

REQUEST TO DISCHARGE EXECUTION ON REAL PROPERTY
(14 M.R.S.A. §4651-A(8))

Date: _____

To: _____

RE: Judgement lien issued in case of

_____ v. _____

executed on property located at

in _____ Registry of Deeds
(County)

My name is _____.

You obtained a judgment against me in the amount of _____ in the above case and executed a judgment lien against my above-listed property.

(Check all that apply)

_____ This property is my primary residence.

_____ This property is the primary residence of my spouse, _____.

_____ This property is the primary residence of my minor children.

_____ I am disabled.

_____ Another person in my household is disabled (Specify who, child, spouse, etc.)

_____ I am 60 years of age or older.

_____ Another person whose primary residence is at this property is 60 years or older.

The value of my property is _____.

I have a mortgage against my property in the amount of _____.

My interest in this property does not exceed the statutory maximums and the residence is therefore exempt from attachment under 14 M.R.S.A. §4422(1)(A).

Please accept this letter as a demand, pursuant to 14 M.R.S.A. §4651-A(8), that you discharge the execution on my real property located in _____ County, Maine within 15 days of your receipt of this letter. I would ask that you please copy me with your letter to the Registry discharging said lien.

Thank you for your cooperation in this matter. Please contact me with any questions or concerns that you may have.

Sincerely,

Homeowner

Address: _____

Phone: _____

14 M.R.S.A. § 4422

§ 4422. Exempt property

The following property is exempt from attachment and execution, except to the extent that it has been fraudulently conveyed by the debtor.

1. Residence. The exemption of a debtor's residence is subject to this subsection.

A. Except as provided in paragraph B, the debtor's aggregate interest, not to exceed \$47,500 in value, in real or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, except that if minor dependents of the debtor have their principal place of residence with the debtor, the debtor's aggregate interest may not exceed \$95,000 and except that if the debtor's interest is held jointly with any other person or persons, the exemption may not exceed in value the lesser of \$47,500 or the product of the debtor's fractional share times \$95,000.

B. The debtor's aggregate interest, not to exceed \$95,000 in value, in property described in paragraph A, if the debtor or a dependent of the debtor is either a person 60 years of age or older or a person physically or mentally disabled and because of such disability is unable to engage in substantial gainful employment and whose disability has lasted or can be expected to last for at least 12 months or can be expected to result in death; except that if the debtor's interest is held jointly with any other person or persons, the exemption may not exceed in value the lesser of \$95,000 or the product of the fractional share of the debtor's interest times \$190,000. This paragraph does not apply to liens obtained prior to its effective date or to judgments based on torts involving other than ordinary negligence on the part of the debtor.

C. That portion of the proceeds from any sale of property which is exempt under this section shall be exempt for a period of 6 months from the date of receipt of such proceeds for purposes of reinvesting in a residence within that period.

14 M.R.S.A. § 4651-A(8)

§ 4651-A. Execution liens

8. Abuse of lien process. A creditor who fails to discharge an execution filed against property of a debtor that is exempt from attachment and execution is liable to the debtor for actual damages suffered as a result of the failure to discharge if the debtor gave written notice and proof to the creditor that the property filed against is exempt from attachment and execution and the creditor failed to discharge the execution within 15 days after receiving the notice and proof. A debtor who prevails in an action to recover damages under this subsection is entitled to reasonable attorney's fees and costs incurred in bringing the action.