



Example: You own a car.

You could sell it, used, for: \$1,000

You still owe: – \$ 800

What it's worth now: \$ 200

If you owe more than something is worth now, write "Fully Secured."

Example: You owe \$400 on a TV.

If you sold it, you could get only \$200. The TV is "fully secured."

Important: What if you keep paying on the TV? Someday you could sell it for more than you owe. To protect it then, you must file a new list.

Bank account warning: Only list bank accounts here that DON'T have the kinds of money listed in #2. If you list a bank account here, put down the most money it will ever hold. Would this amount put your list over \$10,000? Ask a lawyer how to list it.

Step 5. Add the numbers on the list.

It can't be more than \$10,000. If it is over \$10,000, take something off the list.

Step 6: Protect tools you use to earn a living

Back side of the paper:

Tools of the trade

I further declare the following items, the value of which does not exceed \$1900, to be exempt tools of the trade.

Item	Value
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

JUDGMENT DEBTOR (signature)

Step 7: Sign the paper in front of the Court Clerk or a notary public. It is usually easiest to sign at the Clerk's office when you file the claim.

Step 8: File your Claim of Exemption with the Clerk of the Court. There maybe a small fee for filing it.

What if you get some new things that you did not list? Your Claim of Exemption protects only the things you listed. What if you get new things that are not listed? What if you change banks or account numbers? Then you should file a new Claim of Exemption that lists them.

Warning: A Claim of Exemption does not protect your paycheck. Do you have a job? Then ask for our booklet on how to keep your paycheck from being garnished.

Who We Are

Legal Aid Society is Tennessee's largest non-profit law firm. Our mission is to enforce, advance, and defend the legal rights of low income and vulnerable people to obtain the basic necessities of life.

Contact Us

We have offices in Clarksville, Columbia, Cookeville, Gallatin, Murfreesboro, Nashville, Oak Ridge, and Tullahoma.

Call 1-800-238-1443 for free assistance

In partnership with



LEGAL AID SOCIETY
OF MIDDLE TENNESSEE AND THE CUMBERLANDS



The information provided in this booklet does not and is not intended to constitute legal advice. If you have a legal problem, please call a private attorney or call your local Legal Aid Society of Middle Tennessee office and the Cumberlandds at 1-800-238-1443.

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How to Protect Your Property If You Have Been Sued



LEGAL AID SOCIETY
OF MIDDLE TENNESSEE AND THE CUMBERLANDS

This booklet is for you

If a judge has decided you owe someone money the judge's decision is called a **judgment**. The court can:

- Take your money; or
- Sell your things to pay the debt.

You may be able to stop this if you file legal paperwork called a “**Protected Income and Assets form.**”

The paperwork can protect your:



Belongings



Money (This includes **ALL** the money in certain bank accounts)

You do not need a lawyer. You can use the paperwork in this booklet.

Try to file the paperwork **BEFORE** the judgment is final. Ask the Court Clerk's office how many days until the judgment is final.

In the General Sessions Court, a judgment is final 10 days after the hearing.

How do I fill out the paperwork?

Step 1: Write down who this is about

- Write the court and the county
- Write the person who sued you

- Write your name
- Write the number of your case. The number is on the papers you got when you were sued. If you cannot find it, the Court Clerk may be able to help.

Step 2: Protect a bank account that has **ONLY** certain kinds of money

Do you have an account that holds **ONLY** money from:

- Social Security
- SSI
- Families First
- Child support
- Alimony
- Unemployment
- Veterans Administration
- Workers Comp
- State, federal, or city pension benefits

Important: To keep that money plus the \$10,000 of stuff you listed, do this. Put the bank name and account number under the “ITEMS” section on line 4 of the paperwork. This lets the court know that this account is protected by a different law.

Do you have a disability pension or an IRS qualified pension? Ask a lawyer if they are protected and how to list them on the paperwork.

Step 3: List each thing you want to keep in the attached form.

There are some things you do not have to list because the courts can never take them. **The Court can never take:**



Your clothes



Religious text



Family pictures



Trunks



School books



Certain health care aids



Tools you use to earn a living, worth up to \$1,900.

Are your work tools worth more than \$1,900? Ask a lawyer how to keep them.

Make your first list in pencil in case you have to change it.

List cars, furniture and appliances you own.

Are all your belongings together worth less than \$10,000? Then list everything you have.

Step 4:. Write what each thing is worth

Write a dollar amount next to each thing you listed.

- If you own something free and clear, put down what you could sell it for, used.
- If you still owe on it, subtract what you owe from what you could sell it for, used.



State of Tennessee	Court (Must Be Completed)	County (Must Be Completed)
Protected Income and Assets (Affidavit of Claim Exemptions)		File No. _____ (Must Be Completed) Division _____ (Large Counties Only)
Plaintiff/Creditor _____ (Name: First, Middle, Last of person/company that filed lawsuit)		
Defendant/Debtor _____ (Name: First, Middle, Last of the other person)		

This Protected Income and Assets form is: New/First time filed Changed/Modified

You may use this form to tell the court about any income, property, or benefits that are protected from sale or seizure (garnishment) under state or federal law. You should file this form for each judgment you have against you.

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.

Fill out the form. Make a copy for each judgment against you **before you write in the file number and before signing the form.** Sign each copy. You can update this form if you need to protect new property. You must file an update for all unpaid judgments against you.

IMPORTANT! You can protect up to \$10,000.00 worth of personal property (lines 1-6), and only up to \$1,900 for line 7.

Some things are automatically protected. You do not have to list them below, such as: your family's clothing and suitcases or trunks where the clothing is stored, family portraits and photographs, the family bible and schoolbooks.

① I am the Defendant/Debtor in the court case listed above. I live in Tennessee and I claim that the following items are protected from garnishment. (TCA §§ 26-2-102 and 26-2-114). This personal property exemption right is in addition to certain items that are automatically exempt by law and do not need to be included in my \$10,000 total, including funds on deposit in checking and/or savings accounts at:

Name of Bank

consisting solely of Social Security, SSI, Unemployment, Workers Comp, AFDC/Families First, Veteran's benefits, alimony or child support, and/or state, federal or city pension.

Item	Describe	Value
1. Car, truck, or other vehicle		\$

2. Furniture/Electronics		\$
3. Household goods		\$
4. Bank Accounts	Bank Name	Balance
5. Other		\$
		\$
		\$
6. Cash		\$
7. Tools of the Trade (Things I need to earn a living)		\$

② **Read below then sign:**

I declare under penalty of perjury under the laws of the State of Tennessee that:

- The information on this form is true to the best of my knowledge.
- The information I provided is a correct and complete list of all of my income and assets to be protected.

Defendant/Debtor

Signs here: ▶ _____ Date: _____

Sworn to and subscribed before me this _____ day of _____, 20_____.

Deputy Clerk or Notary Public

**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 the copy)



Sign Your Name

IMPORTANT!

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.