

# 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)  
**\$55.00** - If going to a local branch by Bailiff, or  
**\$70.00** - 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>
<b>TOTAL</b>	<b>5</b>

#### **Section B: Answer of Garnishee**

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

#### **Notice to Judgment Debtor:**

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

#### **Request for Hearing:**

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

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**

NAME & ADDRESS OF BANK

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 \$ 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 \$625.00 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 \$625.00 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 \$625.00 \_\_\_\_\_

- 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



**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.**