


CLERK OF THE COURT

WRIT

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

11 JAMES MCGIBNEY,) Case No.: A-12-667156-C
12)
13 Plaintiff,) Dept. No.: XXIV
14 vs.) WRIT OF EXECUTION
15)
16 HUNTER MOORE,)
17 Defendant.)

**WRIT OF EXECUTION
Bank Account**

21 THE STATE OF NEVADA TO THE CONSTABLE OF CLARK COUNTY, GREETINGS:

22 On March 8, 2013 a judgment, upon which there is due in United States Currency the following
23 amounts, was entered in this action in favor of James McGibney as judgment creditor and against
24 Hunter Moore as judgment debtor. Interest and costs have accrued in the amounts shown. Any
25 satisfaction has been credited first against total accrued interest and costs, leaving the following net
26 balance, which sum bears interest at 3.25 % per annum from issuance of this writ to date of levy
27 and to which sum must be added all commission and costs of executing this Writ.
28

Judgment Balance		Amounts to Be collected by Levy	
Principal	\$250,000.00	NET BALANCE	\$263,169.50
Attorney's Fees	\$11,581.00	Fee this Writ	
Costs	\$1,588.50	Garnishment Fee	
Judgment TOTAL	\$263,169.50	Mileage	
Accrued Costs	\$0	Levy Fee	
Accrued Interest	\$0	Advertising	
Less Satisfaction	\$0	Storage	
		Interest from Date of Issuance	
NET BALANCE	\$263,169.50	SUB-TOTAL	\$263,169.50
		Commission	
		TOTAL LEVY	\$263,169.50

NOW, THEREFORE, you are commanded to satisfy the judgment for the total amount due out of the following described personal property and if sufficient personal property cannot be found, then out of the following described personal property:

Bank of America checking, savings, or other financial account.

(See below for exemptions which may apply)

EXEMPTIONS WHICH APPLY TO THIS LEVY

(Check appropriate paragraph and complete as necessary)

___ Property other than wages. The exemption set forth in NRS 21.090 or in other applicable Federal Statutes may apply.

___ Earnings. The amount subject to garnishment and this writ shall not exceed for any one pay period the lesser of:

A. 25 percent of the disposable earnings due the judgment debtor for the pay period, or

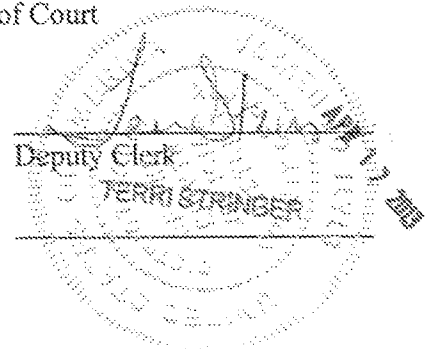
B. The difference between the disposable earnings for the period and \$100.50 per week for each week of the pay period.

1 NOTE: Disposable earnings are defined as gross earnings less deductions for Federal
2 Income Tax Withholding, Federal Social Security Tax and Withholding for any
3 State, County, or City Taxes.
4

5 You are required to return this Writ from date of issuance not less than 10 days or more than 60
6 days with the results of your levy endorsed thereon.
7

8 Steven D. Grierson
9 Clerk of Court

10 By:



11 Date:

13 Issued at direction of:

14 *[Handwritten Signature]*
15

16 Attorney for James McGibney
17 Randazza Legal Group
18 6525 W. Warm Springs Road
19 Suite 100
20 Las Vegas, NV 89118

21 Constable Information

22 RETURN:

23
24 ___ Not Satisfied \$ _____
25 ___ Satisfied in sum of \$ _____
26 ___ Costs Retained \$ _____
27 ___ Commission retained \$ _____
28 ___ Costs incurred \$ _____
___ Commission incurred \$ _____

1 ___ Costs Received \$ _____

2 REMITTED TO JUDGMENT CREDITOR: \$ _____

3 I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the
4 levy endorsed thereon.

5 Constable of Sheriff's Civil Process Section, Las Vegas Township

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7 By: _____

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CLARK COUNTY, NEVADA

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to James McGibney, the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act including, without limitations retirement and survivor benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Welfare Division of the Department of Human Resources or a local governmental entity.
4. Proceeds from a policy of life insurance if the annual premium does not exceed \$15,000.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$350,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. A vehicle, if your equity in the vehicle is less than \$15,000.
11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum wage, in which case the entire amount may be exempt.
12. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 and 408A of the Internal Revenue Code, 26 U.S.C. §§ 408;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. §§ 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.
13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

→ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through Nevada Legal Services.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

(Added to NRS by 1989, 1135; A 1991, 811, 1412; 1995, 227, 1071; 1997, 265, 3412; 2003, 1010, 1812)