

CHARDON MUNICIPAL COURT

INSTRUCTIONS FOR FILING GARNISHMENT OF PERSONAL EARNINGS (WAGES)

1. NOTICE OF COURT PROCEEDINGS TO COLLECT DEBT & PAYMENT TO AVOID GARNISHMENT (2 PAGES)

↑ ↑ ↑ ↑
***Must be mailed to debtor BEFORE garnishment procedure can be filed.**

- a. Complete the Notice of Court Proceedings to Collect Debt form (this informs the debtor that if they do not make a payment, a garnishment will be filed) (Be sure to sign the bottom)
- b. Attach copy of Payment to Avoid Garnishment form (this gives the debtor a chance to make payment to avoid garnishment)
- c. Date and mail BOTH pages to debtor at last known address (proof of mailing *required* - make a copy BEFORE mailing)
- d. If payment is not received after 15 days of mailing (but, not more than 45 days), you can file for Garnishment with the Court.
- e. **IMPORTANT:** A copy of the Notice of Court Proceedings to Collect Debt with proof of mailing IS REQUIRED at time of filing Garnishment.

2. AFFIDAVIT, ORDER & NOTICE OF GARNISHMENT & ANSWER OF GARNISHEE (EMPLOYER)

***Fill out the top portion of the Affidavit**

When completing SECTION A of the Affidavit, you will need the following:

- a. **Total probable amount now due** (total of lines 2, 3 & 4)
- b. **Judgment Amount** (found in Judgment Entry)
- c. **Rate of Interest** (found in Judgment Entry)
 - i. Calculate amount of interest based on the interest rate and judgment amount in the Judgment Entry
- d. **Court Costs to Date** (be sure to include the \$105 filing fee for the Garnishment procedure)

3. Fill out the top portion of the remaining forms:

- a. Notice to Judgment Debtor
- b. Request For Hearing
- c. Interim & Final Reports

4. NUMBER OF COPIES REQUIRED WHEN FILING

- | | |
|---|---|
| <input type="radio"/> Affidavit & Order | 5 |
| <input type="radio"/> Part B - Answer of Employer | 4 |
| <input type="radio"/> Notice of Court Proceedings to Collect Debt - copy
▪ (proof of mailing attached) | 1 |
| <input type="radio"/> Notice to Judgment Debtor | 3 |
| <input type="radio"/> Request for Hearing | 3 |
| <input type="radio"/> Interim Report & Answer | 2 |
| <input type="radio"/> Final Report & Answer | 2 |

5. Once all forms have been filled out and the required amounts of copies have been made, bring your packet to Chardon Municipal Court with a check for **\$105.00 made payable to: Chardon Municipal Court** for filing.

6. Once filed with the Court, the Court will mail the paperwork to the employer. If the debtor is no longer employed or can't be garnished for another reason (previous or higher priority garnishment), the employer will fill out that portion on the "Answer of Employer" section and mail it to the Court. The Court will forward a copy of this answer to you.

7. If the debtor is currently employed, the employer is obligated to begin withholding earnings as outlined in the "Interim Report".

8. The employer sends the monies to the Court each pay period and the Court will issue a check to you at the end of the month. Please Note: The employer may deduct up to \$3.00 for a processing fee (per pay).

9. The Court deducts a 2% Administrative Fee for all garnishment payments processed from the debtor's employer.

*** THE NOTICE & AFFIDAVIT TO THE JUDGMENT DEBTOR OF CURRENT BALANCE DUE ON GARNISHMENT ORDER with REQUEST FOR HEARING INCLUDED IN THIS PACKET DOES NOT NEED TO BE FILED AT THIS TIME. THESE SHOULD BE FILED ON A YEARLY BASIS FOR GARNISHMENTS THAT CONTINUE FOR MORE THAN A YEAR.**

AFFIDAVIT, ORDER & NOTICE OF GARNISHMENT & ANSWER OF GARNISHEE
(PERSONAL EARNINGS)

CHARDON MUNICIPAL COURT
CHARDON, OHIO

NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____

Case No. _____ PRINT CASE NO _____

Judgment Creditor

NAME vs. _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____

AFFIDAVIT ENTER DATE OF JDGMT (The debt collector is attempting to collect a debt and any information obtained will be used for that purpose)

The undersigned, first duly cautioned and sworn, deposes that I am the _____ Judgment Creditor or _____ Attorney for Judgment Creditor (please X one) herein, and that said Judgment Creditor on the _____ day of _____, _____, duly recovered a judgment in the Chardon Municipal Court against the Judgment Debtor named above, I the affiant, have good reason to believe and do believe that _____ **NAME OF EMPLOYER** is an employer of the Judgment Debtor who may have personal earnings of the same, nonexempt under R.C. 2329.66, that the written demand required by R.C. 2716.02 has been made, that the payment demanded has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings pursuant to R.C. 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 subject of a debt scheduling agreement of a nature precluding garnishment under R.C. 2716.03(B).

ATTOENEY FOR JUDGMENT CREDITOR _____
Sworn to before and subscribed before me
This _____ day of _____, _____
Clerk / Deputy Clerk / Notary Public

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

TO: _____ **NAME AND ADDRESS OF EMPLOYER** _____ **GARNISHEE**
PRINCIPAL, INTEREST, COSTS **EMPLOYER'S NAME & ADDRESS**

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 Judgment Debtor" and "Request for Hearing" to the Judgment Debtor. Keep the other completed copy of this form for your files. The total probable amount now due on this judgment is \$ _____. (The total probable amount 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 at the rate of _____% per annum payable until that judgment is satisfied in full; and court costs in the amount of \$ _____).

This garnishment order 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 have been paid in full. You must pay that specified amount calculated each pay period at the statutory percentage to the Clerk of Court within thirty (30) days after the end of each pay period of the Judgment Debtor and must include with that amount calculated each pay period at the statutory percentage a completed photocopy of the enclosed "Interim Report and Answer of Garnishee" form. You are permitted to deduct a processing fee of up to three dollars (\$3) 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 "**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 garnishment order will generally remain in effect until one of the following occurs:
- 1) The total probable amount due is paid in full as a result of your withholding 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 staying this garnishment;
 - 4) A federal bankruptcy court issues to you an order staying this order of garnishment;
 - 5) A municipal or county court or a common pleas court 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 common pleas court 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", which is attached to this garnishment order. Under 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 R.C. 2716.041 an employer guide to processing continuous orders of garnishment is included with this order of Garnishment and you should become familiar with them.

Witness my hand and the seal of this court this _____ day of _____, _____ . _____
JUDGE

AFFIDAVIT, ORDER & NOTICE OF GARNISHMENT & ANSWER OF GARNISHEE
(PERSONAL EARNINGS)

CHARDON MUNICIPAL COURT
CHARDON, OHIO

Case No. _____

Judgment Creditor

vs.

Judgment Debtor

AFFIDAVIT

(The debt collector is attempting to collect a debt and any information obtained will be used for that purpose)

The undersigned, first duly cautioned and sworn, deposes that I am the _____ Judgment Creditor or _____ Attorney for Judgment Creditor (please X one) herein, and that said Judgment Creditor on the _____ day of _____, _____, _____, duly recovered a judgment in the Chardon Municipal Court against the Judgment Debtor named above, I the affiant, have good reason to believe and do believe that _____ is an employer of the Judgment Debtor who may have personal earnings of the same, nonexempt under R.C. 2329.66, that the written demand required by R.C. 2716.02 has been made, that the payment demanded has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings pursuant to R.C. 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 subject of a debt scheduling agreement of a nature precluding garnishment under R.C. 2716.03(B).

ATTORNEY FOR JUDGMENT CREDITOR

Sworn to before and subscribed before me

This _____ day of _____, _____

Clerk / Deputy Clerk / Notary Public

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

TO: _____ **GARNISHEE**
EMPLOYER'S NAME & ADDRESS

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 Judgment Debtor" and "Request for Hearing" to the Judgment Debtor. Keep the other completed copy of this form for your files. The total probable amount now due on this judgment is \$ _____. (The total probable amount 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 at the rate of _____% per annum payable until that judgment is satisfied in full; and court costs in the amount of \$ _____).

This garnishment order 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 have been paid in full. You must pay that specified amount calculated each pay period at the statutory percentage to the Clerk of Court within thirty (30) days after the end of each pay period of the Judgment Debtor and must include with that amount calculated each pay period at the statutory percentage a completed photocopy of the enclosed "Interim Report and Answer of Garnishee" form. You are permitted to deduct a processing fee of up to three dollars (\$3) 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 "**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 garnishment order will generally remain in effect until one of the following occurs:

- 1) The total probable amount due is paid in full as a result of your withholding 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 staying this garnishment;
- 4) A federal bankruptcy court issues to you an order staying this order of garnishment;
- 5) A municipal or county court or a common pleas court 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 common pleas court 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", which is attached to this garnishment order. Under 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 R.C. 2716.041 an employer guide to processing continuous orders of garnishment is included with this order of Garnishment and you should become familiar with them.

Witness my hand and the seal of this court this _____ day of _____, _____ . _____
JUDGE

SECTION B. ANSWER OF GARNISHEE

**CHARDON MUNICIPAL COURT
ATTENTION: GARNISHMENT
111 WATER STREET
CHARDON, OHIO 44024
PHONE: 440.286.2684**

Clerk's Filed Stamp

CASE NO. _____

JUDGMENT CREDITOR VS. **JUDGMENT DEBTOR**

Answer All Pertinent Questions. (An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the Judgment Debtor)

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

1. This order of garnishment was received on _____ day of _____ .
2. The Judgment Debtor is in my / our employ. **YES NO**
[If the 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 **YES NO**
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 (45) 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].
3(A) _____
- (B) Were you, on the date that you received this order of garnishment of personal earnings, withholding moneys from **YES NO**
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 garnishment order (such as a support order or internal revenue service levy)? [If the answer is "yes", give the name of the court that issued the higher priority order, the case number, the date the order was received, and the balance due to the relevant judgment creditor under that order.]
3(B) _____
- (C) Did you receive prior to the date that you received this order of garnishment of personal earnings one or more **YES NO**
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 of 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.]
3(C) _____

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE

Dated: _____

Signed: _____

PRINT NAME OF EMPLOYER

PRINT TITLE & NAME

SECTION B. ANSWER OF EMPLOYER (GARNISHEE)

**CHARDON MUNICIPAL COURT
ATTENTION: GARNISHMENT
111 WATER STREET
CHARDON, OHIO 44024
PHONE: 440.286.2684**

Clerk's Filed Stamp

CASE NO. _____

JUDGMENT CREDITOR VS. **JUDGMENT DEBTOR**

Answer All Pertinent Questions. (An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the Judgment Debtor)

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

1. This order of garnishment was received on _____ day of _____ .
2. The Judgment Debtor is in my/our employ. **YES NO**
[If the 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 (45) 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]. **YES NO**
3(A) _____

(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 garnishment order (such as a support order or internal revenue service levy)? [If the answer is "yes", give the name of the court that issued the higher priority order, the case number, the date the order was received, and the balance due to the relevant judgment creditor under that order.] **YES NO**
3(B) _____

(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 of 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.] **YES NO**
3(C) _____

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE

Dated: _____

Signed: _____

PRINT NAME OF EMPLOYER

PRINT TITLE & NAME

PAYMENT TO AVOID GARNISHMENT

**CHARDON MUNICIPAL COURT
ATTENTION: GARNISHMENT
111 WATER STREET
CHARDON, OHIO 44024
PHONE: 440.286.2684**

Clerk's Filed Stamp

TO:

NAME OF JUDGMENT DEBTOR

Date of Mailing: _____, 20____

LAST KNOWN RESIDENCE ADDRESS OF THE JUDGMENT DEBTOR

Case No. _____

CITY STATE ZIP CODE

To avoid garnishment of **PERSONAL EARNINGS** of which you have given me notice, I enclose \$ _____ to apply toward my indebtedness to you. The amount of the payment was computed as follows:

- | | |
|--|----------------|
| 1. Total amount of indebtedness demanded | 1. \$ _____ |
| 2. Enter the amount of your personal earnings after deductions required by law earned by you during the current pay period (that is, the pay period in which this demand is received by you) | 2. \$ _____ |
| 3. (A) Enter your pay period (weekly, biweekly, semimonthly, monthly) | 3.(A) \$ _____ |
| (B) Enter the date when your present pay period ends | 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 \$ _____ (to be filled in by Judgment Creditor). (Use the above figure to complete this part of the form). If you are paid weekly, enter thirty (30) times the current federal minimum hourly wage; if paid biweekly, enter sixty (60) times the current federal minimum hourly wage; if paid semimonthly, enter sixty-five (65) times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty (130) times the current federal minimum hourly wage | 5.(A) \$ _____ |
| (B) Enter the amount by which the amount on line (2) exceeds the amount on line 5 (A) | 5.(B) \$ _____ |
| 6. Enter the smallest of the amounts on line 1, 4 or 5(B). Send this amount to the Judgment Creditor along with this form after you have signed it | 6. \$ _____ |

I certify that the statements contained above are true to the best of my knowledge and belief:

SIGNATURE OF JUDGMENT DEBTOR

PRINT NAME OF JUDGMENT DEBTOR

RESIDENCE ADDRESS 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.

SIGNATURE OF EMPLOYER OR AGENT

PRINT NAME OF EMPLOYER

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

**NOTICE AND AFFIDAVIT TO THE JUDGMENT DEBTOR OF CURRENT BALANCE DUE ON GARNISHMENT ORDER
(PERSONAL EARNINGS)**

**CHARDON MUNICIPAL COURT
CHARDON, OHIO**

Case No. _____

Judgment Creditor

vs.

Judgment Debtor

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

You are hereby notified that the judgment creditor in this proceeding has issued an affidavit of current balance due on garnishment order in the above case. The document entitled "AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT ORDER" that is enclosed with this notice shows the original amount of the judgment that was the basis of the garnishment order, the accrued interest to date, the court costs assessed to date, all moneys paid to the judgment creditor and the judgment creditor's attorney on the judgment to date, and the current balance due on the judgment.

If you dispute the judgment creditor's determination of these amounts or if you believe that this affidavit is improper for any other reason, you may request a hearing before this court by disputing the affidavit in the request for hearing form, appearing below, 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 business day after you receive this notice. You may state your reasons for disputing the judgment creditor's determination of the amounts shown in the "AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT ORDER" 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 determination, 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 currently due on the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing not later than the end of the fifth business day after you receive this notice, the court will conduct the hearing no later than twelve days after your request is received by the court, and the court will send you notice of the date, time, and place. You may indicate in the form that 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 place. If you do not request a hearing by delivering your request for hearing not later than the end of the fifth business day after you receive this notice, some of your personal earnings will continue to 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, you should contact the local bar association.

State of Ohio, _____ County: ss Now comes the judgment creditor/attorney and states:

The original amount of the judgment that is the basis of the garnishment order is: \$ _____

The accrued interest to date is: \$ _____; The court costs assessed to date are: \$ _____

All moneys paid to the judgment creditor/attorney on the judgment to date are: \$ _____

Current Balance Due is: \$ _____

Judgment Creditor/Attorney

Address

City, State, Zip

Judgment Creditor/Attorney

Sworn to & Subscribed before me on

Notary Public

NOTICE OF COURT PROCEEDINGS TO COLLECT DEBT

**CHARDON MUNICIPAL COURT
ATTENTION: GARNISHMENT
111 WATER STREET
CHARDON, OHIO 44024
PHONE: 440.286.2684**

Clerk's Filed Stamp

To:

JUDGMENT DEBTOR

LAST KNOWN RESIDENCE ADDRESS OF JUDGMENT DEBTOR

CITY STATE ZIP CODE

DATE OF MAILING: _____

CASE NO. _____

You owe the undersigned _____ \$ _____
JUDGMENT CREDITOR AMOUNT

Including interest and court costs, for which a judgment was obtained against you or certified in the Chardon Municipal Court on _____, payment of which is hereby demanded.
JUDGMENT ENTRY DATE

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 is 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 (Judgment Creditor) 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 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 might protect you from future garnishments of your wages. Under 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 make your payments to the service on time.**

PRINT NAME OF JUDGMENT CREDITOR

X _____
SIGNATURE OF JUDGMENT CREDITOR OR
JUDGMENT CREDITOR'S ATTORNEY

ADDRESS OF JUDGMENT CREDITOR

CITY STATE ZIP CODE

CHARDON MUNICIPAL COURT

111 WATER STREET
CHARDON, OHIO 44024

Case No. _____

**NOTICE TO THE JUDGMENT DEBTOR
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 Chardon 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 documents entitled "ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER" that are enclosed with this notice show 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** postcard 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 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 no later than the end of the fifth business day after you receive this notice, it will be conducted no later than twelve days after your request is received by the court, and the court will send you notice of the date, time, and place. You may indicate in the form that 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 place. 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 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.

CHARDON MUNICIPAL COURT
VICTORIA L. DAILEY, CLERK OF COURT

Deputy Clerk

Date: _____, 20 _____

**REQUEST FOR HEARING
(PERSONAL EARNINGS)
TO BE FILED WITH FORM (MC404A) AFFIDAVIT, ORDER AND NOTICE OF
GARNISHMENT AND ANSWER OF GARNISHEE**

Case No. _____

CHARDON MUNICIPAL COURT,
111 Water Street
Chardon, Ohio 44024

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 days after delivery of this request to the court.

I _____ feel that the need for hearing is an emergency.
INSERT "DO" OR "DO NOT"

I dispute the "Judgment Creditor's right to garnish my personal earnings for the following reasons:

*

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

Print Name of Judgment Debtor

Signature

Phone number where we can contact you

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 PERSONAL EARNINGS WILL BE PAID TO

JUDGMENT CREDITOR'S NAME

IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

* OPTIONAL

**REQUEST FOR HEARING
(PERSONAL EARNINGS)
TO BE FILED WITH NOTICE AND AFFIDAVIT TO THE JUDGMENT DEBTOR OF
CURRENT BALANCE DUE ON GARNISHMENT ORDER**

Case No. _____

CHARDON MUNICIPAL COURT,
111 Water Street
Chardon, Ohio 44024

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 days after delivery of this request to the court.

I _____ feel that the need for hearing is an emergency.
INSERT "DO" OR "DO NOT"

I dispute the "Judgment Creditor's right to garnish my personal earnings for the following reasons:

* _____

**I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR
CONSIDERED AT THE HEARING.**

Print Name of Judgment Debtor

Signature

Phone number where we can contact you

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
PERSONAL EARNINGS WILL BE PAID TO**

JUDGMENT CREDITOR'S NAME

IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

* OPTIONAL

INTERIM REPORT AND ANSWER OF GARNISHEE

**CHARDON MUNICIPAL COURT
ATTENTION: GARNISHMENT
111 WATER STREET
CHARDON, OHIO 44024
PHONE: 440.286.2684**

Clerk's Filed Stamp

CASE NO. _____

_____ VS. _____
JUDGMENT CREDITOR JUDGMENT DEBTOR

The employer (garnishee), _____ in the above case states as follows:

1. The date 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 OR in the Affidavit of Current Balance Due on Garnishment Order if that Affidavit has been received subsequent to the Order of Garnishment, is \$ _____.
3. The pay period of the Judgment Debtor is (enter weekly, biweekly, semi-monthly, or monthly. Do not enter a pay period of more than one month.) _____.
4. The disposable earnings of the Judgment Debtor earned during the Judgment Debtor's present pay period is ("Disposable earnings" means earnings after deductions required by law. "Present pay period" means the pay period for which you are completing this Interim Report and Answer of Garnishee) \$ _____.
5. The amount equal to twenty-five percent (25%) of the Judgment Debtor's disposable earnings set forth in section 4 of this form is \$ _____.
6. _____ times the current federal minimum hourly wage is: (if the Judgment Debtor is paid weekly, enter (30) above; if paid bi-weekly, enter sixty (60); if paid semi-monthly, enter sixty-five (65); if paid monthly, enter one hundred thirty(130) then calculate the amount. \$ _____.
7. The amount by which the amount in section 4 of this form exceeds the amount in section 6 of this form is \$ _____.
8. The smallest of either the amount entered in section 5 of this form, the amount entered in section 7 of this form, or the amount entered in section 2 of this form, is \$ _____.
9. The amount entered in section 8 of this form, plus or minus (as appropriate) the garnishee's processing fee is \$ _____ [if the amount entered in section 8 of this form equals the amount entered in section 2 of this form, then add up to three dollars (\$3); otherwise subtract up to three dollars (\$3)].
10. Other deductions \$ _____.
11. The calculated amount that has been withheld from the Judgment Debtor's personal earnings during the Judgment Debtor's present pay period and that is submitted with this "Interim Report and Answer of Garnishee" is \$ _____.

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE.

PRINT NAME OF EMPLOYER

PRINT NAME & TITLE OF PERSON WHO COMPLETED THIS FORM

DATED THIS _____ DAY OF _____, 20_____

SIGNATURE OF PERSON COMPLETING THIS FORM

TELEPHONE NUMBER: _____

FINAL REPORT AND ANSWER OF GARNISHEE

**CHARDON MUNICIPAL COURT
ATTENTION: GARNISHMENT
111 WATER STREET
CHARDON, OHIO 44024
PHONE: 440.286.2684**

Clerk's Filed Stamp

CASE NO: _____

JUDGMENT CREDITOR

JUDGMENT DEBTOR

The garnishee (employer), _____ in the above cases states as follows:

1) The date that the garnishee received the order of garnishment of the Judgment Debtor's personal earnings was: _____

1) _____

2) The total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in section A of the order of garnishment of the Judgment Debtor's personal earnings, is: _____

2) \$ _____

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 is: _____

3) \$ _____

4) (When applicable) the total probable amount due on the judgment (as stated in 2 above) is not equal to the total amount that has been withheld (as stated in 3 above), and 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 reasons (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 a 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 OF COURT THAT ISSUED HIGHER PRIORITY ORDER

CASE NO. _____

DATE RECEIVED _____
THE DATE THE HIGHER PRIORITY ORDER WAS RECEIVED

BALANCE DUE _____

FINAL REPORT AND ANSWER OF GARNISHEE (page two)

(d)_____ A municipal or county court or a 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 OF COURT THAT ISSUED HIGHER PRIORITY ORDER

CASE NO. _____

DATE RECEIVED _____
THE DATE THE HIGHER PRIORITY ORDER WAS RECEIVED

BALANCE DUE _____

(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: _____

(g)_____ Other: _____

I certify that the statements above are true.

Signed: **X** _____
SIGNATURE OF EMPLOYER OR EMPLOYER'S AGENT

PRINT NAME OF EMPLOYER

Dated _____
DATE THIS FORM WAS COMPLETED

PRINT NAME OF PERSON COMPLETING FORM ON BEHALF OF EMPLOYER

Telephone Number _____

PRINT TITLE OF PERSON COMPLETING FORM ON BEHALF OF EMPLOYER

NOTE: After completing this "FINAL REPORT AND ANSWER OF EMPLOYER (GARNISHEE)", 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 Court, at the address on this form, by Regular U.S. Mail.