

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

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
ALEXANDER F. GRGAT, 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 (bank name and address)

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 this form's Section B, Answer of Garnishee. Return one completed and signed copy of Section B, Answer of Garnishee 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, 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: \$ _____

You are also ordered to hold safely anything of value that belongs to the Judgment Debtor which must be paid to the court, as determined under Section B Answer of Garnishee, but 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 _____, 20_____.

Judge, Garfield Heights Municipal Court

SECTION B. ANSWER OF GARNISHEE

Case No. _____

The State of Ohio
County of Cuyahoga, SS

_____, Judgment Creditor

VS.

_____, Judgment Debtor

Clerk's Received Stamp

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ALEXANDER F. GRGAT, CLERK
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Now comes _____, the Garnishee, who says:

1. The Garnishee has more than \$500 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 over \$500: \$ _____
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 on the Order and Notice of Garnishment of Property Other Than Personal Earnings and Answer of Garnishee, Section (A), sign and return this form, and pay the amount on line 1 of Section (B) to the Clerk of this court.
4. If the answer to line 1 is "Yes" and the amount is greater than that probable amount now due on the judgment, as indicated on the Order and Notice of Garnishment of Property Other Than Personal Earnings and Answer of Garnishee, 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 Completing Form

Signed: _____ Dated this _____ day of _____, 20 _____
Signature of Person Completing Form

GARFIELD HEIGHTS MUNICIPAL COURT
5555 TURNEY ROAD - GARFIELD HEIGHTS, OH 44125-3778

Case No. _____

NOTICE TO THE JUDGMENT DEBTOR

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 in excess of five hundred dollars (\$500), property, or credits, other than personal earnings, that now may be in the possession of:

Name and Address of Garnishee

the Garnishee in this proceeding, 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 the Garfield Heights Municipal Court in Case Number _____ on _____ (date). Upon your receipt of this Notice, you are prohibited from removing or attempting to remove any 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) Worker's 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 financial 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; and (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 enclosed herein, or in a substantially similar form, and delivering the Request for Hearing to this court at the above address no later than the end of the fifth (5th) 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 may 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 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.

If you request a hearing by delivering your Request for Hearing no later than the end of the fifth (5th) business day after you receive this Notice, said hearing will be added to the court docket and notification of time and date will be sent to you. If you do not request a hearing by delivering your Request for Hearing no later than the end of the fifth (5th) business day after you receive this notice, some of your money, property, or credits, other than personal earnings, will be paid to the Judgment Creditor.

If you have any questions concerning this matter, you may contact the office of the Clerk of this court. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

John G. Walton, Clerk of Court
Garfield Heights Municipal Court

Deputy Clerk

Date: _____, 20____

**REQUEST FOR HEARING
ON GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS**

Case No. _____

The State of Ohio
County of Cuyahoga, SS

_____, **Judgment Creditor**

vs.

_____, **Judgment Debtor**



Clerk's Received Stamp

GARFIELD HEIGHTS MUNICIPAL COURT
ALEXANDER F. GRGAT, 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 money, property, or credits, other than personal earnings in the above case and request that a hearing in this matter. 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 property 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

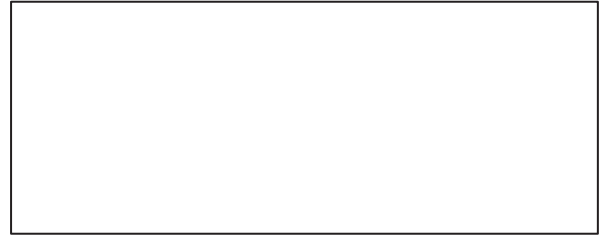
Date: _____

**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 MONEY, PROPERTY, OR CREDITS OTHER THAN PERSONAL EARNINGS NOW IN POSSESSION
OF THE GARNISHEE WILL BE PAID TO THE ABOVE-NAMED JUDGMENT CREDITOR TO SATISFY SOME OF
YOUR DEBT TO THE JUDGMENT CREDITOR.**

**AFFIDAVIT OF CREDITOR
OTHER THAN PERSONAL EARNINGS**

Case No. _____

The State of Ohio
County of Cuyahoga, SS



_____, **Judgment Creditor**

Clerk's Received Stamp

vs.

_____, **Judgment Debtor**

GARFIELD HEIGHTS MUNICIPAL COURT
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AFFIDAVIT

The undersigned, first duly cautioned and sworn, deposes and affirms that I am the Creditor or Creditor Attorney herein, and that said Judgment Creditor on _____, duly recovered or transferred a judgment in the GARFIELD HEIGHTS MUNICIPAL COURT against said Judgment Debtor which remains unsatisfied.

- Amount of judgment	_____
- Plus interest (interest rate = _____)	+ _____
- Plus court costs to date, including cost of this proceeding	+ _____
- Minus amount received after judgment	- _____
- Amount now due	= _____

The affiant further states that: The name of the Judgment Debtor whose property the Judgment Creditor seeks to garnish is _____; and a description of the property is money, property or credits; and that the name and address of the Garnishee who may have in the Garnishee's hands or control money, property, or credits, other than personal earnings of the Judgment Debtor is _____ located at _____.

Creditor or Attorney for Judgment Creditor

Name Address

City State Zip Code

Signature

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

[Notary Seal]

Notary Public