ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER

Case No.		
The State of Ohio County of Cuyahoga, SS		
	, Judgment Creditor	
VS.		Clerk's Received Stamp (Initial Filing)
Address	, Judgment Debtor	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 (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 fine (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 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 my photocopy it to use each time you pay the specified amount to the clerk of this court. Your 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 debtor's disposable earnings during each pay period of the judgment debtor.
- 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

U a	se No	
The	e State of Ohio unty of Cuyahoga, SS	
	, Judgment Creditor	
	VS.	Clerk's Received Stamp
Addi	, Judgment Debtor	GARFIELD HEIGHTS MUNICIPAL COURT ALEXANDER F. GRGAT, CLERK ATTN: GARNISHMENTS 5555 TURNEY ROAD GARFIELD HEIGHTS, OH 44125-3778 PHONE: (216) 475-1900
	employer is the one who is required to withhold payroll taxes ou gment debtor. ANSWER ALL PERTINEN	t of payments of personal earnings made to the
No	w 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 e the subject of an existing agreement for debt scheduling between debtor and a budget and debt counseling service, and has the jud made every payment that was due under the agreement for debt later than forty-five (45) days after the date on which the payme	n the judgment Igment debtor scheduling no
	If the answer to both parts of this question is "Yes," give all ava return it to the court.	ilable details of the agreement, sign this form and
	Details of Agreement:	

(b) were you, on the date that you received this order of gamisiment of personal						
earnings, withholding moneys from the judgment debtor's personal disposable earning	s					
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)	(_) Y	es	(_) 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: \$
personal earnings, one or more other or are not described in question 3(B), and those orders for the statutorily required	that you received this order of garnishment of rders of garnishment of personal earnings that are you currently processing one or more of time period or holding one or more of those equired period in the sequence of their receipt 3(C) () Yes () No
the associated case number, the date u judgment creditor under each of the	" give the name of the court that issued each of those previously received orders pon which you received each of those orders, and the balance due to the relevan ose orders. List first the previously received order(s) that you are currently reviously 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 t	rue.
	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 thisday of, 20

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

Case No. _____

NOTICE TO THE JUDGMENT DEBTOR OF GARNISHMENT OF PERSONAL EARNINGS

Judgment Creditor

_____VS _____Judgment Debtor

You are hereby notified that this court has issued an order in the above case in favor of the judgment creditor directing that some of your personal earnings be used in satisfaction of your debt to the judgment creditor instead of being paid to you. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in Garfield Heights Municipal Court on_____(date of judgment) with the above case number.

The law of Ohio provides that you are entitled to keep a certain amount of your personal earnings free from the claims of creditors. Additionally, wages under a certain amount may never be used to satisfy the claims of creditors. The document entitled Order and Notice of Garnishment and Answer of Employer that is enclosed with this notice shows how the amount proposed to be taken out of your personal earnings was calculated by your employer.

If you dispute the judgment creditor's right to garnish your personal earnings and believe that you are entitled to possession of the personal earnings 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 on the enclosed Request for Hearing, 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 (5th) business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your personal earnings 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. The hearing will be limited to a consideration of the amount of your personal earnings, if any, that can be used in satisfaction of the judgment you owe to the judgment creditor.

If you request a hearing by delivering your Request for Hearing within five (5) business days after receiving this notice, it will be conducted no later than twelve days after your request is received by the court. The court will send you a notice of the date, time, and location for the hearing. You may indicate on the form if you believe that the need for the hearing is an emergency and that it should be given priority by the court. If you do so, the court will schedule the hearing as soon as practicable after your request is received and will send you notice of the date, time, and location of the hearing. If you do not request a hearing by delivering your Request for Hearing within five (5) business days after you receive this notice, some of your personal earnings will be paid to the judgment creditor until the judgment is satisfied.

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.

> Alexander F. Grgat, Clerk of Court Garfield Heights Municipal Court Date:_____, 20_____

REQUEST FOR HEARING 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 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

Ca	se No.	Clerk's Received Stamp
	vs.	
	Judgment Creditor	Judgment Debtor
Th	employer	_(garnishee), in the above case states as follows:
1.	The date that the garnishee received the order of garnishment of the j earnings.	udgment debtor's personal 1
2.	The total probable amount due on the judgment, including court cost pre-judgment interest, as stated in either Section A of the order of ga debtor's personal earnings OR in the Affidavit of Current Balance D Affidavit has been received subsequent to the order of garnishment.	mishment of the judgment
3.	The pay period of the judgment debtor is (enter weekly, biweekly, see Do not enter a pay period of more than one month.	mi-monthly or monthly). 3
4.	The disposable earnings of the judgment debtor earned during the jud (Note: "Disposable earnings" means earnings after deductions requir the pay period for which you are completing this Interim Report and	ed by law. "Present pay period" means
5.	The amount equal to twenty-five percent (25%) of the judgment debuline 4 of this form.	or's disposable earnings set forth on 5. \$
6.	times the current federal minimum hourly wage (if the thirty (30) above; if paid bi-weekly, enter sixty (60); if paid semi-momonthly, enter one hundred thirty (130)). Calculate the amount.	
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 a or the amount entered on line 2 of this form.	mount entered on line 7 of this form, 8. \$
9.	The amount entered on line 8 of this form, plus or minus (as appropriate the amount entered on line 8 of this form equals the amount entered three dollars (\$3); otherwise subtract up to three dollars (\$3).	
10.	Other deductions.	10. \$
11.	The calculated amount withheld from the judgment debtor's persona present pay period and that is submitted with this Interim Report and	
I co	rtify that the statements above are true.	

Signed			
	Signature of Person Completing Form	Print Name of Employer	
		Telephone	
	Print Name of Person Completing Form	Area Code/Phone Number	
		Dated	
	Print Title of Person Completing Form		

FINAL REPORT AND ANSWER OF GARNISHEE

VS.

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
Clerk's Received Stanip

Judgment Debtor

Judgment Creditor

Case No.

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.

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.

- 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.
- 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: _____

2.\$

3.\$

I certify that the statements above are true.

Signed			
<u> </u>	Signature of Person Completing Form	Print Name of Employer	
		Telephone	
	Print Name of Person Completing Form	Area Code/Phone Number	
		Dated	
	Print Title of Person Completing Form		

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)

	Date of Mailing:	
Name of Judgment Debtor		
Last known residence address of the Judgme	nt Debtor	
City	State	 Zip Code
ve the undersigned		\$ -
	ame 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

Case No. _____

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, 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

Case No.

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

Тс	:	Date of Mailing:		
	Name of Judgment Creditor	0		
	Address of Judgment Creditor	City	State	Zip Code
	avoid garnishment of personal earning of which you lebtedness to you. The amount of the payment was co			, to apply toward my
1.	Total amount of indebtedness demanded		1. \$	
2.	Enter the amount of your personal earnings, after de by you during the current pay period (that is, the pay received by you)	y period in which this demand is	2. \$	
3.	(A) Enter your pay period (weekly, biweekly, semim	nonthly, monthly)	3.(A)	
	(B) Enter the date when your present pay period end	S	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 \$(Use the above figure to complete this portion of the second seco	(to be fil(to be fil	lled in by Judgn	nent Creditor).
	If you are paid weekly, enter thirty (30) times th if paid biweekly, enter sixty (60) times the curre semimonthly, enter sixty-five (65) times the curr monthly, enter one hundred thirty (130) times th	ent federal minimum hourly wage; if pa rent federal minimum hourly wage; if p	id baid	
	(B) Enter the amount by which the amount on line 2	2 exceeds the amount on line 5(A)	5.(B) \$	
6.	Enter the smallest of the amounts on line 1, 4 or 5(E creditor along with this form after you have signed i		6. \$ <u> </u>	
I c	ertify that the statements contained above are true	e to the best of my knowledge and be	lief.	
Pri	nt Name of Judgment Debtor	Signature of Judgment Debtor		
Ad	dress 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

AFFIDA VII OF CI	
Case No	
The State of Ohio County of Cuyahoga, SS	
, Judgment Creditor	
vs.	Clerk's Received Stamp (<u>Initial filing</u>)
, Judgment Debtor	GARFIELD HEIGHTS MUNICIPAL COURT ALEXANDER F. GRGAT, 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 and	m the creditor or creditor attorney herein, and that said
judgment creditor on, duly rec	covered 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 porti	on 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 Oh	to Revised Code §2716.03(B).
Creditor or Attorney for Judgment Creditor	
Name Ac	ldress
City Sta	ate Zip Code
Email	

Signature

I hereby certify that		, personally appeared before me and swore
	1 C	20

and subscribed before me the above signature on	day of	, 20
	-	

[Notary Seal]

Notary Public