds:

- Social security benefits
- Veteran benefits

HOMESTEAD: Judgment Debtor in the above case, claims a homestead exemption in the following real property which he/she occupies as a residence and in which he/she is entitled to a homestead exemption as allowed by law: See exhibit "A" which is attached hereto and incorporated herein.

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

OTHER: _____

DATE

SIGNATURE

ADDRESS

Subscribed and sworn to before me on _____.

COURT ADMINISTRATOR'S OFFICE
DEPARTMENT OF CIVIL RECORDS
 CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

DATE

BY _____
DEPUTY

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

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EXECUTION NO: _____

DEFENDANT

NOTICE TO CREDITOR OF CLAIM FOR EXEMPTIONS

(LEVY OR GARNISHMENT ON PROPERTY OTHER THEN WAGES)

TO:

You are notified, pursuant to Supreme Court Rule 76.075, that a claim for exemptions has been filed by within Judgment Debtor. A copy of said claim is attached hereto.

You are entitled to the exemption claim and any action which has been taken on such claim reviewed and determined by the Court by filing a request for court review. Any such request must be filed with the Execution/Garnishment Section Kansas City or the Supervisor in Independence.

COURT ADMINISTRATOR'S OFFICE
DEPARTMENT OF CIVIL PROCESS
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

DATE

DEPUTY

CERTIFICATE OF MAILING

I CERTIFY THAT A COPY OF THE FOREGOING, WITH A COPY OF EXEMPTION CLAIM ATTACHED, WAS MAILED BY U.S. Regular Mail, postage prepaid, to the above Judgment Creditor on the above date.

DEPUTY

(SEE REVERSE SIDE FOR RULE 76.075)

SUPREME COURT RULE 76.075

RULE 76.075 EXEMPTIONS

- (a) Within three days after an office has levied an execution, the officer shall notify the person against whom the execution has issued that an execution has been levied, that certain property, if any, is exempt under section 513.430 and 513.440, RSMo, and that the person has the right to hold the property as exempt from attachment and execution. The officer shall also generally state that there are certain exemptions under state and federal law that the judgment debtor may be able to claim with respect to the property levied upon and describe the procedure for claiming the property as exempt. The notice shall also inform the person against whom the execution issues of the manner in which the person may obtain a specific description of the property upon which the levy was made. The notice may be served in the same manner as a summons or by mailing the notice to the judgment debtor at the debtor's last known address by regular mail. Service by mail shall be complete upon mailing.
- (b) The judgment debtor may claim any exemption by filing a verified request with the levying officer within twenty days after notice of the levy. Any exemption allowed by federal law may be claimed at any time prior to the sale of property or disbursement of funds. Upon receipt of a verified request, the levying officer shall notify the party requesting the execution forthwith that a claim of

exemption has been filed. If the levy is in the form of a garnishment upon the judgment debtor's wages, no such notification is required. The party requesting the execution may object to any claim for exemption within ten days of the filing of the verified request by filing a request for court review.

- (c) If a request for court review is not timely filed, the levying officer shall release from execution the items claimed as exempt by the judgment debtor. Regardless of whether a request for court review is timely filed and where the property involves a garnishment upon the judgment debtor's wages, the levying officer shall release from execution the items claimed as exempt by the judgment debtor to the extent required by law at the time the claim for exemption is filed. If a request for court review is timely filed and the property does not involve a garnishment upon the judgment debtor's wages, the exemption claim shall first be reviewed and determined by the court before the levying officer shall release the items claimed as exempt. Any hearing required by the court shall be expedited, shall be held not later than thirty days after the filing of the request for court review, and shall be held upon not less than three days' notice of the hearing to all parties in interest.

(Adopted Feb. 11, 1987, eff. Jan 1, 1988.

Amended June 1, 1993, eff. Jan 1, 1994; Sept. 28, 1993, eff. Jan. 1, 1994)