

CHARDON MUNICIPAL COURT

INSTRUCTIONS FOR FILING A BANK ATTACHMENT (GARNISHMENT OTHER THAN PERSONAL EARNINGS)

When filing a Bank Attachment please include the following:

Two (2) Checks

1. Filing Fee (payable to Chardon Municipal Court)
\$40.00 - If going to a local branch by Bailiff, or
\$55.00 - Requests for Certified Mail
2. **\$1.00** Payable to bank (must be separate check)

PLEASE NOTE: Limit of one (1) bank per Affidavit & Order

Number of Copies Required

Affidavit & Order

Original For Court	1
Copies for Bank	3
Copy for Defendant	<u>1</u>
TOTAL	5

Section B: Answer of Garnishee

Original for Court	1
Copies for Bank	<u>3</u>
TOTAL	4

Notice to Judgment Debtor:

Copy for Court	1
Copy for Bank	1
Copies for Defendant	<u>2</u>
TOTAL	4

Request for Hearing:

Copy for Court	1
Copies for Defendant	<u>2</u>
TOTAL	3

If requesting a time stamped copy, please supply additional copies and a self-addressed, stamped envelope.

PLEASE NOTE: Administrative Fee for money collected of 2% on first \$10,000.00; plus an additional 1% for collections over \$10,000.00 (O.R.C. 2303.31, 2303.20)

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

THE STATE OF OHIO

COUNTY OF GEAUGA, SS

**CHARDON MUNICIPAL COURT
CHARDON, OHIO**

NAME

ADDRESS

CITY STATE ZIP

Judgment Creditor vs
NAME

ADDRESS

CITY STATE ZIP

PRINT CASE NO

Case No. _____

Judgment Debtor

AFFIDAVIT

The undersigned, being first duly cautioned and sworn, affirmed according to law, says that I am the (check one) Judgment Creditor herein Attorney for Judgment Creditor herein, and that said Judgment Creditor heretofore, to-wit, on the ENTER DATE OF JDGMT day of _____, _____, duly recovered a judgment before this Court against said Judgment Debtor:

NAME OF PERSON / COMPANY OWING MONEY

AMOUNT NOW DUE \$

TOTAL INCLUDING INTEREST & COURT COSTS INCLUDING AMOUNT TO FILE THIS

NAME OF BANK

The affiant has a reasonable basis to believe that (name of bank) _____ may have property other than personal earnings of the Judgment Debtor that is not exempt under the laws of the State of Ohio or the United States.

DESCRIPTION OF PROPERTY: CHECKING, SAVINGS, OR ANY OTHER ACCOUNT YOU WISH TO ATTACH (INCLUDING ACCOUNT #'S WHEN AVAILABLE)

ATTORNEY FOR JUDGMENT CREDITOR

YOUR SIGNATURE – SIGN IN FRONT OF

x _____
Subscribed and sworn to before me on this _____,
day of _____.

Clerk / Deputy Clerk / Notary Public

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To: NAME & ADDRESS OF BANK, Garnishee

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 the "Answer of Garnishee" in Section (B) of this form.

Return one completed and signed copy of this form to the Clerk of 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 \$ TOTAL DUE (SAME AS FIGURE ABOVE)

The Total Probable Amount now due includes the unpaid portion of the Judgment in favor of the Judgment Creditor, which is \$ PRINCIPAL; Interest on that Judgment and, if applicable, prejudgment interest relative to that Judgment at the rate of _____ % per annum payable until that Judgment is satisfied in full; and court costs in the amount of \$ COURT COSTS (INCLUDE TODAY'S FILING FEE)

You are also ordered to hold safely anything of value over \$550.00 that belongs to the Judgment Debtor and that has to be paid to the court, as determined under the "Answer of Garnishee" in 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 _____.

_____, Judge

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

THE STATE OF OHIO

COUNTY OF _____, SS

**CHARDON MUNICIPAL COURT
CHARDON, OHIO**

Judgment Creditor vs

Case No. _____

Judgment Debtor

AFFIDAVIT

The undersigned, being first duly cautioned and sworn, affirmed according to law, says that I am the (check one) Judgment Creditor herein Attorney for Judgment Creditor herein, and that said Judgment Creditor heretofore, to-wit, on the _____ day of _____, _____, duly recovered a judgment before this Court against said Judgment Debtor:

AMOUNT NOW DUE \$ _____

The affiant has a reasonable basis to believe that (name of bank) _____ may have property other than personal earnings of the Judgment Debtor that is not exempt under the laws of the State of Ohio or the United States.

DESCRIPTION OF PROPERTY: _____

ATTORNEY FOR JUDGMENT CREDITOR

x _____
Subscribed and sworn to before me on this _____,
day of _____, _____.

Clerk / Deputy Clerk / Notary Public

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 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 the "Answer of Garnishee" in Section (B) of this form.

Return one completed and signed copy of this form to the Clerk of 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, prejudgment interest relative to that Judgment at the rate of _____ % per annum payable until that Judgment is satisfied in full; and court costs in the amount of \$ _____

You are also ordered to hold safely anything of value over \$550.00 that belongs to the Judgment Debtor and that has to be paid to the court, as determined under the "Answer of Garnishee" in 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 _____, _____.

_____, Judge

SECTION B. ANSWER OF GARNISHEE - (Answer All Pertinent Questions)

Now comes, _____ the garnishee herein who says:

- 1. That the Garnishee has money, property, or credits other than personal earnings of the Judgment Debtor over \$550.00 under the Garnishee's control and in the Garnishee's possession. YES NO

If YES, is the amount over \$550.00 _____

- 2. That property is described as:

- 3. If the answer to line 1 is "yes" and the amount is less than the probable amount owed now due on the judgment, as indicated in Section (A) of this form, sign 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 the probable amount now due on the judgment, as indicated in 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 Who Completed Form)

Signed _____
(Signature of Person Completing Form) (Sign all copies)

Copy delivered to Judgment Debtor this _____ day of _____, _____

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.

TO: SHERIFF, CONSTABLE, BAILIFF:

You are hereby directed to serve three (3) copies of this order of Garnishment of property other than personal earning, together with the Garnishee's fee as provided for in O.R.C. 2716.12 with a written notice that the Garnishee answer as provided in O.R.C. 2716.21 on the Garnishee named herein.

Clerk – Deputy Clerk

RETURN OF SERVICE

Received _____, _____

Sheriff – Bailiff – Constable

Returned and filed _____, _____

I certify this to be a true copy of the original Order and Notice with all endorsements thereon.

On the _____ day of _____, _____

I served this writ on the within named by

- Personal service
- other (O.R.C. 2716.21) _____

FEES

Service and return _____

Mileage _____

Sheriff – Bailiff – Constable

By _____
Deputy Clerk

NOTICE TO JUDGMENT DEBTOR
(O.R.C. 2716.12,.13)

CHARDON MUNICIPAL COURT
CHARDON, OHIO

Case No. _____

MONEY-PROPERTY-CREDITS

Judgment Creditor

vs.

Judgment Debtor

You are hereby notified that this Court has issued an order in the above case in favor of _____
NAME & ADDRESS OF JUDGMENT CREDITOR

the Judgment Creditor in this proceeding, directing that some of your money in excess of \$550.00, property, or credits, other than personal earnings, now that may be in the possession of

NAME & 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 Chardon Municipal Court, Case No. _____, on _____, 202_____.

Upon your receipt of this notice, **you are prohibited from removing or attempting to remove the 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 creditor are **THE FOLLOWING:**

1. **Workers' 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 assistance administered by the Ohio Department of Job and Family Services**
6. **Social Security Benefits**
7. **Social Security Income (S.S.I.)**
8. **Veteran's Benefits**
9. **Black Lung Benefits**
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, attached, or in a substantially similar form, and delivering the request for hearing to **Chardon Municipal Court, 111 Water Street, Chardon, Ohio 44024-1201**, at the office of the Clerk of this 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 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.

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 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 business day after you received this notice, it will be conducted in the **Chardon Municipal Court, 111 Water Street, Chardon Ohio 44024-1201** at 4:00p.m. _____, 202_____.

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 then will send you notice of any change in the date, time, or place of the hearing. If you do not request a hearing by delivering your request for hearing no later than the end of the fifth 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.

VICTORIA L. DAILEY, CLERK

By _____, Deputy Clerk

_____, 20_____

REQUEST FOR HEARING ON GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS

(O.R.C. 2716.13)

CASE NO. _____

CHARDON MUNICIPAL COURT
111 WATER STREET
CHARDON, OHIO 44024

_____, 20____

Date

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 (*circle one*) **on** or **earlier than** the date and time set forth in the document entitled "**NOTICE TO THE JUDGMENT DEBTOR**" that I received with this request form.

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.

Name of Judgment Debtor – Please Print

Signature

Phone number where we can contact you.

_____, 20____

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 WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE

POSSESSION OF _____

NAME OF GARNISHEE

WILL BE PAID TO _____

JUDGMENT CREDITOR'S NAME

TO SATISFY SOME OF YOUR DEBT TO HIM.