



LEGAL HOTLINE FOR TEXANS

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ANTI-GARNISHMENT LETTER

THIS PUBLICATION IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY.

The pamphlets of the Legal Hotline for Texans are general in nature and should not be relied on as advice for your particular circumstances. For advice that is specific to your particular circumstances, you should consult a lawyer.

The Legal Hotline for Texans (LHT) is a telephone hotline providing free legal advice and consultation and other free legal services to Texans Age 60 and Older or Eligible for Medicare; Crime Victims Age 60 and Older and their Family Members and Authorized Claimants; and Pension and Retirement Plan Employees, Participants and Beneficiaries.

Eligible Clients can consult with an attorney of the Legal Hotline for Texans free of charge by calling one of the phone numbers listed above. If clients would like to consult with an attorney in their communities, or if ongoing representation by an attorney is needed, the Legal Hotline for Texans may be able to make a referral.

Depending on individual circumstances and local availability, such a referral may be to an organization providing free attorneys to low income persons, or may be to an attorney on the Legal Hotline for Texans' reduced-fee panel, or may be to a statewide or local lawyer referral service.

The Legal Hotline for Texans is a project of the Texas Legal Services Center with support from the Texas Department of Aging, and Disability Services (DADS), the U.S. Centers for Medicare and Medicaid Services (CMS), the U.S. Administration on Aging (AoA) and the Texas Equal Access to Justice Foundation through the Texas Basic Civil Legal Services Program (BCLS) and the Texas Crime Victims Civil Legal Services Program (CVCLS).

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Anti-Garnishment Letter

This memorandum concerns your bank account(s) (into which only "exempt" income goes, according to what you have told us). It includes a form for writing a letter to your bank if you need to tell them that the money in your bank account(s) is exempt.

This memorandum explains one method of protecting such exempt income in a bank account from being garnished, attached, or otherwise seized, by an ordinary creditor. Our free pamphlet, "The Rights of Debtors in Texas," explains what is meant by "exempt" income. Please read that pamphlet for that explanation. If you do not have that pamphlet, please look on this web site for a copy.

"Ordinary" creditor, as used in this letter and in the enclosed letter, means a creditor other than the federal government collecting taxes, or dependents collecting court-ordered support.

If an account(s) at a bank or other financial institution contains only "exempt" income, then an "ordinary creditor" -- such as a credit card company or other consumer creditor cannot attach or garnish the account(s). But you should tell your bank or other financial institution about this, so that the bank will not mistakenly honor a garnishment of your account(s), should the creditor attempt that.

If your account(s) contain only exempt income, please feel free to use the enclosed form letter, to let your bank know that your account(s) contains only exempt income, and that garnishment, or attachment, or other attempts by an ordinary creditor to get the money from the account(s), are not to be honored. If you have bills that you cannot pay, and you have an account(s) into which exempt income goes, you should make sure that no other income (except for exempt income) goes into that account(s). This is to avoid what is called "co-mingling," or mixing, the money which can result in the exempt income not being separable from non-exempt income, with the result that the entire account(s) may become subject to garnishment, attachment, or other seizure steps.

To use the enclosed letter, you will need to fill in the name and address of your bank, and your account(s) number. Please also be sure to **date** and **sign** the letter. The most secure way to send this letter to your bank would be to send it by certified mail, return receipt requested. Please be sure to keep a copy of the completed letter for your own records.

Please let us know if you have further questions.

enclosure

My name (printed): _____

My street address: _____

City: _____, Texas Zip: _____

TO:

Bank Name: _____

Street address of bank: _____

City: _____, Texas Zip: _____

Regarding: My account number(s):

Dear Sirs:

Because of activity by another entity toward me, I want to let you know this: The funds in the above account(s) are entirely protected by law from garnishment, attachment, or other seizure attempts by ordinary creditors. Creditors other than the federal government collecting taxes, or dependents collecting court-ordered support, are **not** entitled to **any** funds from the above account(s). Please mark your records accordingly, in case you should receive process or other papers demanding, in any way, any portion of the above account(s).

Thank you.

Very truly yours,

My signature:

Date signed: _____