

1 **4-809. Claim of exemption from garnishment.**

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

3

4 STATE OF NEW MEXICO

5

6 IN THE \_\_\_\_\_ COURT No. \_\_\_\_\_

7

8 \_\_\_\_\_ COUNTY

9 \_\_\_\_\_, Plaintiff

10 against

11 \_\_\_\_\_, Defendant

12 \_\_\_\_\_, Garnishee

13

14 **CLAIM OF EXEMPTION FROM GARNISHMENT**

15

16 Judgment debtor claims the following exemptions:

17 *(check box next to exemption)*

18

19 a.  social security benefits (OASDI, SSI);

20

21 b.  [~~public assistance benefits (AFDC, welfare, GA)~~ public benefits such as  
22 medicaid, medicare, food stamps, or other aid from a government public assistance  
23 program;

24

25 c.  life, accident, or health insurance proceeds;

26

27 d.  workers' compensation awards;

28

29 e.  unemployment compensation benefits;

30

31 f.  veterans' benefits;

32

33 g.  pensions and retirement funds;

34

35 h.  crime victims' reparation fund payments;

36

37 i.  allowances to surviving spouse and children from deceased's estate subject  
38 to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978;

39

40 j.  the minimum amount of shares necessary for certain non-profit cooperative  
41 associations as provided by Section 53-4-28 NMSA 1978;

42

43 k.  fraternal benefit society payments as provided by Section 59A-44-18  
44 NMSA 1978[-];

45

- 1 l.  alimony, family, or domestic support or separate maintenance to the extent  
2 reasonably necessary for the support of the person or any dependent of the person;  
3
- 4 m.  payment under a stock bonus, pension, profit-sharing individual retirement  
5 account, annuity, or similar plan or contract on account of illness, disability, death  
6 or length of service, to the extent reasonably necessary for the support of the person  
7 or any dependent of the person, unless such plan or contract does not qualify under  
8 Section 401(a), 403(a), 403(b), or 408 of the Internal Revenue Code of 1986;  
9
- 10 n.  refundable federal and state tax credits;  
11
- 12 o.  exempt wages as defined by Section 35-12-7 NMSA 1978;  
13
- 14 p.  any stimulus payment held by or payable to the person or the person's  
15 dependents in any form;  
16
- 17 q.  an interest in or proceeds from a pension, individual retirement account,  
18 annuity, profit-sharing plan, and any other retirement account;  
19
- 20 r.  an individual retirement account that would qualify for tax exemptions  
21 under 26 U.S.C. Section 408 or any similar individual retirement account;  
22
- 23 s.  an educational savings account that would qualify for tax exemptions under  
24 26 U.S.C. Section 529 or any similar educational savings account;  
25
- 26 t.  a health savings account that would qualify for tax exemptions under 26  
27 U.S.C. Section 223 or any similar health savings account;  
28
- 29 u.  money held in a depository or investment account, which is not otherwise  
30 exempt, up to two thousand four hundred dollars (\$2,400);  
31
- 32 v.  occupational health benefits.  
33

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

36 \_\_\_\_\_  
37 \_\_\_\_\_  
38 \_\_\_\_\_  
39 \_\_\_\_\_  
40 \_\_\_\_\_

41 A completed and signed copy of the claim of exemption form shall be served on the judgment  
42 creditor and the garnishee named above. If the judgment creditor disputes a claimed exemption, a  
43 court hearing will be scheduled to consider the disputed exemptions. At this hearing you must  
44 bring evidence supporting each of your claims of exemption.  
45  
46 \_\_\_\_\_

1	Date	Signature of judgment debtor
2		
3		
4		_____
5		Printed name of judgment debtor
6		
7		
8		_____
9		Number and street or P.O. box
10		
11		
12		_____
13		City, state, zip code
14		
15		
16		_____
17		Telephone number
18		

USE NOTE

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

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