

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OTTER TAIL

SEVENTH JUDICIAL DISTRICT

\_\_\_\_\_ (Creditor)

\_\_\_\_\_ (Debtor)

\_\_\_\_\_ (Financial Institution)

**IMPORTANT NOTICE  
YOUR FUNDS HAVE BEEN LEVIED**

The Creditor has frozen money in your account at your financial institution.

**Your account balance is \$**\_\_\_\_\_

**The amount being held is \$**\_\_\_\_\_

The amount being held will be frozen for 14 days from the date of this notice.

**Some of your money in your account may be protected (the legal word is exempt).**

**You may be able to get it sooner than 14 days if you act quickly and follow the instructions on the next page.**

The attached exemption form lists some different sources of money in your account that may be protected. If your money is from one or more of these sources, place a check on the line on the form next to the sources of your money. If it is from one of these sources, the Creditor cannot take it.

**BUT, you must follow the instructions and return the exemption form and copies of your bank statements from the last 60 days to have the bank unfreeze your money.**

If you do not follow the instructions, your financial institution will give the money to the Sheriff. If that happens and it is protected, you can still get it back from the Creditor later, but that is not as easy to do as filling in the form now.

See next pages for instructions and the exemption form.

**INSTRUCTIONS**

**Note:** The creditor is who you owe the money to. You are the debtor.

1. Fill out both of the attached exemption forms in this packet.

**If you check one of the lines, you should also give proof that shows that some or all of the money in your account is from one or more of the protected sources. Creditors may ask for a hearing if they question your exemptions.**

**To avoid a hearing:**

- Be sure to include your Public Assistance Case numbers to the form.
- Copies of documents showing the source of your money should be sent with the form.

**NOTICE: YOU MUST SEND TO THE CREDITOR'S ATTORNEY (OR TO THE CREDITOR, IF NO ATTORNEY) COPIES OF YOUR BANK STATEMENTS FOR THE PAST 60 DAYS BEFORE THE LEVY.**

**Keep a copy of your bank statements in case there are questions about your claim. If you do not send to the creditor's attorney (or to the creditor, if no attorney) bank statements with your exemption claim, the financial institution may release your money to the sheriff.**

2. **Sign** the exemption forms. **Make one copy to keep for yourself.**
3. **Mail or deliver** the other copies of the form by \_\_\_\_\_ (insert date).

**BOTH COPIES MUST BE MAILED OR DELIVERED THE SAME DAY.**

One copy of the exemption form and the copies of your bank statements go to:

\_\_\_\_\_  
(Insert name of creditor or creditor's attorney)

\_\_\_\_\_  
(Insert address of creditor or creditor's attorney)

One copy of the exemption form goes to:

\_\_\_\_\_  
(Insert name of bank)

\_\_\_\_\_  
(Insert address of bank)

## **HOW THE PROCESS WORKS**

### **If You Do Not Send in the Exemption Form and Bank Statements:**

14 days after the date of this letter some or all of your money may be turned over to the creditor or to the sheriff.

### **If You Send in the Exemption Form and Bank Statements:**

Any money that is NOT protected can be turned over to the sheriff.

### **If the Creditor Does Not Object:**

The financial institution will unfreeze your money six business days after the institution gets your completed form.

### **If the Creditor Objects:**

The money you have said is protected on the form will be held by the bank. The creditor has six business days to object (disagree) and ask the court to hold a hearing. You will receive a Notice of Objection and a Notice of Hearing.

The financial institution will hold the money until a court decides whether your money is protected or not. Some reasons a creditor may object are because you did not send copies of your bank statements or other proof of the benefits you received. Be sure to include these when you send your exemption form.

You may want to talk to a lawyer for advice about this process. If you are low income you can call Legal Aid.

### **PENALTIES:**

If you claim that your money is protected and a court decides you made that claim in bad faith, the court can order you to pay costs, actual damages, attorney fees, and an additional amount of up to \$100. For example, it may be bad faith if you claim you receive government benefits that you do not receive.

If the creditor made a bad faith objection to your claim that your money is protected, the court can order them to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.