

**Send to: St. Joseph Superior Court, Small Claims Division 1855 Courthouse, 112 S. Lafayette Blvd. South Bend, IN 46601**

STATE OF INDIANA )  
 ) SS.  
COUNTY OF ST JOSEPH )  
  
\_\_\_\_\_)  
Plaintiff(s) )  
 )  
vs. )  
\_\_\_\_\_)  
Defendant(s) )

IN THE ST JOSEPH SUPERIOR COURT  
SMALL CLAIMS DIVISION, SOUTH BEND

CAUSE NO.:

Check one:  I am the judgment defendant.  
 I maintain a joint account with the judgment defendant.

**JUDGMENT DEFENDANT’S EXEMPTION CLAIM AND REQUEST FOR HEARING**

**NOTE:** A person who wins a judgment against you is entitled to collect the judgment from any property you own or income you receive, except when the property or income is protected from collection by state or federal law. When property or income is so protected, it is referred to as “*exempt*”.

If you believe that all or part of the money or property in your account that has been frozen should not be you are entitled to request a hearing.

Below is a list of exemptions pursuant to Indiana Code 34-55-10-2 and Federal law, please review the list and check which exemption may apply to your property or money that has been frozen. ***You should bring to Court any documents/exhibits that corroborate your exemption. Failure to bring the appropriate documents may result in your case being continued.***

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- Social Security Benefits, Supplemental Security Income (SSI) Benefits.
- Real estate or personal property constituting the personal or family residence of the debtor or a dependent of the debtor, or estates or rights in that real estate or personal property, of not more than fifteen thousand dollars (\$15,000).
- Other real estate or tangible personal property of eight thousand dollars (\$8,000).
- Intangible personal property, including choses in action, deposit accounts, and cash (but excluding debts owing and income owing) of three hundred dollars (\$300).
- Professionally prescribed health aids for the debtor or a dependent of the debtor.
- Any interest that the debtor has in real estate held as a tenant by the entireties. The exemption under this subdivision does not apply to a debt for which the debtor and the debtor's spouse are jointly liable.
- An interest, whether vested or not, that the debtor has in a retirement plan or fund to the extent of: (A) contributions, or portions of contributions, that were made to the retirement plan or fund by or on behalf of the debtor or the debtor's spouse: (i) which were not subject to federal income taxation to the debtor at the time of the contribution; or (ii) which are made to an individual retirement account in the manner prescribed by Section 408A of the Internal Revenue Code of 1986; (B) earnings on contributions made under clause (A) that are not subject to federal income taxation at the time of the levy; and (C) roll-overs of contributions made under clause (A) that are not subject to federal income taxation at the time of the levy.
- Money that is in a medical care savings account established under IC 6-8-11.
- Money that is in a health savings account established under Section 223 of the Internal Revenue Code of 1986.

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Any interest the debtor has in a qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code of 1986, but only to the extent funds in the program are not attributable to: (A) excess contributions, as described in Section 529(b)(6) of the Internal Revenue Code of 1986, and earnings on the excess contributions; (B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or (C) the excess over five thousand dollars (\$5,000) of aggregate contributions made by the debtor for all programs under this subdivision and education savings accounts under subdivision (10) having the same designated beneficiary: (i) not later than one (1) year before; and (ii) not earlier than two (2) years before; the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the aggregate contributions.

Any interest the debtor has in an education savings account, as defined in Section 530(b) of the Internal Revenue Code of 1986, but only to the extent funds in the account are not attributable to: (A) excess contributions, as described in Section 4973(e) of the Internal Revenue Code of 1986, and earnings on the excess contributions; (B) contributions made by the debtor within one (1) year before the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the contributions; or (C) the excess over five thousand dollars (\$5,000) of aggregate contributions made by the debtor for all accounts under this subdivision and qualified tuition programs under subdivision (9) having the same designated beneficiary: (i) not later than one (1) year before; and (ii) not earlier than two (2) years before; the date of the levy or the date a bankruptcy petition is filed by or against the debtor, and earnings on the excess contributions.

The debtor's interest in a refund or a credit received or to be received under the following: (A) Section 32 of the Internal Revenue Code of 1986 (the federal earned income tax credit). (B) IC 6-3.1-21-6 (the Indiana earned income tax credit).

Veteran's Benefits, Civil Service and Federal Retirement and Disability Benefits or Military Annuities and Survivors' Benefits: A disability benefit awarded to a veteran for a service connected disability under 38 U.S.C. 1101 et seq. This subdivision does not apply to a service connected disability benefit that is subject to child and spousal support enforcement under 42 U.S.C. 659(h)(1)(A)(ii)(V).

Compensation distributed from the supplemental state fair relief fund under IC 34-13-8 to an eligible person (as defined in IC 34-13-8-1) for an occurrence (as defined in IC 34-13-8-2). This subdivision applies even if a debtor is not domiciled in Indiana. (d) A bankruptcy proceeding that results in the ownership by the bankruptcy estate of a debtor's interest in property held in a tenancy by the entirety does not result in a severance of the tenancy by the entirety. (e) Real estate or personal property upon which a debtor has voluntarily granted a lien is not, to the extent of the balance due on the debt secured by the lien: (1) subject to this chapter; or (2) exempt from levy or sale on execution or any other final process from a court.

Railroad Retirement Benefits, Merchant Seamen Wages, Longshoremen's and Harbor Workers' Death and Disability Benefits

Foreign Service Retirement and Disability Benefits or Compensation for Injury, Death, or Detention of Employees of U.S. Contractors Outside the U.S.

Federal Emergency Management Agency Federal Disaster Assistance.

**I believe that all or part of the money or property in my account(s) that may be frozen should not be, since the accounts(s) contain exempt funds. I would like a hearing at the earliest time.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

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