

STATE OF INDIANA
COUNTY OF MARION,

vs.

SS:

) IN THE WARREN TOWNSHIP
MARION COUNTY SMALL CLAIMS COURT
) 501 North Post Road, Suite C
Indianapolis Indiana 46219
(317) 327-8919

49K06-_____

ORDER TO APPEAR IN COURT

Defendant(s)

The plaintiff has shown to the Court that plaintiff is owner of a judgment obtained in this Court against you, the judgment defendant, on which there is now due the principal sum of \$_____, pre-judgment interest of _____, attorney fees of \$_____, costs of \$_____ and post-judgment interest.

And the plaintiff has moved the Court for an order requiring you, the judgment defendant, to appear in this Court and answer as to your wages, assets, profits and other non-exempt property which can be applied toward satisfaction of this judgment.

THE COURT NOW ORDERS the judgment defendant, _____, to appear personally in this Court at the Court's address above on _____ at _____ AM / PM to answer as to wages, assets, profits, and other non-exempt property which are available to satisfy the judgment.

FAILURE TO COMPLY WITH THIS ORDER TO APPEAR MAY RESULT IN PUNISHMENT FOR CONTEMPT OF COURT.

NOTICE OF CERTAIN EXEMPTIONS AND YOUR RIGHT TO A PROMPT HEARING

It may be that the plaintiff has or will give notice to your bank or other persons holding property or assets for you of the intent to put a hold on certain accounts held by you, either individually or jointly with another person, including, but not limited to bank, share, and credit union accounts. Under Indiana law, this notice may already have resulted in the placing of a hold on those accounts.

UNDER FEDERAL AND STATE LAW, CERTAIN FUNDS ARE EXEMPT FROM GARNISHMENT. THIS MEANS THAT THESE FUNDS MAY NOT BE TAKEN BY CREDITORS EVEN IF THEY HAVE BEEN DEPOSITED INTO YOUR ACCOUNTS.

SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, VETERANS BENEFITS, CERTAIN DISABILITY PENSION BENEFITS, AND BENEFITS UNDER ANY PENSION PAID FROM A TRUST QUALIFIED UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 CANNOT BE TAKEN. THERE MAY BE OTHER EXEMPTIONS UNDER STATE OR FEDERAL LAW. IF YOU OR ANOTHER PERSON WHO MAINTAINS A JOINT ACCOUNT WITH YOUR BELIEVE THAT ALL OR SOME OF THE FUNDS IN THESE ACCOUNTS ARE EXEMPT, YOU OR YOUR JOINT DEPOSITOR ARE ENTITLED TO A PROMPT HEARING IN THIS COURT TO PRESENT EVIDENCE TO ESTABLISH EXEMPTION AND TO SEEK REMOVAL OF THE HOLD.

To obtain such a hearing, fill in the form marked "Exemption Claim and Request for Hearing" attached hereto and return it to the court. A copy of that form should also be sent to plaintiff's attorney or to the plaintiff, if the plaintiff is not represented by an attorney, at the address set forth on the next page. A prompt hearing will be scheduled by the court as soon as possible, but generally no later than 5 days (excluding Saturdays, Sundays and legal holidays) after the completed form is received by the court. Please call the court at the number listed above to find out when the hearing is scheduled. When calling the court, please have the case number available. The case number is located on the first page of this

document at the top of the right-hand side. After the hearing the court will decide whether all or part of the funds in each account on which a hold has been placed or other accounts in which you have an interest may be taken by plaintiff.

If a joint depositor or you do not request an early hearing, there will be a hearing at the time when you are Ordered to Appear. At that hearing, you and a joint depositor are entitled to assert any exemptions. However, if a joint depositor or you do not request an early hearing, each account on which a hold has been placed may not be released until the time you are Ordered to Appear.

Dated September 28, 2021

Garland E Graves
Judge
Warren Township
Marion County Small Claims Court

(The following manner of service of the Order is hereby designated.)

_____ Registered or Certified Mail

_____ Personal or copy service at address indicated:

Address: _____

_____ Other Service (specify):

Attorneys for Plaintiff:

EXEMPTION CLAIM AND REQUEST FOR HEARING

To: The Honorable Judge of the Warren Township Small Claims Court of Marion County
501 North Post Road, Suite C
Indianapolis Indiana 46219

Re: Cause No. _____

I believe that all or part of the money in my account(s) that may have been frozen cannot be frozen because the account(s) contain exempt funds. I would like a hearing at the earliest time.

Check one: _____ I am the judgment defendant.

_____ I maintain a joint account with the judgment defendant.

Signature

Printed Name

Address

Phone (during business hours)