

CASE NO: _____

(JUDGMENT CREDITOR)

vs.

Date of Judgment: _____

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

SSN LAST FOUR DIGITS (OPTIONAL): _____

(JUDGMENT DEBTOR)

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 there is good reason to believe, and do believe, that the garnishee named in section (A) below- may be an employer of the judgment debtor and may have personal earnings owing to the judgment debtor. The written demand on judgment debtor required by section 2716.02 of the Revised Code has been made at least 15 days and not more than 45 days before the date of the filing of this affidavit; that the payment demanded in said written demand has not been made, and sufficient portion of the payment has not been made to prevent the garnishment of personal earnings as described in said section; that I have no knowledge of any application by the judgment debtor for the appointment of a trustee, or that the debtor is the subject of a debt scheduling agreement, either of which would preclude the garnishment of the judgment debtor's personal earnings.

FURTHER AFFIANT SAYETH NOT.

SIGNATURE: JUDGMENT CREDITOR/ATTORNEY (SIGNATURE ON ORIGINAL ONLY)

SWORN TO & SUBSCRIBED BEFORE ME ON _____

NOTARY PUBLIC (SIGNATURE ON ORIGINAL ONLY)

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

TO: Garnishee _____
(Name, Address, City, State and Zip Code)

The judgment creditor in the above case has filed the above affidavit, satisfactory to the undersigned; in this court stating that you may owe the judgment debtor money for personal earnings.

You are therefore ordered to complete the "ANSWER OF EMPLOYER (GARNISHEE)" in section B of this form. Return one completed AND SIGNED copy of this form to the clerk of this court within five (5) business days after you receive this order of garnishment. Deliver one completed and signed copy of this form, and the accompanying documents entitled "NOTICE TO THE JUDGMENT DEBTOR" and "REQUEST FOR HEARING." to the judgment debtor. Keep the other completed and signed copy of this form for your files.

Total Probable Amount Now Due includes the unpaid portion of the Judgment which is: \$ _____

Judgment Interest and, if applicable, pre-judgment interest relative to the Judgment at: _____% per annum payable until Judgment is satisfied

Court Costs in the amount of: \$ _____

Total Probable Amount Now Due on Judgment Is: \$ _____

This order of garnishment of personal earnings is a continuous order that generally requires you to withhold a specified amount, calculated each pay period at the statutory percentage, of the judgment debtor's personal disposable earnings during each pay period, as determined in accordance with the "INTERIM REPORT AND ANSWER OF GARNISHEE," from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor commencing with the first full pay period beginning after you receive the order until the judgment in favor of the judgment creditor and the associated court costs, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor as described above have been paid in full. You generally must pay that specified amount calculated each pay period at the statutory percentage to the clerk of this court within thirty (30) days after the end of each pay period of the judgment debtor and must include with that specified amount calculated each pay period at the statutory percentage an "INTERIM REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.07 of the Ohio Revised Code. A copy of the "INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings, and you may photocopy it to use each time you pay the specified amount to the clerk of this court. You are permitted to deduct a processing fee of up to three dollars from the judgment debtor's personal disposable earnings for any pay period of the judgment debtor that an amount was withheld for that order (the processing fee is not a part of the court costs). You are not required to file with the court the INTERIM REPORT AND ANSWER OF GARNISHEE for any pay period of the judgment debtor for which an amount from the judgment debtor's personal disposable earnings during that pay period was not withheld for that order.

This order of garnishment of personal earnings generally will remain in effect until one of the following occurs:

(1) The total probable amount due on the judgment as described above is paid in full as a result of your withholding of the specified amount, CALCULATED EACH PAY PERIOD AT THE STATUTORY PERCENTAGE, from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor that commenced with the first full pay period beginning after you receive the order..

(2) The judgment creditor or the judgment creditor's attorney files with this court a written notice that the total probable amount due on the judgment as described above has been satisfied or the judgment creditor or the judgment creditor's attorney files a written request to terminate this order of garnishment and release you from the mandate of this order of garnishment.

(3) A municipal or county court appoints a trustee for the judgment debtor and issues to you an order that stays this order of garnishment of personal earnings.

(4) A federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.

(5) A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and Ohio or federal law provides the other order with a higher priority than this order.

(6) A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and that does not have a higher priority than this order.

(7) The judgment creditor or the judgment creditor's attorney files with this court a written request to terminate and release the order or garnishment, as a result, the order of garnishment will cease to remain in effect.

Under any of the circumstances listed above, you are required to file with this court a "FINAL REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.08 of the Ohio Revised Code. A copy of the "FINAL REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings. Under the circumstances listed in (5) and (6) above, you must cease processing this order of garnishment after the expiration of the full pay period within which the one hundred eighty-second (182) day after you began processing it falls.

Special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple orders of garnishment with respect to the same judgment debtor. These rules are set forth in section 2716.041 of the Ohio Revised Code An employer guide to processing continuous orders of garnishment is included with this order of garnishment. YOU SHOULD BECOME FAMILIAR WITH THESE RULES.

Witness my hand & seal of this Court this _____ (Date)

JUDGE FRANKLIN COUNTY MUNICIPAL COURT

Judgment Creditor/Attorney ATTY I.D.

Address

DEPUTY CLERK

City, State, Zip Code Phone Number

SECTION B. ANSWER OF EMPLOYER (GARNISHEE)

(An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the judgment debtor.)
(Answer all pertinent questions)

Now comes _____, the employer (GARNISHEE) herein, who says:

- 1. This order of garnishment of personal earnings was received on _____ (date).
- 2. The judgment debtor is in my/our employ: 2. Yes No

If answer is "No," give date of last employment: _____ (date)

3. (A) Is the debt to which this order of garnishment of personal earnings pertains the subject of an existing agreement for debt scheduling between the judgment debtor and a budget and debt counseling service and has the judgment debtor made every payment that was due under the agreement for debt scheduling no later than forty-five days after the date on which the payment was due? If the answer to both parts of this question is "Yes," give all available details of the agreement, sign this form, and return it to the court.

3.(A) Yes No 3. (A) Details: _____

(B) Were you, on the date that you received this order of garnishment of personal earnings, withholding moneys from the judgment debtor's personal disposable earnings pursuant to another order of garnishment of personal earnings that Ohio or federal law provides with a higher priority than this order of garnishment of personal earnings (such as a support order or Internal Revenue Service levy)? If the answer to this question is "Yes," give the name of the court that issued the higher priority order, the associated case number, the date upon which you received that order, and the balance due to the relevant judgment creditor under that order.

3.(B) Yes No 3. (B) Details: _____

(C) Did you receive, prior to the date that you received this order of garnishment of personal earnings, one or more other orders of garnishment of personal earnings that are not described in question 3(B), and are you currently processing one or more of those orders for the statutorily required time period or holding one or more of those orders for processing for a statutorily required period in the sequence of their receipt by you? If the answer to this question is "Yes," give the name of the court that issued each of those previously received orders, the associated case numbers, the date upon which you received each of those orders, and the balance due to the relevant judgment creditor under each of those orders. List first the previously received order(s) that you are currently processing, and list each of the other previously received orders in the sequence that you are required to process them.

3.(C) Yes No 3. (C) Details: _____

I certify that the statements above are true. _____
(Print Name of Employer)

(Print Name and Title of Person Who Completed Form On Behalf of the Employer)

Signed: _____ Dated this _____ day of _____, 20____
(Signature of Employer or Employer's Agent)

THE STATE OF OHIO
FRANKLIN COUNTY
CITY OF COLUMBUS

THE FOLLOWING FOR COURT USE ONLY
FOR BAILIFF OR SHERIFF RETURN

I certify this to be a true copy of the original order with all endorsements thereon. Pursuant to the within command, I served the within "Order and Notice of Garnishment and Answer of Employer" upon the within named garnishee by leaving three (3) true and certified copies thereof, with all endorsements thereon, along with two (2) copies of the "Notice to the Judgment Debtor" and "Request for Hearing" forms, one (1) copy of the "Interim Report and Answer of Garnishee", "Final Report and Answer of Garnishee" and "Employer Guide To Processing Continuous Orders of Garnishment" forms attached thereto, at the office and usual place of business of said garnishee.

AT _____ M., On _____ with
in charge thereof. The president or other chief officer not found in my bailiwick.

BAILIFF, BY: _____
DEPUTY BAILIFF/SHERIFF