6-30/340.00 Writ of Execution

• 6-30/340.10 Direct Deposit Public Benefits and Social Security Accounts

The special procedures for a claim of exemption set forth in Direct Deposit Public Benefits and Social Security Accounts do not require the filing of a claim of exemption, but mandate the memorandum of garnishee be operative as a claim of exemption. (CCP 704.080)

In such case, even though the garnishee is required to file the answer with the levying officer within 10 business days after the levy, the levying officer should treat the answer as timely for the purpose of complying with the claim of exemption procedures regardless of when received.

• 6-30/340.20 Dwelling

If a dwelling is levied upon which is personal property or is real property in which the judgment debtor has a leasehold estate with an unexpired term of less than two years at the time of levy, a claim of exemption shall be made. (CCP 704.740)

• 6-30/340.30 Earnings Withholding Order

A Claim of Exemption (WG-006) based on the debtor's needs to support debtor or the debtor's family (CCP 706.051(b)) may be filed at any time after an earnings withholding order has been served on the debtor's employer. (CCP 706.105)

• • 6-30/340.31 Earnings Withholding Order for Support or Taxes

A Claim of Exemption cannot be filed if the Earnings Withholding Order was issued for support or taxes. (CCP 706.105(k)) The judgment debtor must seek relief under support by requesting a review by the local child support agency. (CCP 706.030(b)(5)) The judgment debtor may also file a motion directly with the court. (CCP 706.030(b)(6)) In the case of withholding for taxes, the time for the debtor to request a review is prior to the issuance of the Earnings Withholding Order for Taxes. (CCP 706.072 (b)(2) and (c))

• 6-30/340.40 Interest in Estate of a Decedent

After a levy on the interest of the defendant in personal property in the estate of a decedent and delivery of the property to the levying officer, a claim of exemption may be filed within 10 days after the officer serves the notice describing the

property on the defendant. (CCP 700.200(c))

• 6-30/340.50 All Other Property

A Claim of Exemption (EJ-160) may be filed with the levying officer, either in person or by mail, a claim of exemption together with a copy of the claim. If the claimant is personally served, the claim shall be made within 15 days after the date the notice of levy on the property claimed to be exempt is served on the judgment debtor. If the claimant is served by mail, the claim shall be made within 20 days after the date the notice of levy on the property claimed to be exempt is served on the judgment debtor. If the claim is filed by mail and assigned a tracking number by the United States Postal Service or another common carrier, the filing shall be deemed complete on the date the claim is postmarked. If the claim is filed by mail and not assigned a tracking number, the filing shall be deemed complete on the date the claim is received by the levying officer. (CCP 703.520(a))