

RECLAMO DE EXENCIÓN EMBARGO BANCARIO



**LEGAL AID
FOUNDATION
OF LOS ANGELES**

GUIA

Centro de Ayuda de Acceso Legal

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Septiembre 2017

Este guía esta diseñado para ayudarle a usted en llenar los formularios usted mismo. No tiene la intención de proporcionar asesoramiento legal, ni la estrategia de como completar el caso. La información proporcionada en este paquete solo presenta opciones y ejemplos. Esto no es un sustituto para el consejo legal profesional de un abogado.

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**[NOT FOR WAGE GARNISHMENT]
RETURN TO LEVYING OFFICER. DO NOT FILE WITH COURT**

EJ-160

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</p> <p>Escriba su Nombre y Domicilio</p> <p>TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): Escriba "SELF-REPRESENTED"</p>	<p>FOR LEVYING OFFICER USE ONLY (Levying Officer Name and Address)</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: Escriba el Domicilio de la Corte</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
<p>PLAINTIFF/PETITIONER ESCRIBA EL NOMBRE DEL DEMANDANTE</p> <p>DEFENDANT/RESPONDENT ESCRIBA SU NOMBRE COMO APARECE EN LA CITACION Y DEMANDA, INCLUSO SI ESTA MAL ESCRITO</p>	<p>LEVYING OFFICER FILE NUMBER:</p> <p>Escribir el número del Archivo oficial de recaudos</p>
<p>CLAIM OF EXEMPTION (Enforcement of Judgment)</p>	<p>FOR COURT USE ONLY</p>
<p><i>Copy all the information required above (except the top left space) from the Notice of Levy. The top left space is for your name or your attorney's name and address. The original and one copy of this form must be filed with the levying officer. DO NOT FILE WITH THE COURT.</i></p>	
<p>1. My name is: Escriba su Nombre</p> <p>2. Papers should be sent to:</p> <p><input checked="" type="checkbox"/> me.</p> <p><input type="checkbox"/> my attorney (I have filed with the court and served on the judgment creditor a request that papers be sent to my attorney and my attorney has consented in writing on the request to receive these papers.)</p> <p>at the address <input checked="" type="checkbox"/> shown above <input type="checkbox"/> following (specify): _____</p>	<p>CASE NUMBER:</p> <p>Escriba el Numero del Caso</p>
<p>3. <input type="checkbox"/> I am not the judgment debtor named in the notice of levy. The name and last known address of the judgment debtor is (specify): _____</p> <p>4. The property I claim to be exempt is (describe): Escribe el Nombre del banco y la cuenta que mantiene fondos exentos. No dé información adicional acerca de las cuentas que no están sujetas al embargo</p> <p>5. The property is claimed to be exempt under the following code and section (specify): _____</p> <p>6. The facts which support this claim are (describe): Escriba "ver adjunto" si se utiliza una declaración</p>	
<p>7. <input type="checkbox"/> The claim is made pursuant to a provision exempting property to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor. A Financial Statement form is attached to this claim.</p> <p>8. <input type="checkbox"/> The property claimed to be exempt is</p> <p>a. <input type="checkbox"/> a motor vehicle, the proceeds of an execution sale of a motor vehicle, or the proceeds of insurance or other indemnification for the loss, damage, or destruction of a motor vehicle.</p> <p>b. <input type="checkbox"/> tools, implements, materials, uniforms, furnishings, books, equipment, a commercial motor vehicle, a vessel, or other personal property used in the trade, business or profession of the judgment debtor or spouse.</p> <p>c. all other property of the same type owned by the judgment debtor, either alone or in combination with others, is (describe): _____</p>	
<p>9. <input type="checkbox"/> The property claimed to be exempt consists of the loan value of unexpired life insurance policies (including endowment and annuity policies) or benefits from matured life insurance policies (including endowment and annuity policies). All other property of the same type owned by the judgment debtor or the spouse of the judgment debtor, either alone or in combination with others, is (describe): _____</p>	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **Escriba la Fecha**

Escriba su Nombre

(TYPE OR PRINT NAME)

Su Firma

(SIGNATURE OF DECLARANT)

Page 1 of 1

SHORT TITLE: Escriba el Nombre del Demandante v. Su Apellido	LEVYING OFFICER FILE NO.:	COURT CASE NO.:
		Escriba el Numero Del Caso

FINANCIAL STATEMENT

(Wage Garnishment - Enforcement of Judgment)

NOTE: If you are married, this form must be signed by your spouse unless you and your spouse are living separate and apart. If this form is not signed by your spouse, check the applicable box on the reverse in item 9.

1. The following persons other than myself depend, in whole or in part, on me or my spouse for support:

	NAME	AGE	RELATIONSHIP TO ME	MONTHLY TAKE-HOME INCOME & SOURCE
a.	Enumere cada persona en su hogar		Spouse	
b.	Si no tiene Conyugue escriba "None"			Ingreso mensual después de impuestos y deducciones
c.	Ejemplo: Marvin Debtor	26	Hijo	\$0
d.	Deborah Debtor	82	Madre	\$800/ Seguro Social
e.	Dahlia Debtor	18	Hija	\$0

2. My monthly income

a. My gross monthly pay is: 2a. \$ _____

b. My payroll deductions are (*specify purpose and amount*):

(1) Federal and state withholding, FICA, and SDI.....	\$ _____	Escriba su salario bruto (antes de impuestos)	
(2) <u>Ponga todas las deducciones</u>	\$ _____		
(3) _____	\$ _____		
(4) _____	\$ _____		

My TOTAL payroll deduction amount is (*add (1) through (4)*): b. \$ _____

c. My monthly take-home pay is (*a minus b*): Escriba su salario después de los impuestos

d. Other money I get each month from (*specify source*):
Escriba ingresos de cualquier otra fuente

e. TOTAL MONTHLY INCOME (<i>c plus d</i>)	e. \$ _____
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3. I, my spouse, and my other dependents own the following property:

a. Cash		Escriba su ingreso mensual total	
b. Checking, savings, and credit union accounts (<i>list banks</i>):			
(1) Enumere otras cuentas financieras.	\$ _____		
(2) Ejemplo: Chase cuenta de ahorros	\$ _____		
(3) _____	\$ _____		b. \$ _____
c. Cars, other vehicles, and boat equity (<i>list make, year of each</i>):			
(1) Describe cualquier vehículo de su propiedad	\$ _____		
(2) (marca, modelo, año)	\$ _____		
(3) _____	\$ _____		c. \$ _____
d. Real estate equity			d. \$ _____
e. Other personal property (jewelry, furniture, furs, stocks, bonds, etc.) (<i>list separately</i>):			

Describe cualquier otra propiedad que usted posee

e. \$ _____

SHORT TITLE: Escriba el Nombre del Demandante v. Su Apellido	LEVYING OFFICER FILE NO.:	COURT CASE NO.: Escriba el Numero del Caso
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4. The monthly expenses for me, my spouse, and my other dependants

- a. Rent or house payment and maintenance 4a \$ _____
- b. Food and household supplies b \$ _____
- c. Utilities and telephone c \$ _____
- d. Clothing d \$ _____
- e. Medical and dental payments e \$ _____
- f. Insurance (life, health, accident, etc.) f \$ _____
- g. School, child care g \$ _____
- h. Child, spousal support (prior marriage) h \$ _____
- i. Transportation & auto expenses (insurance, gas, repair) (list car payments in item 5) i \$ _____
- j. Installment payments (insert total and itemize below in item 5) j \$ _____
- k. Laundry and cleaning k \$ _____
- l. Entertainment l \$ _____
- m. Other (specify): m \$ _____

Escriba de sus gastos. Si usted paga una factura cada dos meses divida la cantidad a la mitad

n. **TOTAL MONTHLY EXPENSES** (add a through m): n. \$ _____

5. I, my spouse, and my other dependents owe the following debts:

CREDITOR'S NAME	FOR	MO. PAYMENTS	BALANCE O

Sume sus gastos mensuales

6. Other facts which support this Claim of Exemption (i.e., unusual medical needs, school tuition, expenses for recent family emergencies, or other unusual expenses to help your creditor and the judge understand your budget) (describe):
 (If more space is needed, attach page labeled Attachment 6.)

Puede describir circunstancias especiales aquí, o puede utilizar un accesorio adjunto si necesita más espacio

7. An earnings withholding order is now in effect with respect to my earnings or those of my spouse or dependents

Marque esta casilla si usted está pagando la manutención del cónyuge o hijo a través de una orden de retención de ingresos y especifique a las personas que esta manteniendo y la cantidad.

8. A wage assignment for support is now in effect with respect to my earnings or those of my spouse or dependents

Marque esta casilla si usted está pagando la manutención del cónyuge o hijo a través de una orden de asignación de sueldo y especifique las personas que esta manteniendo y la cantidad.

- 9. My spouse has signed below.
- I have no spouse.
- My spouse and I are living separate and apart.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **Escriba la Fecha**

.....
Escriba su Nombre
 (TYPE OR PRINT NAME)

 (TYPE OR PRINT NAME OF SPOUSE)

▶ _____
Su Firma
 (SIGNATURE)
 ▶ _____
 (SIGNATURE OF SPOUSE)



EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

The following is a list of assets that may be exempt from levy on a judgment.

Exemptions are found in the United States Code (USC) and in the California codes, primarily in the Code of Civil Procedure (CCP).

Because of periodic changes in the law, the list may not include all exemptions that apply in your case. The exemptions may not apply in full or under all circumstances. Some are not available after a certain period of time. You or your attorney should read the statutes.

If you believe the assets that are being levied on are exempt, file a claim of exemption form, which you can get from the levying officer.

AMOUNT OF EXEMPTIONS: A list of the amounts of exemptions from a judgment under CCP § 703.150 starting on April 1, 2004, is available from the clerk of the court and on the California Courts Web site at www.courtinfo.ca.gov. Except as otherwise provided, the dollar amounts of the exemptions will be adjusted thereafter at three-year intervals on April 1, and the adjusted amounts will become effective immediately on that date.

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
Accounts (<i>See Deposit Accounts</i>)		Benefit Payments (<i>cont.</i>)	
Appliances	CCP § 704.020	Relocation Benefits	CCP § 704.180
Art and Heirlooms	CCP § 704.040	Retirement Benefits	
Automobiles	CCP § 704.010	and Contributions:	
BART District Benefits	CCP § 704.110	Private	CCP § 704.115
	Pub Util C § 28896	Public	CCP § 704.110
Benefit Payments:		Segregated Benefit Funds	Ins C § 10498.5
BART District Benefits	CCP § 704.110	Social Security Benefits	42 USC § 407
	Pub Util C § 28896	Strike Benefits	CCP § 704.120
Charity	CCP § 704.170	Transit District Retirement	
Civil Service Retirement		Benefits (Alameda and	
Benefits (Federal)	5 USC § 8346	Contra Costa Counties)	CCP § 704.110
County Employees		Pub Util C § 25337	
Retirement Benefits	CCP § 704.110	Unemployment Benefits	
	Govt C § 31452	and Contributions	CCP § 704.120
Disability Insurance Benefits	CCP § 704.130	Veterans Benefits	38 USC § 3101
Fire Service Retirement		Veterans Medal of Honor	
Benefits	CCP § 704.110	Benefits	38 USC § 562
	Govt C § 32210	Welfare Payments	CCP § 704.170
Fraternal Organization		Welf & I C § 17409	
Funds Benefits	CCP § 704.130	Workers Compensation	CCP § 704.160
	CCP § 704.170	Boats	CCP § 704.060
Health Insurance Benefits	CCP § 704.130		CCP § 704.710
Irrigation System		Books	CCP § 704.060
Retirement Benefits	CCP § 704.110	Building Materials (Residential)	CCP § 704.030
Judges Survivors Benefits		Business:	
(Federal)	28 USC § 376(n)	Licenses	CCP § 695.060
Legislators Retirement			CCP § 699.720(a)(1)
Benefits	CCP § 704.110	Tools of Trade	CCP § 704.060
	Govt C § 9359.3	Cars and Trucks (including	
Life Insurance Benefits:		proceeds)	CCP § 704.010
Group	CCP § 704.100	Cash	CCP § 704.070
Individual	CCP § 704.100	Cemeteries:	
Lighthouse Keepers		Land Proceeds	Health & SC § 7925
Widows Benefits	33 USC § 775	Plots	CCP § 704.200
Longshore & Harbor Workers		Charity	CCP § 704.170
Compensation or Benefits	33 USC § 916	Claims, Actions & Awards:	
Military Benefits:		Personal Injury	CCP § 704.140
Retirement	10 USC § 1440	Worker's Compensation	CCP § 704.160
Survivors	10 USC § 1450	Wrongful Death	CCP § 704.150
Municipal Utility District		Clothing	CCP § 704.020
Retirement Benefits	CCP § 704.110	Condemnation Proceeds	CCP § 704.720(b)
	Pub Util C § 12337	County Employees Retirement	
Peace Officers Retirement		Benefits	CCP § 704.110
Benefits	CCP § 704.110		Govt C § 31452
	Govt C § 31913	Damages (<i>See Personal Injury</i>	
Pension Plans		and <i>Wrongful Death</i>)	
(and Death Benefits):		Deposit Accounts:	
Private	CCP § 704.115	Escrow or Trust Funds	Fin C § 17410
Public	CCP § 704.110	Social Security Direct	
Public Assistance	CCP § 704.170	Deposits	CCP § 704.080
	Welf & I C § 17409		

EXEMPTIONS FROM THE ENFORCEMENT OF JUDGMENTS

(Continued)

<u>Type of Property</u>	<u>Code and Section</u>	<u>Type of Property</u>	<u>Code and Section</u>
Direct Deposit Account:		Municipal Utility District	
Social Security	CCP § 704.080	Retirement Benefits	CCP § 704.110
Disability Insurance Benefits	CCP § 704.130		Pub Util C § 12337
Dwelling House	CCP § 704.740	Peace Officers Retirement	
Earnings	CCP § 704.070	Benefits	CCP § 704.110
	CCP § 706.050		Govt C § 31913
	15 USC § 1673(a)	Pension Plans:	
Educational Grant	Ed C § 21116	Private	CCP § 704.115
Employment Bonds	Lab C § 404	Public	CCP § 704.110
Financial Assistance:		Personal Effects	CCP § 704.020
Charity	CCP § 704.170	Personal Injury Actions	
Public Assistance	CCP § 704.170	or Damages	CCP § 704.140
	Welf & I C § 17409	Prisoner's Funds	CCP § 704.090
Student Aid	CCP § 704.190	Property Not Subject to	
Welfare (See Public		Enforcement of Money	
Assistance)		Judgments	CCP § 704.210
Fire Service Retirement	CCP § 704.110	Prosthetic and Orthopedic	
	Govt C § 32210	Devices	CCP § 704.050
Fraternal Organizations		Provisions (for Residence)	CCP § 704.020
Funds and Benefits	CCP § 704.130	Public Assistance	CCP § 704.170
	CCP § 704.170		Welf & I C § 17409
Fuel for Residence	CCP § 704.020	Public Employees:	
Furniture	CCP § 704.020	Death Benefits	CCP § 704.110
General Assignment for		Pension	CCP § 704.110
Benefit of Creditors	CCP § 1801	Retirement Benefits	CCP § 704.110
Health Aids	CCP § 704.050	Vacation Credits	CCP § 704.113
Health Insurance Benefits	CCP § 704.130	Railroad Retirement Benefits	45 USC § 2281
Home:		Railroad Unemployment	
Building Materials	CCP § 704.030	Insurance	45 USC § 352(e)
Dwelling House	CCP § 704.740	Relocation Benefits	CCP § 704.180
Homestead	CCP § 704.720	Retirement Benefits and	
	CCP § 704.730	Contributions:	
House trailer	CCP § 704.710	Private	CCP § 704.115
Mobilehome	CCP § 704.710	Public	CCP § 704.110
Homestead	CCP § 704.720		Ins C § 10498.5
	CCP § 704.730	Segregated Benefit Funds	Ins C § 10498.6
Household Furnishings	CCP § 704.020	Servicemembers Property	50 USC § 523(b)
Insurance:		Social Security	42 USC § 407
Disability Insurance	CCP § 704.130	Social Security Direct Deposit	
Fraternal Benefit Society	CCP § 704.110	Account	CCP § 704.080
Group Life	CCP § 704.100	Strike Benefits	CCP § 704.120
Health Insurance Benefits	CCP § 704.130	Student Aid	CCP § 704.190
Individual	CCP § 704.100	Tools of Trade	CCP § 704.060
Insurance Proceeds-		Transit District Retirement	
Motor Vehicle	CCP § 704.010	Benefits (Alameda and Contra	
Irrigation System	CCP § 704.040	Costa Counties)	CCP § 704.110
Retirement Benefits	CCP § 704.110		Pub Util C § 25337
Jewelry		Travelers Check Sales Proceeds	Fin C § 1875
Judges Survivors Benefits		Unemployment Benefits and	
(Federal)	28 USC § 376(n)	Contributions	CCP § 704.120
Legislators Retirement		Uniforms	CCP § 704.060
Benefits	CCP § 704.110	Vacation Credits (Public	
	Govt C § 9359.3	Employees)	CCP § 704.113
Licenses	CCP § 695.060	Veterans Benefits	38 USC § 3101
	CCP § 720(a)(1)	Veterans Medal of Honor	
Lighthouse Keepers Widows		Benefits	38 USC § 562
Benefits	33 USC § 775	Wages	CCP § 704.070
Longshore and Harbor Workers			CCP § 706.050
Compensation or Benefits	33 USC § 916		CCP § 706.051
Military Benefits:		Welfare Payments	CCP § 704.170
Retirement	10 USC § 1440		Welf & I C § 17409
Survivors	10 USC § 1450	Workers Compensation	
Military Personnel-Property	50 USC § 523(b)	Claims or Awards	CCP § 704.160
Motor Vehicle (Including		Wrongful Death Actions or	
Proceeds)	CCP § 704.010	Damages	CCP § 704.150
	CCP § 704.060		

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Escriba su Nombre y Domicilio TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): Escriba "SELF-REPRESENTED"	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: Escriba el Domicilio de la Corte CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: Escriba el Nombre Del Demandante DEFENDANT/RESPONDENT: Escriba su Nombre como aparece en la Citación y Demanda	
DECLARATION	CASE NUMBER: Escriba el Numero del Caso

Escriba una descripción detallada de por qué los fondos están exentos de colección. Ver la lista de exenciones adjuntos.

Por ejemplo, si sólo tiene Seguro Social los fondos de depósito directo en la cuenta, escriba CCP 704.080. Ir a través de la lista de exenciones y anote cualquier que le correspondan

Esto está siendo leído por un sheriff, acreedor, o el juez. Asegúrese de explicar el origen de todos los fondos y la cantidad de cada fuente.

Asegúrese de dejar en blanco los números de cuenta que adjunte. No envíe ningún documento con su número de Seguro Social.

Ejemplo: Declaro que la cuenta bancaria aplicados en el momento está exento de colección ya que los fondos que se encuentran en la cuenta son sólo del Seguro Social. He adjuntado estados de cuenta bancarios de los últimos tres meses que muestran que el único dinero depositado en esa cuenta eran del Seguro Social, y que no hay otros fondos depositados en la cuenta.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **Escriba la Fecha**

Escriba su Nombre

(TYPE OR PRINT NAME)

Su Firma

(SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify):