

CONSUMER LITIGATION GROUP

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SAMPLE NEW JERSEY ASSERTION OF A DEFENDANT'S \$1000.00 EXEMPTION

Below is a sample letter you can use to mail to the Court and to the Plaintiff's law firm to claim your \$1000.00 statutory exemption (pursuant to New Jersey law) for money or other assets frozen by a debt collector. If you have any questions, consult a Consumer Rights Attorney. Nothing stated herein is legal advice. For legal advice, consult an attorney.

You can copy and paste the below text into your word processor. You will have to tailor and edit the document to suit your needs.

Make sure you send the letter Certified Mail, Return Receipt Requested. Debt collectors are notorious for claiming they did not receive First Class mail.

TODAY'S DATE

YOUR NAME

YOUR ADDRESS

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Tracking Number: **XXXX XXXX XXXX XXXX XXXX**

Court's Name

Court's Address

RE: **Plaintiff v. Defendant**

Name of Court, Docket No.: **XXX**

Dear Clerk of Court:

On **XXX** date, I learned money belonging to me and in my bank account was frozen by the bank due to an alleged judgment and Writ of Execution issuing from this Court. The amount frozen by my bank was **\$X.XX**. Pursuant to N.J.S.A. 2A:17-19, I assert my **statutory "wildcard" exemption** of up to \$1000.00 and demand the immediate return of the **\$X.XX** that was frozen.

If my funds are not immediately released by court order or upon instructions from the Court or by Plaintiff's attorneys within five (5) days from the date of this

letter, I demand that an Objection Hearing be immediately scheduled. At that time, I will assert my statutory exemption in open Court. If applicable, please provide me with the date and time of the Objection Hearing.

The seizure of my funds has caused me to experience severe financial distress. I have been severely inconvenienced and experienced damages as a result of this seizure. If the Plaintiff does not cause the release of my funds as demanded above, I may be forced to hire an attorney to do so.

Your time and attention to this matter is greatly appreciated. If you have any questions, comments or concerns, please contact me at the above address or call me at XXX-XXX-XXX. (You do not need to include your telephone number if you do not want to.)

Sincerely,

[SIGN]

Your Printed Name

CERTIFICATE OF SERVICE

I certify that I have caused to be delivered to the attorneys for the Plaintiff this letter via Certified Mail/Return Receipt Requested on MONTH, DATE, YEAR. The name of Plaintiff's attorneys and their address I mailed a copy of this letter to is XXX. The tracking number for that parcel is XXXX XXXX XXXX XXXX XXXX. I am aware that if my statements are false, I am subject to punishment.

[SIGN]

Your Printed Name

As always make a copy of the **signed** letter and any attachments you send.

If you are unsure how to present your situation, phrase a concept, or are uncertain as to what information you should provide, please consult us.