

WRIT OF EXECUTION NOTICE

This paper is a Writ of Execution. It may cause your property to be held or taken to pay a Judgment against you. You may have legal rights to prevent your property from being taken. If you wish to exercise your legal rights, you must act promptly. A lawyer can advise you more specifically of these rights.

The law provides that certain property cannot be taken to satisfy a judgment. Such property is said to be "exempt." Attached is a summary of some of the exemptions that may be available to you. For example, there is a debtor's exemption of \$300, and you may have other exemptions and rights.

If you believe that you have an exemption, you should do the following:

- (1) Fill out the "Claim for Exemption" form, which includes a demand for a prompt hearing; and
- (2) Deliver the form either personally or by mail to the Sheriff's Office at the address noted on the form.

Refer to the Pennsylvania Rules of Civil Procedure, specifically Rule 3123 and Rule 3123.1, for the procedure to follow in filing your claims of exemption or immunity from levy or attachment.

If a hearing is scheduled, you should come to Court ready to explain and present evidence to support your claim of exemption. If you do not prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
WESTMORELAND BAR ASSOCIATION
P.O. BOX 565
129 N. PENNSYLVANIA AVENUE
GREENSBURG, PA 15601
(724) 834-8490
<http://lrs.westbar.org>

CLAIM FOR EXEMPTION

To the Sheriff:

I, _____ (the within-named Defendant), claim the following property from levy or attachment.

1) From my personal property *in my possession* that has been levied upon,

a) I desire that my \$300 statutory exemption be either (Circle either 1 or 2):

1. Set aside in kind. List the specific property to be set aside in kind.

2. Paid in cash following the sale of the property levied upon.

b) I claim the following exemption. Specify the property and the basis of the exemption.

2) From my property that is *in the possession of a third party*, I claim the following exemptions:

a) My \$300 statutory exemption either ____ in cash or ____ in kind (specify property).

b) Social Security benefits on deposit in _____ Bank, account number (last 4 digits only) _____, in the amount of \$_____.

c) Other (specify amount and basis of exemption).

I request a prompt court hearing to determine whether I am entitled to any exemptions. Notice of the court hearing should be given to me at:

_____ Address

_____ Telephone Number

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.

_____ Date

_____ Defendant Signature

This claim is to be filed at:

Office of the Sheriff
Westmoreland County Courthouse
2 North Main Street
Greensburg, PA 15601
(724) 830-3822

Pennsylvania and Federal law provide numerous exemptions of property from execution, including the following:

Exemptions under Pennsylvania Law

1. General \$300. Statutory exemption, 42 Pa C.S. 8123
2. Particular personal property exemption – wearing apparel, bibles, and school books, sewing machines, uniforms and equipment, 42 Pa. C.S. 8124(a)
3. Certain retirement funds and accounts, 42 Pa. C.S. 8124(b)
 - Public School Employees’ Retirement Fund, 24 Pa. C.S. 8533 and 42 Pa. C.S. 8124 (b)(1)(i)
 - State Employees’ Retirement Fund, 42 Pa. C.S. 8124(b)(1)(ii) and 71 Pa. C.S. 5953
 - Police Pension Funds, 42 Pa. C.S. 8124(b)(1)(iii)
 - Philadelphia Pension Fund, 42 Pa. C.S. 8124(b)(1)(iv)
 - Pittsburgh Pension Fund, 42 Pa. C.S. 8124(b)(1)(v)
 - Pittsburgh Municipal Retirement Fund, 42 Pa. C.S. 8124(b)(1)(vi)
 - Private employees’ pensions or annuity funds, 42 Pa. C.S. 8124(b)(1)(vii)
 - Self-employed retirement or annuity funds, 42 Pa. C.S. 8124 (b)(1)(viii)
 - Retirement or annuity funds provided for under the Internal Revenue Code, 42 Pa. C.S. 8124(b)(1)(ix)
4. Certain insurance proceeds, 42 Pa. C.S. 8124(c)
 - Fraternal society benefits, 42 Pa. C.S. 8124(c)(1), (8)
 - Workmen’s Compensation, 42 Pa. C.S. 8124(c)(2)
 - Group insurance, 42 Pa. C.S. 8124(c)(5)
 - Life insurance and annuities, 42 Pa. C.S. 8124(c)(3), (4), (6)
 - Accident and disability insurance, 42 Pa. C.S. 8124(c)(7)
 - No-fault motor vehicle accident benefits, 42 Pa. C.S. 8124(c)(9)
 - Unemployment Compensation, 42 Pa. C.S. 8124(c)(10)
5. Personal earnings, subject to the exceptions under 23 Pa. C.S. Pt. IV relating to divorce and for support, board, certain damages arising from a residential lease, and student loan obligations, 42 Pa. C.S. 8127
6. Tangible personal property on international exhibition, 42 Pa. C.S. 8125
7. Common carrier, property in interstate transit, 42 Pa. C.S. 8126
8. Certain veteran benefits:
 - Veteran’s litigation awards (Vietnam herbicide), 51 Pa. C.S. 7902(a)
 - Sums payable under:
 - The Veterans’ Compensation Act, 51 P.S. 20012
 - The World War II Veteran’s Compensation Act, 51 P.S. 20048
 - The Korean Conflict Veteran’s Compensation Act, 51 P.S. 20098
 - The Vietnam Conflict Veteran’s Compensation Act, 51 P.S. 20127

Exemptions under Federal Law

1. Certain wages and compensation
Longshoremen's and harbor workers' compensation, 33 U.S.C. 916
Injury and death resulting from war-risk hazard, 42 U.S.C. 1717
2. Social Security benefits, 42 U.S.C. 407
3. Certain retirement funds and accounts:
Civil Service, 5 U.S.C. 8346(a)
Foreign Service, 22 U.S.C. 4060(c)
Railroad Retirement, 45 U.S.C. 231(m)
Judges' widows' annuities, 28 U.S.C. 376(n)
4. Certain veteran and armed forces benefits:
Laws administered by the Veterans Administration, 38 U.S.C. 1970 and 5301
Armed Forces Survivor Benefit Plan, 10 U.S.C. 1450(i)
Savings deposited with armed forces, 10 U.S.C. 1035(d)
Medal of Honor Roll Special Pension, 38 U.S.C. 1562(c)
5. Miscellaneous:
Property of a Foreign State, 28 U.S.C. 1609, 1611
Rail Fund, 45 U.S.C. 822(e)

THIS CLAIM TO BE FILED WITH THE OFFICE
OF THE SHERIFF OF WESTMORELAND COUNTY

Sheriff of Westmoreland County
Westmoreland County Courthouse
Greensburg, Pa 15601
(724)830-3457
1-800-442-6926 ext. 3457