

ATTACHMENT E

RULE 621b. PROPERTY SEIZED BY WRIT OF EXECUTION

Once tangible personal property is seized by writ of execution, such property shall be held in escrow and not sold for a period of 30 days after service of notice to judgment debtor under Rule 621c. If a judgment debtor files an Execution Exemption Claim Form, similar instrument, the property shall remain in escrow until such time as the court has ruled on the judgment debtor's claim of exemption.

RULE 621c. NOTICE TO JUDGMENT DEBTOR

(a) *General Rule.* The judgment debtor shall be served with the following documents by the judgment creditor:

- (1) The Execution Exemption Notice in Plain Language;
- (2) Instructions to fill out the Execution Exemption Claim Form; and
- (3) Two copies of the Execution Exemption Claim Form.

(b) *Supreme Court Form; Clerk to Provide.* The judgment creditor must serve the Execution Notice in Plain Language form, the Execution Exemption Claim Form, and the related instructions approved by the Supreme Court. In asserting an exemption or exemptions, the judgment debtor must use the Execution Exemption Claim Form approved by the Supreme Court, or any document claiming an exemption that substantially provides the information required by the Court-approved form. The clerk must make the Court-approved forms available to all persons without charge or request.

(c) *Manner of Service.* The documents referenced in Subsection (a) shall be served by service of citation or as provided in Rule 21a.

(d) *Timing of Service.* Service under Subsection (a) by the judgment creditor must occur within 3 business days after the seizure of tangible personal property from a judgment debtor.

RULE 621d. CLAIM TO EXEMPTION; RETURN OF EXEMPT PROPERTY

(a) *General Rule.* A judgment debtor whose tangible personal property has been seized post-judgment or any intervening party who claims an interest in such property may file one or more of the following documents:

- (1) The Execution Exemption Claim Form; or
- (2) A substantial equivalent to the Turnover Exemption Claim form.

(b) *Hearing.* Unless the parties agree to an extension of time, a hearing on claim to exemption filed under Subsection (a) shall be heard promptly, after reasonable notice to the judgment creditor (which may be less than three days), and a hearing shall be scheduled and the issue determined not later than ten days after the exemption claim is filed. The filing of the exemption claim shall stay any sale of seized personal property until a hearing is held and the issue is determined.

(c) *Claim to Exemption.* On a hearing of a claim to exemption, the court shall determine whether the judgment debtor has an applicable exemption to all or part of the tangible personal property seized by writ of execution. The movant shall, however, have the burden to prove that all or part of the value of the personal property is exempt. The court's determination may be made upon the basis of the claim form, affidavits or declarations, if uncontroverted, setting forth such facts as would be admissible in evidence; otherwise, the parties shall submit evidence. Any tangible personal property found to be exempt shall be ordered to be returned to the judgment debtor within no more than three business days. In addition, the court may determine that certain personal property seized by a turnover receiver belongs to a third party or third parties and order its return within no more than three business days.