

STATE OF NORTH CAROLINA

File No.

Abstract No.

Judgment Docket Book And Page No.

Date Judgment Filed

County

In The General Court Of Justice

☐ District ☐ Superior Court Division

Name Of Plaintiff

VERSUS

Name Of Defendant

NOTICE OF RIGHT TO HAVE EXEMPTIONS DESIGNATED

G.S. 1C-1603

TO:

Name And Address Of Judgment Debtor 1

TO:

Name And Address Of Judgment Debtor 2

NOTE: Attach a copy of AOC-CV-407 if the judgment was filed before 1/1/06. For judgments filed after 1/1/06, attach AOC-CV-415.

A judgment has been entered against you in the case captioned above in which you have been ordered to

☐ pay money over to the judgment creditor. ☐ turn over various household belongings to the judgment creditor.

The judgment creditor (person who has the judgment against you) is now seeking to collect this judgment and has asked me to give you notice of your rights. Under the Constitution and laws of North Carolina, you have the right to exempt from the collection of the judgment certain of your property (in other words, to keep it from being taken from you). If you wish to keep your exempt property, you MUST fill out the attached Motion To Claim Exempt Property and mail or take it to the Clerk of Superior Court at the address listed below. You MUST also mail or take a copy to the judgment creditor at the address listed below. The law gives you another option of requesting, in writing, a hearing before the Clerk to claim your exemptions. If you make a written request for a hearing, you will be notified of the time and place of the hearing when you may claim your exemptions.

It is important that you respond to this Notice no later than twenty (20) days after it was served on you because you will lose valuable statutory rights if you do nothing. If you do not respond, you will give up your right to statutory exemptions and the judgment creditor may be able to take any or all of your property to satisfy the judgment. **You have certain constitutional rights you may claim if you give up your statutory rights.** You may wish to consider hiring an attorney to help you with this proceeding to make certain that you receive all the protections to which you are entitled.

NOTICE TO JUDGMENT DEBTOR: THERE ARE CERTAIN EXEMPTIONS UNDER STATE AND FEDERAL LAW THAT YOU ARE ENTITLED TO CLAIM IN ADDITION TO THE EXEMPTIONS LISTED IN THE MOTION TO CLAIM EXEMPT PROPERTY THAT IS ENCLOSED WITH THIS NOTICE. These exemptions may include social security, unemployment, and workers' compensation benefits and earnings for your personal services rendered within the last 60 days. There is available to you a prompt procedure for challenging an attachment or levy on your property.

Name And Address Of Judgment Creditor Or Attorney

Date

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

Address Of The Clerk Of Superior Court

Telephone No.

NOTICE TO THE JUDGMENT CREDITOR:

You may serve this Notice and the Motion To Claim Exempt Property by mailing a copy of each, registered or certified mail, return receipt requested, addressed to the judgment debtor. To prove service, you must file an affidavit (notarized by a notary public) with the Clerk asserting that (1) a copy of the Notice of Rights and Motion To Claim Exempt Property was deposited in the post office for mailing by registered or certified mail, return receipt requested; (2) it was in fact received as evidenced by the attached registry receipt or other evidence of delivery; and (3) the genuine receipt or other evidence of delivery is attached. You must attach the post office delivery receipt to the affidavit. Alternatively, you may choose to have this Notice and the Motion served by the sheriff. If you select this method, you must pay a service fee. If your attempted service by certified or registered mail or personal service by the sheriff fails, you may then serve the judgment debtor by mailing a copy of Notice and Motion to the judgment debtor at his/her last known address. To prove service, you must file a certificate with the Clerk that the notice and motion were served indicating why you used such service, the date the notice was mailed and the address to which it was mailed. Remember, you may NOT use service by regular first class mail until you have tried first to serve the judgment debtor personally or by certified or registered mail and such service was unsuccessful.

RETURN OF SERVICE

I certify that this Notice and a copy of a Motion to Claim Exempt Property were received and served as follows:

JUDGMENT DEBTOR 1

Date Served	Time Served ☐ AM ☐ PM	Name Of Judgment Debtor 1
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- ☐ By delivering to the judgment debtor named above a copy of this Notice and Motion To Claim Exempt Property.
- ☐ By leaving a copy of this Notice and Motion To Claim Exempt Property at the dwelling house or usual place of abode of the judgment debtor named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

☐ Other Manner Of Service (specify)

☐ Judgment debtor WAS NOT served for the following reason:

Service Fee Paid \$	Date Received	Name Of Sheriff (Type Or Print)
Paid By	Date Of Return	County
		Signature Of Deputy Sheriff Making Return

JUDGMENT DEBTOR 2

Date Served	Time Served ☐ AM ☐ PM	Name Of Judgment Debtor 2
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- ☐ By delivering to the judgment debtor named above a copy of this Notice and Motion To Claim Exempt Property.
- ☐ By leaving a copy of this Notice and Motion To Claim Exempt Property at the dwelling house or usual place of abode of the judgment debtor named above with a person of suitable age and discretion then residing therein.

Name And Address Of Person With Whom Copies Left

☐ Other Manner Of Service (specify)

☐ Judgment debtor WAS NOT served for the following reason:

Service Fee Paid \$	Date Received	Name Of Sheriff
Paid By	Date Of Return	County
		Signature Of Deputy Sheriff Making Return