

NOTICE OF COURT PROCEEDING TO COLLECT DEBT¹

Date of Mailing or Date of Service by the Court _____

TO: _____
Name of Judgment Debtor Last Known Residence Address of Judgment Debtor

You owe the undersigned _____ \$ _____
Name of Judgment Creditor

including interest and court costs, for which a judgment was obtained against you or certified in the _____
Court on _____, _____, payment of which is hereby demanded.

If you do not do one of the three things listed below within fifteen days of the date of the mailing of this notice or of its service by the Court, we will go to Court, unless we are otherwise precluded by law from doing so, and ask that your employer be ordered to withhold money from your earnings until the judgment is paid in full or if applicable is paid to a certain extent and to pay the withheld money to the Court in satisfaction of your debt. This is called garnishment of personal earning. It is to your advantage to avoid garnishment of personal earnings because the placing of the extra burden on your employer possibly could cause you to lose your job.

YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE THREE THINGS WITHIN THE FIFTEEN-DAY PERIOD:

- (1) Pay to us the amount due;
(2) Complete the attached form entitled "Payment To Avoid Garnishment" and return it to us with the payment, if any, shown due on it; or
(3) Apply to your local municipal or county court or, if you are not a resident of Ohio, to the municipal or county court in whose jurisdiction your place of employment is located, for the appointment of a trustee to receive the part of your earnings that is not exempt from garnishment. and notify us that you have applied for the appointment of a trustee. You will be required to list your creditors, the amount of their claims, and the amounts due on their claims, and the amount you then will pay to your trustee each payday will be divided among them until the debts are paid off. This can be to your advantage because in the meantime none of those creditors can garnish your wages.

You also may contact a budget and debt counseling service described in division (D) of Section 2716.03 of the Ohio Revised Code for the purpose of entering into an agreement of debt scheduling. There may not be enough time to set up an agreement for debt scheduling in order to avoid a garnishment of your wages based upon this demand for payment, but entering into such an agreement for debt scheduling might protect you from future garnishments of your wages. Under an agreement for debt scheduling you will have to regularly pay a portion of your income to the service until the debts subject to the agreement are paid off. This portion of your income will be paid by the service to your creditors who are owed debts subject to the agreement. This can be to your advantage because these creditors cannot garnish your wages while you make your payments to the service on time.

Address of Judgment Creditor Name of Judgment Creditor

Signature of Judgment Creditor or Agent

(cut Along Dotted Line)

PAYMENT TO AVOID GARNISHMENT

TO: _____ (Name of Judgment Creditor) _____ (Address of Judgment Creditor)

To avoid the garnishment of personal earnings of which you have given me notice, I enclose \$ _____ to apply toward my indebtedness to you. The amount of the payment was computed as follows:

- 1. Total amount of indebtedness demanded: (1) \$ _____
2. Enter the amount of your personal earnings after deductions required by law, earned by you during the current pay period, (that is, the pay period in which this demand is received by you) (2) \$ _____
3. (A) Enter your pay period (weekly, bi-weekly, semi-monthly, monthly): (3) \$ _____
3. (B) Enter the date when your present pay period ends _____
4. Enter an amount equal to 25% of the amount on line 2: (4) \$ _____
5. (A) The current federal minimum hourly wage is \$ _____ (to be filled in by judgment creditor). You should use the above figure to complete this portion of the form. If you are paid weekly, enter thirty times the current federal minimum hourly wage; if paid bi-weekly, enter sixty times the current federal minimum hourly wage; if paid semi-monthly, enter sixty-five times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty times the current federal minimum hourly wage: (5A) \$ _____
(B) Enter the amount by which the amount on line 2 exceeds the amount on line 5(A): (5B) \$ _____
6. Enter the smallest of the amounts on lines 1, 4, or 5(B). Send this amount to the judgment creditor along with this form after you have signed it: (6) \$ _____

I certify that the statements contained above are true to the best of my knowledge and belief.

(Print Name and Residence Address of Judgment Debtor) (Signature of Judgment Debtor)

(To verify that the amount shown on line (2) is a true statement of your earnings, you must either have your employer certify below that the amount shown on line (2) is a true statement of your earnings or you may submit copies of your pay stubs for the two pay periods immediately prior to your receiving this notice.)

I certify that the amount shown on line (2) is a true statement of the judgement debtor's earnings. _____ (Print Name of Employer) _____ (Signature of Employer or Agent)

I certify that I have attached copies of my pay stubs for the two pay periods immediately prior to my receiving this notice.

AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

THE STATE OF OHIO
COUNTY OF _____, SS

Court
_____, Ohio

vs. Judgment Creditor

Docket No. _____ Page _____
Case No. _____

Judgment Debtor

AFFIDAVIT

Having first been duly sworn or solemnly affirmed to do so, I hereby state that I am the judgment creditor or the attorney for the judgment creditor in the above referenced case against the named judgment debtor that the garnishee named in section A may have in the garnishee's hands or control money, property, or credits, other than personal earnings, of the judgment debtor.

AMOUNT NOW DUE \$ _____

DESCRIPTION OF PROPERTY / BANK ACCOUNT INFORMATION: _____

ATTORNEY FOR JUDGMENT CREDITOR

Sworn to and subscribed before me
this _____ day of _____

NOTARY PUBLIC

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To: _____, Garnishee

The Judgment Creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this court stating that you may have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the Judgment Debtor. You are therefore ordered to complete the "Answer of Garnishee" in Section (B) of this form. Return one completed and signed copy of this form to the clerk of this court, together with the amount determined in accordance with the "Answer of Garnishee" by the following date on which a hearing is tentatively scheduled relative to this Order of Garnishment.

Deliver one completed and signed copy of this form to the judgment debtor prior to that date. Keep the other completed and signed copy of this form for your files.

The Total Probable Amount now due on this judgment is \$ _____

The Total Probable Amount now due includes the unpaid portion of the Judgment in favor of the Judgment Creditor, which is \$ _____; Interest on that Judgment and, if applicable, prejudgment interest relative to that Judgment at the rate of _____% per annum payable until that Judgment is satisfied in full; and court cost in the amount of \$ _____

You also are ordered to hold safely anything of value that belongs to the Judgment Debtor and that has to be paid to the court, as determined under the "Answer of Garnishee" in Section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this _____ day of _____

Judge

SECTION B. ANSWER OF GARNISHEE

(Answer All Pertinent Questions)

Now comes _____ the garnishee herein who says:

1. That the Garnishee has more than \$400.00 in money, property, or credits other than personal earnings of the Judgment Debtor under the Garnishee's control and in the Garnishee's possession. YES NO

If yes Amount (amount over \$400.00) _____

2. That property is described as: _____

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in Section (A) of this form, sign and return this form and pay the amount of line 1 to the Clerk of this Court.

4. If the answer to line 1 is "yes" and the amount is greater than the probable amount now due on the Judgment, as indicated in Section (A) of this form, sign and return this form and pay that probable amount now due to the Clerk of this Court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the Clerk of the Court, indicate that by placing an "X" in this space . Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no", sign and return this form to the Clerk of this Court.

I certify that the statements above are true.

(Print Name of Garnishee)

(Print Name and Title of Person Who Completed Form)

Signed _____
(Signature of Person Completing Form)
(Sign all copies)

Copy delivered to Judgment Debtor this _____ day of _____,

SECTION A SHALL BE FILLED IN BEFORE SERVICE. SECTION B SHALL BE FILLED IN BY THE GARNISHEE AND THE ORIGINAL FILED WITH THE COURT AS HIS ANSWER. THE GARNISHEE MAY KEEP ONE COMPLETED COPY AND SHALL DELIVER THE OTHER COMPLETED TO THE JUDGMENT DEBTOR.

TO: SHERIFF, CONSTABLE, BAILIFF

You are hereby directed to serve three (3) copies of this order of Garnishment of property other than personal earnings, together with the Garnishee's fee as provided for in O.R.C. 2716.12 with a written notice that the Garnishee answer as provided in O.R.C. 2716.21 on the Garnishee named herein.

Clerk - Deputy Clerk

RETURN OF SERVICE

On the _____ day of _____,

I served this writ on the within named by

- personal service
- other (O.R.C. 2716.21)

Received _____,

(Sheriff - Bailiff - Constable)

Returned and filed _____,

I certify this to be a true copy of the original Order and Notice with all indorsements thereon.

FEEES

Service and return _____

Mileage _____

(Sheriff - Bailiff - Constable)

By _____
Deputy

NOTICE TO JUDGMENT DEBTOR

		Court,
	}	, Ohio.
Judgment Creditor _		
vs		Case No. _____
Judgment Debtor _		

MONEY - PROPERTY - CREDITS

You are hereby notified that this court has issued an order in the above case in favor of

(Name and Address of Judgment Creditor)

the judgment creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings now in the possession of _____

(Name and Address of Garnishee)

the garnishee in this proceeding to be used to satisfy your debt to the judgment creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in _____

_____ Court, in Case No. _____ on _____, _____

Upon your receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

- (1) Workers' Compensation Benefits;
- (2) Unemployment Compensation Payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and Services under the prevention, retention and contingency program;
- (5) Disability assistance administered by the Ohio Department of Job and Family Services;
- (6) Social Security Benefits;
- (7) Supplemental Security Income (S.S.I.);
- (8) Veteran's Benefits;
- (9) Black Lung Benefits;
- (10) Certain Pensions.

There may be other benefits not included in the above list that apply in your case.

If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, attached, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the Clerk of this Court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your property in the space provided on the form however you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing. If you do not state your reasons, it will not be held against you by the court and you can state your reasons at the hearing. No objections to the judgment itself will be heard or considered at the hearing.

If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the judgment creditor.

REQUEST FOR HEARING (MONEY - PROPERTY - CREDITS)

Case No. _____ Court,
_____, Ohio.

I dispute the judgment creditor's right to garnish my money, property, or credits, or other than personal earnings, in the above case and request that a hearing in this matter be held _____ the date and time set forth in the document entitled "NOTICE TO THE JUDGMENT DEBTOR" that I received with this request form. (Insert "on" or "earlier than")

I dispute the judgment creditor's right to garnish my property for the following reasons: (1)

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

Date: _____

(Name of Judgment Debtor-Print)

(Signature)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF _____
(Garnishee's Name)

_____ **WILL BE PAID TO** _____ **TO SATISFY**
(Judgment Creditor's Name)

SOME OF YOUR DEBT TO _____
(Judgment Creditor's Name)