

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

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

THE STATE OF OHIO

COUNTY OF \_\_\_\_\_, SS

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

\_\_\_\_\_

Judgment Creditor

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

vs.

\_\_\_\_\_

Judgment Debtor

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

The undersigned, \_\_\_\_\_, being first duly sworn, states that:

1. The name of the Judgment Debtor whose property, other than personal earnings, the Judgment Creditor seeks to garnish is \_\_\_\_\_
2. 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.
3. The property is described as follows:  
\_\_\_\_\_  
\_\_\_\_\_

4. The Judgment Creditor has obtained judgment against the Judgment Debtor which remains unsatisfied in the Amount of \$ \_\_\_\_\_

Signed at \_\_\_\_\_, Ohio on \_\_\_\_\_, 20\_\_\_\_\_,<sup>3, 4</sup>

THE STATE OF OHIO

COUNTY OF \_\_\_\_\_, SS

\_\_\_\_\_  
Affiant's Signature

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
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</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 this 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, return the completed original of this form, together with any amount shown due on it, to the \_\_\_\_\_ Court not later than \_\_\_\_\_, 20\_\_\_\_\_.<sup>4</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 judgment, 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 \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Judge

### SECTION B. ANSWER OF GARNISHEE<sup>5</sup>

(Answer All Pertinent Questions)

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

**INSTRUCTIONS: To complete the back of this form; (1) tear stub off top, (2) reverse carbons, (3) continue typing or writing on the reverse side.**

WHITE: Return to Court

BLUE: Retained by Employer

GREEN: Give to Defendant

CANARY: Retained by Court

PINK: For Return of Service

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, 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, sign and return this form and pay the 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 (Sign all copies)

Copy delivered to Judgment Debtor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

<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> To be completed by the Judgment Creditor.  
<sup>3</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.  
<sup>4</sup> Before the date set for the hearing as indicated on this notice. ORC § 2716.21(B) and ORC § 2716.13(B).  
<sup>5</sup> To be completed by the Garnishee.

**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**

**TO: SHERIFF, CONSTABLE, BAILIFF**

You are hereby directed to serve three (3) copies of this order of Garnishment of property other than personal earnings, 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 \_\_\_\_\_, 20\_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
 I served this writ on the within named by  
 personal service  
 other (O.R.C. 2716.21) \_\_\_\_\_

**FEEES**

Service and return \_\_\_\_\_

\_\_\_\_\_  
 (Sheriff - Bailiff - Constable)

Returned and filed \_\_\_\_\_, 20\_\_\_\_\_

Mileage \_\_\_\_\_

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

\_\_\_\_\_  
 (Sheriff - Bailiff - Constable)

By \_\_\_\_\_  
 Deputy