

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 benefits such as medicaid, medicare, food stamps, or other aid from
22 a government public assistance program;
23
24 c. life, accident, or health insurance proceeds;
25
26 d. workers' compensation awards;
27
28 e. unemployment compensation benefits;
29
30 f. veterans' benefits;
31
32 g. pensions and retirement funds;
33
34 h. crime victims' reparation fund payments;
35
36 i. allowances to surviving spouse and children from deceased's estate subject
37 to the limitations of NMSA 1978, Sections 45-2-401 and 45-2-402 [~~NMSA 1978~~];
38
39 j. the minimum amount of shares necessary for certain non-profit cooperative
40 associations as provided by NMSA 1978, Section 53-4-28 [~~NMSA 1978~~];
41
42 k. fraternal benefit society payments as provided by NMSA 1978, Section
43 59A-44-18 [~~NMSA 1978~~];
44

- 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 NMSA 1978, 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 w. all property, under NMSA 1978, Section 57-32-4(A), because the
35 underlying judgment in this case is for medical debt and I am indigent.
36

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

39 _____
40 _____
41 _____
42 _____
43 _____

44 A completed and signed copy of the claim of exemption form shall be served on the judgment
45 creditor and the garnishee named above. If the judgment creditor disputes a claimed exemption, a

1 court hearing will be scheduled to consider the disputed exemptions. At this hearing you must
2 bring evidence supporting each of your claims of exemption.

3
4

5 _____
Date Signature of judgment debtor

6
7

8 _____

9 Printed name of judgment debtor

10
11

12 _____

13 Number and street or P.O. box

14
15

16 _____

17 City, state, zip code

18
19

20 _____

21 Telephone number

22
23

24 USE NOTE

25
26 1. Use this form only for actions filed on or after July 1, 2023.

27

28 [As amended, effective July 1, 1992; January 1, 1995; January 1, 1996; as amended by Supreme
29 Court Order No. S-1-RCR-2024-00107, effective for all cases pending or filed on or after
30 December 31, 2024; as amended by Supreme Court Order No. S-1-RCR-2025-00174, effective
31 for all cases pending or filed on or after December 31, 2025.]