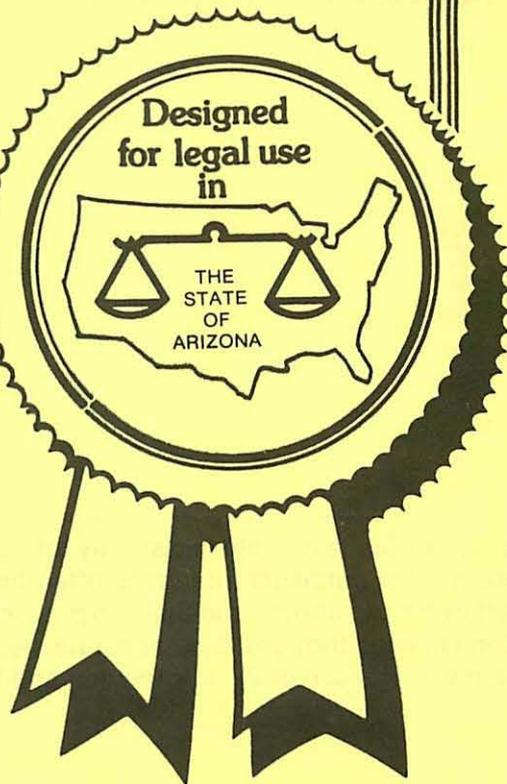


THE NON-LAWYERS HOMESTEAD KIT*

Authored by
Kermit Burton

**THE COMPLETE
DO-IT-YOURSELF
HOMESTEAD KIT**
... which permits the
exemption of both Real and
Personal property under the
Arizona Homestead Act.



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INSTRUCTION GUIDE WITH SPECIMEN FORMS

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4500 E. Speedway, Suite 31
Tucson, AZ 85712
(602) 795-7100

1600 W. Camelback, Suite 1-M
Phoenix, AZ 85015
(602) 234-0269

Anywhere: 1-800-528-3494

CHECK LIST of HOMESTEAD KIT FORMS

DESCRIPTION

Declaration of Homestead (2 copies)
Waiver (or Abandonment of Homestead (2 copies)
Notice of Personal Property Homestead Exemption, Justice Court (2 copies)
Notice of Personal Property Homestead Exemption, Superior Court (2 copies)
Notice of Election to Exempt Financial Account, Justice Court (2 copies)
Notice of Election to Exempt Financial Account, Superior Court (2 copies)

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INTRODUCTION

This NON-LAWYER HOMESTEAD KIT is a complete do-it-yourself legal kit which provides all of the forms required to accomplish either a Homestead Exemption under A.R.S. § 33-1101; a Personal Property Homestead under A.R.S. § 33-1126(8); or the exemption of a Financial Account under A.R.S. § 33-1126(7).

Each of the three property exemption laws will be fully discussed in this Instruction Guide as to the extent of their purpose and the procedures necessary to accomplish the exemptions.

Since the Arizona Exemption Statutes offer a broad range of real and personal property exemptions, a comprehensive list of all such property exempted under Arizona laws is also included in this Instruction Guide.

Keeping in mind that this Instruction Guide is not intended to give or dispense legal advice which can only be given by an attorney licensed to practice law in this State. It is, however, the intent of this publication to provide workable legal materials for the individual who desires to pursue his or her legal remedies without the aid of a lawyer when equipped with a working knowledge of the applicable laws and procedures.

It is, therefore, in this context that this publication provides not only a detailed discussion of the Arizona Property Exemption Laws, but also includes the forms required to accomplish the exemptions, and illustrated examples of each form.

Chapter 1

THE PURPOSE OF THE EXEMPTION LAWS

The Arizona Exemption Laws were drafted and enacted to accomplish a measure of protection for privately owned property from the attachment, execution, garnishment, replevin or forced sale under civil remedies provided for the collection of debts. In other words, the protection is provided against the execution of Civil Judgments arising out of claims and debts for goods, services or injury unrelated to any mortgages or loans made against the property itself, e.g., lawsuits occasioned by auto accidents, medical bills, breach of contracts, unsecured debts of all types, etc.

While the present day laws are rooted in those admonitions long ago recognized in the amendments to the United States Constitution, the sanctity of private ownership has been expanded under modern day laws to include a broad range of property, both personal and real.

The dictates of our modern society made it imperatively necessary that laws protecting this sanctity of the family home be expanded to include also those personal items of property that are deemed necessary for the family's comfort and support.

In other words, the exemption laws, as presently adopted, provide an exemption from attachment,

execution, garnishment or forced sale of a variety of personal property, for example: the family automobile, household furnishings, a bank account, engagement and wedding rings, tools of a trade, earned wages, etc.

This is, of course, only an example of the partial listing of personal property exempted under Arizona laws. A full Schedule of all such personal property is listed in Chapter 4.

The legal and moral reasoning behind the exemption of, not only the family home, but other personal property as well, simply recognizes that the means for supporting the family and the minimum comforts to be enjoyed by the family are of equal importance as the family home, since in many cases, the family may not have a home to exempt, but do possess personal property deemed necessary for their survival, support or comfort.

There are, of course, limitations on the amounts that can be claimed exempt. In other words, the exemption laws provide for the exemption of property at fixed values.

The next Chapter will discuss the scope of limitations placed on the value of exempt property.

Chapter 2

THE LIMITATIONS ON EXEMPTIONS

The exemption laws, while providing for the protection of certain real and personal property, do not provide for an unlimited exemption of all such property, nor does it allow the exemption to defeat any consensual or labor and material liens against the property.

A consensual lien is a lien that is placed against the property with the consent of the property owner, for example: a Realty Mortgage, Deed of Trust, Chattel Mortgage, etc.

There is also another exception in regards to liens against the property, and that is Internal Revenue Liens. The exemption will not defeat an Internal Revenue Lien of any sort.

A matter that rises to greater importance than the lien limitation is the statutory limitation placed on the maximum equity value that can be claimed exempt, for example: The maximum equity exemption for a home is \$100,000 (effective September 15, 1989); for household goods it is \$4,000; for an automobile it is \$1,500; for a bank account it is \$150. A schedule of all property that can be exempt under Arizona Laws is included in Chapter 4 on page 5 of this Instruction Guide.

To summarize what these limitations mean, it can be noted, first off, that the property exemptions apply only to the equity value of the property. This means that if there is a consensual lien against the property, the exempt amount is the equity value derived by subtracting the value of the lien from the market value of the property.

If there are no liens against the property, then the market value of the property determines whether or not the property can be fully exempted.

If the equity or market value of the property greatly

exceeds the amount that can be claimed exempt, the property can be subjected to a forced sale, provided the bid exceeds both the amount claimed exempt and any liens against the property.

In that respect, if the property is then sold, the owner of the property must be paid the amount lawfully claimed exempt from the proceeds of the sale.

Secondly, since a consensual lien cannot be defeated by a claim of exemption, that means that the lien holder can foreclose or repossess the property and hold a public sale without any proceeds of the sale going to the property owner unless the bid exceeded the amount of the lien and the cost of the sale.

Normally, in the case of foreclosure or repossession, the lien holder will bid on the property at any amount equal only to the amount of the principal, interest and cost.

It should also be mentioned here that in a judicial foreclosure action (usually under a realty mortgage) against real property, the owner of the property has the right to redeem the property within 6 months after the Sheriff's Sale if the property has not been abandoned. If the claim of abandonment is unchallenged, the redemption period is only 30 days.

The determination of abandonment is often misleading to the layman, because when the foreclosure complaint is drafted, it is always alleged that the property has been abandoned. And if the homeowner does not timely respond (file an answer) to the foreclosure complaint and deny that the property has been abandoned, the allegation of abandonment is accepted as true and the redemption period is fixed by the Court at 30 days.

Chapter 3

DESCRIPTION OF THE FORMS

Each of the Forms included in the Kit will be described in this Chapter as to their specific applications in accomplishing an exemption under Arizona Laws.

1. DECLARATION OF HOMESTEAD.

The Declaration of Homestead Form is used to perfect the claim of the Homestead Exemption under A.R.S. § 33-1101.

The Form provides for a designation of the type of property to be exempted, for example: (1) one compact body of land with a dwelling house, (2) a condominium or townhouse, (3) a mobile home without the lot, or (4) a mobile home with the lot; the amount claimed exempt; and the legal description of the property or mobile home.

The legal description is that description which designates the Lot Number, Block Number (in some cases) and Name of Subdivision, e.g., Lot 1, Block 30, of Escondido Estates, etc.

All of the facts required to be alleged by law are provided for in this Homestead Form.

2. WAIVER (OR ABANDONMENT) OF HOMESTEAD.

Since the law allows only one Homestead Exemption, there may be occasions when the Homestead will need to be released from one property and recorded against another property, newly acquired.

Normally, when the Homestead declarant(s) permanently abandons a parcel of land, that terminates the Homestead. In most cases, the Waiver of Homestead is used to release a previously recorded Homestead in order to record a new Homestead that increases the exemption value.

In other cases, if a new loan is obtained and the property is used as the collateral for the loan, then the person or institution making the loan will require that the Homestead be released before the new mortgage or Deed of Trust is recorded.

3. NOTICE OF PERSONAL PROPERTY HOMESTEAD EXEMPTION.

This Form is used to exempt the prepaid rent and/or Security Deposit of a debtor who is facing civil collection procedures and does not own a home, but rents his(her) residence.

The necessity of this procedure is occasioned on the fact that prepaid rent and security deposits represent assets of the debtor that can lawfully be seized unless exempted by law.

The strict requirement of the law is that the debtor does not presently claim a Homestead Exemption in any other property. In other words, this rental unit is the personal residence of the debtor.

4. NOTICE OF ELECTION TO EXEMPT FINANCIAL ACCOUNT.

This Form is used to exempt money on deposit in a Financial Institution. No more than one account can legally be claimed exempt up to \$150.

In the context of this law, a financial institution includes: Banks, Savings and Loan Associations, Thrift Associations, Credit Unions, Securities Dealers, etc. In other words, only duly licensed institutions that accept money for deposit.

Money on deposit, like prepaid rent and security deposits, are subject to legal seizure if not exempted according to law, as these items of property constitute personal assets of the debtor.

SUMMARY

All of the Forms described in this Instruction Guide are, of course, included in the Kit. And while you very likely will not have the occasion to use all of the Forms described here, you can profit immeasurably from the knowledge that they do indeed exist to provide needed protection when financial reverses have delivered ongoing hardships.

Chapter 4

THE SCHEDULE OF EXEMPT PROPERTY

Type of Property	Statute and Amount Exempted
1. Family Residence: One compact body of land with a dwelling house, or a condominium, or townhouse, or a mobile home not including the land, or a mobile home including the land.	A.R.S.§33-1101 \$100,000.00
2. Household furnishings: Limited to: one kitchen and one dining room table with four chairs each, plus one additional chair for each dependent over four who resides in the household; one living room couch, one living room chair, plus one additional chair for each dependent; three living room coffee or end tables; three living room lamps; one living room carpet; two beds, plus one additional bed for each dependent; one bed-table, dresser and lamp for each; bedding for each bed; pictures, oil paintings and drawings, drawn or painted by debtor, family portraits and necessary frames; one television set, or radio or stereo, one radio alarm clock; one stove and one refrigerator; one washing machine; one clothes dryer and one vacuum cleaner.	A.R.S.§33-1123 \$ 4,000.00
3. Personal Items:	A.R.S.§33-1125
a. All wearing apparel	\$ 500.00
b. All musical instruments	250.00
c. Domestic pets, horses, milk cows and poultry	500.00
d. Engagement and wedding rings	1,000.00
e. One watch	100.00
f. One typewriter, one bicycle, one sewing machine, a family bible, a burial lot, one shotgun or one rifle or one pistol	500.00
g. One motor vehicle	1,500.00
h. One motor vehicle if the debtor is maimed or crippled	4,000.00
i. Professionally prescribed prostheses, including a wheelchair.	Actual value
4. Money benefits or proceeds:	A.R.S.§33-1126
a. Life insurance death claims	\$ 20,000.00
b. Life insurance cash surrender value	5,000.00
c. Cash on deposit in a financial institution	150.00
d. Prepaid rent, including security deposit (personal property homestead)	1,000.00
e. Earnings of a minor child of debtor; insurance claims on exempt property; health, accident or disability payments; damages recovered for wrongful sale of exempt property.	Actual Value
5. Tools and Equipment of Trade or Profession:	A.R.S.§33-1130
a. The tools, equipment, instruments and books of a debtor engaged in business	\$ 2,500.00
b. Farm machinery, utensils, implements of husbandry, feed, seed, grain and animals	2,500.00
c. All arms, uniforms and accoutrements required by law to be kept by debtor.	Actual Value
6. Earned wages.	A.R.S.§33-1131 75% exempted
7. Pension and Retirement Plans qualifying under IRS Codes §§ 401, 403, 408, or 409 (excluding contributions made last 120 days)	A.R.S.§33-1126(B) All Amounts

OVERVIEW

The significance of these exemptions can best be observed when an individual is either facing civil collection procedures or seeking relief under the Bankruptcy Code.

When relief is sought under the Bankruptcy Code, these Exemption Statutes must, of course, be utilized in order for the debtor to keep any such property. However, under civil collection procedures, the exemptions serve to insulate the debtor from the collection efforts of a creditor.

In other words, when a general or special Writ of Execution is issued by the Court, and the Sheriff serving the writ observes property in your possession that is definitely not exempt, he can seize such property and hold a public sale according to law.

Therefore, if you decide to fight the seizure, you must be prepared to show that the property is lawfully exempt from process.

Keep in mind that if you own two or more motor vehicles, or your equity exceeds \$1,500 in a motor vehicle, the Sheriff can seize the additional vehicle, or any vehicle whose equity value exceeds \$1,500, and sell same at public auction.

If the vehicle seized is one that appears to have an equity value of more than \$1,500, then, if the vehicle is, in fact, sold at a public auction, the owner is entitled to \$1,500 from the sale, which means, before a sale is ever held by the Sheriff an appraisal is made to determine the potential selling price. Therefore, if the appraisal shows that the auction sale will not bring an amount equal to or greater than the \$1,500 exemption, the sale will usually not be held and the vehicle returned to the owner.

Also, it is not likely that the Sheriff will enter your home and count your tables and chairs to ascertain if you have exceeded the number exempt. What could happen, though, is that you could be called to testify at a debtor's supplemental hearing, at which time you may be required to submit an itemized inventory of your household goods. From this inventory, the creditor could determine that you possess non-exempt property which the Sheriff could then legally seize and sell.

The next Chapter will outline the specific steps necessary to accomplish the Homestead Exemption, the Personal Property Homestead Exemption, and the Exemption of a Financial Account.

Chapter 5

THE STEP-BY-STEP APPLICATIONS OF THE EXEMPTION LAWS

Each of the specific applications of the property exemption laws will be outlined in this Chapter as to the lawful requirements necessary to make the claims of exemption legally effective and the preparation, filing and serving of the required Forms.

STEP NO. 1 THE SELECTION AND PREPARATION OF THE FORMS.

A. Homestead Exemption.

Under Arizona Homestead laws, A.R.S. § 33-1101, only one family residence can be exempted, for example, either: (1) one compact body of land with a dwelling house, or (2) a mobile home without a lot, or (3) a mobile home with a lot, or (4) one unit of a horizontal property regime (condominium or town-house).

The lawful value that can be claimed exempt is the same for each of the residential units, \$100,000.

In order to claim the Homestead Exemption, follow the steps outlined below:

1. Select the DECLARATION OF HOMESTEAD Form;
2. Prepare the Declaration of Homestead with the required facts (as illustrated in the Specimen Forms on page 11), namely:
 - a. The name(s) and complete mailing address of the person(s) to whom the County Recorder will mail the Recorded Declaration;
 - b. The name(s) of the person(s) claiming the Homestead Exemption;
 - c. The claimed equity value (not exceeding \$100,000);
 - d. Check the block that correctly describes the type of property you are exempting;
 - e. The legal description of the property, i.e., (1) if real property see your deed or contract for the legal description, (2) if mobile home, see the title issued by the Motor Vehicle Department;
 - f. Your signature as declarant (and that of your spouse, if applicable) before a notary public.

After you have fully prepared the Form, go next to Step No. 2 and follow the filing procedures.

B. Waiver (or Abandonment) of Homestead.

If you have previously filed a Declaration of Homestead on the same property or other property which you still own and you desire to release the Homestead previously filed, select and prepare the

WAIVER (OR ABANDONMENT) OF HOMESTEAD with the facts requested, including the legal description of the property.

When this is accomplished, go to Step No. 2 and follow the filing procedures.

C. Personal Property Homestead Exemption.

Under the Personal Property Homestead, A.R.S. § 33-1125(8), the debtor can claim as exempt from process, prepaid rent equal to one and one-half times the monthly rent and/or a security deposit, not exceeding \$1,000.

In order to perfect this exemption, follow the sequential steps outlined below (as illustrated in the Specimen Forms on page 11):

1. Select one of the two NOTICE OF PERSONAL PROPERTY HOMESTEAD EXEMPTION Forms with the heading that corresponds with the name of the Court where the civil action is filed against you, i.e., Justice Court or Superior Court;
2. Prepare the Form with the facts as requested, viz:
 - a. At the top of the Form, enter the name of the County and Court, if Justice Court, where the civil proceeding is situated;
 - b. Enter the plaintiff's name and your name as defendant in the caption section, also the Court's case number;
 - c. Enter the name of the party who holds the rent or deposit on the first line below the caption;
 - d. Enter your name (and that of your spouse, if applicable) as the defendant(s) on the first line of the body of the Form;
 - e. Enter the actual amount exempted, not exceeding \$1,000, and the name and address of the Landlord;
 - f. Indicate by checking the appropriate block whether the sum represents prepaid rent and/or a security deposit;
 - g. Enter the date the Lease or Rental Agreement was signed (executed) and both your names as tenants and the name of the Landlord;
 - h. Enter the complete address of the rental unit;
 - i. Enter the date and sign the Form where indicated.

Do not at this time complete the lower portion of the Form entitled "Affidavit of Service." Instead go to Step No. 2, *The Filing and Service of the Forms*.

D. Notice Of Election To Exempt Financial Account.

This Notice of Election to Exempt Financial Account under A.R.S. § 33-1126, provides an exemption of up to \$150 on deposit in a Bank or other financial institution. In order to perfect this exemption, follow the steps outlined below (as illustrated in the Specimen Forms on page 11):

1. Select from one of two NOTICE OF ELECTION TO EXEMPT FINANCIAL ACCOUNT Forms with the heading that corresponds with the name of the Court where the civil action is filed against you, i.e., Justice Court or Superior Court;
2. Prepare the Form with the facts as requested, viz:
 - a. At the top of the Form enter the name of the County and Court, if Justice Court, where the civil proceeding is situated;
 - b. Enter the plaintiff's name and your name as defendant in the caption section, also the Court's case number;
 - c. Enter the name of the Financial Institution who holds your money on deposit;
 - d. Enter your name (and that of your spouse, if applicable) as the defendant(s) on the first line of the body of the Form;
 - e. Enter the actual sum to be exempted, not exceeding \$150;
 - f. Enter the name and complete address of the Financial Institution and the account number of your account;
 - g. Date and sign the Form where indicated.

Do not at this time complete the lower portion of the Form entitled, "Affidavit of Service," but instead go to Step No. 2, *The Filing and Service of the Forms*.

STEP NO. 2 THE FILING AND SERVICE OF THE FORMS.

A. Homestead Exemption.

After the Declaration of Homestead is completed as outlined in Step No. 1, you are now ready to file it with the County Recorder's Office.

FIRST FILING

If this is the first Homestead Exemption that you will be filing on the property presently described, then the filing is simply a one-step procedure, i.e.,

you deliver the Declaration of Homestead to the Office of the County Recorder and pay the required filing fees (approximately \$5.00). In a few days, the recorded copy of the Declaration of Homestead will be returned to you by mail.

If this is not the first Declaration of Homestead you have recorded, then you should go to the next section which outlines the filing of a *Waiver (or Abandonment) of Homestead*.

B. Waiver (or Abandonment) of Homestead.

If you have previously filed a Declaration of Homestead on either the same property or another parcel of property that you will continue to own but can not exempt under law, then you should file the **WAIVER (OR ABANDONMENT) OF HOMESTEAD** before you file the present Declaration of Homestead in order to legally release the previously filed Homestead.

You should also file the Waiver (or Abandonment) of Homestead to release a previously recorded Declaration of Homestead that does not exempt the present equity value. This is a fairly common procedure, since the market value of real property does generally appreciate, thus increasing the equity value.

C. Personal Property Homestead Exemption.

After you have completed the appropriate Personal Property Homestead Form, proceed as follows:

1. Make three additional photocopies of the Exemption Form;
2. Mail (by Certified Mail, Return Receipt Requested) one copy of the Exemption Form to the Landlord and/or his agent.

If the Landlord is a corporation or management firm, you will need to find out from the leasing or rental agent the name of the principal party who exercises control over the prepaid rent and security deposits. When this information is ascertained, then a copy of the Exemption Form should be addressed accordingly;
3. Mail (by Regular Mail) one copy of the Exemption Form to the attorney who filed the action against you in Court;
4. Retain one copy for your own records;
5. Upon receipt of the Mailing Return Receipt (usually 10 days or less), attach it to the original copy of the Form and file both with the Clerk of the Court where the action is filed.

D. Notice Of Election To Exempt Financial Account.

Upon completing the applicable sections of the Notice of Election Form, make three additional copies of the form and proceed as follows:

1. Mail (by Certified Mail, Return Receipt Requested) one copy of the Form to the Financial Institution where your account is situated;
2. Mail (by Regular Mail) one copy of the Form to the attorney who filed the civil action against you or is pursuing an action to garnish your financial account;
3. Retain one copy for your own records;
4. Upon receiving the Mailing Return Receipt (usually 10 days or less), attach it to the original copy of the Form and file both with the Clerk of the Court where the civil action is filed.

Since the exemption laws provide for an exemption of only \$150, the financial institution can either release to you the \$150 or simply keep it on deposit, at your election.

If you are, however, unfortunate enough to have more than \$150 on deposit in the account, then the creditor can seize(garnish) all such amounts over \$150.

CONCLUSION

It is this writer's hope that you have not only profited from the material contained in this publication, but also acquired a working knowledge of the scope of the Arizona Exemption Laws.

If you have any comments, suggestions or questions, please feel free to call or write us as indicated on the cover of this Instruction Guide.

Kermit Burton
The Author

Note: We also publish the following Non-Lawyer Legal Kits:

ANNULMENT
 BANKRUPTCY
 (Chapters 7 and 13)
 CORPORATION
 (Profit and Non-Profit)
 DIVORCE
 HOME SALES
 LEGAL SEPARATION

LIVING TRUST
 LIVING WILL
 NAME CHANGE
 (Adult and Minor Child)
 PARTNERSHIP
 PRE-MARRIAGE
 WILL

APPENDIX

(Specimen Forms)

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DECLARATION OF HOMESTEAD

When Real Property With Dwelling House

When recorded, mail to:

Name: James L. Doe

Address: 2234 E. Dade Street

City/State/Zip Code: Phoenix, AZ 85017

Space above this line for Recorder's use

DECLARATION OF HOMESTEAD

STATE OF ARIZONA)
COUNTY OF Maricopa) ss.

The undersigned declarant(s), James L. Doe, a single man, being first duly sworn upon oath, deposes and says that:

- I(We), at the time of making this declaration, am(are) at least 18 years of age and actually reside within the State of Arizona on the premises herein described.
- I(We) select and designate the property described under Paragraph 4 below, together with all improvements thereon and appurtenances thereto, as my(our) Exempt Homestead under A.R.S. §33-1101, et seq., as amended laws 1989, which has a present equity value of \$ 57,000.00.
- The property I(we) have selected and designated under Paragraph 2 above is the:
 - (check one)
 - a. land and dwelling house in which I(we) reside
 - b. condominium(townhouse) in which I(we) reside
 - c. mobile home in which I(we) reside
 - d. mobile home and land where situated in which I(we) reside.
- The legal description of the property selected and designated above is:

(Real Property Description): Lot 3120, Evergreen Vista subdivision, according to the plat of record in the Office of the Maricopa County Recorder in Book 7217 of Maps and Plats at pages 2013 thereof

(Mobile Home): Make _____; Year _____
Model _____; Serial(Registration) No. _____

Dated: January 15, 1991 James L. Doe
Declarant

Declarant's Spouse

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, this 15th day of January, 19 91, by James L. Doe.

My Commission Expires: June 12, 1991 Robert J. Danna
Notary Public

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DECLARATION OF HOMESTEAD

When a Condominium or Townhouse

When recorded, mail to:

Name: John J. Doe

Address: 1971 N. Cedar

City/State/Zip Code: Phoenix, AZ 85037

Space above this line for Recorder's use

DECLARATION OF HOMESTEAD

STATE OF ARIZONA)
COUNTY OF Maricopa) ss.

The undersigned declarant(s), John J. Doe and Mary M. Doe, husband and wife, being first duly sworn upon oath, deposes and says that:

- I(We), at the time of making this declaration, am(are) at least 18 years of age and actually reside within the State of Arizona on the premises herein described.
- I(We) select and designate the property described under Paragraph 4 below, together with all improvements thereon and appurtenances thereto, as my(our) Exempt Homestead under A.R.S. §33-1101, et seq., as amended laws 1989, which has a present equity value of \$ 100,000.
- The property I(we) have selected and designated under Paragraph 2 above is the:
 - (check one)
 - a. land and dwelling house in which I(we) reside
 - b. condominium(townhouse) in which I(we) reside
 - c. mobile home in which I(we) reside
 - d. mobile home and land where situated in which I(we) reside.
- The legal description of the property selected and designated above is:

(Real Property Description): Unit 57 of Mayo Condominium according to the Declaration of Horizontal Property Regime recorded in the Office of the Maricopa County Recorder in Docket 6304, at page 237 thereof.

(Mobile Home): Make _____; Year _____
Model _____; Serial(Registration) No. _____

Dated: February 1, 1991 John J. Doe
Declarant

Declarant's Spouse

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, this 1st day of February, 19 91, by John J. Doe and Mary M. Doe.

My Commission Expires: Oct 1, 1994 Lee Minter
Notary Public

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DECLARATION OF HOMESTEAD

When a Mobile Home

When recorded, mail to:
Name Melvin I. Doe
Address 4500 E. Speedway, Ste. 31
City/State/Zip Code Tucson, AZ 85012

Space above this line for Recorder's use

DECLARATION OF HOMESTEAD

STATE OF ARIZONA)
COUNTY OF Pima)ss.
The undersigned declarant(s), Melvin I. Doe and Lily S. Doe, husband and wife, being first duly sworn upon oath, deposes and says that:

- I/(We), at the time of making this declaration, am/(are) at least 18 years of age and actually reside within the State of Arizona on the premises herein described.
- I/(We) select and designate the property described under Paragraph 4 below, together with all improvements thereon and appurtenances thereto, as my/(our) Exempt Homestead under A.R.S. §33-1101, et seq., as amended laws 1989, which has a present equity value of \$ 100,000.
- The property I/(we) have selected and designated under Paragraph 2 above is the:
(check one)
a. land and dwelling house in which I/(we) reside
b. condominium/townhouse in which I/(we) reside
c. mobile home in which I/(we) reside
d. mobile home and land where situated in which I/(we) reside
- The legal description of the property selected and designated above is:
 (Real Property Description): _____

I (Mobile Home) Make Starr Craft Homes Year 1989
Model 301 C Doublewide Serial(Registration) No. SC 31124H
Dated February 1, 1991
Melvin I. Doe
Lily S. Doe
Declarant's Spouse

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, this 1st day of February, 19 91, by Melvin I. Doe and Lily S. Doe

My Commission Expires: Aug 15, 1993 Paul Hoffman
Notary Public

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DECLARATION OF HOMESTEAD

When a Mobile Home With Lot

When recorded, mail to:
Name Lee P. Kelps
Address P.O. Box 37432
City/State/Zip Code Phoenix, AZ 85070

Space above this line for Recorder's use

DECLARATION OF HOMESTEAD

STATE OF ARIZONA)
COUNTY OF Maricopa)ss.
The undersigned declarant(s), Lee P. Kelps, a divorced man, being first duly sworn upon oath, deposes and says that:

- I/(We), at the time of making this declaration, am/(are) at least 18 years of age and actually reside within the State of Arizona on the premises herein described.
- I/(We) select and designate the property described under Paragraph 4 below, together with all improvements thereon and appurtenances thereto, as my/(our) Exempt Homestead under A.R.S. §33-1101, et seq., as amended laws 1989, which has a present equity value of \$ 100,000.
- The property I/(we) have selected and designated under Paragraph 2 above is the:
(check one)
a. land and dwelling house in which I/(we) reside
b. condominium/townhouse in which I/(we) reside
c. mobile home in which I/(we) reside
d. mobile home and land where situated in which I/(we) reside
- The legal description of the property selected and designated above is:
 (Real Property Description): Lot 23, Block 2, River Lakes Mobile Home subdivision
according to the Plat of Record in the Office of the Maricopa County Recorder
in Book 354 of Maps and Plats at page 17 thereof.

I (Mobile Home) Make El Camino Homes Year 1985
Model 1015W Serial(Registration) No. FA-4795013
Dated February 1, 1991
Lee P. Kelps
Declarant
Declarant's Spouse

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, this 1st day of February, 19 91, by Lee P. Kelps

My Commission Expires: May 13, 1994 Walter Lutton
Notary Public

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NOTICE OF PERSONAL PROPERTY HOMESTEAD EXEMPTION

When Security Deposit

IN THE JUSTICE COURT
PRECINCT
COUNTY OF MARICOPA, STATE OF ARIZONA

BREWERS AUTOMOTIVE SERVICES, INC.
A CALIFORNIA CORPORATION,
Plaintiff(s)
vs.
JOHN DOE
Defendant(s)

CASE NO. M-54321

**NOTICE OF PERSONAL PROPERTY
HOMESTEAD EXEMPTION**

TO: R.M. BUDD, President, Prestige Apartments, Inc.
(NAME OF PERSON HOLDING DEPOSIT OR PREPAID RENT)

NOTICE IS HEREBY GIVEN that I (we), John Doe
the undersigned defendant(s) in this Civil Proceeding above
entitled and numbered, hereby give Notice of a Personal Property Homestead Exemption pursuant to A.R.S. §
33-1126(B), to exempt from process, the sum of Five hundred and no/100
Dollars (\$ 500.00), deposited with
(name and address of Landlord) Prestige Apartments, Inc., 500 W. Center Place,
Phoenix, AZ 85002
as (check applicable block) prepaid rent and/or a refundable Security Deposit under the terms of that
certain Lease (Rental) Agreement dated February 1, 19 89, executed by and between
Prestige Apartments, Inc., the Landlord, and
John Doe, the tenant(s),
for the premises known as Prestige Apartments West, 3333 N. Norfolk Lane, Phoenix,
Arizona 85017
(Address of Rental Unit)

DATED: March 1, 1991

John Doe
DEFENDANT
CO-DEFENDANT
3333 N. Norfolk Lane
ADDRESS
Phoenix, AZ 85017
City/State/Zip

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss. **AFFIDAVIT OF SERVICE**

The undersigned affiant, being first duly sworn on oath, deposes and says: That I am the defendant in the above
entitled and numbered civil action; that I caused service of the herein "Notice of Personal Property Homestead
Exemption" upon the above named Landlord by depositing the same with the U.S. Postal Service on
March 1, 19 91, with postage prepaid, and a return receipt requested; that attached hereto is
said mailing return receipt.

AFFIANT
SUBSCRIBED AND SWORN TO before me, the undersigned Public Officer, this 18th day of
March, 19 91.

My Commission Expires: March 10, 1994 Paul Conia
(X) Notary Public () Deputy Clerk

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- 15 -

NOTICE OF ELECTION TO EXEMPT FINANCIAL ACCOUNT

When A Bank Account

IN THE SUPERIOR COURT OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

EASY MONEY LOAN COMPANY,
AN ARIZONA CORPORATION
Plaintiff(s)
vs.
JAMES L. DOE
Defendant(s)

CASE NO. J-97890

**NOTICE OF ELECTION TO
EXEMPT FINANCIAL ACCOUNT**

TO: Valley Savings Bank
(NAME OF FINANCIAL INSTITUTION)

NOTICE IS HEREBY GIVEN that I (we), James L. Doe
the undersigned defendant(s) in this Civil Proceeding above
entitled and numbered, hereby elect to designate as exempt property, pursuant to A.R.S. §33-1126, the
sum of One hundred fifty and no/100 Dollars
(\$ 150.00), on deposit with Valley Savings Bank, 130 E. Plaza Place,
Phoenix, AZ 85006
(Name and complete address of financial institution where account is located)
in Account Number 2618-002723

DATED: February 1, 1991

James L. Doe
DEFENDANT
CO-DEFENDANT
2234 E. Dade Street
ADDRESS
Phoenix, AZ 85017
City/State/Zip

STATE OF ARIZONA)
COUNTY OF MARICOPA) ss. **AFFIDAVIT OF SERVICE**

The undersigned affiant, being first duly sworn on oath, deposes and says: That I am the defendant in
the above entitled and numbered civil action; that I caused service of the herein "Notice of Election to
Exempt Financial Account" upon the above named Financial Institution by depositing the same with the
U.S. Postal Service on February 1, 19 91, with postage prepaid, and a return receipt
requested; that attached hereto is said mailing return receipt.

AFFIANT
SUBSCRIBED AND SWORN TO before me, the undersigned Public Officer, this 19th day of
February, 19 91.

My Commission Expires: June 12, 1991 Paul Conia
(X) Notary Public () Deputy Clerk

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When recorded, mail to:

Name: _____

Address: _____

City/State/Zip Code: _____

Space above this line for Recorder's use

DECLARATION OF HOMESTEAD

STATE OF ARIZONA)
)ss.
COUNTY OF _____)

The undersigned declarant(s), _____, being first duly sworn upon oath, deposes and says that:

- 1. I(We), at the time of making this declaration, am(are) at least 18 years of age and actually reside within the State of Arizona on the premises herein described.
- 2. I(We) select and designate the property described under Paragraph 4 below, together with all improvements thereon and appurtenances thereto, as my(our) Exempt Homestead under A.R.S. §33-1101, et seq., as amended laws 1989, which has a present equity value of \$ _____.
- 3. The property I(we) have selected and designated under Paragraph 2 above is the:
(check one)
 - a. land and dwelling house in which I(we) reside
 - b. condominium(townhouse) in which I(we) reside
 - c. mobile home in which I(we) reside
 - d. mobile home and land where situated in which I(we) reside.

4. The legal description of the property selected and designated above is:
 (Real Property Description): _____

(Mobile Home): Make _____ ; Year _____
Model _____ ; Serial(Registration) No. _____

Dated: _____

Declarant

Declarant's Spouse

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, this _____ day of _____, 19 _____, by _____

My Commission Expires: _____

Notary Public

When recorded, mail to:

Name: _____

Address: _____

City/State/Zip Code: _____

Space above this line for Recorder's use

DECLARATION OF HOMESTEAD

STATE OF ARIZONA)
)ss.
COUNTY OF _____)

The undersigned declarant(s), _____
_____, being first duly sworn upon oath, deposes and says that:

1. I(We), at the time of making this declaration, am(are) at least 18 years of age and actually reside within the State of Arizona on the premises herein described.
2. I(We) select and designate the property described under Paragraph 4 below, together with all improvements thereon and appurtenances thereto, as my(our) Exempt Homestead under A.R.S. §33-1101, et seq., as amended laws 1989, which has a present equity value of \$ _____.
3. The property I(we) have selected and designated under Paragraph 2 above is the:
(check one)
 - a. land and dwelling house in which I(we) reside
 - b. condominium(townhouse) in which I(we) reside
 - c. mobile home in which I(we) reside
 - d. mobile home and land where situated in which I(we) reside.

4. The legal description of the property selected and designated above is:

(Real Property Description): _____

(Mobile Home): Make _____ ; Year _____
Model _____ ; Serial(Registration) No. _____.

Dated: _____

Declarant

Declarant's Spouse

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, this _____ day of _____, 19 _____, by _____.

My Commission Expires: _____

Notary Public

When recorded, mail to:

Name: _____

Address: _____

City/State/Zip Code: _____

Space above this line for Recorder's use

WAIVER OR ABANDONMENT OF HOMESTEAD

KNOW ALL MEN BY THESE PRESENTS:

That I(we), _____, the undersigned releasor(s), being the owners (or previous owners) of that certain parcel of property designated and claimed exempt under A.R.S. §33-1101, et seq., as amended laws, to wit, the:

(check one)

- a. land and dwelling house in which I(we) reside
- b. condominium(townhouse) in which I(we) reside
- c. mobile home in which I(we) reside
- d. mobile home and land where situated in which I(we) reside;

And legally described as indicated below:

(Real Property Description): _____

_____;

(Mobile Home): Make _____ ; Year _____

Model _____ ; Serial(Registration) No. _____ ;

hereby waive and abandon all claim or rights under said A.R.S. §33-1101, et seq., in and to said property.

Dated: _____

Releasor

Releasor

STATE OF ARIZONA)

COUNTY OF _____)

ss.

ACKNOWLEDGMENT

On this _____ day of _____, 19 _____, before me, the undersigned Notary Public, personally appeared _____

known to me to be the individual(s) who executed the foregoing instrument and acknowledged that he(he)(they) executed the same for the purposes therein contained.

My Commission Expires: _____

Notary Public

IN THE JUSTICE COURT

PRECINCT _____
COUNTY OF _____, STATE OF ARIZONA

vs.

Plaintiff(s)

Defendant(s)

CASE NO. _____

**NOTICE OF PERSONAL PROPERTY
HOMESTEAD EXEMPTION**

TO: _____
(NAME OF PERSON HOLDING DEPOSIT OR PREPAID RENT)

NOTICE IS HEREBY GIVEN that I(we), _____, the undersigned defendant(s) in this Civil Proceeding above entitled and numbered, hereby give Notice of a Personal Property Homestead Exemption pursuant to A.R.S. § 33-1126(8), to exempt from process, the sum of _____ Dollars (\$ _____), deposited with (name and address of Landlord) _____

as (check applicable block) prepaid rent and/or (a refundable Security Deposit) under the terms of that certain Lease (Rental) Agreement dated _____, 19 _____, executed by and between _____, the Landlord, and _____, the tenant(s), for the premises known as _____ (Address of Rental Unit)

DATED: _____

DEFENDANT

CO-DEFENDANT

Address

City/State/Zip

STATE OF ARIZONA)

COUNTY OF _____)

) ss.

AFFIDAVIT OF SERVICE

The undersigned affiant, being first duly sworn on oath, deposes and says: That I am the defendant in the above entitled and numbered civil action; that I caused service of the herein "Notice of Personal Property Homestead Exemption" upon the above named Landlord by depositing the same with the U.S. Postal Service on _____, 19 _____, with postage prepaid, and a return receipt requested; that attached hereto is said mailing return receipt.

AFFIANT

SUBSCRIBED AND SWORN TO before me, the undersigned Public Officer, this _____ day of _____, 19 _____.

My Commission Expires: _____

(Notary Public) (Deputy Clerk)

IN THE JUSTICE COURT

PRECINCT _____
COUNTY OF _____, STATE OF ARIZONA

vs.

Plaintiff(s)

Defendant(s)

CASE NO. _____

**NOTICE OF PERSONAL PROPERTY
HOMESTEAD EXEMPTION**

TO: _____
(NAME OF PERSON HOLDING DEPOSIT OR PREPAID RENT)

NOTICE IS HEREBY GIVEN that I(we), _____, the undersigned defendant(s) in this Civil Proceeding above entitled and numbered, hereby give Notice of a Personal Property Homestead Exemption pursuant to A.R.S. § 33-1126(8), to exempt from process, the sum of _____ Dollars (\$ _____), deposited with (name and address of Landlord) _____

as (check applicable block) prepaid rent and/or (a refundable Security Deposit) under the terms of that certain Lease (Rental) Agreement dated _____, 19 _____, executed by and between _____, the Landlord, and _____, the tenant(s), for the premises known as _____ (Address of Rental Unit)

DATED: _____

DEFENDANT

CO-DEFENDANT

Address

City/State/Zip

STATE OF ARIZONA)
) ss.
COUNTY OF _____)

AFFIDAVIT OF SERVICE

The undersigned affiant, being first duly sworn on oath, deposes and says: That I am the defendant in the above entitled and numbered civil action; that I caused service of the herein "Notice of Personal Property Homestead Exemption" upon the above named Landlord by depositing the same with the U.S. Postal Service on _____, 19 _____, with postage prepaid, and a return receipt requested; that attached hereto is said mailing return receipt.

AFFIANT

SUBSCRIBED AND SWORN TO before me, the undersigned Public Officer, this _____ day of _____, 19 _____.

My Commission Expires: _____

(Notary Public) (Deputy Clerk)

IN THE JUSTICE COURT

PRECINCT _____
COUNTY OF _____, STATE OF ARIZONA

vs.

Plaintiff(s)

Defendant(s)

CASE NO. _____

NOTICE OF ELECTION TO EXEMPT FINANCIAL ACCOUNT

TO: _____
(NAME OF FINANCIAL INSTITUTION)

NOTICE IS HEREBY GIVEN that I(we), _____, the undersigned defendant(s) in this Civil Proceeding above entitled and numbered, hereby elects to designate as exempt property, pursuant to A.R.S. § 33-1126, the sum of _____ Dollars (\$ _____), on deposit with _____ (Name and complete address of financial institution where account is located) _____ in Account Number _____

DATED: _____

DEFENDANT

CO-DEFENDANT

Address

City/State/Zip

STATE OF ARIZONA)
COUNTY OF _____)

) ss.

AFFIDAVIT OF SERVICE

The undersigned affiant, being first duly sworn on oath, deposes and says: That I am the defendant in the above entitled and numbered civil action; that I caused service of the herein "Notice of Election to Exempt Financial Account" upon the above named Financial Institution by depositing the same with the U.S. Postal Service on _____, 19 _____, with postage prepaid, and a return receipt requested; that attached hereto is said mailing return receipt.

AFFIANT

SUBSCRIBED AND SWORN TO before me, the undersigned Public Officer, this _____ day of _____, 19 _____.

My Commission Expires: _____
(Notary Public) (Deputy Clerk)

IN THE JUSTICE COURT

PRECINCT _____
COUNTY OF _____, STATE OF ARIZONA

vs.

Plaintiff(s)

Defendant(s)

CASE NO. _____

NOTICE OF ELECTION TO EXEMPT FINANCIAL ACCOUNT

TO: _____
(NAME OF FINANCIAL INSTITUTION)

NOTICE IS HEREBY GIVEN that I(we), _____, the undersigned defendant(s) in this Civil Proceeding above entitled and numbered, hereby elects to designate as exempt property, pursuant to A.R.S. § 33-1126, the sum of _____ Dollars (\$ _____), on deposit with _____ (Name and complete address of financial institution where account is located) _____ in Account Number _____

DATED: _____
DEFENDANT
CO-DEFENDANT
Address
City/State/Zip

STATE OF ARIZONA)
COUNTY OF _____)

) ss.

AFFIDAVIT OF SERVICE

The undersigned affiant, being first duly sworn on oath, deposes and says: That I am the defendant in the above entitled and numbered civil action; that I caused service of the herein "Notice of Election to Exempt Financial Account" upon the above named Financial Institution by depositing the same with the U.S. Postal Service on _____, 19____, with postage prepaid, and a return receipt requested; that attached hereto is said mailing return receipt.

AFFIANT

SUBSCRIBED AND SWORN TO before me, the undersigned Public Officer, this _____ day of _____, 19____.

My Commission Expires: _____
(Notary Public) (Deputy Clerk)

