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CLAIM OF EXEMPTION FROM EXECUTION

CV-3

Self Help Center
1 South Sierra St., First Floor
Reno, NV 89501
775-325-6731

www.washoecourts.com

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**CLAIM OF EXEMPTION FROM
EXECUTION**

PACKET CV-3

Use this packet only if all of the following statements are true:

- You have been served a Notice of Execution or have had your wages withheld because of a judgment.
- The personal or real property is exempt by law. If you have questions as to whether or not your property is exempt, NRS 21.090 lists exempt property.
- It has been less than 10 days after the Notice of Execution was mailed to you or from the date your wages were garnished.

INSTRUCTIONS FOR COMPLETING FORMS

Carefully read all instructions before starting to fill out any of the forms.

Use **black or blue ink only**. Neatly print the information requested.

Do not use correction fluid/tape on the forms.

This packet contains the following forms:

1. EFile User Agreement (Standard)
2. Claim of Exemption from Execution
3. Proof of Service

The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00.
N.R.S. §199.145

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INSTRUCTIONS: STEP 1

If you already have an eFlex account for a different case, you do not need to create another account and can skip this step.

eFlex Account and eFile User Agreement:

To file your documents, you will need to sign up for an eFlex account and have a valid email address. There is no fee to sign up for a standard eFlex account.

To sign up:

- 1) Carefully read and complete the eFile User Agreement (Standard) by filling in as much information as possible, signing, and dating page two;
- 2) Return the eFile User Agreement (Standard) to the Second Judicial District Court, or email it to eflexsupport@washocourts.us; and
- 3) Request an account at <https://wcflex.washocourts.com/>.

SECOND JUDICIAL DISTRICT COURT
WASHOE COUNTY
STATE OF NEVADA

EFILE USER AGREEMENT (Standard)

This serves as your eFile User Agreement with the Second Judicial District Court for the purpose of registering an account to permit e-filing of court case documents using the eFlex Electronic Filing System (eFlex). Currently, this account will be subject to a \$0.00 fee per transaction. This agreement will expire at the end of the year unless the account is renewed. Accounts may be renewed online at www.washocourts.com.

By registering for an eFlex account I agree and consent to the following:

- I will submit court filings electronically through eFlex on court cases for which I am an active party or officer of record, or an officer of the Court filing documents in my official capacity.
- As a registered eFlex account holder, I cannot deactivate my email address without filing a Written Notice of Intent to change my email address with the District Court. This Written Notice of Intent must include my bar number and a list of all pending court numbers. Also included must be an acknowledgment that all attorneys of record on those pending matters have been notified of my new email address. I understand that it is my responsibility to keep my email address updated on my eFlex account profile.
- I understand that once my eFlex account is deactivated, I will no longer be able to electronically eFile any documents using my account nor will I receive eFlex electronic service. Furthermore, I will not have access to court records through my eFlex account.
- Electronic signatures (e.g. /s/) are permissible on electronically filed documents submitted from the eFlex account. (See Nevada Electronic Filing and Conversion Rules, Rule 11).
- I will accept eFlex electronic notices sent to my email on file with eFlex as valid and effective service of eFiled documents replacing the need for paper service. Electronic service of documents is limited to documents permitted to be served by mail, express mail, overnight delivery, or facsimile transmission. Complaint, petition or other document that must be served with a summons, and summons or a subpoena cannot be served electronically.
- I agree to the terms of the license agreement as stated by Tybera on the court's eFlex website under "users" and "privacy policy" when registering for an eFlex account and pressing the submit button.
- I understand that email addresses supplied by the registered user via the username/password as through "eFlex Account" supersedes the court's case management system for the purpose of delivering valid and effective service of eFiled documents. I understand that it is my responsibility to keep my address updated on my eFlex account profile.
- I agree to file the proper motion to withdraw/notice of change/substitution of counsel/notice of term employment (whatever applies) into each of my cases whenever I depart from an agency, office, or I or cease to represent a party in any case, or cease to be an eFlex user **within 10 days of any such** change. If known, I will designate the new attorney and/or e-Filed contact on each case. Further, I will separate the Clerk of Court of any employment change which will globally affect all or a majority of my cases.

Revised September 26, 2018

I acknowledge receipt, understanding and agree to follow the Nevada Electronic Filing and Conversion Rules (EFCR).

I understand if a party submits a proposed Order and the Order is eFiled by the Court, **ONLY** eFlex account holders will be served by the Court. I understand all other parties must be served by the party who submitted the proposed Order by other means.

I understand as a registered eFlex account holder, I will only have access to documents in court cases for which I am an active party or attorney of record. In the event that I inadvertently obtain access to unauthorized information on any case, I will immediately notify the Court Administrator/Clerk of Court, presiding judicial officer and all active attorneys on that specific case. I will take every precaution to shield myself and all members of my firm from viewing, downloading or disseminating any unauthorized information. I will delete and destroy immediately any unauthorized information that I inadvertently obtain.

I understand any violation of the terms of this agreement may result in sanctions imposed by the Court.

Attorney or Person Name: _____
If an attorney, Bar ID: _____ Law Firm: _____
If not an attorney, DOB: _____ Interpreter needed: Yes or No Language: _____
If not an attorney, Case number(s): _____
eFlex Email Address: _____
1st Alternate eFlex Email Address: _____
2nd Alternate eFlex Email Address: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Fax Number: _____
Designated eFlex contact person: _____

I hereby certify that I have read the above information and agree to abide by the requirements and terms as stated in this agreement.

Date: _____ Signature of Attorney/Person Agency Signatory: _____

Check one:
 Renewal of Standard Account. *Please follow online instructions at <http://www.washocourts.com/index.cfm?page=eflex>*
 New Standard Account.

To become a registered eFlex account holder, you must request an account online at <https://wcflex.washocourts.com> and click on the "Request an Account" button. Next, print out this form, complete and sign it and deliver the ink-signed copy to the Second Judicial District Court Filing Office, 75 Court Street, Reno, NV 89501. Upon completion of your account request **AND receipt of the signed eFile User Agreement**, your electronic request for a user account will be approved. You will be notified by email and be able to login with your user name and requested password within three (3) working days.

Translated/Interpreted by (if applicable): _____ Print Name _____ Signature _____

Revised September 26, 2018

If you need further assistance signing up for an account, please visit the Second Judicial District Court at 75 Court Street, Reno, Nevada, or at 1 S. Sierra Street, Reno, Nevada.

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INSTRUCTIONS: STEP 2

Complete the Claim of Exemption from Execution as Shown:

If you have documentation to support the exemptions you are claiming, you will attach them to this document. For more information on how to do this read (INSTRUCTIONS: STEP 3).

1) Print your name, address, telephone number, and email.

2) Print the names of the parties, the Case No., and the Department No. just as they appear on all other documents in this case.

3) Complete pages 1-7 by placing an "X" in a box to select if the statement applies to your situation.

4) Date, sign, and print your name on page 8.

1	Code: _____
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	
8	IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9	IN AND FOR THE COUNTY OF WASHOE
10	
11	_____
12	Plaintiff / Petitioner, Case No. _____
13	
14	vs. Dept. No. _____
15	
16	_____
17	Defendant / Respondent.
18	<u>CLAIM OF EXEMPTION FROM EXECUTION</u>
19	I submit this Claim of Exemption from Execution and state as follows:
20	I am a defendant in this case and have had my wages withheld or have received a Notice of
21	Execution regarding the attachment or garnishment of my wages, money, benefits, or property.
22	My wages, money, benefits, or property are exempt by law from execution as indicated below.
23	If the judgment creditor does not file an Objection to Claim of Exemption from Execution and
24	Notice of Hearing in response to this Claim of Exemption from Execution within eight judicial days
25	after my Claim of Exemption from Execution has been served, any person who has control or
26	possession over my wages, money, benefits, or property (such as my employer or bank, for
27	example) must release them to me within nine judicial days after this Claim of Exemption from
28	Execution has been served.
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INSTRUCTIONS: STEP 3

Documentation of Support

Gather the documents you have that prove your money or property is exempt. Depending on what the judgment creditor is trying to take, these documents might include such things as:

- pay stubs,
- benefit award letters from a government agency,
- annual statements from a pension or retirement fund,
- bank statements or other bank records,
- bills of sale,
- Kelly Blue Book values,
- vehicle registration renewals, or
- assessors' statements of property value.

Complete the Index of Exhibits as Shown:

1) For each exhibit you must print:

- An exhibit number, starting with 1,
- The number of pages in the identified exhibit, and
- A description of the exhibit.

<u>INDEX OF EXHIBITS</u>	
Exhibit Number _____	Number of Pages _____
Exhibit Description _____	
Exhibit Number _____	Number of Pages _____
Exhibit Description _____	
Exhibit Number _____	Number of Pages _____
Exhibit Description _____	
Exhibit Number _____	Number of Pages _____
Exhibit Description _____	
Exhibit Number _____	Number of Pages _____
Exhibit Description _____	
Exhibit Number _____	Number of Pages _____
Exhibit Description _____	
Exhibit Number _____	Number of Pages _____
Exhibit Description _____	
Exhibit Number _____	Number of Pages _____
Exhibit Description _____	

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Complete the Exhibit Cover Page as Shown:

1) Print the exhibit number listed on the Index of Exhibits for each exhibit.

2) The documents must be in the following order:

- the Claim of Exemption from Execution
- the Index of Exhibits
- the Exhibit Cover Page
- the exhibit
- the Exhibit Cover Page
- the exhibit
- repeat as needed for each exhibit

Exhibit Cover Page

EXHIBIT NUMBER _____

INSTRUCTIONS: STEP 4

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wcefex.washoecourts.com/>, and at the Second Judicial District Court. Scanners are available at the Second Judicial District Court.

Sign into your eFlex account using the username and password you created and electronically file the:

- Claim of Exemption from Execution and Index of Exhibits; and
- For each exhibit: an Exhibit Cover Page and the exhibit (as an exhibit **continuation to the Claim of Exemption from Execution).

Make sure to keep the original documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

There will not be a filing fee charged when documents are filed.

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INSTRUCTIONS: STEP 5

Serving the Documents

You will need to send a copy of the documents to the Sheriff, the garnishee, and the judgment creditor. If the party is not an electronic filer, you can send the copies by mail either postage prepaid or certified mail, return-receipt requested or serve the documents by personal service. To see which parties are electronic filers view the service list for your case on eFlex.

INSTRUCTIONS: STEP 6

Complete Page One of the Proof of Service as Shown:

1) Print your name, address, telephone number, and email.

2) Print the names of the parties, the Case No., and the Department No. just as they appear on all other documents in this case.

3) Print the date you filed the documents.

4) Print the judgment creditor's name, the date of service, select how service was made, and where.

1	Code: 3720
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	
8	IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9	IN AND FOR THE COUNTY OF WASHOE
10	_____
11	Plaintiff / Petitioner, Case No. _____
12	vs. Dept. No. _____
13	_____
14	Defendant / Respondent.
15	
16	<u>PROOF OF SERVICE</u>
17	
18	Pursuant to Nevada Rules of Civil Procedure 5(b), I served a true and correct copy of the Claim
19	of Exemption from Execution filed on _____ (Date of filing) in the manner(s)
20	and at the location(s) described below. A copy of this Proof of Service has been mailed or
21	personally delivered to all parties or their lawyer.
22	A copy of the above-named document(s) was served upon the following people:
23	1. Judgment Creditor's Name: _____ Date: _____
24	By: <input type="checkbox"/> Service by eFlex <input type="checkbox"/> Personal Service
25	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Certified mail, return receipt attached
26	<input type="checkbox"/> Other: _____
27	Address where service occurred, if applicable: _____
28	_____
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INSTRUCTIONS: STEP 7

Complete Page Two of the Proof of Service as Shown:

- 1) Print the date the Sheriff's Office was served, select how service was made, and where.
- 2) Print the name of the garnishee (employer, bank, etc.), the date of service, select how service was made, and where.
- 3) Print the name, date, how service was made, and where for any other party served, if any.
- 4) Date, sign, and print your name.

1	2. Washoe County Sheriff's	Date: _____
2	By: <input type="checkbox"/> Service by eFlex	<input type="checkbox"/> Personal Service
3	<input type="checkbox"/> U.S. Mail, postage prepaid	<input type="checkbox"/> Certified mail, return receipt attached
4	<input type="checkbox"/> Other: _____	
5	Address where service occurred, if applicable: 911 Parr Blvd., Reno, Nevada 89512	
6		
7	3. Garnishee Name: _____	Date: _____
8	By: <input type="checkbox"/> Service by eFlex	<input type="checkbox"/> Personal Service
9	<input type="checkbox"/> U.S. Mail, postage prepaid	<input type="checkbox"/> Certified mail, return receipt attached
10	<input type="checkbox"/> Other: _____	
11	Address where service occurred, if applicable: _____	
12	_____	
13		
14	4. Name: _____	Date: _____
15	By: <input type="checkbox"/> Service by eFlex	<input type="checkbox"/> Personal Service
16	<input type="checkbox"/> U.S. Mail, postage prepaid	<input type="checkbox"/> Certified mail, return receipt attached
17	<input type="checkbox"/> Other: _____	
18	Address where service occurred, if applicable: _____	
19	_____	
20		
21	This document does not contain the personal information of any person as defined by	
22	NRS 603A.040.	
23		
24	Date: _____	Your Signature: _____
25		
26		Print Your Name: _____
27		
28		
	REV 2/2019 JCB	2 CLAIM PROOF OF SERVICE

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INSTRUCTIONS: STEP 8

Filing the Proof of Service

After service is completed, sign into your eFlex account using the username and password you created and electronically file the:

- Proof of Service

Scanners are available at the Second Judicial District Court.

Please make sure to keep the original copies of all the documents you file for your personal records.

If you need further assistance filing the documents, please visit the Second Judicial District Court at 75 Court Street, Reno, Nevada or at 1 S. Sierra Street, Reno, Nevada.

Legal Assistance

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or visit the Family Division Self Help Center which is located at One South Sierra Street, Reno, NV. **The Self Help Center cannot give legal advice** but can give information regarding court procedures.

You may also wish to speak with a family law lawyer at no cost through the Law Library's "Lawyer in the Library" program, or to seek assistance from other free or reduced-cost legal resources in the area, to include:

LAWYER IN THE LIBRARY

First Floor (to the left of the Filing Office) of the courthouse located at:

75 Court Street, Reno, NV.

775-328-3250

www.washoecourts.com/lawlib

Wednesday Evenings – Arrive by 4:25 p.m.

Please Note The program is limited to 10 participants each evening.

NEVADA LEGAL SERVICES

204 Marsh Avenue Reno, NV 89509

(775) 284- 3491 – leave a message if necessary

nlslaw.net

WASHOE LEGAL SERVICES

299 S. Arlington Avenue Reno, NV 89501

(775) 329-2727 – leave a message if necessary

www.washoelegalservices.org