

State of Tennessee	PROBATE COURT	Davidson County
Request to Protect Income and Assets (Motion to Quash Garnishment/ Execution and Claim Exemption Rights)		Case No. _____ (Must Be Completed)
Plaintiff/Creditor _____ <small>(Name: First, Middle, Last of person/company that filed lawsuit)</small>		
Defendant/Debtor _____ <small>(Name: First, Middle, Last of the other person)</small>		

Name and address of your Employer (if you have a job): _____			
			Employer's name
Street address	City	State	Zip

Certain kinds of income and property are protected from garnishment, even if there is a Court Order. You may use this form to ask the Court for a hearing and Orders to protect or return the items checked below (*T.C.A. §26-2-101 – §26-2-410*). You should bring documents to show why this money should be protected.

You may have to pay a filing fee. Can't afford the fee? Ask the Court Clerk for a paper called a *Request to Postpone Filing Fees and Order (Uniform Civil Affidavit of Indigency)*. Or go on the internet to www.tncourts.gov or www.justiceforalltn.com to get the form.

- ① I am the Defendant/Debtor in the Court case listed above, and I ask the Court to protect my exempt income, benefits, and property checked below wherever located (check all that apply):
- | | |
|---|---|
| <input type="checkbox"/> Social Security | <input type="checkbox"/> Government Pension* |
| <input type="checkbox"/> SSI (Supplemental Security Income) | <input type="checkbox"/> Health Care Aids* |
| <input type="checkbox"/> Unemployment | <input type="checkbox"/> Insurance Benefits* |
| <input type="checkbox"/> TANF | <input type="checkbox"/> Tools of Trade* (things you need to earn a living) |
| <input type="checkbox"/> Veterans Benefits | |
| <input type="checkbox"/> Student Loans and Grants | * These are usually exempt |
- Check here if your employer has already garnished the maximum amount allowed. (At this time, the law allows you to keep at least \$217.50 of your weekly paycheck. If your weekly pay is more than \$217.50, the amount that can be taken [garnished] is the difference between your net weekly pay and \$217.50 or 25% of your net wage, whichever is greater.)
- Other (see *T.C.A. §26-2-111* (specify): _____)

- ② If any item checked above has already been taken or garnished, list the bank or agency that took it or garnished it: _____

③ I will prove that the items checked above are protected by federal or state law at a Court hearing.

▶ Defendant/Debtor or Atty for Defendant/Debtor signs here: _____

Date: _____

④ Date and time of the hearing (the Court Clerk will tell you this information).

This case is set for hearing at the Court above on _____, 20____ at _____
(month/date) (year) (time)
located at: _____, Room #_____
(street) (city, state, zip)

Clerk or Deputy Clerk

**Bring the original and 2 copies of this form to the Court Clerk to be date-stamped.
Give the original to the Court Clerk.
Bring a stamped envelope addressed for each plaintiff to the Court Clerk.
Mail one copy to the lawyer or if there is no lawyer, mail it to the plaintiff or company that sued you.
Keep one copy for yourself.**

Certificate of Service

(How I gave this paper to the Plaintiff/Creditor)

I certify that I (**check one box**)

hand delivered or

mailed by first-class mail, properly addressed, a true and correct copy of this paper to the person listed below at the address below:

Name of Who You Are Giving This To (the creditor's lawyer or the creditor if no lawyer)

Address of the Lawyer or the Creditor (include City, State and Zip Code)

on _____
(Date you mailed/hand-delivered copy)



Sign Your Name

IMPORTANT!

Take any proof that supports your case to the hearing, including: witnesses, photos, papers, receipts, etc. The Court will not accept written statements from witnesses. The person must go to Court in person. If you think a witness may not want to go to Court, ask the Clerk for subpoena forms. Complete the subpoena as soon as possible so the Sheriff can serve them before Court.

The Court and Clerks are not allowed to give you legal advice, even if you don't have a lawyer. This form is a public record. It is not legal advice. The law may change and it is best to consult with a lawyer if possible.