

[CAPTION]

TO BE SERVED ON THE DEFENDANT WITH THE WRIT OF EXECUTION.

**NOTICE TO DEFENDANT
(General Execution)**

You are hereby notified that the court has issued an order called a writ of execution in the above case in favor of (name and address of plaintiff), the plaintiff in this proceeding, directing that any of your property which is not exempt under the law be used to satisfy your debt to the plaintiff. This order was issued to enforce the judgment obtained by the plaintiff against you in this case on (date).

The law of Kansas and the United States provides that certain property cannot be taken from you to pay a debt. Such property is commonly referred to as exempt property. Examples of exempt property which cannot be attached or executed upon by a creditor are:

- (1) Social Security disability and retirement benefits;
- (2) Supplemental Security Income (SSI) benefits;
- (3) Veteran's benefits;
- (4) Black lung benefits;
- (5) Cash assistance payments under the Temporary Assistance for Families (TAF) program;
- (6) Cash assistance payments under the General Assistance (GA) program;
- (7) Unemployment compensation payments;
- (8) Workers compensation payments;
- (9) Certain pension benefits and retirement funds, including KPERS;
- (10) Furnishings, equipment and supplies in your possession and reasonably necessary at your principal residence;
- (11) Personal jewelry and other ornaments up to \$1,000 in value;
- (12) One vehicle regularly used for transportation up to \$20,000 in value;
- (13) Tools and equipment used in your principal trade or business up to \$7,500 in value;
- (14) Homestead (usually, your residence).

This is not an exclusive list. Other state and federal exemptions may apply to you. Certain exemptions may not apply to support orders or to back taxes. These exemptions generally apply only to persons and not to entities such as corporations. An attorney can assist you in determining which of your property is exempt.

If you believe that the property which has been taken is exempt and should not be given to the plaintiff, you may request a hearing before the court to assert this claim. In order to request a hearing, you should fill out the form at the bottom of this notice and obtain from the clerk or court a date and time for the hearing, and file the form with the clerk at (address of court). Immediately after the request for hearing is filed, you shall hand-deliver a copy of the request for hearing to the plaintiff or plaintiff's attorney, if the plaintiff is represented by an attorney, or mail a copy of the request for hearing to the plaintiff or the plaintiff's attorney, if the plaintiff is represented by an attorney, by first-class mail at the plaintiff's, or plaintiff's attorney's, last known address. You should ask for this hearing as soon as possible. If you ask for a hearing to claim that your money or property is exempt, the court will hold a hearing after it receives your request. At the hearing you should present any evidence you have to show that your property is exempt. The burden is on you to prove that some or all of your property subject to the execution is exempt. You may wish to consult an attorney to represent you at this hearing.

(Name and address of court)

Case No. _____

REQUEST FOR HEARING

I request a hearing because the property which is being seized by the plaintiff is exempt because it is

_____ (reason property is exempt)

_____ (Name of Defendant)

_____ (Signature of Defendant)

_____ (Address)

_____ (Date)

_____ (City, State, Zip Code)

_____ (Telephone No.)

THIS PART SHALL BE COMPLETED BY CLERK:

The hearing requested shall be held on the _____ day of _____,
2 _____, at _____ o'clock _____ (am or pm).

Certificate of Service

I delivered a copy of the above request for hearing to the plaintiff or plaintiff's attorney, if plaintiff is represented by an attorney, by hand-delivery or first-class mail in the following manner and at the following address, on the date shown below:

_____ **(name of plaintiff or plaintiff's attorney)**

_____ **(address of plaintiff or plaintiff's attorney)**

_____ **(manner delivered--hand-delivery or first-class mail)**

_____ **(date delivered)**

_____ **Signature of Defendant**

Authority

K.S.A. 60-2420.

Notes on Use

When a general execution is issued, this notice must be served on the defendant along with the writ of execution. The purpose of the notice is to inform the defendant of the right to claim an exemption and the right to a hearing. K.S.A. 60-2420.