

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

**AFFIDAVIT OF EXEMPTIONS**

**CASE NUMBER \_\_\_\_\_**

v.

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

1. I understand that I cannot claim 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 to 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)]

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

	<b>VEHICLE</b> <i>(including make, model and year)</i>	<b>LOCATION</b>	<b>ESTIMATED FAIR MARKET VALUE</b>	<b>VALUE OF LIEN</b> <i>(if any)</i>	<b>NAME OF LIENHOLDER</b> <i>(if any)</i>	<b>ESTIMATED FAIR MARKET VALUE</b> <i>(Minus Any Liens)</i>
1			\$	\$		\$
2			\$	\$		\$
3			\$	\$		\$
4			\$	\$		\$
<b>TOTAL</b>						\$

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

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)]

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

	<b>PERSONAL PROPERTY</b> <i>(household goods, furniture, toys, animals, appliances, books and wearing apparel)</i>	<b>LOCATION</b>	<b>ESTIMATED FAIR MARKET VALUE</b>	<b>VALUE OF LIEN</b> <i>(if any)</i>	<b>NAME OF LIENHOLDER</b> <i>(if any)</i>	<b>ESTIMATED FAIR MARKET VALUE</b> <i>(Minus Any Liens)</i>
1			\$	\$		\$
2			\$	\$		\$
3			\$	\$		\$
4			\$	\$		\$
<b>TOTAL</b>						\$

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

C.  The total estimated value of my 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)]

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

	<b>PERSONAL PROPERTY</b> <i>(Implements, professional books, or tools of my trade. Where applicable, list brand name and year purchased.)</i>	<b>LOCATION</b>	<b>ESTIMATED FAIR MARKET VALUE</b>	<b>VALUE OF LIEN</b> <i>(if any)</i>	<b>NAME OF LIENHOLDER</b> <i>(if any)</i>	<b>ESTIMATED FAIR MARKET VALUE</b> <i>(Minus Any Liens)</i>
1			\$	\$		\$
2			\$	\$		\$
3			\$	\$		\$
4			\$	\$		\$
<b>TOTAL</b>						\$

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.

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) \$1,000 -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)]

The following is a list of all of my funds on deposit, wages, and salary.

	FUNDS ON DEPOSIT IN A FEDERALLY INSURED FINANCIAL INSTITUTION, WAGES OR SALARY	NAME OF FINANCIAL INSTITUTION	AMOUNT
1			\$
2			\$
3			\$
4			\$
<b>TOTAL</b>			\$

Check here if additional pages are attached because more space is needed to complete the list of funds on deposit, wages, or salary.

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 following is a list of all of my funds on deposit in an IRA:

	FUNDS ON DEPOSIT IN AN INDIVIDUAL RETIREMENT ACCOUNT (IRA)	NAME OF INVESTMENT ACCOUNT	AMOUNT
1			\$
2			\$
3			\$
4			\$
<b>TOTAL</b>			\$

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

5.  The total estimated value of my property, minus liens, exceeds \$15,000, and I claim the following items, not exceeding \$15,000, as exempt from execution (list the numbers of each line in the tables on pages 1, 2 and 3 and on any attached sheets which you claim exempt):

	LINE NUMBER	AMOUNT OF EXEMPTIONS
A. Vehicles		\$
B. Household Property		\$
C. Implements, Professional Books, or Tools of My Trade		\$
D. Funds on Deposit, Wages, or Salary		\$
<b>TOTAL OF CLAIMS</b>		<b>\$</b>

6.  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 and 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 trade and 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

\_\_\_\_\_  
Signature of Judgment Debtor

Taken, subscribed and sworn or affirmed before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

My commission expires on: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary or Other Authorized Official

**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 to the Clerk and two copies to the United States Marshal.
- If the creditor disagrees with the statements in this affidavit, the creditor may request an appraisal of the suggested property.
- The intentional filing of a false affidavit may constitute a criminal violation.