

# AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

(O.R.C. 2716.11..12..13)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Judgment Creditor  
 vs.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Judgment Debtor

The State of Ohio  
 County of \_\_\_\_\_, SS  
 \_\_\_\_\_ Court  
 \_\_\_\_\_, Ohio  
 Case No. \_\_\_\_\_  
 Docket No. \_\_\_\_\_ Page \_\_\_\_\_

## AFFIDAVIT IN SUPPORT OF MOTION FOR ORDER OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS<sup>1</sup>

The undersigned, \_\_\_\_\_, the \_\_\_\_\_,<sup>2</sup> being first duly sworn, states that:

- The name of the Judgment Debtor whose property, other than personal earnings, the Judgment Creditor seeks to garnish is \_\_\_\_\_
- The affiant has good reason to believe and does believe that \_\_\_\_\_, the Garnishee, has property, other than personal earnings, of the Judgment Debtor that is not exempt under the laws of this State or the United States.
- The property is described as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- The Judgment Creditor has obtained judgment against the Judgment Debtor which remains unsatisfied.

Signed at \_\_\_\_\_, Ohio on \_\_\_\_\_, 19\_\_\_\_\_,<sup>3,4</sup>  
 \_\_\_\_\_  
 Affiant's Signature

STATE OF OHIO  
 COUNTY OF \_\_\_\_\_

SS:

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.  
 \_\_\_\_\_  
 Notary Public - State of Ohio

<sup>1</sup>To be used to commence a proceeding after judgment and after journalization of judgment. ORC § 2716.11.

<sup>2</sup>The Judgment Creditor, his agent, or his attorney. ORC § 2716.11.

<sup>3</sup>Must be accompanied by garnishment fee. ORC § 2716.12 and by Motion for Order, Order and Notice of Garnishment, Notice to the Judgment Debtor and Request for Hearing, and a praecipe instructing the Clerk to issue two copies of the Notice and Hearing Request to the Judgment Debtor. ORC § 2716.13(C)(1).

<sup>4</sup>Court must schedule a hearing within 12 days of the filing of this proceeding. ORC § 2716.13(A).

## SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT<sup>1,2,3,4</sup>

To: \_\_\_\_\_, Garnishee.

The Judgment Creditor in the above case has filed an affidavit, satisfactory to the undersigned in the \_\_\_\_\_ Court stating that you have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the Judgment Debtor in the case, and that some of the money, property, or credits may not be exempt from execution or garnishment under the laws of the state of Ohio or the laws of the United States.

You are therefore ordered to complete section (B) of this form, and return the completed original of this form, together with any amount shown due on it, to the \_\_\_\_\_ Court not later than \_\_\_\_\_,

19\_\_\_\_<sup>5</sup>. Deliver one completed copy of this form to the indicated Judgment Debtor. Keep the other copy for your files.

The total probable amount now due on this judgement, including interest and court costs, is \$ \_\_\_\_\_

You also are ordered to hold safely anything of value that belongs to the indicated Judgment Debtor that has to be paid to the Court, as determined under Section (B) of this form, but that 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 \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
 Judge

**SECTION B. ANSWER OF GARNISHEE<sup>6</sup>**

Now comes \_\_\_\_\_ the Garnishee who says:

1. That he has money, property, or credits, other than personal earnings of the indicated Judgment Debtor under his control and in his possession.

Yes

No

If yes, amount

2. Said 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, including interest and costs, as indicated in Section (A) of this form, signed and return this form and pay the amount of line 1 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, 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 this 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 who completed form

Signed \_\_\_\_\_  
(Signature of person completing form)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_<sup>6</sup>

Copy delivered to Judgement Debtor this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

**SECTION A SHALL BE FILLED IN BEFORE SERVICE. SECTION B SHALL BE FILLED IN BY THE GARNISHEE AND THE ORIGINAL FILED WITH THE COURT AS HIS ANSWER. THE GARNISHEE MAY KEEP ONE COMPLETED COPY AND SHALL DELIVER THE OTHER COMPLETED TO THE JUDGMENT DEBTOR.**

<sup>1</sup>Three copies must be served on Garnishee. ORC § 2716.13(B). Garnishee returns one to the Clerk of Courts and one to the Judgment Debtor and one is retained by the Garnishee. Must be served not later than seven days prior to the scheduled hearing date. ORC § 2716.13(B).

<sup>2</sup>Set forth address of the Judgment Debtor.

<sup>3</sup>To be completed by the Judgment Creditor.

<sup>4</sup>Must be accompanied by Motion for Order. Affidavit. Notice to the Judgment Debtor and a praecipe instructing the Clerk to issue two copies of the Notice and the Hearing Request to the Judgment Debtor. ORC § 2716.13(C)(1).

<sup>5</sup>Before the date set for the hearing as indicated on this notice. ORC § 2716.21(B) and ORC § 2716.13(B).

<sup>6</sup>To be completed by the Garnishee.

**THE FOLLOWING FOR COURT USE ONLY**

I CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL WITH ALL ENDORSEMENTS THEREON.

\_\_\_\_\_  
Title

By \_\_\_\_\_  
Signature of Person Serving Order

RECEIVED THIS WRIT ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

I SERVED THIS WRIT ON THE WITHIN NAMED GARNISHEE(S) \_\_\_\_\_

BY MAILING A TRUE COPY OF THIS ORDER OF GARNISHMENT

BY CERTIFIED MAIL  BY REGULAR MAIL

BY LEAVING A TRUE COPY OF THE ORDER OF GARNISHMENT

AT USUAL PLACE OF RESIDENCE  AT COMPANY OR CORPORATION  
 WITH GARNISHEE PERSONALLY  GARNISHEE - NOT FOUND

\_\_\_\_\_  
Title

By \_\_\_\_\_  
Signature of Person Serving Order

**The court requires that 4 copies of the above document “Affidavit, Order and Notice of Garnishment of Property Other than Personal Earnings and Answer of Garnishee” be submitted to the court.**



### MOTION OF JUDGMENT CREDITOR FOR ORDER OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Creditor

VS.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judgment Debtor

\_\_\_\_\_  
\_\_\_\_\_  
Court  
Ohio

Case No. \_\_\_\_\_

The Judgment Creditor moves the Court to issue an Order of Garnishment of Property other than Personal Earnings against the Judgment Debtor naming \_\_\_\_\_ as Garnishee.

\_\_\_\_\_  
Attorney for Judgment Creditor  
\_\_\_\_\_  
\_\_\_\_\_

#### MEMORANDUM

Pursuant to Section 2716.11 et. seq. of the Ohio Revised Code, the Judgment Creditor is entitled to the request Order because the Judgment Creditor has obtained judgment against the Judgment Debtor and the Garnishee holds property other than personal earnings that belongs to the Judgment Debtor and is not exempt from execution.

**\*\*\*IMPORTANT\*\*\***

The court requires that only 1 copy of the above document “Motion of Judgment Creditor for Order of Garnishment of Property Other Than Personal Earnings” be submitted to the court.

TRUMBULL COUNTY CENTRAL COURT  
180 N. Mecca St. (St Rt 46)  
Cortland, Ohio 44410

: Case:  
:  
: NOTICE TO THE  
: JUDGMENT DEBTOR  
: OF PROPERTY OTHER  
: THAN PERSONAL  
: EARNINGS  
:  
:

-VS- Plaintiff(s)  
  
Defendant(s)

\* \* \* \* \*

You are hereby notified that this Court has issued an order in the above case in the favor of the Judgment Creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the the possession of 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 above case and in the above Court.

Upon your receipt of this notice, you are prohibited from removing or attempting to remove such 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 benefits-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:

- |  |   |
|--|---|
| (1) Worker's Compensation Benefits;      | (6) Supplemental Security Income (S.S.I.) |
| (2) Unemployment Compensation Payments;  | (7) Veteran's Benefits                    |
| (3) Aid to Dependent Children (A.D.C)    | (8) Black Lung Benefits                   |
| (4) Poor Relief or General Relief (G.R.) | (9) Certain Pensions                      |
| (5) Social Security Benefits             |   |

Additionally, wages under a certain amount may not be taken to pay the debt. 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 he should not be given your money, property, or credits, other than personal earning, now in the possession of the \_\_\_\_\_ 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, (see attached document), 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 the Court, no later than the end of the FIFTH 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 reason for disputing the Judgment Creditor's rights, you are not prohibited from stating any other reason at the hearing and if you do not state your reasons, it will not be held against you by the Court and you can state your reason at the hearing. If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the indicated garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the Judgment Creditor. No objections to the judgment itself will be heard or considered at any such hearing.

If you request a hearing by delivering your request for hearing no later than the end of the FIFTH (5) BUSINESS DAY AFTER YOU RECEIVE THIS NOTICE, it will be conducted in the TRUMBULL COUNTY CENTRAL COURT Cortland, Ohio 44410 on \_\_\_\_\_. You may request the Court to conduct the hearing before this date by indicating your request in the space provided on the form; the court will send you notice of any change in the date, time, or place of hearing. If you do not request a hearing by delivering your request for hearing no later than the end of the FIFTH (5) BUSINESS DAY after you receive this notice, some of your money, property, or credits, other than personal earning, will be paid to the Judgment Creditor.

If you have any questions concerning this matter, you may contact the office of the Clerk of the 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.

Clerk/Deputy Clerk \_\_\_\_\_

Date: Apr 24, 2007

**\*\*\*IMPORTANT\*\*\***

The court requires that 2 copies of the above document “Notice to the Judgment Debtor of Property Other Than Personal Earnings” be submitted to the court.

TRUMBULL COUNTY CENTRAL COURT  
180 N. Mecca St. (St Rt 46)  
Cortland, Ohio 44410  
(330) 637-5023

THE STATE OF OHIO, Trumbull County ,SS:

-VS- Plaintiff(s)

Defendant(s)

: Case:  
:  
: REQUEST FOR HEARING  
: ON GARNISHMENT OF  
: PROPERTY OTHER THAN  
: PERSONAL EARNINGS  
: (Rev. Code, Sec. 2716.13)  
:  
: Thomas A. Campbell  
: Judge

\* \* \* \* \*

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 be held (insert "on" or "earlier than") \_\_\_\_\_ the date and time set forth in the document entitled "NOTICE TO JUDGMENT DEBTOR" that I received with this request form.

I dispute the Judgment Creditor's right to garnish my property for the following reasons(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Name of Judgment Debtor - Print)

Date \_\_\_\_\_

\_\_\_\_\_  
(Signature)

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 WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS NOW IN THE POSSESSION OF \_\_\_\_\_ WILL BE PAID TO \_\_\_\_\_ TO SATISFY SOME OF YOUR DEBT TO HIM.



**\*\*\*IMPORTANT\*\*\***

The court requires that 2 copies of the above document “Request for Hearing on Garnishment of Property Other Than Personal Earnings” be submitted to the court.