

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT

AT

WRIT OF EXECUTION
(APPLICATION)

Plaintiff :
vs. : Case No.
Defendant :

ADDRESS OF COURT: DATE OF JUDGMENT:

NAME OF JUDGMENT CREDITOR MAKING APPLICATION:

NAME OF JUDGMENT DEBTOR:

- | | |
|------------------------------|---------------------------|
| 1. Amount of Judgment: | 4. Interest: |
| 2. Amount of Costs: | 5. Total Paid on Account: |
| 3. Total Judgment and Costs: | 6. Total Unpaid Judgment: |

SIGNED _____ Date: _____

Attorney for Plaintiff
Name and Address _____

_____ Tel. No. () _____

INSTRUCTION FOR WRIT OF EXECUTION (Application)

Name and mailing address of Judgment Creditor or attorney

PLAINTIFF OR PLAINTIFF'S ATTORNEY - Type or Print. Complete original and 4 copies of the Application. If judgment debtor is a natural person, attach copy of Exemption Form. Present original and 3 copies to clerk of court.

CLERK - Check the file to ensure that no stay of enforcement has been entered on the judgment, the time for filing an appeal of the judgment has expired, no appeal has been filed staying enforcement of the judgment and that the information provided on the application is correct. Sign original execution; original and copies to the applicant. Retain a copy for the file.

SHERIFF - Make execution as directed in the "Execution" section. Make return on signed original within four months from the date this execution issued. If judgment debtor is a natural person, attach exemption claim form to copy(ies) of execution served. Complete Section II on exemption claim form.

PERSON IN POSSESSION OF PROPERTY OF JUDGMENT DEBTOR WHO IS A NATURAL PERSON - Pursuant to Conn. Gen. Stat. 52-356a, you are required to mail to the judgment debtor (indicated on reverse side) at his last known address, postage prepaid, a copy of this property execution and the attached property execution exemption claim form. Complete Section III on exemption claim form before mailing it to judgment debtor. Twenty days from the date of the service of this property execution, you must deliver to the sheriff property owned by the judgment debtor in your possession or you must deliver to the sheriff payment of a debt owed by you to the judgment debtor. EXCEPT (1) If an exemption claim has been filed with the court you shall withhold delivery of the property or payment of the debt owed by you subject to the determination of the exemption claim by the court and (2) if the debt owed by you to the judgment debtor is not due at the expiration of the twenty days, you shall pay the amount to the sheriff when the debt becomes due if it becomes due within four months after the date of issuance of this execution.

PERSON IN POSSESSION OF PROPERTY OF JUDGMENT DEBTOR WHO IS NOT A NATURAL PERSON - Pursuant to Conn. Gen. Stat. 52-356a, you are required to deliver to the sheriff, property in your possession owned by the judgment debtor or pay to the sheriff the amount of a debt owed by you to the judgment debtor, provided, if the debt owed by you is not yet payable, payment shall be made to the sheriff when the debt becomes due if it becomes due within four months after the date of the issuance of this execution.

EXECUTION

TO ANY PROPER OFFICER:

WHEREAS on said date of judgment the Judgment Creditor recovered judgment against the Judgment Debtor before the Court for the amount stated, as appears of record, whereof execution remains to be done. These are therefore, BY AUTHORITY OF THE UNITED STATES BANKRUPTCY COURT TO COMMAND YOU: That of the nonexempt goods of said Judgment Debtor within your precincts, you cause to be levied (the same being seized and sold as the law directs), paid and satisfied to said Judgment Creditor the total unpaid amount of said judgment, plus your own fees in the following manner: You shall personally serve a copy of this execution on the Judgment Debtor, and make demand for payment by the Judgment Debtor of all sums due under the money judgment. On failure of the Judgment Debtor to make immediate payment you are commanded to levy on nonexempt personal property of the Judgment Debtor, other than debts due from a banking institution or earnings, sufficient to satisfy the judgment as follows: If such nonexempt personal property is in the possession of the Judgment Debtor, you shall take such personal property into your possession as is accessible without breach of the peace. If the Judgment Debtor has left the state prior to service of this execution, or if the Judgment Debtor cannot be found with reasonable effort at the last known address in this state, you shall proceed with the levy after (1) making demand for payment at such last known address and on any agent or attorney of the Judgment Debtor of record with the United States Bankruptcy Court for the District of Connecticut and (2) making a reasonable effort to ascertain and provide notice of the execution at any forwarding address.

On failure of the Judgment Debtor to make immediate payment of all sums due under the money judgment, and upon your being unable to levy on nonexempt personal property of the Judgment Debtor in the Judgment Debtor's possession and, if the Judgment Debtor has left the state prior to service of this execution, upon your being unable to obtain payment sufficient to satisfy the judgment by making demand for payment at the Judgment Debtor's last known address in this state and on any agent or attorney of the Judgment Debtor of record with the United States Bankruptcy Court, District of Connecticut, you are also commanded to make demand upon any third person having possession of nonexempt personal property of the Judgment Debtor for payment to you, or to levy on any nonexempt personal property or debt due said Judgment Debtor sufficient to satisfy the total amount of judgment unpaid pursuant to Conn. Gen. Stat. Sec. 52-356a(4)(c). After having made such demand you are directed to serve two true and attested copies of this execution, with your doings endorsed thereon, on the third person upon whom such demand was made.

HEREOF FAIL NOT, AND MAKE DUE RETURN OF THIS WRIT WITH YOUR DOINGS THEREON, ACCORDING TO LAW, WITHIN FOUR MONTHS HEREOF.

NOTICE: THE JUDGMENT DEBTOR'S NONEXEMPT PERSONAL PROPERTY IS SUBJECT TO LEVY, SEIZURE AND SALE BY ANY PROPER OFFICER PURSUANT TO THIS EXECUTION.

WITNESS THE HONORABLE

UNITED STATES BANKRUPTCY JUDGE

DATE:

CLERK

DEPUTY CLERK

RETURN OF SERVICE

STATE OF CONNECTICUT :

COUNTY OF : ss:

:

On the _____ day of _____, _____, then and there I duly served the foregoing application, order and execution on _____

_____ by leaving with or at the usual place of abode of _____

_____ a true and attested copy of the original application, order and execution.

Attest: _____ Title _____

Proper Officer

**EXEMPTION CLAIM FORM
PROPERTY EXECUTION**

Name and Address of Judgment Debtor:

SECTION I (To be completed by plaintiff)

Address of Court:

Name of Judgment Debtor:

Date Execution Issued _____ Docket No. _____

Name and Address of Judgment Creditor:

SECTION II (To be completed by sheriff)

Date of Service of Execution _____ Name of Sheriff _____

Name and Address of Third Person Served with Execution

Telephone No. _____

SECTION III (To be completed by third person served with execution (if any))

Date Execution Mailed to Judgment Debtor _____

SECTION IV

NOTICE TO JUDGMENT DEBTOR

As a result of a judgment entered against you the attached execution has been issued against your personal property. **SOME OF YOUR PERSONAL PROPERTY MAY BE EXEMPT FROM EXECUTION** - Certain classes of personal property may be protected from execution by state statutes or other laws or regulations of this state or of the United States. A checklist and description of the most common classes of personal property of a natural person exempt from execution are set forth on the reverse side of this page. **HOW TO CLAIM AN EXEMPTION ESTABLISHED BY LAW** - If you wish to claim that the property levied on by the sheriff is exempt by law from execution, you must fill out and sign the Claim of Exemption on the reverse side of this page and return this exemption claim form to the Clerk of the United States Bankruptcy Court at the above address. **The form must be received by the Clerk of the United States Bankruptcy Court within 20 days after levy on the property.** Upon receipt of this form, the court clerk will notify you and the judgment creditor of the date on which a hearing will be held by the court to determine the issues raised by your claim. **RIGHT TO REQUEST INSTALLMENT PAYMENT ORDER** - Pursuant to Section 52-356d of the Conn. Gen. Stats., if you are a consumer judgment debtor, you may seek to have the court issue an installment payment order with a provision that compliance with the order prevents a levy on your property. An installment payment order is an order of the court that you pay a weekly amount to the judgment creditor until the judgment is satisfied. "Consumer Judgment" means a money judgment of less than five thousand dollars against a natural person resulting from a debt or obligation incurred primarily for personal, family or household purposes. **SETTING ASIDE THE JUDGMENT** - If the judgment was rendered against you because of your failure to appear in court, you may, pursuant to Section 52-212 of the Conn. Gen. Stats., within four months of the date judgment was rendered and upon belief that you have reasonable cause, move the court to set aside the judgment rendered against you.

CLAIM OF EXEMPTION ESTABLISHED BY LAW

SECTION V

I, the judgment debtor, hereby claim under penalty of false statement that the property described below is exempt from execution as follows:

Name and Address of Person Holding Property _____

Telephone No. _____

Property Claimed to Be Exempt _____

Describe Basis for Exemption as Established by Law _____

Complete Mailing Address of Judgment Debtor _____

Telephone No. _____

Signed (Judgment Debtor) _____ Date Signed _____

SECTION VI

ORDERED that the following item(s) are exempt from execution:

Signed: (Judge/Clerk)

_____ BY THE ORDER OF THE COURT Date Signed _____

CHECKLIST AND DESCRIPTION OF COMMON EXEMPTIONS ALLOWED BY LAW (Conn.Gen.Stat. Sec. 52-352b)

- (a) Necessary apparel, bedding, foodstuffs, household furniture and appliances;
- (b) Tools, books, instruments and farm animals which are necessary to the judgment debtor in the course of his or her occupation or profession;
- (c) Burial plot for the exemptioner and his or her immediate family;
- (d) Public assistance payments and any wages earned by a public assistance recipient under an incentive earnings or similar program;
- (e) Health and disability insurance payments;
- (f) Health aids necessary to enable the judgment debtor to work or to sustain health;
- (g) Worker's compensation, social security, veterans and unemployment benefits;
- (h) Court approved payments for child support;
- (i) Arms and military equipment, uniforms or musical instruments owned by any member of the militia or armed forces of the United States;
- (j) One motor vehicle to the value of one thousand five hundred dollars, provided such value shall be determined as the fair market value of the motor vehicle less the amount of all liens and security interests which encumber it;
- (k) Wedding and engagement rings;
- (l) Residential utility deposits for one residence and one residential security deposit;
- (m) Payments received by the judgment debtor under a profit sharing, pension, stock bonus, annuity or similar plan which is established for the primary purpose of providing benefits upon retirement by reason of age, health, or length of service and which is either (1) qualified under sections 401, 403, 404 or 408 of the Internal Revenue Code, or any successor thereto, or (2) established by federal or state statute, but only to the extent that wages are exempt from execution under Conn. Gen. Stat. Sec. 52-361a;
- (n) Alimony and support, other than child support, but only to the extent that wages are exempt from execution under Conn. Gen. Stat. Sec. 52-361a;
- (o) An award under a crime reparations act;
- (p) All benefits allowed by any association of persons in this state towards the support of any of its members incapacitated by sickness or infirmity from attending to his usual business; and
- (q) All moneys due the judgment debtor from any insurance company on any insurance policy issued on exempt property, to the same extent that the property was exempt.