

ASSEMBLY BILL NO. 365—ASSEMBLYWOMAN OHRENSCHALL

MARCH 23, 2005

Referred to Committee on Judiciary

SUMMARY—Increases amount of homestead exemption.
(BDR 10-1026)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to property; increasing the amount of the homestead exemption; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that:

1. Homestead exemptions which are authorized by statute offer an important source of security to the residents of this State by protecting their ownership interests in property;

2. The current practice whereby many lenders require renunciation of a person's declaration of homestead before allowing any financing that is secured by a home has caused many Nevadans to lose the protections to which they are rightfully entitled;

3. It is the intent of the Legislature to clarify the application of the homestead exemption so that a person is not required to provide such a renunciation or to refile a declaration of homestead to obtain financing; and

4. It is further the intent of the Legislature in so clarifying to ensure that the residents of this State retain the protections of the homestead exemption.

Sec. 2. NRS 115.010 is hereby amended to read as follows:

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise



provided by subsections 2, 3 and 5, and NRS 115.090 ~~H~~ *and except as otherwise required by federal law.*

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed ~~[\$200,000]~~ *\$350,000* in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given ~~H~~ *, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan;* or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

↳ by both husband and wife, when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

↳ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, or 207.350 to 207.520, inclusive.

6. Any declaration of homestead which has been filed before October 1, ~~[2003,]~~ *2005*, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount



1 permitted by law on that date, but the increase does not impair the
2 right of any creditor to execute upon the property when that right
3 existed before October 1, ~~2003~~ 2005.

4 **Sec. 3.** NRS 115.050 is hereby amended to read as follows:

5 115.050 1. Whenever execution has been issued against the
6 property of a party claiming the property as a homestead, and
7 the creditor in the judgment makes an oath before the judge of the
8 district court of the county in which the property is situated, that
9 the amount of equity held by the claimant in the property exceeds, to
10 the best of the creditor's information and belief, the sum of
11 ~~200,000~~ \$350,000, the judge shall, upon notice to the debtor,
12 appoint three disinterested and competent persons as appraisers to
13 estimate and report as to the amount of equity held by the claimant
14 in the property, and if the amount of equity exceeds the sum of
15 ~~200,000~~ \$350,000, determine whether the property can be
16 divided so as to leave the property subject to the homestead
17 exemption without material injury.

18 2. If it appears, upon the report, to the satisfaction of the judge
19 that the property can be thus divided, he shall order the excess to be
20 sold under execution. If it appears that the property cannot be thus
21 divided, and the amount of equity held by the claimant in the
22 property exceeds the exemption allowed by this chapter, he shall
23 order the entire property to be sold, and out of the proceeds the sum
24 of ~~200,000~~ \$350,000 to be paid to the defendant in execution, and
25 the excess to be applied to the satisfaction on the execution. No bid
26 under ~~200,000~~ \$350,000 may be received by the officer making
27 the sale.

28 3. When the execution is against a husband or wife, the judge
29 may direct the ~~200,000~~ \$350,000 to be deposited in court, to be
30 paid out only upon the joint receipt of the husband and wife, and the
31 deposit possesses all the protection against legal process and
32 voluntary disposition by either spouse as did the original homestead.

33 **Sec. 4.** NRS 21.075 is hereby amended to read as follows:

34 21.075 1. Execution on the writ of execution by levying on
35 the property of the judgment debtor may occur only if the sheriff
36 serves the judgment debtor with a notice of the writ of execution
37 pursuant to NRS 21.076 and a copy of the writ. The notice must
38 describe the types of property exempt from execution and explain
39 the procedure for claiming those exemptions in the manner required
40 in subsection 2. The clerk of the court shall attach the notice to the
41 writ of execution at the time the writ is issued.

42 2. The notice required pursuant to subsection 1 must be
43 substantially in the following form:



NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to(name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Welfare Division of the Department of Human Resources or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed ~~[\$200,000,]~~ **\$350,000**, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than \$15,000.

11. Seventy-five percent of the take-home pay for any pay period, unless the weekly take-home pay is less than 30 times the federal minimum wage, in which case the entire amount may be exempt.



1 12. Money, not to exceed \$500,000 in present value,
2 held in:

3 (a) An individual retirement arrangement which conforms
4 with the applicable limitations and requirements of 26 U.S.C.
5 § 408;

6 (b) A written simplified employee pension plan which
7 conforms with the applicable limitations and requirements of
8 26 U.S.C. § 408;

9 (c) A cash or deferred arrangement that is a qualified plan
10 pursuant to the Internal Revenue Code;

11 (d) A trust forming part of a stock bonus, pension or
12 profit-sharing plan that is a qualified plan pursuant to sections
13 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et
14 seq.; and

15 (e) A trust forming part of a qualified tuition program
16 pursuant to chapter 353B of NRS, any applicable regulations
17 adopted pursuant to chapter 353B of NRS and section 529 of
18 the Internal Revenue Code, 26 U.S.C. § 529, unless the
19 money is deposited after the entry of a judgment against the
20 purchaser or account owner or the money will not be used by
21 any beneficiary to attend a college or university.

22 13. All money and other benefits paid pursuant to the
23 order of a court of competent jurisdiction for the support,
24 education and maintenance of a child, whether collected by
25 the judgment debtor or the State.

26 14. All money and other benefits paid pursuant to the
27 order of a court of competent jurisdiction for the support and
28 maintenance of a former spouse, including the amount of any
29 arrearages in the payment of such support and maintenance to
30 which the former spouse may be entitled.

31 15. A vehicle for use by you or your dependent which is
32 specially equipped or modified to provide mobility for a
33 person with a permanent disability.

34 16. A prosthesis or any equipment prescribed by a
35 physician or dentist for you or your dependent.

36 17. Payments, in an amount not to exceed \$16,150,
37 received as compensation for personal injury, not including
38 compensation for pain and suffering or actual pecuniary loss,
39 by the judgment debtor or by a person upon whom the
40 judgment debtor is dependent at the time the payment is
41 received.

42 18. Payments received as compensation for the wrongful
43 death of a person upon whom the judgment debtor was
44 dependent at the time of the wrongful death, to the extent



1 reasonably necessary for the support of the judgment debtor
2 and any dependent of the judgment debtor.

3 19. Payments received as compensation for the loss of
4 future earnings of the judgment debtor or of a person upon
5 whom the judgment debtor is dependent at the time the
6 payment is received, to the extent reasonably necessary for
7 the support of the judgment debtor and any dependent of the
8 judgment debtor.

9 20. Payments received as restitution for a criminal act.

10 ➔ These exemptions may not apply in certain cases such as a
11 proceeding to enforce a judgment for support of a person or a
12 judgment of foreclosure on a mechanic's lien. You should
13 consult an attorney immediately to assist you in determining
14 whether your property or money is exempt from execution. If
15 you cannot afford an attorney, you may be eligible for
16 assistance through(name of organization in
17 county providing legal services to indigent or elderly
18 persons).

21 PROCEDURE FOR CLAIMING EXEMPT PROPERTY

22 If you believe that the money or property taken from you
23 is exempt, you must complete and file with the clerk of the
24 court a notarized affidavit claiming the exemption. A copy of
25 the affidavit must be served upon the sheriff and the judgment
26 creditor within 8 days after the notice of execution is mailed.
27 The property must be returned to you within 5 days after you
28 file the affidavit unless you or the judgment creditor files a
29 motion for a hearing to determine the issue of exemption. If
30 this happens, a hearing will be held to determine whether the
31 property or money is exempt. The motion for the hearing to
32 determine the issue of exemption must be filed within 10 days
33 after the affidavit claiming exemption is filed. The hearing to
34 determine whether the property or money is exempt must be
35 held within 10 days after the motion for the hearing is filed.

36
37 IF YOU DO NOT FILE THE AFFIDAVIT WITHIN
38 THE TIME SPECIFIED, YOUR PROPERTY MAY BE
39 SOLD AND THE MONEY GIVEN TO THE
40 JUDGMENT CREDITOR, EVEN IF THE PROPERTY
41 OR MONEY IS EXEMPT.

42 **Sec. 5.** NRS 21.090 is hereby amended to read as follows:

43 21.090 1. The following property is exempt from execution,
44 except as otherwise specifically provided in this section **⚡** or
45 **required by federal law:**



1 (a) Private libraries not to exceed \$1,500 in value, and all family
2 pictures and keepsakes.

3 (b) Necessary household goods, as defined in 16 C.F.R. §
4 444.1(i) as that section existed on January 1, 1987, and yard
5 equipment, not to exceed \$10,000 in value, belonging to the
6 judgment debtor to be selected by him.

7 (c) Farm trucks, farm stock, farm tools, farm equipment,
8 supplies and seed not to exceed \$4,500 in value, belonging to the
9 judgment debtor to be selected by him.

10 (d) Professional libraries, office equipment, office supplies and
11 the tools, instruments and materials used to carry on the trade of the
12 judgment debtor for the support of himself and his family not to
13 exceed \$4,500 in value.

14 (e) The cabin or dwelling of a miner or prospector, his cars,
15 implements and appliances necessary for carrying on any mining
16 operations and his mining claim actually worked by him, not
17 exceeding \$4,500 in total value.

18 (f) Except as otherwise provided in paragraph (o), one vehicle if
19 the judgment debtor's equity does not exceed \$15,000 or the
20 creditor is paid an amount equal to any excess above that equity.

21 (g) For any pay period, 75 percent of the disposable earnings of
22 a judgment debtor during that period, or for each week of the period
23 30 times the minimum hourly wage prescribed by section 6(a)(1) of
24 the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1),
25 and in effect at the time the earnings are payable, whichever is
26 greater. Except as otherwise provided in paragraphs (n), (r) and (s),
27 the exemption provided in this paragraph does not apply in the case
28 of any order of a court of competent jurisdiction for the support of
29 any person, any order of a court of bankruptcy or of any debt due for
30 any state or federal tax. As used in this paragraph, "disposable
31 earnings" means that part of the earnings of a judgment debtor
32 remaining after the deduction from those earnings of any amounts
33 required by law, to be withheld.

34 (h) All fire engines, hooks and ladders, with the carts, trucks and
35 carriages, hose, buckets, implements and apparatus thereunto
36 appertaining, and all furniture and uniforms of any fire company or
37 department organized under the laws of this State.

38 (i) All arms, uniforms and accouterments required by law to be
39 kept by any person, and also one gun, to be selected by the debtor.

40 (j) All courthouses, jails, public offices and buildings, lots,
41 grounds and personal property, the fixtures, furniture, books, papers
42 and appurtenances belonging and pertaining to the courthouse, jail
43 and public offices belonging to any county of this State, all
44 cemeteries, public squares, parks and places, public buildings, town
45 halls, markets, buildings for the use of fire departments and military



1 organizations, and the lots and grounds thereto belonging and
2 appertaining, owned or held by any town or incorporated city, or
3 dedicated by the town or city to health, ornament or public use, or
4 for the use of any fire or military company organized under the laws
5 of this State and all lots, buildings and other school property owned
6 by a school district and devoted to public school purposes.

7 (k) All money, benefits, privileges or immunities accruing or in
8 any manner growing out of any life insurance, if the annual
9 premium paid does not exceed \$1,000. If the premium exceeds that
10 amount, a similar exemption exists which bears the same proportion
11 to the money, benefits, privileges and immunities so accruing or
12 growing out of the insurance that the \$1,000 bears to the whole
13 annual premium paid.

14 (l) The homestead as provided for by law, including a
15 homestead for which allodial title has been established and not
16 relinquished and for which a waiver executed pursuant to NRS
17 115.010 is not applicable.

18 (m) The dwelling of the judgment debtor occupied as a home for
19 himself and family, where the amount of equity held by the
20 judgment debtor in the home does not exceed ~~\$200,000~~ **\$350,000**
21 in value and the dwelling is situated upon lands not owned by him.

22 (n) All property in this State of the judgment debtor where the
23 judgment is in favor of any state for failure to pay that state's
24 income tax on benefits received from a pension or other retirement
25 plan.

26 (o) Any vehicle owned by the judgment debtor for use by him or
27 his dependent that is equipped or modified to provide mobility for a
28 person with a permanent disability.

29 (p) Any prosthesis or equipment prescribed by a physician or
30 dentist for the judgment debtor or a dependent of the debtor.

31 (q) Money, not to exceed \$500,000 in present value, held in:

32 (1) An individual retirement arrangement which conforms
33 with the applicable limitations and requirements of 26 U.S.C. § 408;

34 (2) A written simplified employee pension plan which
35 conforms with the applicable limitations and requirements of 26
36 U.S.C. § 408;

37 (3) A cash or deferred arrangement which is a qualified plan
38 pursuant to the Internal Revenue Code;

39 (4) A trust forming part of a stock bonus, pension or profit-
40 sharing plan which is a qualified plan pursuant to sections 401 et
41 seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

42 (5) A trust forming part of a qualified tuition program
43 pursuant to chapter 353B of NRS, any applicable regulations
44 adopted pursuant to chapter 353B of NRS and section 529 of the
45 Internal Revenue Code, 26 U.S.C. § 529, unless the money is



1 deposited after the entry of a judgment against the purchaser or
2 account owner or the money will not be used by any beneficiary to
3 attend a college or university.

4 (r) All money and other benefits paid pursuant to the order of a
5 court of competent jurisdiction for the support, education and
6 maintenance of a child, whether collected by the judgment debtor or
7 the State.

8 (s) All money and other benefits paid pursuant to the order of a
9 court of competent jurisdiction for the support and maintenance of a
10 former spouse, including the amount of any arrearages in the
11 payment of such support and maintenance to which the former
12 spouse may be entitled.

13 (t) Payments, in an amount not to exceed \$16,150, received as
14 compensation for personal injury, not including compensation for
15 pain and suffering or actual pecuniary loss, by the judgment debtor
16 or by a person upon whom the judgment debtor is dependent at the
17 time the payment is received.

18 (u) Payments received as compensation for the wrongful death
19 of a person upon whom the judgment debtor was dependent at the
20 time of the wrongful death, to the extent reasonably necessary for
21 the support of the judgment debtor and any dependent of the
22 judgment debtor.

23 (v) Payments received as compensation for the loss of future
24 earnings of the judgment debtor or of a person upon whom the
25 judgment debtor is dependent at the time the payment is received, to
26 the extent reasonably necessary for the support of the judgment
27 debtor and any dependent of the judgment debtor.

28 (w) Payments received as restitution for a criminal act.

29 2. Except as otherwise provided in NRS 115.010, no article or
30 species of property mentioned in this section is exempt from
31 execution issued upon a judgment to recover for its price, or upon a
32 judgment of foreclosure of a mortgage or other lien thereon.

33 3. Any exemptions specified in subsection (d) of section 522 of
34 the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to
35 property owned by a resident of this State unless conferred also by
36 subsection 1, as limited by subsection 2.

37 **Sec. 6.** NRS 31.045 is hereby amended to read as follows:

38 31.045 1. Execution on the writ of attachment by attaching
39 property of the defendant may occur only if:

40 (a) The judgment creditor serves the defendant with notice of
41 the execution when the notice of the hearing is served pursuant to
42 NRS 31.013; or

43 (b) Pursuant to an ex parte hearing, the sheriff serves upon the
44 judgment debtor notice of the execution and a copy of the writ at the
45 same time and in the same manner as set forth in NRS 21.076.



1 ➡ If the attachment occurs pursuant to an ex parte hearing, the clerk
2 of the court shall attach the notice to the writ of attachment at the
3 time the writ is issued.

4 2. The notice required pursuant to subsection 1 must be
5 substantially in the following form:

6
7 NOTICE OF EXECUTION

8
9 YOUR PROPERTY IS BEING ATTACHED OR
10 YOUR WAGES ARE BEING GARNISHED

11
12 Plaintiff, (name of person), alleges that you
13 owe him money. He has begun the procedure to collect that
14 money. To secure satisfaction of judgment the court has
15 ordered the garnishment of your wages, bank account or other
16 personal property held by third persons or the taking of
17 money or other property in your possession.

18 Certain benefits and property owned by you may be
19 exempt from execution and may not be taken from you. The
20 following is a partial list of exemptions:

- 21 1. Payments received under the Social Security Act.
22 2. Payments for benefits or the return of contributions
23 under the Public Employees' Retirement System.
24 3. Payments for public assistance granted through the
25 Welfare Division of the Department of Human Resources or a
26 local governmental entity.
27 4. Proceeds from a policy of life insurance.
28 5. Payments of benefits under a program of industrial
29 insurance.
30 6. Payments received as disability, illness or
31 unemployment benefits.
32 7. Payments received as unemployment compensation.
33 8. Veteran's benefits.
34 9. A homestead in a dwelling or a mobile home, not to
35 exceed ~~[\$200,000,]~~ \$350,000, unless:

36 (a) The judgment is for a medical bill, in which case all of
37 the primary dwelling, including a mobile or manufactured
38 home, may be exempt.

39 (b) Allodial title has been established and not relinquished
40 for the dwelling or mobile home, in which case all of the
41 dwelling or mobile home and its appurtenances are exempt,
42 including the land on which they are located, unless a valid
43 waiver executed pursuant to NRS 115.010 is applicable to the
44 judgment.



1 10. A vehicle, if your equity in the vehicle is less than
2 \$15,000.

3 11. Seventy-five percent of the take-home pay for any
4 pay period, unless the weekly take-home pay is less than 30
5 times the federal minimum wage, in which case the entire
6 amount may be exempt.

7 12. Money, not to exceed \$500,000 in present value,
8 held in:

9 (a) An individual retirement arrangement which conforms
10 with the applicable limitations and requirements of 26 U.S.C.
11 § 408;

12 (b) A written simplified employee pension plan which
13 conforms with the applicable limitations and requirements of
14 26 U.S.C. § 408;

15 (c) A cash or deferred arrangement that is a qualified plan
16 pursuant to the Internal Revenue Code;

17 (d) A trust forming part of a stock bonus, pension or
18 profit-sharing plan that is a qualified plan pursuant to sections
19 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et
20 seq.; and

21 (e) A trust forming part of a qualified tuition program
22 pursuant to chapter 353B of NRS, any applicable regulations
23 adopted pursuant to chapter 353B of NRS and section 529 of
24 the Internal Revenue Code, 26 U.S.C. § 529, unless the
25 money is deposited after the entry of a judgment against the
26 purchaser or account owner or the money will not be used by
27 any beneficiary to attend a college or university.

28 13. All money and other benefits paid pursuant to the
29 order of a court of competent jurisdiction for the support,
30 education and maintenance of a child, whether collected by
31 the judgment debtor or the State.

32 14. All money and other benefits paid pursuant to the
33 order of a court of competent jurisdiction for the support and
34 maintenance of a former spouse, including the amount of any
35 arrearages in the payment of such support and maintenance to
36 which the former spouse may be entitled.

37 15. A vehicle for use by you or your dependent which is
38 specially equipped or modified to provide mobility for a
39 person with a permanent disability.

40 16. A prosthesis or any equipment prescribed by a
41 physician or dentist for you or your dependent.

42 17. Payments, in an amount not to exceed \$16,150,
43 received as compensation for personal injury, not including
44 compensation for pain and suffering or actual pecuniary loss,
45 by the judgment debtor or by a person upon whom the



judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.
➔ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.



1 If you received this notice with a notice of a hearing for
2 attachment and you believe that the money or property which
3 would be taken from you by a writ of attachment is exempt or
4 necessary for the support of you or your family, you are
5 entitled to describe to the court at the hearing why you
6 believe your property is exempt. You may also file a motion
7 with the court for a discharge of the writ of attachment. You
8 may make that motion any time before trial. A hearing will be
9 held on that motion.

10
11 IF YOU DO NOT FILE THE MOTION BEFORE
12 THE TRIAL, YOUR PROPERTY MAY BE SOLD AND
13 THE MONEY GIVEN TO THE PLAINTIFF, EVEN
14 IF THE PROPERTY OR MONEY IS EXEMPT OR
15 NECESSARY FOR THE SUPPORT OF YOU OR YOUR
16 FAMILY.



