

WHAT IF MY PROPERTY IS TAKEN

If property that is automatically exempt is taken because of the judgment, or ...

If property that you included in your exemption list is taken, or...

If you didn't file your exemption list within the 10 days and your property is taken; then...

You can file a paper called a "Motion to Quash" which will keep your property from being sold. You can get the form from the clerk's office. This Motion to Quash must be filed within 20 days from the date of notice. The court won't allow the person or company who sued you to sell your property until after 20 days.

When you file the Motion to Quash, the clerk will give you a court date. The court will hear your motion no later than 14 days after you filed it. The judge will then decide if you can keep your property.



Note

This is an informational brochure. It is not intended to cover all circumstances. If you have a legal problem, consult a private attorney or contact your local Legal Services Office.

West Tennessee Legal Services

Contact information:

731.423.0616

1.800.372.8346

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www@wtls.org

LOCAL OFFICES:

Jackson:

Decatur, Gibson, Hardeman,
Haywood, Henderson and Madison
210 West Main Street/38301

Dyersburg:

Benton, Carroll, Henry and Weakley
208 S. Church Street/38024

Huntingdon:

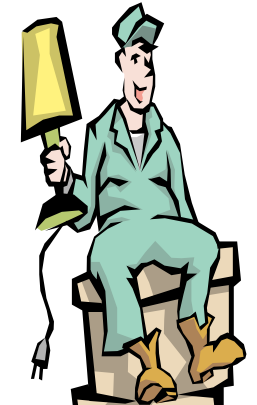
Crockett, Dyer, Lake and Obion
113 W. Paris Street/38344

Selmer:

Chester, Hardin and McNairy
141 N. Third Street/38375



What Can I Keep After I'm Sued?



I'm Sued?

How To Protect Your Belongings



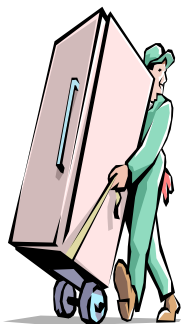
All information in this brochure applies to most courts, but it is usually used by non-lawyers in General Sessions Court.

Once a person or company sues you and wins, he gets a court order or "judgment" from the judge. This judgment usually says that you owe money to the person who sued you and that if you don't pay the money, the person can get some of your personal things and sell them. The money that is made by the sale is then put toward the debt you owe. This does not have to happen if you take the following steps.

Tennessee law gives you the right to protect up to \$4,000 worth of equity in personal property, including bank accounts. This means that the person you owe cannot take the property you claim. But there is a list that you must first file with the court. This list is only for personal property, not real estate.

WHERE DO I FILE MY EXEMPTION LIST?

Go to the court where the judgment was signed and tell the clerk the name of the person who sued you and the case number. You can find the case number by looking at the top of the papers you got from the court about the lawsuit.



WHEN SHOULD I FILE?

Be sure and file the exemption list by the 10th day after the judgment. A judgment is given on the day your case is heard in court. If you miss the deadline, and your property has not been picked up yet, file the list anyway.

WHAT PROPERTY CAN BE LISTED?

All personal property you own or buy should be listed, except the items below. Some types of personal property automatically cannot be taken and do not need to be listed as part of the \$4,000 exemption. Here is a list of those things.

- Necessary clothing
- Family portraits and pictures
- Family Bibles
- School Books
- State pension
- Certain insurance monies
- Social Security and SSI Checks
- Unemployment checks
- Families First Checks
- Veteran's benefits
- Most Alimony
- Prescribed health care aids
- Books or tools used in your trade up to a value of \$750
- Certain Court awarded judgments for personal injuries.

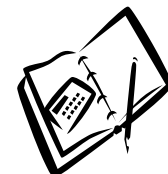


HOW DO I FILE MY LIST?

Court clerks are required by law to provide you with the right form for your exemption list. The clerk may even help you fill out the form. Here's how an exemption list is usually done:

1. Write the name of the person or company that sued you, your name and the case number in the blanks at the top.
2. The property you own goes in the column to the left marked "item."
3. The value, or equity, of each item goes in the column on the right marked "Value/Equity."

The total at the bottom cannot be over \$4,000.



"Value" is fair market value of the item, which means how much you could sell it for now, not what you paid for it. "Equity" is the value of an item minus how much you still owe on it.

EXAMPLE:

Your TV is worth \$500, but you still owe \$300 on it. \$500 minus \$300 equals \$200. Therefore, your equity is \$200.

You have to sign the list in front of a notary public or the court clerk. A separate list must be filed for each judgment against you. You should update the lists from time to time to show any changes in the property or equity.

