

INSTRUCTIONS TO DEBTORS AND THIRD PARTIES
How to claim exemption from garnishments and executions

You May Not Use A Claim Of Exemption Form To Challenge The Validity Of The Debt Or Judgment

1. You should have a reasonable belief that you are entitled to claim the wages, funds, benefits, or property that are exempt from garnishment and are claiming the exemption in good faith.
2. Deliver or mail the *Claim of Exemption* form to: Bonneville County Sheriff's Office, Attn: Civil Process, 605 N Capital, Idaho Falls, ID 83402 and or fax to 208-529-1483, the sheriff that has taken your money, benefits and/or property **within fourteen (14) days of the mailing/service of these instructions**. If you mail the *Claim of Exemption*, it must be received by the sheriff within the fourteen (14) day period. For mailed documents, the 14-day period starts running from the postmark date. You can download a *Claim of Exemption* form at: <https://isc.idaho.gov/ircp-new> under **Appendix B** at the bottom of the page.
3. If two or more persons reside in your household, each person who owns an interest in the money, benefits and/or property should file a separate **Claim of Exemption**.
4. After receiving the *Claim of Exemption*, the sheriff must notify the judgment creditor within **one (1) business day**.
5. Once the judgment creditor is notified that you have filed a *Claim of Exemption*, the judgment creditor has **five (5) business days** to file a motion with the court challenging your *Claim of Exemption*.
6. If the judgment creditor **DOES NOT** file a motion challenging your *Claim of Exemption*, the sheriff will immediately return your money, benefits, and/or property.
7. If the judgment creditor **DOES** file a motion with the court challenging your *Claim of Exemption*, you will receive a copy of the motion and notice of a hearing. A hearing will be scheduled and held between five (5) and twelve (12) days after the motion was filed.
8. On the day of the hearing, you will need to bring whatever documents you have to support your *Claim of Exemption*. For example, if you claim that money deposited into your bank are exempt wages and/or benefits, you need to bring documents including but not limited to pay stubs and bank statements that show the source of the money.
9. If the judge decides that you filed the *Claim of Exemption* without reasonable basis and did not make the *Claim of Exemption* in good faith, you may be ordered to pay the court cost and attorney's fees.
10. SPECIAL RULES APPLY IF YOU OWE CHILD SUPPORT OR TAXES.
11. Third Party Claims: If you are not the Defendant and you own the wages, funds, benefits, or property being garnished or taken you can complete paragraph VI for Third Party Claims.