



# West Virginia Personal Property Exemptions

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HOW TO PROTECT PERSONAL PROPERTY

*OTHER THAN WAGES*

FROM THE COURT JUDGMENT COLLECTION PROCEDURE

# What Are We Talking About In This Article?

- ▶ Somebody sued you **and won** an order that you owe them money.
  - ▶ For example: A credit card company, a small loan company, a phone company, or a cable TV company.
- ▶ Now the creditor has asked the court to take money from your bank account, or to have your car sold, in order to pay the judgment.
- ▶ West Virginia law allows you protect some “personal property” from this court-ordered debt collection process.
- ▶ This article is to show you how to fill out the paperwork to protect your personal things from being taken to pay a court judgment.

# IMPORTANT NOTE: The Date the Creditor Filed Paperwork for Collection Is Important

- ▶ On June 7, 2016, West Virginia law about protecting personal property from collection changed.
- ▶ The rules about collecting judgments **before that date** are different than the rules about collecting judgments **on or after** that date.
- ▶ Any “garnishments” or “executions” or “attachments” that started before June 7, 2016 will keep operating under the old law.
- ▶ Any “garnishments” or “executions” or “attachments” that started on or after June 7, 2016 will operate under the new law.

# The Date the Creditor Filed Paperwork for Collection Is Important (CONTINUED)

- ▶ The information in these slides covers **ONLY the new law**.
- ▶ The information in these slides applies ONLY IF the collection phase started **on or after June 7, 2016**.
- ▶ If the collection part of the case against you started before June 7, 2016, there is a different court form with different information for your case.
- ▶ The pre-June 7, 2016 form is similar in most respects to the form we will discuss. So these slides should help you with most of the old form. BUT there is a very big difference if you're dealing with garnishment of wages.

# IMPORTANT NOTE 2: “Wages” Are Different From “Personal Property”

- ▶ Protection of “**WAGES**” and protection of “**PERSONAL PROPERTY**” are two different things.
- ▶ You have to file paperwork to protect personal property (like a car, a computer, or your furniture). That’s what we’ll explain in these slides.
- ▶ For collection phase cases that started on or after June 7, 2016, you do NOT have to file paperwork to protect your wages.

# Protecting “Wages” (continued)

- ▶ West Virginia has specific rules about how much money can be taken from your wages.
- ▶ Those rules are different than the rules about protecting personal property from being taken to pay a court judgment.
- ▶ If you have received court papers about a **Wage Garnishment** (also called a “**Suggestee Execution of Wages**”), [click here](#) for a different article explaining the protection of wages in West Virginia law.

# Before Getting Started ...

- ▶ So now you should be clear on two things:
- ▶ First, this information applies ONLY IF the collection papers were filed against you **on or after June 7, 2016**.
- ▶ Second, this information applies ONLY to protecting personal property **other than wages**.

# Frequently Asked Questions (FAQ's)

- ▶ Legal Aid has a set of answers to common questions that people have about exempting personal property. To see those questions and answers, [click here](#).
- ▶ Those answers have a lot more information about the Personal Property Exemption procedure than these slides. **We recommend that you read the FAQs** before using these slides to fill out your form. The FAQs will give you an overall idea of how everything works.
- ▶ After you read the FAQs, it will be easier to follow these slides.



# First things first...

- ▶ The West Virginia rules to protect personal property from judgment collection are complicated.
- ▶ The West Virginia Supreme Court has a form on its website for the public to use. ([Click here.](#)) But it is complicated.
- ▶ Legal Aid created this slide show to help you fill out the form.
  - ▶ These slides will go through the form, one step at a time.
  - ▶ At the end, you'll be able to fill out the form and exempt your personal property from the judgment collection process.

# How to Use These Slides

- ▶ Read Legal Aid's FAQs about protecting personal property from collection. To see the FAQs, [click here](#).
- ▶ Print out two copies of the Supreme Court "Affidavit for Exemptions" for "writs of execution and suggestions issued on or after June 7, 2016." [Click here](#) to get the form.
- ▶ Fill out one copy (your "I-can-make-mistakes-on-this-one" copy) as you go through the slides.
- ▶ Use the second copy as your "final" copy, where you clean up any mistakes you made while following the slide show.

# Are you using the correct form for your case?

- ▶ Here's what the top of the first page looks like. Look carefully at the text in the box to make sure you are using the form for “writs of execution and suggestions **issued on or after June 7, 2016.**”

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Address

v.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Address

Case No. \_\_\_\_\_

This form is only applicable to writs of execution and suggestions issued on or after June 7, 2016.

**AFFIDAVIT FOR EXEMPTIONS**

[W.Va. Code § 38-8-1; § 46A-2-136]

# The crazy part about the Supreme Court form for protecting property

- ▶ You can't really fill out the first page and a half of the form until you have filled out all the rest of the form!
- ▶ So we're going to jump around the form. We'll take one step at a time. We'll take each step in the order that (we believe) makes it easiest to follow.
- ▶ We'll start at the beginning; then jump over the next part; go to the parts that are needed for the whole form; and then return to the part we skipped.
- ▶ So here we go....

# The beginning...

- Below is a picture of the top of the first page of the form for “new” collection attempts. It looks very similar to the paperwork you received during the court case.
- ▶ The first thing you have to do is fill in the blanks with the same information that’s on the documents from your case.

IN THE  COURT OF  COUNTY, WEST VIRGINIA

**Plaintiff**  
  
  
**Address**  
**v.**  
  
**Defendant**  
  
  
**Address**

Case No.

**This form is only applicable to writs of execution and suggestions issued on or after June 7, 2016.**

This form is for judgments entered June 7, 2016 or later.

# The beginning...

- Fill in the name of the court. This will be either “Magistrate” or “Circuit.”

Start by putting in the name of the court (“Magistrate” or “Circuit”) where the case was handled.

**IN THE**   **COURT OF** \_\_\_\_\_ **COUNTY, WEST VIRGINIA**

**Plaintiff**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Address**

**v.**

**Defendant**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Address**

**Case No.** \_\_\_\_\_

**This form is only  
applicable to writs of  
execution and  
suggestions issued on  
or after June 7, 2016.**

# The beginning...

- Then the name of the county of the case:

Then put in the name of the county where the case was handled.

IN THE  COURT OF  COUNTY, WEST VIRGINIA

**Plaintiff**  
  
  
**Address**  
**v.**  
  
**Defendant**  
  
  
**Address**

Case No.

**This form is only applicable to writs of execution and suggestions issued on or after June 7, 2016.**

# The beginning...

- The case number. (It's the same number that's on the Judgment Order.)

Next, put in the case number of the case

IN THE <span style="border: 1px solid red; padding: 2px;"> </span> COURT OF <span style="background-color: #e6f2ff; border: 1px solid #add8e6; padding: 2px;"> </span> COUNTY, WEST VIRGINIA	
<div style="background-color: #e6f2ff; height: 20px; border: 1px solid #add8e6;"></div>	
<b>Plaintiff</b>	
<div style="background-color: #e6f2ff; height: 20px; border: 1px solid #add8e6;"></div>	
<div style="background-color: #e6f2ff; height: 20px; border: 1px solid #add8e6;"></div>	
<b>Address</b>	
<b>v.</b>	
<div style="background-color: #e6f2ff; height: 20px; border: 1px solid #add8e6;"></div>	
<b>Defendant</b>	
<div style="background-color: #e6f2ff; height: 20px; border: 1px solid #add8e6;"></div>	
<div style="background-color: #e6f2ff; height: 20px; border: 1px solid #add8e6;"></div>	
<b>Address</b>	

**Case No.**

**This form is only applicable to writs of execution and suggestions issued on or after June 7, 2016.**



# The beginning...

- The Creditor (the company or person that sued you).
  - Their name and address will be on the original court papers when you were sued.

Now, put in the name and address of the person or company that sued you.

IN THE		COURT OF		COUNTY, WEST VIRGINIA
<b>Plaintiff</b>				
Dewey, Cheatem & Howe				
123 Gotcha Street				
Anyplace, USA (zip code)				
<b>Address</b>				
v.				
<b>Defendant</b>				
<b>Address</b>				

Case No. \_\_\_\_\_

**This form is only applicable to writs of execution and suggestions issued on or after June 7, 2016.**

# The beginning...

- Next, your name and address.

Now, put in your name and address.

IN THE  COURT OF  COUNTY, WEST VIRGINIA

Dewey, Cheatem & Howe

**Plaintiff**

123 Gotcha Street

Anyplace, USA (zip code)

**Address**

**v.**

Madison Hardluck

**Defendant**

345 High Street

Anyplace, WV 23456

**Address**

Case No.

**This form is only  
applicable to writs of  
execution and  
suggestions issued on  
or after June 7, 2016.**

# Next - Swearing the Information is True

- Next, write in your name again in the blank after the words “The judgment debtor.”
- This sentence says that you are swearing that the information on the form will be true and accurate.

Write in your name again

**Defendant**

**Address**

**execution and suggestions issued on or after June 7, 2016.**

**AFFIDAVIT FOR EXEMPTIONS**

*[W.Va. Code § 38-8-1; § 46A-2-136]*

The judgment debtor, Madison Hardluck, being duly sworn, states that the following is true and correct:

# Section 1, first limit:

## You Cannot Protect An Item That the Debt Bought

- You cannot protect an item from a “purchase money” creditor.
  - Suppose you bought a car (or TV or furniture) on credit. Then you weren’t able to pay for it. The creditor who sold it to you sued, and got a judgment.
- You cannot protect the car (or TV or furniture) against judgment collection **BY THE CREDITOR WHO LOANED YOU THE MONEY TO BUY** the thing.

That's what this first sentence says.

The judgment debtor, \_\_\_\_\_, being duly sworn,  
states that the following is true and correct:

1. I understand that I cannot claim exemption of personal property if the judgment in this case arose from the purchase or lease of that specific personal property. I also understand that I cannot claim exemption from execution more than \$15,000 in the aggregate in personal property listed on this form.

# Section 1, second limit:

## You Cannot Protect More Than \$15,000 Total

- You cannot claim more than \$15,000 in total exemptions, in all categories, added together.
- The most you can protect is \$15,000.

That's what the second sentence says.

The judgment debtor, \_\_\_\_\_, being duly sworn,  
states that the following is true and correct:

1. I understand that I cannot claim exemption of personal property if the judgment in this case arose from the purchase or lease of that specific personal property. I also understand that I cannot claim exemption from execution more than \$15,000 in the aggregate in personal property listed on this form.

# Do I qualify for an exemption?

- ▶ In West Virginia, there are two ways to qualify to claim a personal property exemption:
  - ▶ You must be a resident of the State of West Virginia, or
  - ▶ You must be a dependent of a resident of West Virginia.That's all you need to qualify!
- ▶ The court will require proof of residency when you file for the exemptions. A driver's license or photo ID, passport, or other government issued photo ID will work.

# Section 2: Basis for Claiming Exemption

- Now, check the **one** box that applies to you.
  - Check the first box if you are a resident, or
  - Check the second box if you are a dependent of a resident of West Virginia.

Choose one of these boxes

EITHER: you  
live in WV

OR: you don't live in  
WV but are a  
dependent of a WV  
resident

that the following is true and correct.

I understand that I cannot claim exemption of personal property if the purchase price of that specific personal property exceeds \$15,000 in the aggregate in personal property listed on this form.

2. I claim exemption of personal property as one of the following: (Check only one box.)


☐

I am an individual residing in West Virginia; OR

☐

I am the dependent of an individual residing in West Virginia.

3. I claim exemption of personal property based on the fact that:



That's all for Page 1 (for now). For the next step we're going to jump to another part of the form!

- ▶ The next part of Page 1 is a part that needs information you haven't filled in yet. **We're going to skip over this section and come back to it later.**
- ▶ Move to the second page, "Page 2 of 4."
- ▶ We're going to go the section at the bottom of Page 2, covering Vehicles.



# Listing Vehicles

- Here we are at **the bottom of the second page** ("Page 2 of 4" in bottom right corner). There's a table there, for you to list all vehicles you own. You must list every car, truck and 4 wheeler you own. The table looks like this:

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Listing Vehicles – first vehicle

- On the line next to the number 1, look at the first box to the right of #1. (It's in the column labeled "Vehicle.") In this box **write down the year, make, and model** of the first car to put on the list. (We'll refer to it as "Vehicle 1.")

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	2008 Ford Focus		\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Listing Vehicles – first vehicle

- On the same line, move one box over. **Write in the location** where you keep “Vehicle 1” most of the time. Normally this would be your home address, but sometimes people keep a vehicle at a cabin, or in a friend's garage.

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	2008 Ford Focus	Home address	\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Listing Vehicles – first vehicle

- On the same line, move one box over. Write in the value of “Vehicle 1” if you had to sell it. Don’t subtract any amount owed on it yet.

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	2008 Ford Focus	Home address	\$1,000			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Listing Vehicles – first vehicle

- On the same line, move one box over. Write in any amount that you still owe on “Vehicle 1.” (In this example, we’ll suppose you owe \$250 on Vehicle 1.)

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	2008 Ford Focus	Home address	\$1,000	\$250		
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Listing Vehicles – first vehicle

- On the same line, move one box over. **Write in the name of the lien holder.** That's the person or company to whom you still owe money for Vehicle 1. (They don't have to actually have a lien on the title, so long as you do owe them.)

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	2008 Ford Focus	Home address	\$1,000	\$250	Buddy Good	
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Listing Vehicles – first vehicle

- On the same line, move one box over. Now you subtract the amount still owed on Vehicle 1 from the estimated value of Vehicle 1. Write in that “net value” of Vehicle 1 in this box.

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	2008 Ford Focus	Home address	\$1,000	\$250	Buddy Good	\$750
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Listing Vehicles – **more** vehicles

- If you have more than one vehicle, move to Line #2. Give all the information about your second vehicle (car, truck or ATV). Keep filling in lines for each vehicle you own, until you've listed ALL the vehicles you have.

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.



# Listing Vehicles – more than 4 vehicles

- If you have more than four vehicles, add a page to provide information on each vehicle. (Remember to put a line number for each vehicle on the extra page.)

Remember to check the box at the bottom left if you have to add an extra page.

in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Listing Vehicles – more vehicles (last)

- Last step for Vehicles: Add together the total net value of all vehicles you own.

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

	Vehicle (including make, model and year)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
						Total

Add together the "Estimated Fair Market Value (Minus Liens) amount of ALL lines (including ones on an added page). Put that number in this "Total" box.

☐ Check here if additional pages are attached because more space is needed to complete the list of vehicles.

# Next Section - Household Property

- Now move to the top of “Page 3 of 4.” Here you list your household items.
  - (If you have items that are required for your work, like tools, or uniforms, do NOT list them here. There is a separate section for “Tools of Trade.”)
- This section is very similar to the table for Vehicles, but it’s for Household items.

The following is a list of all of my household property in my possession or in the possession of another and liens, if any.

	Personal Property (household goods, furniture, toys, animals, appliances, books and wearing apparel)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of household property.

# Household Property

- You do **NOT** have to list each individual item separately. Instead, **list them by groups**.
- For example: guns; tools; furniture; toys; appliances (washer, dryer, refrigerator, freezer); computer equipment; televisions; stereos; clothing (including sheets & blankets); eating equipment (pots, pans, dishes, silverware; and so on.

The following is a list of all of my household property in my possession or in the possession of another and liens, if any.

	Personal Property (household goods, furniture, toys, animals, appliances, books and wearing apparel)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of household property.

# Household Property

- Put each group on a separate line. For example, you might put “Furniture” in line 1, then “Appliances” in Line 2.

The following is a list of all of my household property in my possession or in the possession of another and liens, if any.

	Personal Property (household goods, furniture, toys, animals, appliances, books and wearing apparel)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	Furniture		\$			
2	Appliances					
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of household property.

# Household Property

- Now go across each line, filling in the information just like you did for Vehicles.

The following is a list of all of my household property in my possession or in the possession of another and liens, if any.

	Personal Property (household goods, furniture, toys, animals, appliances, books and wearing apparel)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	Furniture		\$			
2	Appliances					
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of household property.

# Household Property

- If you have **more than 4 categories** of things (most people do), you'll need to add a page to fill in the information for all categories.
- If you use an added page, keep numbering each line of things (Line 5, Line 6, and so on).

The following is a list of all of my household property in my possession or in the possession of another and liens, if any.

	Personal Property (household goods, furniture, toys, animals, appliances, books and wearing apparel)	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1	Furniture	home	\$ 1,500	0	none	1,500
						0
						0
	Computer stuff	home	1,000	0	---	1,000
Total						

Remember to check the box at the bottom left if you have to add an extra page.

☐ Check here if additional pages are attached because more space is needed to complete the list of household property.

# Household Property (last)

- **Combined Total.** Add together ALL of the “Estimated Fair Market Value (Minus Liens)” numbers to get one combined amount for ALL lines. Include the lines on any added pages. Put this number in the box at the bottom right of the table.

The following is a list of all of my household property in my possession or in the

	Personal Property (household goods, furniture, toys, animals, appliances, books and wearing apparel)	Location	Estimated Fair Market Value	Amount of Lien (if any)	(if any)	Fair Market Value (Minus Liens)
1	Furniture	home	\$1,500	0	none	1,500
2	Appliances	home	250	0	---	250
3	Clothing	home	100	0	---	100
4	Computer stuff	home	1,000	0	---	1,000
Total						2,850

Put in the total amount of ALL lines (including ones on an added page) in this “Total” box.

☐ Check here if additional pages are attached because more space is needed to complete the list of household property.



# Next Section – Tools of Trade

- Now **move to the lower half of “Page 3 of 4.”** This is where you list things that you need in order to perform your work or employment.
- For example: tools you need to do mechanic work; uniforms required at your job; or a computer or other items you have to use to work from home.

The following is a list of all of **my implements, professional books or tools of my trade** in my possession or in the possession of another and liens, if any.

	Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of implements, professional books or tools of the trade.

# Tools of Trade (continued)

- Fill in this table exactly like the ones for Vehicles, and for Household Goods.
- Start with the first line; fill in each box in order.

The following is a list of all of my implements, professional books or tools of my trade in my possession or in the possession of another and liens, if any.

Type of item

	Type of item (Property implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of implements, professional books or tools of the trade.

# Tools of Trade (continued)

- Fill in this table exactly like the ones for Vehicles, and for Household Goods.
- Start with the first line; fill in each box in order.

The following is  
and liens, if any.

Location

professional books or tools of my trade in my possession or in the possession of another

	Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of implements, professional books or tools of the trade.

# Tools of Trade (continued)

- Fill in this table exactly like the ones for Vehicles, and for Household Goods.
- Start with the first line; fill in each box in order.

Fair market  
value

The following is a list of all of my implements, professional books or tools of my trade in my possession or in the possession of another and liens, if any.

	Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of implements, professional books or tools of the trade.

# Tools of Trade (continued)

- Fill in this table exactly like the ones for Vehicles, and for Household Goods.
- Start with the first line; fill in each box in order.

Money you  
owe

The following is a list of all of my implements, professional books or tools of my trade in my possession or in the possession of another and liens, if any.

	Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of implements, professional books or tools of the trade.

# Tools of Trade (continued)

- Fill in this table exactly like the ones for Vehicles, and for Household Goods.
- Start with the first line; fill in each box in order.

Who you owe  
money to

The following is a list of all of my implements, professional books or tools of my trade in my possession or in the possession of another and liens, if any.

	Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of implements, professional books or tools of the trade.

# Tools of Trade (continued)

- Fill in this table exactly like the ones for Vehicles, and for Household Goods.
- Start with the first line; fill in each box in order.

The following is a list of all of my implements, professional books or tools of my trade in my possession or in the possession of another and liens, if any.

	Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

☐ Check here if additional pages are attached because more space is needed to complete the list of implements, professional books or tools of the trade.

Net Value  
after money  
owed

# Tools of Trade (continued)

- Fill in this table exactly like the ones for Vehicles, and for Household Goods.
- If you have more than 4 “Tools of Trade” items, add an extra page to cover them.

The following is a list of all of my implements, professional books or tools of my trade in my possession or in the possession of another and liens, if any.

Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus
--	----------	-----------------------------------	------------------------------	-------------------------	--

Remember to check the box at the bottom left if you have to add an extra page.

Total					

☐ Check here if additional pages are attached because more space is needed to complete the list of implements, professional books or tools of the trade.



# Tools of Trade (last)

- **Combined Total.** Add together ALL of the “Estimated Fair Market Value (Minus Liens)” numbers to get one combined amount for ALL lines. Include the lines on any added pages. Put this number in the box at the bottom right of the table,

The following is a list of all of my implements, professional books or tools of my trade in my possession or in the possession of another and liens, if any.

	Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased	Location	Estimated Fair Market Value	Value of Lien (if any)	Lien Holder (if any)	Estimated Fair Market Value (Minus Liens)
1			\$			
2						
3						
4						
Total						

Put in the total amount of ALL lines (including ones on an added page) in this “Total” box.

☐ Check here if additional pages are attached to this form for implements, professional books or tools of the trade.

implements, professional books or

# Next Section – Money in Banks

- **Move to the top of “Page 4 of 4.”** This is where you list any money you have in “federally insured” banks or Savings & Loan accounts.

The following is a list of all my funds on deposit in a federally insured financial institution.

<b>Funds on deposit in a federally insured financial institution</b>	<b>Financial Institution</b>	<b>Amount</b>
1.		\$
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ *Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in a federally insured financial institution.*

# Money in Banks – Two Notes

- NOTE 1 – Money in an IRA (or an “SEP”).
  - In this section, do NOT list funds you have in an IRA (“individual retirement account”) or in an “SEP” (“simplified employee pension”).
  - These funds will be listed in the next section of the form.
  - Money in an IRA (or an “SEP”) is **totally protected** from creditors.
- NOTE 2 - Stocks, bonds, or other investments that are not in “federally insured institutions.”
  - In this section do NOT list money you have in stocks, bonds, or other investments that are not “federally insured institutions.”
  - Money in these types of investments is **not protected** at all from creditors.
  - You cannot list these types of investments anywhere in the Exemption form.

# Money in Banks

- Start with a description of the account, such as “Joint Checking Account” or “Checking Account – John” or “Checking Account – Mary.”

The following is a list of all my funds on deposit in a federally insured financial institution.

Funds on deposit in a federally insured financial institution	Financial Institution	Amount
1. Checking account - Madison		\$
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in a federally insured financial institution.

# Money in Banks

- Then give the name of the bank or Savings & Loan.

The following is a list of all my funds on deposit in a federally insured financial institution.

Funds on deposit in a federally insured financial institution	Financial Institution	Amount
1. Checking account - Mary	First National Bank	\$
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in a federally insured financial institution.

# Next Section – Money in Banks

- Then put in the total amount of money you have in that particular account.

The following is a list of all my funds on deposit in a federally insured financial institution.

Funds on deposit in a federally insured financial institution	Financial Institution	Amount
1. Checking account - Mary	First National Bank	\$ 150.00
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in a federally insured financial institution.

# Money in Banks

- Use additional lines for any additional accounts.

The following is a list of all my funds on deposit in a federally insured financial institution.

Funds on deposit in a federally insured financial institution	Financial Institution	Amount
1. Checking account - Mary	First National Bank	\$ 150
2. Savings account	Great Oak Savings & Loan	\$ 200
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in a federally insured financial institution.

# Money in Banks

- As always, add extra pages if the 4 lines don't cover all your accounts.

The following is a list of all my funds on deposit in a federally insured financial institution.

Funds on deposit in a federally insured financial institution	Financial Institution	Amount
1. Checking account - Mary	First National Bank	\$ 150
		\$
		\$
TOTAL:		\$

Remember to check the box at the bottom left if you have to add an extra page.

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in a federally insured financial institution.



# Money in Banks (last)

- Add the total dollar amount of all accounts. Put that number in the “Total” box.

The following is a list of all my funds on deposit in a federally insured financial institution.

Funds on deposit in a federally insured financial institution	Financial Institution	Amount
1. Checking account - Mary	First National Bank	\$ 150
2. Savings account	Great Oak Savings & Loan	\$ 200
3.		\$
4.		\$
TOTAL:		\$ 350

Put in the total amount of ALL lines (including ones on an added page) in this “Total” box.

☐ Check here if additional funds are being added to complete the list of funds on deposit in a federally insured financial institution.

# Next Section - IRA

- ▶ Now move to the middle of “Page 4 of 4,” the last table in the form.
- ▶ This is where you list the money you have in IRA accounts (or an SEP “Simplified Employee Pension” if you have one of those).

The following is a list of all my funds on deposit in an individual retirement account (IRA).

Funds on deposit in an individual retirement account (IRA)	Name of Investment Account	Amount
1.		\$
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in an IRA.

# Next Section - IRA

- ▶ By now you know how to fill this out.
- ▶ Start with the name of the person whose money is in the account.

The following is a list of all my funds on deposit in an individual retirement account (IRA).

Funds on deposit in an individual retirement account (IRA)	Name of Investment Account	Amount
1. Madison Hardluck		\$
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in an IRA.

# Next Section - IRA

- ▶ Then the name of the company or bank that holds the IRA.

The following is a list of all my funds on deposit in an individual retirement account (IRA).

Funds on deposit in an individual retirement account (IRA)	Name of Investment Account	Amount
1. Madison Hardluck	Second National Bank	\$
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in an IRA.

# Next Section - IRA

- ▶ Then the total amount of all funds in the IRA.

The following is a list of all my funds on deposit in an individual retirement account (IRA).

Funds on deposit in an individual retirement account (IRA)	Name of Investment Account	Amount
1. John Doe	Second National Bank	\$ 12,000.00
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in an IRA.

# Next Section - IRA

- ▶ Use extra lines if you have more than one IRA/SEP account.

The following is a list of all my funds on deposit in an individual retirement account (IRA).

Funds on deposit in an individual retirement account (IRA)	Name of Investment Account	Amount
1. John Doe	Second National Bank	\$ 12,000.00
2.		\$
3.		\$
4.		\$
TOTAL:		\$

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in an IRA.

# Next Section - IRA

- ▶ Use an extra page if you have more than four IRA/SEP accounts.

The following is a list of all my funds on deposit in an individual retirement account (IRA).

Funds on deposit in an individual retirement account (IRA)	Name of Investment Account	Amount
		\$ 10,000.00
		\$
		\$
TOTAL:		\$

Remember to check the box at the bottom left if you have to add an extra page.

☐

*Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in an IRA.*

# Next Section – IRA (last)

- ▶ In the “Total” box, put in the combined added total of all IRA or SEP accounts.

The following is a list of all my funds on deposit in an individual retirement account (IRA).

Funds on deposit in an individual retirement account (IRA)	Name of Investment Account	Amount
1. John Doe	Second National Bank	\$ 12,000.00
2.		\$
3.		\$
4.		\$
TOTAL:		\$ 12,000.00

Put in the total amount of ALL lines (including ones on an added page) in this “Total” box.

☐ Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in an IRA.



# Good. We're finished with the individual listings.

- ▶ Time to jump around the form again! We're going back to Page 1. This is where you put in summary information about the items you've listed in the tables that you want to protect.
- ▶ Go to Page 1 of 4. At this point we're ready to start filling in Section 3.A.
- ▶ This is summary information about Vehicles. Here's what it looks like:

3. I claim exemption of personal property based on the fact that:

*(Check all that apply. If no box applies, then the personal property exemption is not available and this form should not be completed.)*

A. ☐ The total estimated value of my motor vehicle, minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution.

*(Exemption may not exceed \$5,000.) [W.Va. Code § 38-8-1(a)(1)]*

# Section 3.A - Protect One Vehicle

- First step – show that you want to claim one of your vehicles as exempt.
- If you want to exempt a vehicle, and it is not the vehicle that was bought with the debt being collected in your case, check the box next to Letter A.

Check box "A." if you want to protect a vehicle.

3. I claim exemption of personal property based on the fact that:

*(Check all that apply. If no box applies, then the personal property exemption is not available and this form should not be completed.)*

A. ☐ The total estimated value of my motor vehicle, minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution.

(Exemption may not exceed \$5,000.) [W.Va. Code § 38-8-1(a)(1)]

If you don't have any vehicles you want to protect, leave this section blank.

## Section 3.A - Protect **One** Vehicle

- Next step – Write in the “**Net value**” of the ONE vehicle you want to protect. If you own more than one, you have to choose which one to protect. The others will not be protected.
- You must put the same “net value” dollar figure here that you put in the Vehicle chart in the bottom half of page 2. Use the number you put in the “Estimated Fair market Value (Minus Lien)” column on Page 2 for the vehicle you want to protect.

3. I claim exemption of personal property based on the fact that:

*(Check all that apply. If no box applies, then the personal property exemption is not available and this form should not be completed.)*

A. ☐ The total estimated value of my motor vehicle, minus liens, is \$                     , and I, therefore, claim \$                      of it as exempt from execution.

(Exemption may not exceed \$5,000.) [W.Va. Code § 38-8-1(a)(1)]

First blank:  
Total **Net** Value

## Section 3.A –Protect **One** Vehicle

- Next step – **Amount claimed as protected**.
  - (**Note:** You cannot protect more than \$5,000 in net value.)
- ▶ If the net value of your car or truck is **less than** \$5,000 you can completely protect the vehicle. Write the entire total net value in the second blank.
- If the net value of your car or truck is **more than** \$5,000, the highest figure you can put in the second blank is \$5,000.

Second blank:  
Amount Claimed  
Exempt

Exemption of personal property based on the fact that:

*None of the following boxes apply. If no box applies, then the personal property exemption is not available and this form should not be completed.)*

A. ☐ The total estimated value of my motor vehicle, minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution.

(Exemption may not exceed \$5,000.) [*W.Va. Code § 38-8-1(a)(1)*]

# Next - Section 3.B – Protect Household Items

- Page 1, Letter B, under Section 3 is for **household items**.
- Check Box B if you have any “household items” to protect.
  - This includes Furniture, guns, clothing, kitchen pots & pans, televisions, stereo equipment, computers, computer games, beds, mattresses, and so on.
  - Do not include any work-related items here such as tools or equipment.

B. ☐ The total estimated value of my personal property (household goods, furniture, toys, animals, appliances, books and wearing apparel), minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution. (Exemption may not exceed \$8,000.) [*W.Va. Code § 38-8-1(a)(2)*]

Check Box B to  
Protect Household  
Items

## Section 3.B. – Protect Household Items

- Next step – “total net value” of household items
- Use the Total of ALL items that you listed in the Household Goods table (on Page 3) to fill in the “Net Value” box here.

First blank:  
Total Net Value

B. ☐ The total estimated value of my personal property, (household goods, furniture, toys, animals, appliances, books and wearing apparel) minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution.  
Exemption may not exceed \$8,000) [W.Va. Code §38-8-1(a)(2)]

## Section 3.B – Protect Household Items

- Next step – **amount claimed exempt** of household items.
- The limit for Household Goods is \$8,000 or less.
  - If the combined net value of all items you listed in the table at the top of Page 3 is less than \$8,000 you can protect **all** of your Household Goods.
  - If the combined net value is more than \$8,000, claim the maximum \$8,000 to protect as much as allowed. Put the total to exempt in the second blank under Letter B.

Second blank:  
Amount Claimed Exempt

B. ☐ The total estimated value of my personal property, (household goods, furniture, toys, animals, appliances, books and wearing apparel) minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution.  
Exemption may not exceed \$8,000) [W.Va. Code §38-8-1(a)(2)]

# Next - Section 3.C – Protect Tools of Trade

- This protection is for tools, equipment, professional books, uniforms, or other things you are **have** to have in order to perform your work
- Do not include any ordinary household items in this category.
- To exempt work-related materials, check the box next to Letter C.

To protect “work-related property” check Box C.

If you don't have Work-Related Property, skip this section.

as exempt from execution. (Exemption may not exceed \$8,000.) [W.Va. Code § 38-8-1(a)(2)]

C. ☐ The total estimated value of my personal property (implements, professional books or tools of my trade), minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution. (Exemption may not exceed \$3,000.) [W.Va. Code § 38-8-1(a)(3)]



## Section 3.C – Protect Work-related property

- If you mark the box for Work-Related Property, the next blank is for **total net value** of Tools of Trade.
- Use the figure you listed in the Tools of Trade table (at bottom of Page 3).

Total value of “work-related property,” from table on Page 3

If you don't have Work-Related Property, skip this section.

as exempt from execution. (Exemption may not exceed \$8,000.) [*W.Va. Code* § 38-8-1(a)(2)]

C. ☐ The total estimated value of my personal property (implements, professional books or tools of my trade), minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution. (Exemption may not exceed \$3,000.) [*W.Va. Code* § 38-8-1(a)(3)]

## Section 3.C – Protect Work-related property

- Next Step – Amount Claimed Exempt
- This exemption **cannot be more than \$3,000**.
  - If the value of your work-related items is less than \$3,000, claim the entire amount to protect all of your Work-Related property.
  - If the value of your work-related items is more than \$3,000, claim the \$3,000 to protect as much of your property as allowed.
- Put the amount you want to exempt in the second blank under Letter C.

C. ☐ The total estimated value of my personal property (implements, professional books or tools of my trade), minus liens, is \$ \_\_\_\_\_, and I, therefore, claim \$ \_\_\_\_\_ of it as exempt from execution. (Exemption may not exceed \$3,000)  
[W.Va. Code §38-8-1(a)(3)]

Second blank:  
Amount Claimed Exempt

# Section 3.D. – Protect Money in the Bank

(Collection Phase Started On/After June 7, 2016)

- Letter D under Section 3 is for the protection of money already in your bank account or Savings & Loan account.
  - (Do not include any wages earned but not yet paid in this category.)
- To protect money in the bank, check the box next to Letter D.

To protect “money in the bank” check Box D.

D. ☐

The total estimated value of my funds on deposit in a federally insured financial institution, wages or salary, does not exceed the greater of 1) \$1,000 OR 2) 125% of the amount of annualized federal poverty level of my household divided by the number of pay periods for the year, and I therefore claim \$ \_\_\_\_\_ of it as exempt from execution. [W.Va. Code §38-8-1(a)(4)]

# Section 3.D. – Protect Money in the Bank

(Collection Phase Started On/After June 7, 2016)

- Now write in the total dollar amount of money you have in the bank, using the figure you put in the table at the top of page 4.
- (Do not count any wages earned but not yet paid in this category.)

Fill in the total dollar amount from the table on Page 4 for Money in bank or savings accounts.

D.  The total of my funds on deposit in a federally insured financial institution is \$ , and I, therefore, claim \$  of it as exempt from execution.

(Exemption may not exceed \$1,100.) [*W.Va. Code* § 38-8-1(a)(4)]

# Section 3.D. – Protect Money in the Bank

(Collection Phase Started On/After June 7, 2016)

- The most you can protect is \$1,100 in the bank. Anything over that amount is not protected.
  - (Do not count any wages earned but not yet paid in this category.)

Here, fill in the amount you want to protect (cannot be more than \$1,100).

D.  The total of my funds on deposit in a federally insured financial institution is \$ , and I, therefore, claim \$  of it as exempt from execution.

(Exemption may not exceed \$1,100.) [*W.Va. Code* § 38-8-1(a)(4)]

# Section 3.D. – Wages Not Yet Paid

(Judgment Entered BEFORE June 7, 2016)

- CAUTION! If the collection phase in your case started BEFORE June 7, 2016, the law is very different about how to handle “wages not yet paid.”
- There is a different form to use if the collection phase of your case was started BEFORE June 7, 2016. ([Click Here](#) to get that form.) In those cases you have to specifically claim an exemption for “wages not yet paid.”
  - Do NOT use the form we are showing you if you have “wages not yet paid” AND the collection phase of your case started before June 7, 2016.
- If you have “wages not yet paid” AND the collection phase started on/after June 7, 2016, you don’t need to list “wages not yet paid” in the form at all. They are automatically protected (u-p to a certain limit).

## Section 3.D. – Money in the Bank

- A NOTE ABOUT WAGES “EARNED BUT NOT YET PAID.”
- Suppose you have worked part way through a pay period, but the regular payday hasn’t arrived. You have earned wages for the time you worked. But you have not yet been paid the wages you have earned.
- Under the new law (collection phase on/after June 7, 2016) wages “earned but not yet paid” do not have to be put on the Property Protection form. Unpaid wages are protected automatically (up to some limits). ([Click Here](#) for information about Wage Garnishment under the new law.)
- Under the old law (collection phase BEFORE June 7, 2016) wages “earned but not yet paid” have to be listed on the “before June 7, 2016” Property Exemption form. They are NOT automatically protected. They are added into the “money in the bank” category.


# Next - Total Claimed Exemptions - Section 3

- ▶ The last line on Page 1 has a blank to write in the **combined total value of all the exemption amounts** you claimed in:
  - ▶ 3.A (Vehicles) plus
  - ▶ 3.B. (Household Goods) plus
  - ▶ 3.C. (Tools of Trade) plus
  - ▶ 3.D. (Money in Bank).

Put in the total added amount of all four exemptions you have claimed.

Total claimed exemption of items listed in 3.A., B., C., and/or D. above is \$                     .

**SCA-C&M665: Affidavit for Exemptions (on or after June 7, 2016)**

Revision Date: 06/07/2016;  WVSCA Approved Date: 06/14/2016; Docket Code(s): **MPAEX**

Page 1 of 4



# Next - Section 4 – Protect IRA funds

- ▶ Now move to the **top of page 2**, for Question #4.
- ▶ There is no limit on how much money you can protect in an IRA or SEP. But you have to mark the form in order to protect it!

If you have money in an IRA or SEP, check box #4 to protect those funds.

4. ☐ I claim as exempt from execution my funds on deposit in an individual retirement account (IRA), including a simplified employee pension (SEP), in my name and I state that it is not or has not been subject to an excise or other tax on excess contributions under Section 4973 or Section 4979 of the Internal Revenue Code of 1986, or both sections, or any successor provisions, regardless of whether the tax is or has been paid.  
[W.Va. Code § 38-8-1(a)(5)]

# Next – If All Of Your Property Adds Up To **More Than \$15,000 Total**

- ▶ If the total combined value of all the items you listed in the tables on Pages 2, 3 & 4 adds up to **LESS THAN \$15,000, you can skip this part.** You don't need to mark this section at all.
- ▶ However, if the combined value of all items listed adds up to **MORE THAN \$15,000**, we've got some work to do.
- ▶ This is the part where you identify which items you want to protect, and which items will be left unprotected.
- ▶ No more than \$15,000 can be protected.

# Identifying Items to Protect If You Have More Than \$15,000 Total

- ▶ Here's the section we will address now, from Page 2:

☐ The total estimated value of my property, minus liens, exceeds \$15,000, and I claim the following items as exempt from execution *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt)*:

Vehicles:

Household Property:

Implements, Professional Books or Tools of my Trade:

Funds on Deposit:

# Skip This If You Have Less Than \$15,000 Total Value For All Items

- ▶ You don't need to mark anything in this section.

☐ The total estimated value of my property, minus liens, exceeds \$15,000, and I claim the following items as exempt from execution *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt)*:

Vehicles:

Household Property:

Implements, Professional Books or Tools of my Trade:

Funds on Deposit:

# Check This Box If You Have MORE Than \$15,000 Total Value

- ▶ Start by checking the box to say that you have more than \$15,000 listed in the tables.

☐ The total estimated value of my property, minus liens, exceeds \$15,000, and I claim the following items as exempt from execution *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt):*

Vehicles:

Household Property:

Implements, Professional Books or Tools of my Trade:

Funds on Deposit:

# Explainer – what comes next

- ▶ On the four lines in this section, you must write in the “line numbers” from each table in the form to identify each item you want to protect.
- ▶ For any category where the total value is lower than the exemption limit, you can protect all of those items in that category. Just write in all the line numbers from the table for that category.
- ▶ For any category where the total value of all items is **higher** than the exemption limit:
  - ▶ write in the line numbers that add up to less than the limit for that category.
  - ▶ Leave out the line numbers of items that can't fit under the limit.

# Caution – Overall \$15,000 Limit

- ▶ Remember, \$15,000 is the most you are allowed to protect.
- ▶ What's weird is that the limits in each category (vehicles, household goods, etc) add up to more than \$15,000! But you can't protect all of that! Once again, you have to choose what to protect and what to leave unprotected.
- ▶ This may mean you have to go under the limit in one or two categories in order to meet the overall \$15,000 limit.

# Explainer – Vehicle example

- ▶ Suppose you have two vehicles. Vehicle 1 is run down and only worth \$800. Vehicle 2 is in better shape, and is worth \$5,000.
- ▶ Obviously you will protect the more valuable vehicle. Leave the less valuable vehicle unprotected.
- ▶ On the line marked “Vehicle” write in the number “2” to protect the vehicle listed on the second line of the table for vehicles.

☐ The total estimated value of my property, minus liens, exceeds \$15,000, and I claim the following items as exempt from execution *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt)*:

Vehicles:

2

Household Property:

Implements, Professional Books or Tools of my Trade:

Funds on Deposit:



# Explainer – Household Goods example

- ▶ Or suppose you listed six groups of Household items in the table at the top of page 3. Added together, their total value is \$10,000.
- ▶ You are allowed to protect only \$8,000 of Household Goods. So you have to choose which to protect and which to leave unprotected.
- ▶ General advice is to protect the things that are easiest to sell (like televisions, computers, and electronics). Leave unprotected the things that aren't worth selling (like your used clothes, pots and pans, used bedding, etc).
- ▶ Write in the line numbers of the things you want to protect, so long as they do not add up to more than the \$8,000 limit.

Fill in all 4 lines with the “line numbers” of the things you are going to protect.

☐ The total estimated value of my property, minus liens, exceeds \$15,000, and I claim the following items as exempt from execution *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt):*

Vehicles:

Household Property:

Implements, Professional Books or Tools of my Trade:

Funds on Deposit:

Remember, all of these together cannot add up to more than \$15,000 (even if they are all under their category limit).

- ▶ If you protect the individual limit for each category, that would add up to \$17,100 .
- ▶ But that is higher than the overall \$15,000 limit.
- ▶ Make sure that you are not protecting more than \$15,000 in total. Pick and choose as needed to stay under the \$15,000 limit.

☐ The total estimated value of my property, minus liens, exceeds \$15,000, and I claim the following items as exempt from execution *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt)*:

Vehicles:

Household Property:

Implements, Professional Books or Tools of my Trade:

Funds on Deposit:

# Next, a different set of exemptions.

- ▶ All the exemptions we've been showing apply to collection of any kind of court judgment.
  - ▶ Sued for causing a car wreck;
  - ▶ Sued for breach of contract;
  - ▶ Sued for eviction by a landlord, who also got an order for rent owed;
  - ▶ Sued by a hospital for not paying the bill.
- ▶ These could be all kinds of events that have nothing to do with a “consumer transaction” like buying a television you couldn't pay off, or running up a credit card debt you couldn't pay.
- ▶ But another law provides exemptions that are somewhat different, **only for “consumer credit transactions.”**

# “Consumer credit or lease” exemptions

- ▶ These “consumer credit or lease” exemptions are very similar to the exemptions we’ve discussed. But one or two of them have different dollar limits
- ▶ Most people won’t find any advantage in using the “consumer credit or lease” exemptions. Some people will.
- ▶ Here’s the part of the form to look at:

☐ The debt in this case arose from a consumer credit transaction (goods purchased or leased on credit for personal, family, household or agricultural purpose, and payable in installments or subject to a sales finance charge), and I, therefore, claim as exempt (*list the numbers of each line from the tables below and on any attached sheets which you claim as exempt*) [W.Va. Code § 46A-2-136] :

<input type="text"/> Clothing, up to \$200	<input type="text"/> All children's property
<input type="text"/> All family health equipment	<input type="text"/> Tools of the trade/income-producing property, up to \$1,000
<input type="text"/> Life insurance policy, except cash value of accrued dividends	<input type="text"/> Household furniture, appliances, furnishings and fixtures, up to \$1,000

# “Consumer credit or lease” exemptions

- ▶ Here are the differences:
  - ▶ Children's property can be exempted **without dollar limit**.
  - ▶ Medical health equipment used by any member of the family can be exempted **without dollar limit**.
- ▶ All the other personal property exemptions we've discussed before are also available in “consumer credit or lease” cases.

# So when would you use the “Consumer credit or lease” exemptions?

- ▶ Two possibilities:
  - ▶ When you have very expensive “family health/medical equipment” that won’t fit under the general Household Goods exemption; or
  - ▶ When your children have very expensive personal property that won’t fit under the general Household Goods exemption.

☐ The debt in this case arose from a consumer credit transaction (goods purchased or leased on credit for personal, family, household or agricultural purpose, and payable in installments or subject to a sales finance charge), and I, therefore, claim as exempt (*list the numbers of each line from the tables below and on any attached sheets which you claim as exempt*) [W.Va. Code § 46A-2-136]:

<input type="checkbox"/> Clothing, up to \$200	<input type="checkbox"/> All children's property
<input type="checkbox"/> All family health equipment	<input type="checkbox"/> Tools of the trade/income-producing property, up to \$1,000
<input type="checkbox"/> Life insurance policy, except cash value of accrued dividends	<input type="checkbox"/> Household furniture, appliances, furnishings and fixtures, up to \$1,000

# How to use the “Consumer credit or lease” exemptions

- ▶ **First**, make sure your debt arises from a “consumer credit or lease” transaction. That it’s not one of the other types of debts that can come out of court cases.
- ▶ **Second**, if you have one of these two situations (unusual value medical equipment, or unusual value child’s property), then check the box to use the exemptions in this part of the form.

☐

The debt in this case arose from a consumer credit transaction (goods purchased or leased on credit for personal, family, household or agricultural purpose, and payable in installments or subject to a sales finance charge), and I, therefore, claim as exempt (*list the numbers of each line from the tables below and on any attached sheets which you claim as exempt*) [W.Va. Code § 46A-2-136] :

<input type="text"/> Clothing, up to \$200	<input type="text"/> All children's property
<input type="text"/> All family health equipment	<input type="text"/> Tools of the trade/income-producing property, up to \$1,000
<input type="text"/> Life insurance policy, except cash value of accrued dividends	<input type="text"/> Household furniture, appliances, furnishings and fixtures, up to \$1,000



# How to use the “Consumer credit or lease” exemptions

- ▶ **Third**, write the line numbers of the items (expensive medical equipment, or expensive children’s property) in the correct line in this section.
- ▶ For example, if expensive medical equipment was line 3 of your Household Goods table, write “3” in the “family health equipment” line.

☐ The debt in this case arose from a consumer credit transaction (goods purchased or leased on credit for personal, family, household or agricultural purpose, and payable in installments or subject to a sales finance charge), and I, therefore, claim as exempt (*list the numbers of each line from the tables below and on any attached sheets which you claim as exempt*) [W.Va. Code § 46A-2-136]:

<input type="text"/>	Clothing, up to \$200	<input type="text"/>	All children's property
<b>3</b>	All family health equipment	<input type="text"/>	Tools of the trade/income-producing property, up to \$1,000
<input type="text"/>	Life insurance policy, except cash value of accrued dividends	<input type="text"/>	Household furniture, appliances, furnishings and fixtures, up to \$1,000

# Last word on “consumer credit or lease” exemptions

- ▶ Like all the exemptions, you cannot use these against a “purchase money debt.”
- ▶ That is, if you’re sued for not paying for a television, you cannot exempt **that** television from collection by **that** creditor.
- ▶ You can protect the television against other creditors, but not against the creditor who gave you credit to buy it.

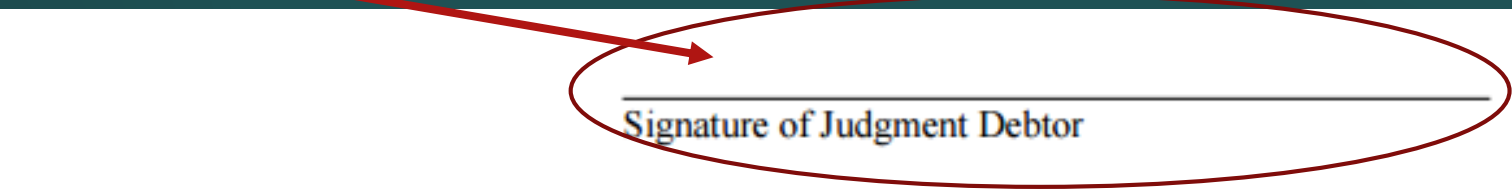
☐ The debt in this case arose from a consumer credit transaction (goods purchased or leased on credit for personal, family, household or agricultural purpose, and payable in installments or subject to a sales finance charge), and I, therefore, claim as exempt *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt)* [W.Va. Code § 46A-2-136] :

<input type="text"/>	Clothing, up to \$200	<input type="text"/>	All children's property
<input type="text"/>	All family health equipment	<input type="text"/>	Tools of the trade/income-producing property, up to \$1,000
<input type="text"/>	Life insurance policy, except cash value of accrued dividends	<input type="text"/>	Household furniture, appliances, furnishings and fixtures, up to \$1,000

# Whew! You're finished and ready to sign!

- Go to the end of the form, near the bottom of Page 4.
- Remember, you are signing an official court document **under sworn oath**. You can be prosecuted for perjury if you intentionally leave out any items of property that you own.

On the line labeled "Signature of Judgment Debtor," sign your name.



Signature of Judgment Debtor

Taken, subscribed and sworn or affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires on \_\_\_\_\_.

Signature of Notary/Court Clerk

# Time to get it notarized

- Before you file your form, you have to get it notarized by a commissioned notary, or the Magistrate Court Clerk in the county you will be filing in.
- Do not fill in any of the blanks below your signature. Those are for the notary to fill out before you file the form

This portion is for the Notary Public to fill out – NOT YOU !

Madison Hardluck  
Signature of Judgment Debtor

Taken, subscribed and sworn or affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires on \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary/Court Clerk

# Instructions about filing the form

- When you have completed the form, **double-check to make sure everything is done right to claim the exemptions you want.**
- Be sure you AND the notary have signed it.
- **Make 3 copies of the form.**
  - One copy to file with for the court clerk;
  - One copy to send to the creditor who is seeking judgment against you; and
  - One copy is for your records.
- **Send a copy to the creditor** who is seeking judgment against you. If you don't do this, the court will not give you the exemptions.
- Take the completed form to the court clerk's office **where the judgment was made against you.** Usually this is in the county where you live, but not always. Make sure you're filing it with the correct court.

# The End !

- ▶ Congratulations, you've made it all the way through a pretty complicated court form.
- ▶ We hope these slides help you fill out the court form to protect some (or even all) of your personal property and money in the bank.
- ▶ Call Legal Aid of West Virginia if the court will not accept your exemption form, or says there is some problem with it. We may be able to help.

1-866-255-4370