

Affidavit & Order & Notice of Garnishment of Personal Earnings & Answer of Employer

In the Municipal Court of Toledo, Lucas County, Ohio

(Judgment Creditor)

Vs.

Case Number:

Date of Judgment:

(Judgment Debtor)

SSN LAST FOUR DIGITS (OPTIONAL):

STATE OF OHIO, COUNTY OF LUCAS, ss: The undersigned, being first duly cautioned, sworn or affirmed according to law, says that I am attorney/judgment creditor who recovered or certified a judgment in this court against above named judgment debtor. The garnishee named below may be an employer of the judgment debtor and may have personal earnings owing to the judgment debtor. Written demand on judgment debtor, per § 2716.02 ORC, has been made at least 15 and not more than 45 days before this date. Payment demanded in the written demand has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings described in such section. Affiant has no knowledge if the judgment debtor has applied for trusteeship or is the subject of a debt scheduling agreement, either of which precludes the garnishment of judgment debtor's personal earnings.

Signature: Judgment Creditor/Attorney

Judgment Creditor / Attorney

Address

City, State & Zip

Sworn before me and subscribed in my presence this _____ day of _____, _____.

Notary Public Deputy Clerk

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SECTION A. Court Order and Notice of Garnishment

To: _____, Garnishee

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 the Judgment Debtor**" and "**Request for Hearing**" to the judgment debtor. Keep the other completed and signed copy of this form for your files.

- | | |
|---|---------|
| 1. The UNPAID PORTION OF THE JUDGMENT amounts to | _____ |
| 2. Plus INTEREST TO DATE (interest rate = ____ %) | + _____ |
| 3. Plus UNPAID COURT COSTS | + _____ |
| 4. Total of Unpaid Judgment, Interest & Court Costs | = _____ |
| 5. Minus AMOUNT PAID on judgment, costs, and interest | - _____ |
| 6. AMOUNT NOW DUE | = _____ |

This order of garnishment of personal earnings is a continuous order that generally requires you to withhold a specified amount, calculated each pay period at the statutory percentage, of the judgment debtor's personal disposable earnings during each pay period, 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" substantially in the form set forth in section 2716.07 of the Ohio Revised Code. A copy of the "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 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.

SECTION A. Court Order and Notice of Garnishment (Continued)

This order of garnishment of personal earnings generally will remain in effect until one of the following occurs:

1. The total probable amount due on the judgment as described above is paid in full as a result of your withholding of the specified amount, calculated each pay period at the statutory percentage, from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor that commenced with the first full pay period beginning after you received the order.
2. The judgment creditor or the 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 to you an order that stays this order of garnishment of personal earnings.
4. A federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.
5. A municipal or county court or a 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 or county court or a 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 that 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 section 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 falls

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

Witness My Hand & Seal of This Court on this _____ day of _____, _____.

Judge of Toledo Municipal Court

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SECTION B. ANSWER OF EMPLOYER (GARNISHEE)

An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the judgment debtor. Complete and return a signed copy of this page to the above listed address. (ANSWER ALL PERTINENT QUESTIONS)

Now comes _____, the employer (garnishee) herein, who says:

1. This order of garnishment of personal earnings was received on _____

2. The judgment debtor is in my/our employ: (check one) YES NO

If "Yes" complete the remainder of Section B. If answer is "No," give date of last employment: _____

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 days after the date on which the payment was due? 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.
(check one) YES NO

Details:

(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)? 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.
(check one) YES NO

Details:

SECTION B. ANSWER OF EMPLOYER (Continued)

(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? 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 numbers, 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. (check one) YES NO

Details:

I certify that the statements above are true.

(Print Name of Employer)

(Print Name and Title of Person who Completed Form)

X _____
(Signature of Person Who Completed Form)

(Date)

(Phone number)