

Judgment Creditor (Plaintiff)

**NOTICE TO CLAIM
EXEMPT PROPERTY
(STATUTORY EXEMPTIONS)**

VERSUS

Judgment Debtor (Defendant)

N.C.G.S. 1C -1603(c)

NOTE TO DEBTOR (DEFENDANT): *The Clerk of Court cannot fill out this form for you. If you need assistance, you should talk with an attorney.*

I, the undersigned, move to set aside the property claimed below as exempt.

1. I am a citizen and resident of _____.
2. I am married to _____.
 I am not married.
3. My current address is _____.
4. The following persons live in my household and are dependent on me for support:

<i>Name(s) of Person(s) Dependent on Me</i>	<i>Age</i>	<i>Relationship</i>

5. I wish to claim as exempt (keep from being taken) my interest in the following real or personal property, or in a cooperative that owns property, that I use as a residence. I also wish to claim my interest in the following burial plots for myself or my dependents. I understand that my total interest claimed in the residence and burial plots may not exceed \$35,000.00 except that if I am unmarried and am 65 years of age or older, I am entitled to claim a total exemption in the residence and burial plots not to exceed \$60,000.00 so long as the property was previously owned by me as a tenant by the entireties or as a joint tenant with rights of survivorship, and the former co-owner of the property is deceased.

Street Address of Residence

<i>County Where Property Located</i>	<i>Township</i>	<i>No. by Which Tax Assessor Identifies Property</i>
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Legal Description (Attach a copy of your deed or other instrument of conveyance or describe property in as much detail as possible. Attach additional sheets if necessary.)

I am unmarried and 65 years of age or older and this property was previously owned by me as a tenant by entireties or as a joint tenant with rights of survivorship and the former co-owner of the property is deceased.

<i>Name(s) of Owner(s) of Record of Residence</i>	<i>Estimated Value of Residence (What You Think You Could Sell It For)</i>
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<i>Amount of Lien(s) and Name(s) and Address(es) of Lienholder(s) (How much money is owed on the property and to whom.)</i>	<i>Current Amount Owed</i>
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	\$
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	\$
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<i>Location of Burial Plots Claimed</i>	<i>Value of Burial Plots Claimed</i> \$
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6. I wish to claim the following personal property consisting of household furnishings, households goods, wearing apparel, appliances, books, animals, crops or musical instruments as exempt from the claim of my creditors (in other words, keep them from being taken from me). These items of personal property are held primarily for my personal, family or household use.

I understand that I am entitled to personal property worth the sum of \$5,000.00. I understand that I am also entitled to an additional \$1,000.00 for each person dependent on me for support, but not to exceed \$4,000.00 for dependents. I further understand that I am entitled to this amount after deducting from the value of the property the amount of any valid lien or security interest. Property purchased within 90 days of this proceeding may not be exempt.

(Some examples of households goods would be TV, appliances, furniture, clothing, radios, record players.)

Item of Property	Fair Market Value (What You Could Sell It For)	Amount of Lien Or Security Interest (Amount Owed on Property)	Name(s) of Lienholders(s) (To Whom Money is Owed)	Value of Debtor's (Defendant's) Interest (Fair Market Value Less Amount Owed)
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$

7. I wish to claim my interest in the following motor vehicle as exempt from the claim of my creditors. I understand that I am entitled to my interest in one motor vehicle worth the sum of \$3,500.00 after deduction of the amount of any valid liens or security interests. I understand that a motor vehicle purchased within 90 days of this proceeding may not be exempt.

<i>Make and Model</i>	<i>Year</i>	<i>Name(s) of Title Owner of Record</i>
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<i>Fair Market Value (What You Could Sell It For)</i> \$	<i>Name(s) of Lienholder(s) or Record (Person(s) to Whom Money is Owed)</i>
<i>Amount of Liens (Amount Owed)</i> \$	<i>Value of Debtor's (Defendant's) Interest (Fair Market Value Less Amt. Owed)</i> \$

8. (This item is to claim any other property you own that you wish to exempt.) I wish to claim the following property as exempt because I claimed residential real or personal property as exempt that is worth less than \$35,000.00 or I made no claim for a residential exemption under section (5) above. I understand that I am entitled to an exemption of up to \$5,000.00 on any property only if I made no claim under section (5) above or a claim that was less than \$35,000 under section (5) above. I understand that I am entitled to claim any unused amount that I was permitted to make under section (5) above up to a maximum of \$5,000 in any property. (Examples: if you claim \$34,000.00 under section (5), \$1,000.00 allowed here; if you claim \$30,000.00 under section (5), \$5,000 allowed here; if you claim \$35,000.00 under section (5), no claim allowed here.) I further understand that the amount of my claim under this section is after the deduction from the value of this property of the amount of any valid lien or security interests and that tangible personal property purchased within 90 days of this proceeding may not be exempt.

Item Of Personal Property Claimed	Fair Market Value	Amount of Liens	Name(s) of Lienholder(s)	Value of Debtor's (Defendant's) Interest
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$

Real Property Claimed (*I understand that if I wish to claim more than one parcel, I must attach additional pages setting forth the following information for each parcel claimed as exempt.*)

<i>Street Address</i>		<i>Estimated Value of Property (What You Could Sell It For)</i> \$
<i>County</i>	<i>Township</i>	<i>No. by Which Tax Assessor Identifies Property</i>

Description (Attach a copy of your deed or other instrument of conveyance or describe the property in as much detail as possible)

<i>Name and Address of Lienholder</i>	<i>Current Amount Owed</i> \$
<i>Name and Address of Lienholder</i>	<i>Current Amount Owed</i> \$

(Attach additional sheets for more lienholders)

9. I wish to claim the following item of health care aid (*wheelchairs, hearing aids, etc.*) necessary for myself my dependents.

Item	Purpose

10. I wish to claim the following implements, professional books, or tools (not to exceed \$2,000.00), of my trade or the trade of my dependent. I understand that such property purchased within 90 days of this proceeding may not be exempt.

Item	Estimated Value (What You Could Sell It For)	What Business or Trade Used In
	\$	
	\$	
	\$	

	\$	
11. I wish to claim the following life insurance policies whose sole beneficiaries are my spouse and/or children as exempt		
Name of Insurer	Policy No.	Beneficiary(is)

12. I wish to claim as exempt the following compensation that I received or which I am entitled for the personal injury of myself or a person upon whom I was dependent for support, including compensation from a private disability policy or annuity, or compensation that I received for the death of a person upon whom I was dependent for support. I understand that this compensation is not exempt from claims for funeral, legal, medical, dental, hospital or health care charges related to the accident or injury that resulted in the payment of the compensation to me. *(Add additional sheets if more than one amount of compensation.)*

Amount of Compensation \$	Method of Payment: Lump Sum or Installments (If Installments, State Amount, Frequency and Duration of Payments)
Location/Source of Compensation	

13. I wish to claim my individual retirement accounts, including Roth accounts, and individual retirement annuities (IRA's) that are listed below.

Name of Custodian of IRA Account	Type of Account	Account Number

14. I wish to claim the following funds I hold in a college savings plan that is qualified under section 519 of Internal Revenue Code, not to exceed \$25,000. I understand that the plan must be for my child and must actually be used for the child's college expenses. I understand I may not exempt any funds I placed in this account within the preceding 12 months, except to the extent that any contributions were made in the ordinary course of my financial affairs and were consistent with my past pattern of contributions.

College Savings Plan	Account Number	Name(s) of Child(ren) Beneficiaries

15. I wish to claim the following retirement benefits to which I am entitled to under the retirement plans of other states and governmental units of other states. I understand that these benefits are exempt only to the extent these benefits are exempt under the laws of the state or governmental unit under which the benefit plan was established.

State/Governmental Unit	Name of Retirement Plan	Identifying Number

16. I wish to claim as exempt any alimony, support, separate maintenance, or child support payments or funds that I have received or that I am entitled to receive. I understand that these payments are exempt only to the extent that they are reasonably necessary for my support or for the support of a person dependent on me for support.

Type of Support	Person Paying Support	Amount & Location of Funds

17. The following is a complete listing of my property which I do NOT claim as exempt.

Item	Location	Estimated Value
		\$
		\$
		\$
		\$

18. I certify that the above statements are true.

Date

Signature of Judgment Debtor (Defendant)

19. A copy of this Motion was served on the judgment creditor (plaintiff) by:

- delivering a copy to the judgment creditor (plaintiff) personally.
- delivering a copy to the judgment creditor's attorney : _____
- depositing a copy of this Motion in a post-paid properly addressed envelope in a post office, addressed to the judgment creditor (plaintiff) at the address shown on the notice of rights served on me.
- depositing a copy of this Motion in a post-paid properly addressed envelope in a post office, addressed to the judgment creditor's (plaintiff's) attorney at the following address: _____

Date:

Signature of Judgment Debtor/Attorney for Debtor (Defendant)

Address and Phone No. of Attorney for Debtor (Defendant)