

GARFIELD HEIGHTS MUNICIPAL COURT TRUSTEESHIP INFORMATION & APPLICATION

1. Residency requirement

In order to initiate a trusteeship, the applicant must reside within the geographic jurisdiction of the Court which includes the following municipalities: Garfield Heights, Brecksville, Cuyahoga Heights, Independence, Maple Heights, Newburgh Heights, Valley View and Walton Hills.

2. Filing requirements

An Application for Trusteeship must be filed with the Court along with a filing fee of \$150.00. Checks are to be made payable to the Garfield Heights Municipal Court.

3. Creditor information

The application must list all creditors, including the correct address, account number, and the amount of money owed for each creditor.

Debts owed to the United States government, such as income tax obligations, cannot be included. Also, secured creditors may refuse to participate in the trusteeship.

Any attachment or garnishment established by a creditor before the trusteeship was established will not be stopped. Additionally, if the applicant has cosigners on a loan, the creditor can garnishee the wages of the cosigner.

4. Debtor payments

Along with the application and filing fee, the debtor must also include a payment of no less than 25% percent of the debtor's disposable earnings.

To determine disposable earnings, deduct from debtor's gross earnings the following:

- a. Federal Income Tax
- b. State Income Tax
- c. Local Income Tax
- d. Social Security Tax (F.I.C.A.)
- e. Payment to any of the following pension plans: P.E.R.S., S.T.R.S, Railroad Retirement

Subsequent payments must be made by the debtor on a monthly basis. Payments must be made promptly, by the fifteenth day of each month. Delinquent payments can result in a garnishment of the debtor's wages.

Money paid by the debtor to the Court will be sent to the creditors listed on the application every thirty days. The money will be prorated among the named creditors.

5. Manner of payment

Court costs and payments in trusteeships must be made by bank check or money order only. The Court will not accept personal checks.

All checks should be made payable to the Garfield Heights Municipal Court and must be hand-delivered or mailed to the following address:

Garfield Heights Municipal Court
Trusteeship Department
5555 Turney Road
Garfield Heights, Ohio 44125

All payments must be accompanied by the debtor's pay stub for the monthly period for which payment is being made. Payment will not be accepted without a pay stub. If the debtor makes payment by mail and wishes to have the check stub returned, a self-addressed, stamped envelope must be included with the payment.

6. Termination of Trusteeship

If payment is not promptly made, the trusteeship will be dissolved. In that event, the trusteeship cannot be reopened for six months.

However, if the trusteeship is dissolved and the debtor was off work due to illness, lack of work or strike, the matter may be reinstated only if the debtor produces a letter from the employer verifying that the debtor did not receive a pay for the period of time that no payment was made to the trusteeship.

**Garfield Heights Municipal Court
Cuyahoga County, Ohio**

IN THE MATTER OF THE TRUSTEESHIP OF _____)
) Trusteeship No.:
)
) **APPLICATION FOR**
) **APPOINTMENT OF TRUSTEE**

Now comes _____, having been first duly sworn accordingly to law, do hereby make application for the appointment of a trustee in accordance with the provisions of R.C. 2329.70, and further make the following statements to the Court:

1. I am a resident of _____ (must be within territorial jurisdiction of Garfield Heights Municipal Court)

OR

I am not a resident of the State of Ohio and am employed by _____ located in _____ (must be within territorial jurisdiction of the Garfield Heights Municipal Court.)

2. I have been served with statutory demand notifying me that my earnings are to be subjected to garnishment in accordance with R.C. 2716.02.

3. I am applying to the Garfield Heights Municipal Court for the appointment of the Clerk of Court as trustee to receive that portion of my personal earnings that is not exempt from execution, garnishment, attachment, or proceedings in aid of execution and any additional sums I voluntarily pay or assign to the trustee to distribute the funds to the creditors listed within this application.

4. That I have not had a trusteeship that was dismissed within the last six months from the date of the filing of this application.

5. That if I fail to make payments to the Trustee as required, this Trusteeship shall terminate and I will not be permitted to have the Trusteeship reinstated or file a new application for a period of six months unless satisfactory proof is given to the Court that the failure to make payment was not due to willful neglect.

6. Any creditor who holds a security agreement, chattel mortgage, or other type of secured transaction, shall have the option to elect to participate in receiving payment through the Trusteeship; and if such participation is refused, I understand that any goods covered under such security agreement, chattel mortgage, or other type of lien, can be seized according to law.

7. I agree to notify the Trustee of any change in my residence, my place of employment, or the amount of my monthly earnings. Further, if required by the Trustee, I will submit proof, by affidavit or otherwise, of my monthly earnings.

8. I understand that any payments I may make directly to a creditor will not excuse me from making the full payment required under this trusteeship each month.

9. I submit the following information and state that it is true and accurate:

Marital status: () Married () Single () Divorced

Residence : _____ Telephone: _____

Employer: _____ Job Title: _____

Address: _____ Telephone: _____

Spouse's employer: _____ Job title: _____

Wages are paid: Weekly () Gross: _____ Net: _____
Bi-weekly () Gross: _____ Net: _____
Monthly () Gross: _____ Net: _____
Other () Gross: _____ Net: _____

Attached are copies of my last four paycheck stubs.

10. I agree to pay _____ every month to the Trustee.

11. That the following is a full, accurate and true statement of the names of the my secured and unsecured creditors with liquidated claims, their addresses, account numbers, and the amount due to each of them.

	Name and Address of Creditor	Account Number	Amount Currently Owing
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

State of Ohio

}
}

SS.

County of Cuyahoga

}

_____, being duly sworn, deposes and says that the facts above set forth are true and correct, to the best of his knowledge.

Sworn to and subscribed before me, this ____ day of _____, 200__.

Notary Public or Deputy Clerk

GARFIELD HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

IN THE MATTER OF)
) CASE NO.
)
)
 Debtor)
) NOTICE TO CREDITOR OF
) FILING OF APPLICATION
) FOR TRUSTEESHIP

To:

RE:

Address:

Pursuant to Ohio Revised Code. 2329.70, you are hereby notified that you have been named as a creditor in an Application for Trusteeship filed by the above named debtor in the Garfield Heights Municipal Court. A copy of the application listing the debt owed to you is enclosed herein.

You have ten (10) days from your receipt of this notice to notify the Court of any corrections or changes with regard to the amount of, or conditions of, the debt owing to you. The failure of any creditor to send such notification shall be considered by the Court to be affirmation of the debt as listed in the Application for Trusteeship.

UNSECURED CREDITORS:

Please note the following provisions of Ohio Revised Code 2329.70,
which state, in material part, as follows:

No proceedings in garnishment, attachment, or aid of execution of other action or proceeding to subject the personal earnings of the debtor to the payment of claims shall be brought or maintained by the creditor as long as at least the amount of the personal earnings of the debtor that is not exempt from execution, garnishment, attachment, or proceedings in aid of execution is paid to the trustee at regular intervals as fixed by the . . . municipal court judge. This section does not prohibit creditors from recovering judgment against the debtor or prohibit levy, under a writ of attachment or execution, upon any other property that is not exempt from execution.

SECURED CREDITORS ONLY:

Please note the following provisions of Ohio Revised Code 2329.71
which state, in material part, as follows:

Upon the receipt of a notice of the filing of an application for trusteeship as provided in section 2329.70 of the Revised Code, a secured creditor shall file with the court, in writing, his election to participate and his agreement with the debtor, if such has been created, or his objection to be included. Failure of a secured creditor to answer such notice as provided in section 2329.70 of the Revised Code, within ten days after receiving such notice, shall be held by the court as an election to participate in the trusteeship, and such creditor shall be estopped to assert his lien for so long as the debtor maintains his trusteeship agreement, as provided by section 2329.70 of the Revised Code.

Deputy Clerk
Garfield Heights Municipal Court