

**ORDER AND NOTICE OF GARNISHMENT
AND ANSWER OF EMPLOYER**

Case No. _____

The State of Ohio
County of Cuyahoga, SS

_____, **Judgment Creditor**

VS.

_____, **Judgment Debtor**

Address



Clerk's Received Stamp (**Initial Filing**)

GARFIELD HEIGHTS MUNICIPAL COURT
JE'NINE A. NICKERSON, CLERK
ATTN: GARNISHMENTS
5555 TURNEY ROAD
GARFIELD HEIGHTS, OH 44125-3778
PHONE: (216) 475-1900

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To: _____, Garnishee (name and address of employer)

The judgment creditor in the above case has filed an 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 Judgment debtor and Request for Hearing to the judgment debtor. 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, pre-judgment interest relative to the judgment at the rate of: _____ %
per annum payable until that judgment is satisfied in full
- Court costs in the amount of: \$ _____

This order of garnishment of personal earnings is a continuous order that requires you to withhold a specified amount, calculate each pay period at the statutory percentage, of the judgment debtor's personal disposable earnings during each pay period of the judgment debtor 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 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 (3) 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 remains in effect until whichever of the following occurs first:

1. The total probable amount due on the judgment, as described above, is paid in full to the judgment creditor as a result of your withholding the specified amount from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor's disposable earnings during each pay period of the judgment debtor commencing with the first full pay period beginning after you received this order.
2. The judgment creditor or 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 you an order that stays this order of garnishment of personal earnings.
4. A bankruptcy court of the United States issues to you an order that stays this order of garnishment of personal earnings.
5. A municipal or county court or 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, county, or court of common pleas issues you another order of garnishment of personal earnings that relates to the Judgment debtor and a different judgment creditor and 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 of garnishment, and 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 §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 fails.

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 set forth in §2716.041 of the Ohio Revised Code. An employer guide to processing continuous order of garnishment is included with this order of garnishment. You should become familiar with these rules.

Witness my hand and the seal of this court this _____ day of _____, 20_____.

Judge, Garfield Heights Municipal Court

SECTION B: ANSWER OF EMPLOYER

Case No. _____

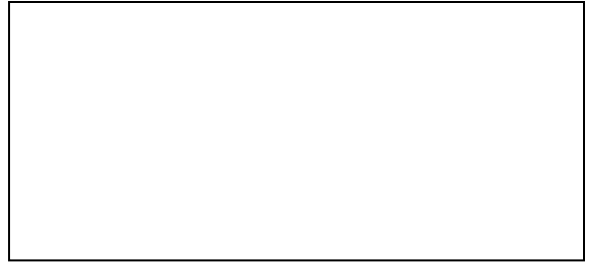
The State of Ohio
County of Cuyahoga, SS

_____, **Judgment Creditor**

vs.

_____, **Judgment Debtor**

Address



Clerk's Received Stamp

GARFIELD HEIGHTS MUNICIPAL COURT
JE'NINE A. NICKERSON, CLERK
ATTN: GARNISHMENTS
5555 TURNEY ROAD
GARFIELD HEIGHTS, OH 44125-3778
PHONE: (216) 475-1900

An employer is the 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): (1) _____
- 2. The judgment debtor is in my/our employee. (2) () Yes () No

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

If never employed, check here _____

- 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 (45) days after the date on which the payment was due? 3(A) () Yes () No

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.

Details of Agreement: _____

- (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)? 3(B) () Yes () No

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.

Court Name: _____

Associated Case Number: _____

Date Order Received: _____ Balance Due Creditor: \$ _____

(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?

3(C) () Yes () No

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 number, 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.

Court Name: _____

Associated Case Number: _____

Date Order Received: _____ Balance Due Creditor: \$ _____

I certify that the statements above are true.

Print name of employer

Signature of Employer or Employer's Agent

Print name and Title of Person Completing Form on Behalf of Employer

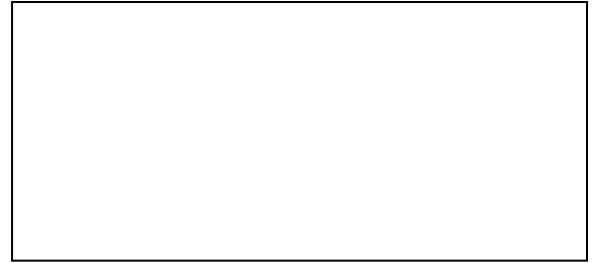
Phone Number

Dated this _____ day of _____, 20____

**REQUEST FOR HEARING
PERSONAL EARNINGS**

Case No. _____

The State of Ohio
County of Cuyahoga, SS



Clerk's Received Stamp

_____, **Judgment Creditor**

vs.

_____, **Judgment Debtor**

GARFIELD HEIGHTS MUNICIPAL COURT
JE'NINE A. NICKERSON, CLERK
ATTN: GARNISHMENTS
5555 TURNEY ROAD
GARFIELD HEIGHTS, OH 44125-3778
PHONE: (216) 475-1900

I dispute the judgment creditor's right to garnish my personal earnings in the above case and request that a hearing in this matter be held no later than twelve (12) days after delivery of this request to the court.

I do / do not (circle one) feel that the need for a hearing is an emergency.

I dispute the Judgment Creditor's right to garnish my personal earnings for the following reasons:

(optional)

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

Print Name of Judgment Debtor

Address of Judgment Debtor

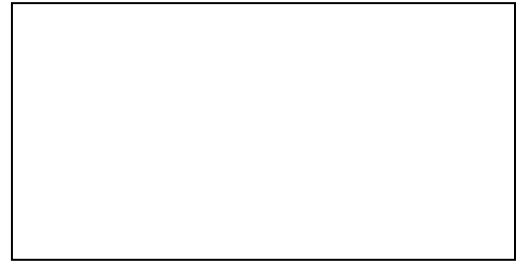
Signature of Judgment Debtor

Date: _____

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 WILL WAIVE YOUR RIGHT TO A HEARING, AND SOME OF YOUR PERSONAL EARNINGS WILL BE PAID TO THE ABOVE-NAMED JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

INTERIM REPORT AND ANSWER OF GARNISHEE

GARFIELD HEIGHTS MUNICIPAL COURT
ATTN: CLERK OF COURT/GARNISHMENT DEPARTMENT
5555 TURNEY ROAD
GARFIELD HEIGHTS, OH 44125-3778
PHONE: (216) 475-1900



Clerk's Received Stamp

Case No. _____

Judgment Creditor vs. **Judgment Debtor**

The employer _____ (garnishee), in the above case states as follows:

1. The date that the garnishee received the order of garnishment of the judgment debtor's personal earnings. 1. _____
2. The total probable amount due on the judgment, including court costs, judgment interest and, if applicable, pre-judgment interest, as stated in either Section A of the order of garnishment of the judgment debtor's personal earnings OR in the Affidavit of Current Balance Due on garnishment order if that Affidavit has been received subsequent to the order of garnishment. 2. \$ _____
3. The pay period of the judgment debtor is (enter weekly, biweekly, semi-monthly or monthly). Do not enter a pay period of more than one month. 3. _____
4. The disposable earnings of the judgment debtor earned during the judgment debtor's present pay period. (Note: "Disposable earnings" means earnings after deductions required by law. "Present pay period" means the pay period for which you are completing this Interim Report and Answer of Garnishee.) 4. _____
5. The amount equal to twenty-five percent (25%) of the judgment debtor's disposable earnings set forth on line 4 of this form. 5. \$ _____
6. _____ times the current federal minimum hourly wage (if the judgment debtor is paid weekly, enter thirty (30) above; if paid bi-weekly, enter sixty (60); if paid semi-monthly, enter sixty-five (65); if paid monthly, enter one hundred thirty (130)). Calculate the amount. 6. \$ _____
7. The amount by which the amount on line 4 of this form exceeds the amount on line 6 of this form. 7. \$ _____
8. The smallest of either the amount entered on line 5 of this form, the amount entered on line 7 of this form, or the amount entered on line 2 of this form. 8. \$ _____
9. The amount entered on line 8 of this form, plus or minus (as appropriate) the garnishee's processing fee. If the amount entered on line 8 of this form equals the amount entered on line 2 of this form, then add up to three dollars (\$3); otherwise subtract up to three dollars (\$3). 9. \$ _____
10. Other deductions. 10. \$ _____
11. The calculated amount withheld from the judgment debtor's personal earnings during the judgment debtor's present pay period and that is submitted with this Interim Report and Answer of Garnishee. 11. \$ _____

I certify that the statements above are true.

Signed _____
Signature of Person Completing Form

Print Name of Employer

Print Name of Person Completing Form

Telephone _____
Area Code/Phone Number

Print Title of Person Completing Form

Dated _____

FINAL REPORT AND ANSWER OF GARNISHEE

GARFIELD HEIGHTS MUNICIPAL COURT
ATTN: CLERK OF COURT/GARNISHMENT DEPARTMENT
5555 TURNEY ROAD
GARFIELD HEIGHTS, OH 44125-3778
PHONE: (216) 475-1900



Clerk's Received Stamp

Case No. _____

Judgment Creditor vs. _____
Judgment Debtor

The employer _____ (garnishee), in the above case states as follows:

1. The date that the garnishee received the order of garnishment of the judgment debtor's personal earnings. 1. _____
2. The total probable amount due on the judgment, including court costs, judgment interest and, if applicable, pre-judgment interest, as stated in either Section A of the order of garnishment of the judgment debtor's personal earnings. 2. \$ _____
3. The total amount that has been withheld from the judgment debtor's personal disposable earnings and paid to the court while the order of garnishment of the judgment debtor's personal earnings remained in effect. 3. \$ _____
4. When applicable, the total probable amount due on the judgment (as stated on line 2 above) is not equal to the total amount that has been withheld (as stated on line 3 above). The reason for that difference is that the order of garnishment of the judgment debtor's personal earnings ceased to be in effect for the following statutorily prescribed reason(s). Check whichever apply.

(a) A municipal or county court appointed a trustee for the judgment debtor and issued an order that stays the order of garnishment of the judgment debtor's personal earnings.

(b) A federal bankruptcy court issued an order that stays the order of garnishment of the judgment debtor's personal earnings.

(c) A municipal or county court, or court of common pleas issued 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 a higher priority. (Set forth the name of the court that issued the higher priority order, the associated case number, the date the higher priority order was received, and the balance due to the relevant judgment creditor under that order):

Court Name: _____ Associated Case Number: _____

Date order received: _____ Balance Due Creditor: \$ _____

(d) A municipal or county court, or court of common pleas issued another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and that is not described in 4(c) above. (Set forth the name of the court that issued the subsequently received order, the associated case number, the date that the subsequent order was received, and the balance due to the relevant judgment creditor under that order):

Court Name: _____ Associated Case Number: _____

Date order received: _____ Balance Due Creditor: \$ _____

(e) The judgment creditor or judgment creditor's attorney has issued a request that the order of garnishment be terminated and the garnishee released from the mandates of the order of garnishment.

(f) judgment debtor's employment terminated on: _____ (date)

(g) Other: _____

= over ⇨

I certify that the statements above are true.

Signed _____
Signature of Person Completing Form

Print Name of Employer

Print Name of Person Completing Form

Telephone _____
Area Code/Phone Number

Print Title of Person Completing Form

Dated _____

NOTE: After completing this Final Report and Answer of Employer, you must send one copy to the Judgment Creditor or the attorney for the Judgment Creditor by regular U.S. mail. Also, one copy must be sent to the Clerk of the Court, at the address on this form, my regular U.S. mail.

NOTICE OF PROCEEDINGS TO COLLECT DEBT

GARFIELD HEIGHTS MUNICIPAL COURT
ATTN: CLERK OF COURT/GARNISHMENT DEPARTMENT
5555 TURNEY ROAD
GARFIELD HEIGHTS, OH 44125-3778
PHONE: (216) 475-1900



Clerk's Received Stamp (**Initial filing**)

Case No. _____

To: _____
Name of Judgment Debtor

Date of Mailing: _____

Last known residence address of the Judgment Debtor

City

State

Zip Code

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

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

If you do not do one of the three things listed below within **fifteen (15) 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 earnings.

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 (15) 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 amounts of their claims and the amounts due on their claims, and the amount you then will pay to your trustee each payday which 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 §2716.03 of the Ohio Revised Code for the purpose of entering into an agreement for 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 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 are making your payments to the service on time.

Print Name of Judgment Creditor

Signature of Judgment Creditor or Judgment Creditor's Attorney

Address of Judgment Creditor

City

State

Zip Code

PAYMENT TO AVOID GARNISHMENT

GARFIELD HEIGHTS MUNICIPAL COURT
ATTN: CLERK OF COURT/GARNISHMENT DEPARTMENT
5555 TURNEY ROAD
GARFIELD HEIGHTS, OH 44125-3778
PHONE: (216) 475-1900



Clerk's Received Stamp (Initial filing)

Case No. _____

To: _____
Name of Judgment Creditor

Date of Mailing: _____

Address of Judgment Creditor City State Zip Code

To avoid garnishment of personal earning 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... 2. \$ _____
3. (A) Enter your pay period (weekly, biweekly, semimonthly, monthly)... 3.(A) _____
(B) Enter the date when your present pay period ends... 3.(B) _____
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). (Use the above figure to complete this portion of the form).
If you are paid weekly, enter thirty (30) times the current federal minimum hourly wage; if paid biweekly, enter sixty (60) times the current federal minimum hourly wage; if paid semimonthly, enter sixty-five (65) times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty (130) times the current federal minimum hourly wage. 5.(A) \$ _____
(B) Enter the amount by which the amount on line 2 exceeds the amount on line 5(A)..... 5.(B) \$ _____
6. Enter the smallest of the amounts on line 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 of Judgment Debtor Signature of Judgment Debtor

Address of Judgment Debtor City State Zip Code

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 Judgment 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.

Signature of Judgment Debtor

AFFIDAVIT OF CREDITOR

Case No. _____

The State of Ohio
County of Cuyahoga, SS

_____, **Judgment Creditor**

vs.

_____, **Judgment Debtor**



Clerk's Received Stamp (**Initial filing**)

GARFIELD HEIGHTS MUNICIPAL COURT
JE'NINE A. NICKERSON, CLERK
ATTN: GARNISHMENTS
5555 TURNEY ROAD
GARFIELD HEIGHTS, OH 44125-3778
PHONE: (216) 475-1900

AFFIDAVIT

The undersigned, first duly cautioned and sworn, deposes that I am the creditor or creditor attorney herein, and that said judgment creditor on _____, duly recovered a judgment in the Garfield Heights Municipal Court against _____, the judgment debtor named above. An employer of the judgment debtor may be _____ located at _____ and may have personal earnings of the same, that the written demand required by Ohio Revised Code §2716.02 has been made, that the payment demanded has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings pursuant to Ohio Revised Code §2716.02. I further have no knowledge of any application by judgment debtor for the appointment of a trustee so as to preclude garnishment, nor knowledge that the debt is the subject of a debt scheduling agreement of a nature precluding garnishment under Ohio Revised Code §2716.03(B).

Creditor or Attorney for Judgment Creditor

Name Address

City State Zip Code

Email

Signature

I hereby certify that _____, personally appeared before me and swore and subscribed before me the above signature on _____ day of _____, 20_____.

Notary Public

[Notary Seal]