

Attorneys:

For plaintiffs: Hunt & Henriques, LLP by Donald Sherrill

For defendant: Anita Arteaga, Self-Represented Litigant

Tentative Ruling:

For all the reasons discussed below, the creditor's claim is denied. The wage garnishment is modified to yield \$175.00 per pay period. The levying officer is ordered to return to the debtor any amount over \$175.00 that it is withholding. The creditor is ordered to provide an order for this court's signature.

Background:

On August 27, 2025, judgment creditor Citibank NA obtained a judgment against judgment debtor Anita Arteaga; a writ of execution was issued on November 14, 2025 in the amount of \$4,104.49; an earnings withholding order was obtained from the levying officer and served on judgment debtor's employer; and it appears the levying officer is holding \$883.08 pursuant to the order.¹ The judgment debtor claims those funds are exempt as well as any future withholdings.

Analysis:

There are two exemptions at issue here. The first limits the amount that may be garnished. Pursuant to Code of Civil Procedure section 706.050, the maximum amount of disposable earnings of an individual judgment debtor for any workweek that is subject to garnishment/levy under an earnings withholding order shall not exceed the *lesser* of the following: (1) Twenty percent of the individual's disposable earnings for that week; or (2) Forty percent of the amount by which the individual's disposable earnings for that week exceed 48 times the state minimum hourly wage in effect at the time the earnings are payable.² This exemption is automatic--i.e., no claim of exemption need be made. (Code Civ. Proc., § 706.050.) According to the judgment creditor, after application of this exemption, \$528.51 may be garnished per pay period.

¹ Although the Opposition to the Claim of Exemption states that the Sheriff's Office is holding \$653.21, the Memo to Superior Court from the Sheriff's Office submitted on April 13, 2026, states that it is holding \$0. On April 15, 2026, the Sheriff's Office submitted another memo indicating it was holding \$883.08. It is unclear why there is a discrepancy between the opposition and the levying officer, but the court presumes the levying officer has correctly reported the amount it is withholding. (See Code Civ. Proc., § 706.025, subds. (a)-(b)--employer must deliver funds to levying officer pursuant to statutory schedule.)

² "Disposable earnings" are those earnings remaining after deduction of any amounts required by law to be withheld. (Code Civ. Proc. § 706.011, subd. (a).) These include deductions for social security, federal and state income taxes, state disability insurance and payments to public employee retirement systems, among other items.

However, the judgment debtor also asserts that her earnings are necessary for her support and that of her family and are therefore not available for garnishment. (Code Civ. Proc. § 706.051, sub. (a)(1).) This exemption is used to reduce the disposable income amount. To obtain this exemption, the judgment debtor must file a claim of exemption with the levying officer. (Code Civ. Proc. § 706.105, subd. (a).) A completed financial statement must be attached to the claim of exemption. The Financial Statement includes 13 discrete categories of monthly expenses (including one labeled “miscellaneous”). The reasonableness of the expenses reported in each category must be assessed. Although the burden of proof lies with the party claiming the exemption, exemption statutes are generally construed in favor of the debtor. (*Kono v. Meeker* (2011) 196 Cal.App.4th 81, 86.) While there is no precise definition of what expenses are “necessary” for the support of a judgment debtor and her family, they normally include housing costs, food, insurance, automobile costs, etc. The court is required to consider the circumstances in each case. What is “necessary” in some circumstances may be a luxury in others. (See, e.g., *J.J. MacIntyre Co. v. Duren* (1981) 118 Cal.App.3d Supp. 16, 18 [decided under former Code Civ. Proc., § 723.05]; see *Diamond Bent* (1957) 157 Cal.App.2d Supp. 857, 859 [decided under former law, and concluding that monthly expenses to send judgment debtor’s daughters found to be reasonable and necessary]; see also *Sanker v. Humborg* (1941) 48 Cal.App.2d 205, 208 [miscellaneous expenses for recreation, music lessons, and insurance for debtor’s wife and family are necessary].)

According to debtor’s financial statement, she has no spouse, and has two children living with her, the youngest of which has an ongoing medical condition that adds additional expenses. She claims her gross monthly pay is \$4,293.58.³ She is paid every two weeks (meaning she is paid 26 times a year). Her federal and state withholdings (FICA and SDI) are \$1,384, and her health costs are \$1,447 a month. Debtor also claims retirement contributions and retirement pickup in the amount of \$1,193, and deferred compensation and medical spending account contributions of \$643. She receives child support each month in the amount of \$517. Taking all this into account, debtor states her total monthly income is \$5,150.00.

She claims her monthly disposable income is reduced by necessary monthly expenses totaling \$5,125, as follows: 1) \$2,056 for rent or house payment; 2) \$350 for “food and household” supplies; 3) \$350 for utilities and telephone; 4) \$0 for clothing; 5) \$150 for medical and dental payments; 6) \$120 for insurance (life, health, and accident); 7) \$300 for transportation and auto expenses (insurance, gas, repair) (this does not include a car payment); 8) \$100 for laundry and cleaning; and 9) \$0 for entertainment. The debtor included in her total monthly expenses four debt payments totaling \$1,659. Debtor indicates she wants to take responsibility for this debt and indicates that she can afford approximately \$100 to \$200 per pay period.

³ This is not challenged by the creditor. The court thus assumes that this number is correct.

The creditor points out that the debtor's financial statement includes allocations for other creditors who did not obtain judgments totaling \$1,276 per month. The creditor requests that that "Judgment Debtor's Claim of Exemption be denied and that the wage garnishment be modified to yield no less than \$175.00 per pay period."

The court agrees a debtor cannot generally elevate one debt over another via installment payments when no judgment has been secured. These are not necessary expenses and are not included as part of the hardship exemption. Thus, once reduced by that amount, the debtor's monthly expenses as reported amount to \$3,431, which is well below her net monthly income and accommodates the \$528.51 garnishment. The claim of exemption is thus denied.

Nevertheless, since the judgment debtor is willing to take \$175 per pay period, the court orders that the wage garnishment be modified to that amount.

The creditor's claim is denied. The wage garnishment is modified to yield \$175.00 per pay period. The levying officer is ordered to return to the debtor any amount over \$175.00 that it is withholding.

The parties are instructed to appear at the hearing for oral argument. Appearance by Zoom Videoconference is optional and does not require the filing of Judicial Council form RA-010, Notice of Remote Appearance. (See [Remote Appearance \(Zoom\) Information | Superior Court of California | County of Santa Barbara.](#))