

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

vs.

Plaintiff(s),
Defendant(s),
CASE NO. _____

**ORDER TO DEBTOR
AND NOTICE OF EXEMPTION RIGHTS
(RE: PROPERTY SUBJECT TO VALUE
LIMITS UNDER AS 09.38.020)**

To: _____
(judgment debtor)

_____ (address)

ORDER TO DEBTOR

_____ has claimed a right to levy on the property
(judgment creditor)
described in the attached affidavit.

You are ordered to refrain from removing, encumbering, damaging or disposing of any property listed on the attached affidavit for 30 days after you receive this order.

You have the right to claim exemptions for the property as explained in the NOTICE section of this form.

It is further ordered that a writ of execution on the property listed in the attached affidavit may not be issued until either a hearing is held on the debtor's claim of exemptions or the debtor fails to file a claim of exemptions within 15 days after the date of issuance of this order (if the court has received proof that the debtor received this order).

_____ Date

_____ Judge's Signature

_____ Type or Print Judge's Name

DATE OF ISSUANCE: _____

I certify that, on the above date, two copies of this
order were sent to creditor/atty: _____

(SEAL)

One copy for the creditor is to be sent to the debtor
as part of the "Order to Debtor" packet.

Clerk: _____

NOTICE OF INTENT TO LEVY AND
NOTICE OF RIGHT TO CLAIM EXEMPTIONS

On _____, the above court entered a judgment that you must pay to _____ the sum of \$ _____.
(judgment creditor)

Since you have not paid this judgment, the creditor has asked the court for an order (called a "Writ of Execution") which will allow the creditor to seize some of your property and sell it to pay your debt.

The property the creditor wants to seize is listed on the attached form entitled "Creditor's Affidavit and Request." However, before the court will allow the creditor to seize these items, the court is giving you a chance to object.

How to Object

If you want to object to the creditor taking this property from you, you must:

1. Fill out the attached "Claim of Exemptions" form.
2. File it with the clerk of court at the following address (either by mail or in person):

Clerk of Court

3. Complete steps 1 and 2 within 15 days from the date of issuance of the above order. (Note: If you mail it, it must arrive at the clerk's office within the 15 days.)

In paragraph 4 of the "Claim of Exemptions" form, you must explain why you think your property is "exempt." "Exempt" property is property which is protected by law from being taken from you to pay your debts.

Exempt Property

There is an Alaska Statute (AS 09.38.020) which may protect ("exempt") some of your property. According to this statute (as adjusted by 8 AAC 95.030), every Alaska resident gets exemptions (protection) for the following amounts of personal property:

- a. Up to \$4,050 worth of household goods, clothes, books, musical instruments, family portraits or heirlooms
- b. Up to \$1,350 worth of jewelry
- c. Up to \$3,780 worth of professional books and tools of your trade
- d. Up to \$1,350 for pets
- e. Up to \$4,050 for one motor vehicle if the full value of the motor vehicle does not exceed \$27,000.

The exempt amounts shown above are for the fair market value of your interest in the property, exclusive of liens of record.

Note: These "exemptions" are not automatically given to you. You must claim them or you will lose them.

WARNING: You will not get an exemption for any of the items listed above if the judgment against you is (1) for the purchase price of that item, (2) for a loan made to enable you to purchase the item (and used for that purpose), or (3) for labor or materials furnished to make, repair, improve, preserve, store, or transport the item. For example, if the debt you owe is for the purchase price of a car, you cannot claim an exemption for that car, but you may claim any other exemption on the list.

NOTE: These exemptions are not available if the judgment against you is for child support, the payment of an employee's wages (up to one month's earnings) or state or local taxes.

ALSO NOTE: Only the exemptions in paragraphs "a" and "c" above will be available to you if the judgment against you is to compensate the victim of a felony of which you have been convicted.

If you have questions about your exemptions, you are urged to seek the advice of a lawyer.

If you fail to claim your exemptions, your spouse or a dependent, or any other person authorized by law (for example, a guardian) may claim your exemptions or assert the rights provided in the exemptions law. Note: At the hearing on the claim of exemptions, the court may require you (judgment debtor) to be present because court rules state that no one except you or your attorney can represent you in court.

After You File Your Claim

After you file your "Claim of Exemptions" form with the court, the court will set a date for a hearing at which the court will decide whether your property is exempt. The court will tell you the hearing date. You must attend the hearing.

At the hearing, you must prove your right to an exemption. You should bring to the hearing any documents or other evidence supporting your claim.

If the hearing is held in a city other than where you live and it will be too inconvenient and expensive for you to attend the hearing, you may ask the court to move the hearing to another city more convenient to you.

Things to Remember

1. You must file your "Claim of Exemptions" with the court within 15 days of the "Date of Issuance" shown on page 1 at the bottom of the "Order to Debtor."
2. It is not enough to notify the creditor or the creditor's attorney of your claim, you must file your claim with the court.
3. If you do not file your claim within 15 days or if you do not attend the hearing on your claim, the court may decide you have given up your right to the exemptions.
4. The "Order to Debtor" on the first page of this form means you cannot sell or in any other way dispose of any of the property listed on the creditor's affidavit for 30 days or until the court orders otherwise.

Please type or print:

Name of Creditor's Attorney

Name of Judgment Creditor

Address

Address