

4-809. Claim of exemption from garnishment.

[For use with Rules 1-065.2, 2-802, and 3-802 NMRA]

STATE OF NEW MEXICO

IN THE _____ COURT

No. _____

_____, COUNTY

_____, Plaintiff

against

_____, Defendant

_____, Garnishee

CLAIM OF EXEMPTION FROM GARNISHMENT

Judgment debtor claims the following exemptions:

(check box next to exemption)

- a. ☐ social security benefits (OASDI, SSI);
- b. ☐ public benefits such as medicaid, medicare, food stamps, or other aid from a government public assistance program;
- c. ☐ life, accident, or health insurance proceeds;
- d. ☐ workers' compensation awards;
- e. ☐ unemployment compensation benefits;
- f. ☐ veterans' benefits;
- g. ☐ pensions and retirement funds;
- h. ☐ crime victims' reparation fund payments;
- i. ☐ allowances to surviving spouse and children from deceased's estate subject to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978;
- j. ☐ the minimum amount of shares necessary for certain non-profit cooperative associations as provided by Section 53-4-28 NMSA 1978;
- k. ☐ fraternal benefit society payments as provided by Section 59A-44-18 NMSA 1978;

- l. ☐ alimony, family, or domestic support or separate maintenance to the extent reasonably necessary for the support of the person or any dependent of the person;
- m. ☐ payment under a stock bonus, pension, profit-sharing individual retirement account, annuity, or similar plan or contract on account of illness, disability, death or length of service, to the extent reasonably necessary for the support of the person or any dependent of the person, unless such plan or contract does not qualify under Section 401(a), 403(a), 403(b), or 408 of the Internal Revenue Code of 1986;
- n. ☐ refundable federal and state tax credits;
- o. ☐ exempt wages as defined by Section 35-12-7 NMSA 1978;
- p. ☐ any stimulus payment held by or payable to the person or the person's dependents in any form;
- q. ☐ an interest in or proceeds from a pension, individual retirement account, annuity, profit-sharing plan, and any other retirement account;
- r. ☐ an individual retirement account that would qualify for tax exemptions under 26 U.S.C. Section 408 or any similar individual retirement account;
- s. ☐ an educational savings account that would qualify for tax exemptions under 26 U.S.C. Section 529 or any similar educational savings account;
- t. ☐ a health savings account that would qualify for tax exemptions under 26 U.S.C. Section 223 or any similar health savings account;
- u. ☐ money held in a depository or investment account, which is not otherwise exempt, up to two thousand four hundred dollars (\$2,400);
- v. ☐ occupational health benefits.

A completed and signed copy of this form must be returned to the Clerk of the Court whose address is

A completed and signed copy of the claim of exemption form shall be served on the judgment creditor and the garnishee named above. If the judgment creditor disputes a

claimed exemption, a court hearing will be scheduled to consider the disputed exemptions. At this hearing you must bring evidence supporting each of your claims of exemption.

Date

Signature of judgment debtor

Printed name of judgment debtor

Number and street or P.O. box

City, state, zip code

Telephone number

USE NOTES

1. Use this form only for actions filed on or after July 1, 2023.

[As amended, effective July 1, 1992; January 1, 1995; January 1, 1996; as amended by Supreme Court Order No. S-1-RCR-2024-00107, effective for all cases pending or filed on or after December 31, 2024.]