

STATE OF NORTH CAROLINA

File No

Judgment Abstract No. OR Judgment Docket Book And Page No.

Date Judgment Filed

In The General Court Of Justice

District Superior Court Division

_____ County

Name Of Judgment Creditor (Plaintiff)

VERSUS

Name Of Judgment Debtor (Defendant)

**MOTION TO CLAIM
EXEMPT PROPERTY
(STATUTORY EXEMPTIONS)**
(Use If Judgment Filed Before Jan. 1, 2006)
G.S. 1C-1603(c)

NOTE TO JUDGMENT DEBTOR (DEFENDANT): *The Clerk of Superior Court cannot fill out this form for you. If you need assistance, you should talk with an attorney.*

I, the undersigned, move to set aside the property claimed below as exempt.

1. I am a citizen and resident of _____.
2. a. I am married to _____.
 b. I am not married.
3. My current address is _____.
4. The following persons are dependent on me for support:

Name(s) Of Person(s) Dependent On Me	Age	Relationship

5. I wish to claim as exempt (*keep from being taken*) my interest in the following real or personal property, or in a cooperative that owns property, that I use as a residence. I also wish to claim my interest in the following burial plots for myself or my dependents. I understand that my total interest claimed in the residence and burial plots may not exceed \$35,000.00, except that if I am unmarried and am 65 years of age or older, I am entitled to claim a total exemption in the residence and burial plots not to exceed \$60,000.00, so long as the property was previously owned by me as a tenant by the entireties or as a joint tenant with rights of survivorship, and the former co-owner of the property is deceased.

Street Address Of Residence

County Where Property Located

Township

No. By Which Tax Assessor Identifies Property

Legal Description (*Attach a copy of your deed or other instrument of conveyance or describe property in as much detail as possible. Attach additional sheets if necessary.*)

- I am unmarried and 65 years of age or older and this property was previously owned by me as a tenant by entireties or as a joint tenant with rights of survivorship and the former co-owner of the property is deceased.

Name(s) Of Owner(s) Of Record Of Residence

Estimated Value Of Residence (What You Think You Could Sell It For)

\$

Amount Of Lien(s) And Name(s) And Address(es) Of Lienholder(s):
(How Much Money Is Owed On The Property And To Whom)

Current Amount Owed

\$

\$

\$

Location Of Burial Plots Claimed

Value Of Burial Plots Claimed

\$

(Over)

6. I wish to claim the following personal property, consisting of household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments, as exempt from the claims of my creditors (*in other words, keep them from being taken from me*). These items of personal property are held primarily for my personal, family, or household use.

I understand that I am entitled to personal property worth the sum of \$3,500.00. I understand I am also entitled to an additional \$750.00 for each person dependent upon me for support, but not to exceed \$3,000.00 for dependents. I further understand that I am entitled to this amount after deducting from the value of the property the amount of any valid lien or security interest. Property purchased within ninety (90) days of this proceeding is not exempt. (*Some examples of household goods would be TVs, appliances, furniture, clothing, radios, record players.*)

Item Of Property	Fair Market Value <i>(What You Could Sell It For)</i>	Amount Of Lien Or Security Interest <i>(Amount Owed On Property)</i>	Name(s) Of Lienholder(s) <i>(To Whom Money Is Owed)</i>	Value Of Debtor's (Defendant's) Interest <i>(Fair Market Value Less Amount Owed)</i>
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$

7. I wish to claim my interest in the following motor vehicle as exempt from the claims of my creditors. I understand that I am entitled to my interest in one motor vehicle worth the sum of \$1,500.00 after deduction of any valid liens or security interests. I understand that a motor vehicle purchased within ninety (90) days of this proceeding is not exempt.

<i>Make And Model</i>	<i>Year</i>	<i>Name Of Title Owner Of Record</i>
<i>Fair Market Value (What You Could Sell It For)</i>		<i>Name(s) Of Lienholder(s) Of Record (Person(s) To Whom Money Is Owed)</i>
\$		
<i>Amount Of Liens (Amount Owed)</i>		<i>Value Of Debtor's (Defendant's) Interest (Fair Market Value Less Amount Owed)</i>
\$		\$

8. (*This item is to claim any other property you own that you wish to exempt.*) I wish to claim the following property as exempt because I claimed residential or real property as exempt that is worth less than \$3,500.00, or I made no claim for a residential exemption under section (5) above. I understand that I am entitled to \$3,500.00 in any property only if I made no claim under section (5) above and that if I make a claim under section (5), that I am entitled to \$3,500.00 in any property minus any amount I claimed under section (5). (*Examples: claim of \$1,000.00 under section (5), \$2,500.00 allowed here; claim of \$3,600.00 under section (5), no claim allowed here; no claim under section (5), \$3,500.00 in any property allowed here.*) I further understand that the amount of my claim under this section is after the deduction from the value of this property of the amount of any valid lien or security interests and that tangible personal property purchased within ninety (90) days of this proceeding is not exempt.

Item Of Personal Property Claimed	Fair Market Value	Amount Of Lien(s)	Name(s) Of Lienholder(s)	Value Of Debtor's (Defendant's) Interest
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$
	\$	\$		\$

Real Property Claimed (I understand that if I wish to claim more than one parcel, I must attach additional pages setting forth the following information for each parcel claimed as exempt.)

<i>Street Address</i>		<i>Estimated Value Of Property (What You Could Sell It For)</i>
		\$
<i>County Where Property Located</i>	<i>Township</i>	<i>No. By Which Tax Assessor Identifies Property</i>
<i>Description (Attach a copy of your deed or other instrument of conveyance or describe the property in as much detail as possible.)</i>		
<i>Name And Address Of Lienholder</i>		<i>Current Amount Owed</i>
		\$
<i>Name And Address Of Lienholder</i>		<i>Current Amount Owed</i>
		\$

(Attach additional sheets for more lienholders.)

(Over)

VERSUS	File No.	
Name Of Judgment Creditor (Plaintiff)	Judgment Abstract No. OR Judgment Docket Book And Page No.	Date Of Judgment
9. I wish to claim the following items of health care aid (<i>wheelchairs, hearing aids, etc.</i>) necessary for <input type="checkbox"/> myself <input type="checkbox"/> my dependents.		
Item	Purpose	
10. I wish to claim the following implements, professional books, or tools (not to exceed \$750.00), of my trade or the trade of my dependent. I understand such property purchased within ninety (90) days of this proceeding is not exempt.		
Item	Estimated Value <i>(What You Could Sell It For)</i>	What Business Or Trade Used In
	\$	
	\$	
	\$	
11. I wish to claim the following life insurance policies whose sole beneficiaries are my spouse and/or my children as exempt.		
Name Of Insurer	Policy Number	Beneficiary(ies)
12. I wish to claim as exempt the following compensation which I received for the personal injury of myself or a person upon whom I was dependent for support, or compensation which I received for the death of a person upon whom I was dependent for support. I understand that this compensation is not exempt from claims for funeral, legal, medical, dental, hospital, or health care charges related to the accident or injury which resulted in the payment of the compensation to me.		
Amount Of Compensation \$	<i>Method Of Payment: Lump Sum Or Installments (If Installments, state amount, frequency, and duration of payments)</i>	
Location Of Compensation		
13. I wish to claim my individual retirement accounts and individual retirement annuities (IRAs) that are listed below.		
<i>Name Of Custodian Of IRA Account</i>		<i>Account Number</i>
14. The following is a complete list of persons or businesses that have judgments for money against me.		
15. The following is a complete listing of my property which I do NOT claim as exempt.		
Item	Location	Estimated Value
		\$
		\$
		\$
16. I certify that the above statements are true.		
Date	<i>Signature Of Judgment Debtor/Attorney For Debtor (Defendant)</i>	
17. A copy of this Motion was served on the judgment creditor (plaintiff) by: <input type="checkbox"/> delivering a copy to the judgment creditor (plaintiff) personally <input type="checkbox"/> delivering a copy to _____, the judgment creditor's attorney. <input type="checkbox"/> depositing a copy of this Motion in a post-paid, properly-addressed envelope in a post office, addressed to the judgment creditor (plaintiff) at the address shown on the notice of rights served on me. <input type="checkbox"/> depositing a copy of this motion in a post-paid, properly-addressed envelope in a post office, addressed to the judgment creditor's (plaintiff's) attorney at the following address: _____.		
Date	<i>Address And Phone Number Of Attorney For Debtor (Defendant)</i>	
<i>Signature Of Judgment Debtor/Attorney For Debtor (Defendant)</i>		