

IN THE DISTRICT COURT OF THE MUSCOGEE (CREEK) NATION
OKMULGEE DISTRICT

****NOTICE TO GARNISHMENT DEFENDANTS****

Read this Notice carefully. It explains your rights.

name of business or person you owe

has requested a portion of your income or wages be legally taken from you before you receive it for a period of time in order to repay the debt you owe.

The money taken from you will be paid on your behalf directly to the person or business you owe. The money will be used to pay down your debt.

Under the laws of the Muscogee (Creek) Nation and the United States, if your income, or even a part of it, is from certain sources it may be exempt from garnishment. Also, if the amount to be garnished exceeds a certain percentage of your income, that excess may be exempt from garnishment under Muscogee (Creek) law.

If you believe any exemption on the attached form applies, you have a right to request a hearing before the Court. Generally, if the Court decides to grant your request for a hearing, no money will be taken from your income or wages until after your hearing.

During your hearing, you or your lawyer will have a chance to explain your situation and the Court will decide if any exemption applies. If the Court decides an exemption applies, the amount of money to be taken from your income or wages may be reduced or eliminated.

In order to exercise your right to request a hearing on the matter, you (or your lawyer) must complete the attached form and return it to the Court no later than five (5) calendar days from the date you receive this Notice.

If you choose not to exercise your right to request a hearing within five (5) days, the garnishment may become final.

This Statement of Garnishment Defendant's rights should be filled in by the Garnishee and attached to the Form on the next page and enclosed with the Garnishment Summons package provided to the Defendant. This statement together with the next page constitute the Claim for Exemption which must be included in all post-judgment Garnishment Summons under MCN statute Title 12 Sec. 12-202.

**IN THE DISTRICT COURT OF THE MUSCOGEE (CREEK) NATION
OKMULGEE DISTRICT**

Plaintiff (person/business owed))	
)	
us.)	
)	
Defendant (debtor))	Case No. _____
)	
and)	
)	
Garnishee)	

Claim for Exemption From Garnishment and Request for Hearing

Under Muscogee (Creek) Nation Law: THIS REQUEST FOR EXEMPTION MUST BE RECEIVED BY THE COURT WITHIN FIVE (5) CALENDAR DAYS OF THE GARNISHMENT NOTICE or the garnishment may become final.

1. I believe my money sought in garnishment is exempt from execution because it is from the following sources or is otherwise exempt. (*check as many applicable boxes that you believe apply*):

- A. **Social Security benefits** (under 42 U.S.C. § 407)
- B. **Supplemental security income** (under 42 U.S.C. §1383(d))
- C. **Veterans' benefits** (under 38 U.S.C. §3101)
- D. **Annuities and pension payments under the Railroad Retirement Act** (under 45 U.S.C. §231(m))
- E. **United States Civil Service Retirement and Disability Pension Fund Payments** (under 5 U.S.C. §8346)
- F. **United States Civil Service Survivor Annuities** (under 5 U.S.C. §8346.)
- G. **The Wages of Seamen** (under 46 U.S.C. §601)
- H. **Funds vested in the Alien Property Custodian** (under 50 U.S.C. Appx. §9(f))
- I. **My wages are exempt from garnishment.** (under Muscogee (Creek) Nation Code Ann. Title12, § 12-106)
- J. The amount to be **taken from my wages exceeds the maximum allowable percentage.** (under Muscogee (Creek) Nation Code Ann. Title12, §§ 12-105, 12-106(B) and/or Title 27 § 2-132)
- K. **I am already under a garnishment and this new garnishment cannot be executed until my current garnishment is concluded.** (under Muscogee (Creek) Nation Code Ann. Title12, § 12-403(G). *Note: if this new garnishment is for **child support**, it takes priority over pre-existing garnishments (Muscogee (Creek) Nation Code Ann. Title12, § 12-601(B).*

2. Check **one** box:

All my money is exempt, or,

I believe the following amount of money is exempt: \$ _____
(Fill in the amount of funds to be exempt).

3. Check if **applicable**:

I have attached copies of the documents that show that my money is exempt.

4. If garnishment is for **wages**, this claim and request is filed for the pay period

_____/_____/_____ through ____/____/_____, inclusive.
Month/day./year Month/day/year

5. I request that this matter be set for hearing and state under penalty of perjury the above is true and correct to the best of my knowledge.

Signature

Printed Name

Address you receive your mail for mailing of your
Court Hearing Notice

Street address

City

Oklahoma

Zip Code

Address for mailing a copy of Claim to Judgment
Creditor or his/her Attorney if known:

You (or your lawyer) must mail the original to:

Court Clerk of the District Court of the Muscogee (Creek) Nation

P.O. Box 652

Okmulgee, OK 74447

or bring it in person during normal business hours (8am-5pm Monday through Friday, except for pre-announced or published MCN holidays.) You may call first to insure the Court is open at (918) 758-1400.

Before mailing to the Court, you should make a copy of this form for your records