6-30/350.00 Filing of Claim

• 6-30/350.10 Earnings Withholding Order

The original Claim of Exemption (WG-006) and a Financial Statement (WG-007) is filed with the levying officer. Two copies of the forms are necessary although at least one must be provided when the debtor files the claim. (CCP 706.105(b)) The original forms are sent to the court if a hearing is to take place. One copy is to be mailed to the judgment creditor; one copy is for the levying officer file. No other forms may be used. (CCP 706.120) The forms shall be available through the levying officer at no charge. (CCP 706.129)

The claim must be executed under oath, indicate how much the debtor believes should be withheld each pay period, and give the debtor's present mailing address. (CCP 706.123)

The financial statement shall be executed under oath by the judgment debtor and, if the debtor is married, the spouse of the debtor, unless the spouses are living separate and apart. (CCP 703.530(c)) The statement shall include all the following information:

- Name of the debtor's spouse (CCP 703.530(b)(1))
- Name, age, and relationship of all persons who are dependent for support on the debtor or the debtor's spouse (CCP 703.530(b)(2)))
- All sources and the amounts of earnings and other income of the judgment debtor and the spouse and dependents of the judgment debtor (CCP 703.530(b)(3))
- A list of the assets of the judgment debtor and the spouse and dependents of the judgment debtor and the value of such assets (CCP 703.530(b)(4))
- All outstanding obligations of the judgment debtor and the spouse and dependents of the judgment debtor (CCP 703.530(b)(5))

• 6-30/350.20 Direct Deposit Public Benefits and Social Security Payments

Upon receipt of a memorandum of garnishee from a financial institution which states that a deposit account levied upon is one in which payments authorized by the Social Security Administration or a public agency for public benefits are directly deposited by the United States government or a public agency and the balance of the account exceeds the amount that is exempt without making a claim,

the levying officer shall treat the memorandum as a claim of exemption. (CCP 704.080)

• 6-30/350.30 All Other Property

The original Claim of Exemption (EJ-160) is filed with the levying officer. Two copies of the forms are necessary although at least one must be provided when the debtor files the claim. (CCP 703.520(a)) The original form is sent to the court if a hearing is to take place. One copy is to be mailed to the judgment creditor; one copy is for the levying officer file.

The claim must include all of the following:

- Executed under oath (CCP 703.520(b))
- The name of the claimant and the mailing address where service of a notice of opposition to the claim may be made upon the claimant (CCP 703.520(b)(1))
- The name and last known address of the judgment debtor if the claimant is not the judgment debtor (CCP 703.520(b)(2))
- A description of the property claimed to be exempt (CCP 703.520(b)(3))
    - If an exemption is a motor vehicle or tools and equipment of trade (CCP 704.010, 704.060) the claimant shall describe all other property of the same type, including exempt proceeds of the property of the same type, owned by the judgment debtor alone or in combination with others on the date of levy and identify the property, whether or not levied upon, to which the exemption is to be applied.
    - If an exemption is a loan value of unmatured life insurance policies (CCP 704.100(b)), the claimant shall state the nature and amount of all other property of the same type owned by the judgment debtor or the spouse of the judgment debtor alone or in combination with others on the date of levy.
- Specify the code section upon which the claim is based (CCP 703.520(b)(5))
- A statement of the facts necessary to support the claim (CCP 703.520(b)(6))

A Financial Statement (EG-165) is required if the claimed exemption is based on a provision exempting property to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.

The financial statement shall be executed under oath by the judgment debtor and, if the debtor is married, the spouse of the debtor, unless the spouses are living separate and apart. (CCP 703.530(c)) The statement shall include all the following information:

- Name of the debtor's spouse (CCP 703.530(b)(1))
- Name, age, and relationship of all persons who are dependent for support on the debtor or the debtor's spouse (CCP 703.530(b)(2)))
- All sources and the amounts of earnings and other income of the judgment debtor and the spouse and dependents of the judgment debtor (CCP 703.530(b)(3))
- A list of the assets of the judgment debtor and the spouse and dependents of the judgment debtor and the value of such assets (CCP 703.530(b)(4))
- All outstanding obligations of the judgment debtor and the spouse and dependents of the judgment debtor (CCP 703.530(b)(5))