

IN THE JUSTICE COURT OF THE STATE OF MONTANA, BEAVERHEAD COUNTY  
BEFORE RANDI BRADDOCK, JUSTICE OF THE PEACE  
2 S PACIFIC STREET # 16, DILLON, MT 59725 406.683.3755

\_\_\_\_\_  
Plaintiff

VS

\_\_\_\_\_  
Defendant

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CASE # CV \_\_\_\_\_ - \_\_\_\_\_  
  
NOTICE OF SEIZURE

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TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*\*NOTICE OF SEIZURE\*\***

Please be advised that the following property was seized by the Beaverhead County Sheriff  
under the authority of the Writ of Execution attached to the NOTICE.

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DATE OF JUDGMENT: \_\_\_\_\_  
NAME OF JUDGMENT CREDITOR: \_\_\_\_\_

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**\*\*NOTICE OF PROPERTY EXEMPT FROM CREDITORS\*\***

Under the law, SOME PROPERTY IS EXEMPT FROM SEIZURE. Below are listed many common types of exempt property to help YOU decide whether the property is exempt. **NOTE:** The lists below do NOT contain all possible exemptions. The exemptions listed below do NOT apply to property used as collateral under a note or security interest. **Further information may be obtained by examining Title 25, Chapter 13, Part 6, Montana Code Annotated.**

**1. Wages and Support Payments**

Under Federal and state law, your wages are exempt up to the larger of the following two amounts.

- a. 75% of your net wages
- b. 30 times the Federal minimum hourly wage for each work week.

NOTE: if you are required to pay maintenance or support for any person, only 50% to 65% of your wages may be exempt, depending upon the circumstances.

**2. Cash Assistance from the Government**

General cash assistance from the government is entirely exempt (for example, Social Security, Veterans Pensions, AFDC, and Disability payments are entirely exempt). Child support payments may be entirely exempt. The money from any of these sources may be exempt even if it is deposited into a bank account.

**3. Motor Vehicle**

A truck or car is exempt up to the value of \$2,500

**4. Necessary Personal and Household Property**

Personal property such as clothing, household furnishings, animals, and crops are exempt up to \$4,500 total value. (Each item must be worth less than \$600)

**5. Tools of Trade**

Tools of trade are exempt up to \$3,000 total value.

**6. Homestead**

Your family home may be exempt up to \$100,000. However, to claim this exemption, you must file a form called a "Declaration of Homestead" with the County Clerk and Recorder.

NOTE REGARDING BANKRUPTCY: If you currently have a case in Bankruptcy Court, the only valid Writ is one issued by the Bankruptcy Court.

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**\*\*NOTICE OF RIGHT TO HEARING AND PROCEDURE FOR RETURN OF PROPERTY\*\***

If you think the Sheriff or private Process Server has taken exempt property, you must file a request for hearing with the Court that issued the Execution. The request must be in writing and a copy of the request mailed on the date of filing to the judgment Creditor and to the Sheriff or private Process Server. **YOU MUST REQUEST A HEARING WITHIN 10 DAYS (EXCLUDING HOLIDAYS AND WEEKENDS) FROM THE DATE OF SERVICE OF THIS NOTICE.**

**THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED BY THE SHERIFF OR LEVYING OFFICER WILL BE USED FOR THAT PURPOSE.**

The undersigned does hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a true and correct copy of the foregoing notice was mailed to the following by depositing a copy of the same in the U.S. Mail, postage prepaid, addressed as follows:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

SHERIFF, CONSTABLE, OR PROCESS SERVER

Name: \_\_\_\_\_

Title: \_\_\_\_\_