

Before a judgment creditor/plaintiff may issue execution to collect the judgment, he or she must first serve on the judgment debtor/defendant *Notice of Right to Have Exemptions Designated*. This means that the judgment debtor/defendant has the right to set aside certain real and personal property from collection by the judgment creditor/plaintiff. To do this, the judgment debtor/defendant must fill out the *Motion to Claim Exempt Property* and file it with the Clerk of Superior Court (Judgment Department, Room 3725) and send a copy to the judgment creditor/plaintiff.

#### **NOTICE OF RIGHT TO HAVE EXEMPTIONS DESIGNATED (AOC-CV-406)**

1. Complete all of the information on this Notice including the case number and Judgment Docket Book and Page. The address of the Clerk of Superior Court is P.O. Box 37971, Charlotte, NC 28237-7971.
2. Each judgment debtor/defendant (even if joint debtors) must be served separately, so fill out one set of forms for each judgment debtor/defendant.
3. Prepare one original and one copy of the *Notice of Right to Have Exemptions Designated* for each judgment debtor/defendant. An Assistant or Deputy Clerk of Superior Court must sign the Notices.

#### **MOTION TO CLAIM EXEMPT PROPERTY (AOC-CV-407)**

1. This is what the judgment debtor/defendant fills out to claim their exemptions. Two (2) copies are to be served on each judgment debtor/defendant with the *Notice of Right to Have Exemptions Designated*.
2. Complete only the top portion--name, address, case number, and docket number.
3. Judgment debtor/defendant has 20 days after service (23 days if served by mail) to file the Motion to Claim Exemption Property. One copy is sent to the Clerk of Superior Court (Judgment Department, Room 3725) and one copy to the judgment creditor/plaintiff.

#### **SERVICE**

Instructions for service on the judgment debtor/defendant are on the back of the *Notice of Right to Have Exemptions Designated*. Service by the Sheriff costs \$15.00 per judgment debtor/defendant.

#### **ORDER DESIGNATING EXEMPT PROPERTY**

1. If the judgment debtor/defendant files the *Motion to Claim Exempt Property* to claim exemptions, prepare the Order according to the information of judgment debtor's/defendant's *Motion to Claim Exempt Property*.
2. Present the *Order Designating Exempt Property* to the Clerk of Superior Court's Office (Judgment Department, Room 3725) for signature and filing. Prepare the original and at least two (2) copies. Mail one (1) copy to the judgment debtor/defendant.
3. If the judgment debtor/defendant fails to respond to the *Notice of Right to Have Exemptions Designated*, he or she has waived exemptions. No order needs to be entered. Execution may be issued.

**THE CLERK OF SUPERIOR COURT'S EMPLOYEES CANNOT HELP YOU  
FILL OUT THESE FORMS. IF YOU NEED HELP YOU WILL NEED TO  
CONSULT AN ATTORNEY.**

**PLEASE DO NOT SIGN OR DATE THESE FORMS.**