

Prepared by:
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Attorney for Judgment Creditor

In The District Court of _____ County, Kansas

Judgment Creditor name Judgment Creditor

vs.

Case No. _____

Judgment Debtor name Judgment Debtor

TO BE SERVED ON THE JUDGMENT DEBTOR WITH THE WRIT OF EXECUTION.

NOTICE TO JUDGMENT DEBTOR
(General Execution)

You are hereby notified that the court has issued an order called a writ of execution in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that any of your property which is not exempt under the law be used to satisfy your debt to the judgment creditor. This order was issued to enforce the judgment obtained by the judgment creditor against you in this case on _____, _____.

The law of Kansas and the United States provides that certain property cannot be taken from you to pay a debt. Such property is commonly referred to as exempt property. Examples of exempt property which cannot be attached or executed upon by a creditor are:

- (1) Social Security disability and retirement benefits;
- (2) Supplemental Security Income (SSI) benefits;
- (3) Veteran's benefits;
- (4) Black lung benefits;
- (5) Cash assistance payments under the Temporary Assistance for Families (TAF) program;
- (6) Cash assistance payments under the General Assistance (GA) program;
- (7) Unemployment compensation payments;
- (8) Workers compensation payments;
- (9) Certain pension benefits and retirement funds, including KPERS;
- (10) Furnishings, equipment and supplies in your possession and reasonably necessary at your principal residence;
- (11) Personal jewelry and other ornaments up to \$1,000 in value;
- (12) One vehicle regularly used for transportation up to \$20,000 in value;
- (13) Tools and equipment used in your principal trade or business up to \$7,500 in value;
- (14) Homestead (usually, your residence).

This is not an exclusive list. Other state and federal exemptions may apply to you. Certain exemptions may not apply to support orders or to back taxes. These exemptions generally apply only to persons and not to entities such as corporations. An attorney can assist you in determining which of your property is exempt.

If you believe that the property which has been taken is exempt and should not be given to the judgment creditor, you may request a hearing before the court to assert this claim. In order to request a hearing, you should fill out the form at the bottom of this notice and obtain from the clerk of the court or the court a date and time for the hearing, and file the form with the clerk of the court at (address of court). Immediately after the request for hearing is filed, you shall hand-deliver a copy of the request for hearing to the judgment creditor or judgment creditor's attorney, if the judgment creditor is represented by an attorney, or mail a copy of the request for hearing to the judgment creditor or the judgment creditor's attorney, if the judgment creditor is represented by an attorney, by first-class mail at the judgment creditor's, or judgment creditor's attorney's, last known address. You should ask for this hearing as soon as possible. If you ask for a hearing to claim that your money or property is exempt, the court will hold a hearing after it receives your request. At the hearing you should present any evidence you have to show that your property is exempt. The burden is on you to prove that some or all of your property subject to the execution is exempt. You may wish to consult an attorney to represent you at this hearing.

(Name and address of court)

Case No. _____

REQUEST FOR HEARING

I request a hearing because the property which is being seized by the judgment creditor is exempt because it is

(reason property is exempt)

Name of Judgment Debtor

Signature of Judgment Debtor

Address

Date

City, State, Zip Code

Telephone No.

THIS PART SHALL BE COMPLETED BY CLERK OF THE DISTRICT COURT:

The hearing requested shall be held on the _____(day) day of _____(month),
_____ (year), at _____(time) o'clock _____(am or pm).

Certificate of Service

I delivered a copy of the above request for hearing to the judgment creditor or judgment creditor's attorney, if judgment creditor is represented by an attorney, by hand-delivery or first-class mail in the following manner and at the following address, on the date shown below:

(name of judgment creditor or judgment creditor's attorney)

(address of judgment creditor or judgment creditor's attorney)

(manner delivered--hand-delivery or first-class mail)

(date delivered)

Signature of Judgment Debtor