

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

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

**NOTICE OF GARNISHMENT AND
 NOTICE OF RIGHT TO EXEMPTIONS**

To: _____ [*name of judgment debtor*]

On _____ [*date*], the court entered a judgment that you must pay to _____ the sum of \$_____.

Since you have not paid this judgment, the court issued an order (called a *Writ of Execution for Garnishment of Earnings*) that requires your employer to give the court part of your earnings each payday until the judgment is paid.

Automatic Exemption

Only part of your earnings can be seized to pay your debt. The rest is protected by law (exempt) from seizure. If you receive your earnings (wages, salary, commissions, etc.) either weekly, every two weeks, or monthly, then **\$473 per week or 75% of your weekly "disposable earnings"** (whichever is more) is automatically exempt (protected from seizure).

- If you are paid monthly, your weekly earnings are determined by dividing your monthly earnings by 4.3. If you are paid twice a month, your weekly earnings are determined by dividing your semi-monthly earnings by 2.17.
- "Disposable earnings" means the money left after subtracting any amounts required by law to be withheld (for example, taxes or unemployment insurance)
- If you are **not** a resident of Alaska, then either 30 times the federal minimum hourly wage per week or 75% of your weekly "disposable earnings," whichever is larger, is automatically exempt.

Note: Your automatic exemption is less than this if the judgment against you is for child support, the payment of an employee's wages (up to one month's earnings), state or local taxes, or payment to a victim of a felony committed by you.

If you do not receive your income weekly, every two weeks, or monthly, see the discussion of the "liquid asset" exemption on the next page.

How to Request an Increased Exemption

The automatic exemption described above may be increased to \$743 per week if you give the court an affidavit (a sworn written statement) stating, under penalty of perjury, that your earnings alone (and not anyone else's) support your household.

You can use the attached *Claim of Exemption from Garnishment* (form CIV-531) to do this. Fill out the form, sign it in front of a notary public or court clerk, and file it with the court at the following address within 15 days from the date you receive this notice:

Clerk of Court

You can also use the claim form if you believe your employer has not calculated your automatic exemption correctly.

If you file the Claim of Exemption form, the court may hold a hearing to determine if you are entitled to the increased exemption. You will be notified of this hearing. You will have to attend the hearing and prove your right to the increased exemption. If this hearing is held in a city other than where you live and it is too inconvenient or expensive for you to attend the hearing in person, you may ask the court to move the hearing to another city more convenient to you or hold the hearing by telephone or Zoom (use form TF-710 or form TF-718, both available at <https://courts.alaska.gov/forms/index2.htm#tf>).

YOU MUST FILE YOUR CLAIM WITHIN 15 DAYS.

"Liquid Asset" Exemption

If you do **not** get paid either weekly, semi-monthly (twice a month), or monthly, you can ask for a maximum exemption of \$1,890 for the total value of cash and other liquid assets available to you in any month. "Liquid assets" include deposits, securities, notes, drafts, accrued vacation pay, refunds, prepayments, and receivables. AS 09.38.030(b). You do not automatically get this exemption. You must claim it if you believe you are entitled to it. To claim it, file a *Claim of Exemption from Garnishment* (form CIV-531) with the court as described above.

Other Information

Read more about the earnings exemption and the liquid asset exemption in the *Judgment Debtor Booklet* (form CIV-511), available at all state courthouses and online at ak-courts.info/civ511. Court forms are available online at <https://courts.alaska.gov/forms/index.htm>.

The judgment creditor may collect interest on the judgment and costs from the date the writ was issued using a supplemental notice or supplemental writ, after the total amount stated on the original writ has been paid.

Note: Federal law prohibits employers from discharging any employee because the employee's earnings have been garnished for any one indebtedness. 15 USC § 1674.

Please type or print:

Name of Creditor's Attorney (if any)

Address: _____

Name of Judgment Creditor

Address: _____