IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA

_____
Plaintiff

_____

_____
Address

v.

_____
Defendant

_____

_____
Address

Case No. _____

This form is only applicable to writs of execution, suggestions, and suggestee executions issued before June 7, 2016.

AFFIDAVIT FOR EXEMPTIONS

The judgment debtor, _____, being duly sworn, states that the following is true and correct:

1. I understand that I cannot claim exemption of personal property if the judgment in this case arose from the purchase or lease of that specific personal property. I also understand that I cannot claim exemption from execution more than $15,000 in the aggregate in personal property listed on this form.
2. I claim exemption of personal property as one of the following: (Check only one box.)

☐ I am an individual residing in West Virginia; OR ☐ I am the dependent of an individual residing in West Virginia.

3. I claim exemption of personal property based on the fact that:

(***Check all that apply.*** *If no box applies, then the personal property exemption is not available and this form should not be completed.*)

A. ☐ The total estimated value of my motor vehicle, minus liens, is $_____, and I, therefore, claim $_____ of it as exempt from execution.
(Exemption may not exceed $5,000.) [*W.Va. Code § 38-8-1(a)(1)*]

B. ☐ The total estimated value of my personal property (household goods, furniture, toys, animals, appliances, books and wearing apparel), minus liens, is $_____, and I, therefore, claim $_____ of it as exempt from execution. (Exemption may not exceed $8,000.) [*W.Va. Code § 38-8-1(a)(2)*]

C. ☐ The total estimated value of my personal property (implements, professional books or tools of my trade), minus liens, is $_____, and I, therefore, claim $_____ of it as exempt from execution.
(Exemption may not exceed $3,000.) [*W.Va. Code § 38-8-1(a)(3)*]

D. ☐ The total estimated value of my funds on deposit in a federally insured financial institution, wages or salary, does not exceed the greater of 1) $1000 OR 2) 125% of the amount of annualized federal poverty level of my household divided by the number of pay periods for the year, and I, therefore, claim $_____ of it as exempt from execution. [*W.Va. Code § 38-8-1(a)(4)*]

Total claimed exemption of items listed in 3.A., B., C., and/or D. above is $_____.

4. ☐ I claim as exempt from execution my funds on deposit in an individual retirement account (IRA), including a simplified employee pension (SEP), in my name and I state that it is not or has not been subject to an excise or other tax on excess contributions under Section 4973 or Section 4979 of the Internal Revenue Code of 1986, or both sections, or any successor provisions, regardless of whether the tax is or has been paid. [*W.Va. Code § 38-8-1(a)(5)*]

☐ The total estimated value of my property, minus liens, exceeds $15,000, and I claim the following items as exempt from execution *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt):*

Vehicles: _____

Household Property: _____

Implements, Professional Books or Tools of my Trade: _____

Funds on Deposit, Wages, or Salary: _____

☐ The debt in this case arose from a consumer credit transaction (goods purchased or leased on credit for personal, family, household or agricultural purpose, and payable in installments or subject to a sales finance charge), and I, therefore, claim as exempt *(list the numbers of each line from the tables below and on any attached sheets which you claim as exempt)* [*W.Va. Code § 46A-2-136*] :

_____ Clothing, up to $200

_____ All children's property

_____ All family health equipment

_____ Tools of the trade/income-producing property, up to $1,000

_____ Life insurance policy, except cash value of accrued dividends

_____ Household furniture, appliances, furnishings and fixtures, up to $1,000

The following is a list of all my personal vehicles in my possession or in the possession of another and liens, if any.

Vehicle (including make, model and year)	**Location**	**Estimated Fair Market Value**	**Value of Lien (if any)**	**Lien Holder (if any)**	**Estimated Fair Market Value (Minus Liens)**
1.		$	$		$
2.		$	$		$
3.		$	$		$
4.		$	$		$
				TOTAL:	$

☐ *Check here if additional pages are attached because more space is needed to complete the list of vehicles.*

The following is a list of all my household property in my possession or in the possession of another and liens, if any.

Personal Property (household goods, furniture, toys, animals, appliances, books and wearing apparel)	**Location**	**Estimated Fair Market Value**	**Value of Lien (if any)**	**Lien Holder (if any)**	**Estimated Fair Market Value (Minus Liens)**
1.		$	$		$
2.		$	$		$
3.		$	$		$
4.		$	$		$
				TOTAL:	$

☐ *Check here if additional pages are attached because more space is needed to complete the list of household property.*

The following is a list of all my implements, professional books, or tools of my trade in my possession or in the possession of another and liens, if any.

Personal Property (implements, professional books or tools of my trade) Where applicable, list brand name and year purchased.	**Location**	**Estimated Fair Market Value**	**Value of Lien (if any)**	**Lien Holder (if any)**	**Estimated Fair Market Value (Minus Liens)**
1.		$	$		$
2.		$	$		$
3.		$	$		$
4.		$	$		$
				TOTAL:	$

☐ *Check here if additional pages are attached because more space is needed to complete the list of implements, professional books, or tools of the trade.*

The following is a list of all my funds on deposit in a federally insured financial institution, wages, or salary.

Funds on deposit in a federally insured financial institution, wages or salary	**Financial Institution**	**Amount**
1.		$
2.		$
3.		$
4.		$
	TOTAL:	$

☐ *Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in a federally insured financial institution, wages or salary.*

The following is a list of all my funds on deposit in an individual retirement account (IRA).

Funds on deposit in an individual retirement account (IRA)	**Name of Investment Account**	**Amount**
1.		$
2.		$
3.		$
4.		$
	TOTAL:	$

☐ *Check here if additional pages are attached because more space is needed to complete the list of funds on deposit in an IRA.*

_____
Signature of Judgment Debtor

Taken, subscribed and sworn or affirmed before me this _____ day of _____, 20_____.

My commission expires on _____.

_____
Signature of Notary/Court Clerk

NOTICES TO JUDGMENT DEBTOR:

- If a **Writ of Execution** has been issued against your personal property and you wish to claim exemptions, you should complete this form and deliver the original and one copy to the sheriff. If a **Suggestee Execution** has been issued against your wages and you wish to claim exemptions, you should complete this form each pay period, deliver the original and one copy to the clerk of the court and request that the clerk issue a temporary release of your wages. If a **Suggestion of Personal Property** other than wages has been issued against your property and you wish to claim exemptions, you should complete this form and deliver the original and one copy to the clerk of the court and request a certificate of exemption to release the suggested property.
- If the creditor disagrees with the statements in this affidavit, the creditor may request an appraisement of the suggested property.
- The intentional filing of a false affidavit may constitute a criminal violation.