

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO

WILLIAM H. PAYNE and
ARTHUR R. MORALES,

Plaintiffs,

v.

CIVIL NO. 97-266 MCA/LFG

NATIONAL SECURITY AGENCY,

Defendant,

UNITED STATES OF AMERICA,

Garnishor,

and,

SANDIA LABORATORY FEDERAL CREDIT UNION
AND ITS SUCCESSORS OR ASSIGNS
ATTENTION: LOSS PREVENTION,

Garnishee.

UNITED STATES' OBJECTION TO EXEMPTION AND REQUEST FOR HEARING

Plaintiffs William H. Payne and Arthur R. Morales, the debtors in this garnishment proceeding, have not filed any objection to the garnishment in the manner provided by 28 U.S.C. § 3205(c)(5). However, they have presented affidavits to Sandia Laboratory Federal Credit Union, the garnishee, claiming that the funds held by the garnishee pursuant to the writ of garnishment are exempt, which the garnishee has filed with the Court. See Docket No. 133. The United States of America as garnishor

objects to any claim of exemption that the debtors may be asserting and requests that a hearing be set pursuant to 28 U.S.C. § 3014(b)(2) on the applicability of any exemption claimed by the debtors.

Respectfully submitted:

GREGORY J. FOURATT
United States Attorney

/s/ Electronically filed February 20, 2008

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I HEREBY CERTIFY that a true copy of the foregoing pleading was mailed, postage prepaid, on February 20, 2008, to the following non-participants in the CM/ECF electronic filing system:

William H. Payne at 13015 Calle De Sandias NE, Albuquerque, New Mexico 871111-2924;
Arthur Morales at 1400 Camino Amparo NW, Albuquerque, New Mexico 87107-2608;
Sandia Laboratory Federal Credit Union, c/o Kevin D. Hammar, Attorney for Garnishee, 1212 Pennsylvania NE, Albuquerque, New Mexico 87110.

/s/ JOHN ZAVITZ
JOHN ZAVITZ
Assistant United States Attorney