

THE MUNICIPAL COURT OF MONTGOMERY COUNTY, OH
195 South Clayton Rd
New Lebanon, OH 45345
1-937-687-9092

INSTRUCTIONS :FILING GARNISHMENTS:

**Bring 1 thru 10 with \$35 filing fee for Bank Attachments and \$125 fee for Personal Earnings.
Do not sign any form until you bring it back to file**

NOTE: Plaintiff is Creditor and Defendant is Debtor

1. Send the **NOTICE OF COURT PROCEEDINGS TO COLLECT DEBT** to defendant by Certificate of Mailing. Original of form is to be kept by the plaintiff, send yellow to defendant, pink for plaintiff's records. Bring original & proof of mailing to the Court after 15 DAYS, BEFORE 45 DAYS.
2. **AFFIDAVIT**-to be completed & filed with garnishment forms
3. The multi-page **GARNISHMENT FORM** is to be filled out completely-including the name and address of defendant's employer on the first line of Section A.
4. **NOTICE TO JUDGMENT DEBTOR**-all lines are to be filled in except the EXEC. NO. line- no signature required.
5. **REQUEST FOR HEARING** -print name & address of both creditor, debtor & case number is to be filled out.
6. **FINAL REPORT & ANSWER OF GARNISHEE** -creditor's name & debtor's name only, case number & the GARNISHEE line is to be filled in.
7. **INTERIM REPORT & ANSWER OF GARNISHEE** creditor's name & debtor's name only, case number & the GARNISHEE line is to be filled in.
8. **AFFIDAVIT OF CURRENT BALANCE**-this is a new provision in the statute. It requires the creditor's or attorney for creditor's to file an affidavit of the current balance due at a minimum on an annual basis. The affidavit shows calculation of the balance that is still outstanding on the judgment that was the subject of the order of garnishment originally served on the employer. It is the means by which the creditor can advise the employer of the correct amount still outstanding. The affidavit may be filed more frequently. This may be necessary if funds are received from some other sources or if Court costs are expended that would drastically affect the balance. The affidavit along with a hearing notice and a request for hearing form

must be filed with the Court, the employer, and the debtor. The filing with the debtor may be done either by personal service, certified mail, or regular mail with proof of mailing at the debtor's last known address. No Court costs are to be imposed for the filing of the affidavit.

9. **REQUEST FOR HEARING DETERMINATION OF CURRENT BALANCE DUE ON GARNISHMENT ORDER**-goes with number 8 form
10. **NOTICE TO THE JUDGMENT DEBTOR OF AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT ORDER**-goes with number 8
11. **NOTICE THAT THE TOTAL PROBABLE AMOUNT DUE ON THE JUDGMENT HAS BEEN PAID IN FULL OR OTHERWISE SATISFIED**-this must be sent to the Court after judgment is paid in full.

NOTICE OF COURT PROCEEDINGS TO COLLECT DEBT
(OHIO REVISED CODE 2716.02 EFF. 3/30/99)

Date of mailing or date of service by the court _____

TO _____
(Name of the Judgment Debtor)

_____ (Last known residence address of the Judgment Debtor)

You owe the undersigned, _____ \$ _____
(Name of the Judgment Creditor)

Including interest and court costs, for which a judgment was obtained against you or certified in the County Court of Montgomery County on _____, payment of which is hereby demanded.

If you do not do one of the three things listed below within fifteen 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 has been paid in full, or if applicable, is paid to a certain extent and to pay the withheld money to the court in 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-DAY PERIOD:

- (1) Pay to us 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 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 described in division (D) of section 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.

(Name of Judgment Creditor)

(Address of Judgment Creditor)

(Signature of Judgment Creditor)

PAYMENT TO AVOID GARNISHMENT

TO: _____
(Name of Judgment Creditor)

(Address of Judgment Creditor)

To avoid the 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. Enter your pay period (weekly, bi-weekly, semi-monthly, monthly); (3) \$ _____
4. Enter an amount equal to 25% of the amount on line (2); (4) \$ _____
5. (A) The current federal hourly minimum wage is \$ _____ (to be filled in by the Judgment Creditor)
(You should use the above figure to complete this portion of the form). If you are paid weekly, enter thirty times the current federal minimum hourly wage; if paid bi-weekly, enter sixty times the current federal minimum hourly wage; if paid semi-monthly, enter sixty-five times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty 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 and Residence Address)

I certify that the amount shown on line (2) is a true statement of the judgment debtor's earnings.

(Print Name of Employer)

(Signature of Employer or Agent)

THE MUNICIPAL COURT OF MONTGOMERY COUNTY, OH AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT OF PERSONAL EARNINGS AND ANSWER OF EMPLOYER (R.C. 2716.05)

revised 3/30/99

SOCIAL SECURITY NUMBER JUDGMENT CREDITOR

-vs-

SOCIAL SECURITY NUMBER JUDGMENT DEBTOR

THE MUNICIPAL OF MONTGOMERY COUNTY WESTERN DIVISION EASTERN DIVISION CIVIL DEPARTMENT CIVIL DEPARTMENT 195 SOUTH CLAYTON ROAD 6111 TAYLORSVILLE RD NEW LEBANON, OH 45345 HUBER HEIGHTS, OH 45424

Case No. Exec. No.

This number must be used on all references (The debt collector is attempting to collect a debt and any information obtained will be used for that purpose).

STATE OF OHIO, COUNTY OF MONTGOMERY, ss:

The undersigned, first duly cautioned and sworn, deposes that I am the attorney/ Judgment Creditor herein, and that said Judgment Creditor on the ___ day of ___, 20___, duly recovered a judgment in the ___ 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 having 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 the subject of a debt scheduling agreement of a nature precluding garnishment under R.C. 2716.03(B).

ATTORNEY FOR JUDGMENT CREDITOR

Sworn to and subscribed before me this ___ day of ___, 20___.

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 owe the Judgment Debtor money for personal earnings which are nonexempt from garnishment under the laws of Ohio and the United States. 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 together with the amount determined in accordance with the "Answer of Employer (Garnishee)." 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 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, as determined in the "Answer of Employer (Garnishee)", from the Judgment Debtor's personal earnings during each pay period of the Judgment Debtor following your receipt of the order until the judgment in favor of the Judgment Creditor and the associated court costs, interest, and, if applicable, prejudgment interest have been paid in full. You must pay the specified amount 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 a completed photocopy of the enclosed, "INTERIM REPORT AND ANSWER OF GARNISHEE" form.

This garnishment order will 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 from the Judgment Debtor's personal earnings;
2) The Judgment Creditor files with this court a written notice that the total probable amount due has been satisfied.;
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.

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 in (5) and (6) above, you must cease processing this order of garnishment one hundred eighty-two (182) days after you began processing it.

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 and you should become familiar with them.

Witness my hand and seal of this court this ___ day of ___, 20___. JUDGE

SECTION B: ANSWER OF EMPLOYER (GARNISHEE) (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 _____, 20_____.
2. The Judgment Debtor is in my / our employee. YES NO
[If the answer is "No", give day 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? YES NO
[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) _____

3(B) Were you, on the date that you received this order of garnishment of personal earnings, withholding moneys from the Judgment Debtor personal 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)? YES NO
[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) _____

3(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 182-day period or holding one or more of those orders for processing for a 182-day period in the sequence of their receipt by you? YES NO
[If the answer to the 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) _____

4(A) State whether the pay period of the Judgment Debtor is weekly, biweekly, semimonthly, or monthly (Do not enter a pay period of more than one month): 4(A) _____

4(B) Enter the disposable earnings of the Judgment Debtor earned during the Judgment Debtor's present pay period. ("Disposable earnings" means earnings after deductions required by law. "Present pay period" means the pay period in which you receive this order of garnishment of personal earnings). 4(B)\$ _____

4(C) If the Judgment Debtor's pay period is weekly, enter on line 4(C) an amount equal to six and one-quarter percent (6.25%) of the Judgment Debtor's disposable earnings set forth on line 4(B). If the Judgment Debtor's pay period is biweekly or semimonthly, enter on line 4(C) an amount equal to twelve and one-half percent (12.5%) of the Judgment Debtor's disposable earnings set forth on line 4(B). If the Judgment Debtor's pay period is monthly, enter on line 4(C) an amount equal to twenty-five percent (25%) of the Judgment Debtor's disposable earnings set forth on line 4(B). 4(C) _____

5(A) If the Judgment Debtor is 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)\$ _____

5(B) Enter the amount by which the amount on line 4(B) exceeds the amount on line 5(A): 5(B)\$ _____

6. Enter on line 6 the smallest of the amount entered on line 4(C); or the amount entered on line 5(B); or the total probable amount now due on the judgment, including interest costs, as indicated in Section A of this form. Pay the amount entered on line 6 into the **MUNICIPAL COURT OF MONTGOMERY COUNTY** when returning this form. 6 \$ _____

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE, THAT ANY DEDUCTION FROM THE JUDGMENT DEBTOR'S PAY WILL BE THE RESULT OF A 182-DAY CONTINUOUS GARNISHMENT, AND THAT ALL REQUIRED DOCUMENTS HAVE BEEN DELIVERED TO THE JUDGMENT DEBTOR.

DATED: _____ SIGNED: _____

Print Name of Employer Print Title and Name

Pursuant to R.C. 2716.05, I served the above garnishment order by leaving three copies thereof, together with the garnishee's fee, two copies of the Notice to Judgment Debtor and Hearing Request, with _____, an officer or managing or general agent of the Garnishee on _____ (date). No Service because _____ Date of Return: _____ Sheriff/Bailiff/Process Server _____

THE MUNICIPAL COURT OF MONTGOMERY COUNTY, OH

WESTERN DIVISION
CIVIL DEPARTMENT

195 South Clayton Road, New Lebanon, Ohio 45345

EASTERN DIVISION
CIVIL DEPARTMENT

6111 Taylorsville Road, Huber Heights, Ohio 45424

NOTICE TO THE JUDGMENT DEBTOR OF GARNISHMENT OF WAGES
(R.C. 2716.06)

Judgment Creditor
vs.

Judgment Debtor

Case No. _____

Exec. No. _____

This number must be used on all references.

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

YOU ARE HEREBY NOTIFIED that this court has issued an order in the above case in favor of _____,
name of judgment creditor
_____, the Judgment Creditor in this proceeding, directing
address of judgment creditor

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

_____ in _____ on _____
Court case number date

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 in the attached **Request for Hearing** form, 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"** form 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 on the form that you feel 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 should contact your attorney immediately. If you need the name of a lawyer, contact the local bar association. (Dayton Bar Association 222-6102).

DATE _____

MONTGOMERY COUNTY CLERK OF COURTS

By: _____

Deputy Clerk

Attorney for Creditor

MONTGOMERY COUNTY CLERK OF COURTS
THE MUNICIPAL COURT OF MONTGOMERY COUNTY, OH

WESTERN DIVISION
CIVIL DEPARTMENT

195 South Clayton Road, New Lebanon, Ohio 45345

EASTERN DIVISION
CIVIL DEPARTMENT

6111 Taylorsville Road, Huber Heights, Ohio 45424

REQUEST FOR HEARING
(PERSONAL EARNINGS)
(O.R.C. 2715.041, 2716.06)

The State of Ohio
Montgomery County

JUDGMENT CREDITOR

vs.

JUDGMENT DEBTOR

Case No. _____

Exec. No. _____

This number must be used on all references

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

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 (12) after delivery of this request to the court.

I *do/do not* (circle one) feel that the need for the hearing is an emergency.

I dispute the judgment creditor's right to garnish my personal earnings for the **following reasons** :

Optional: _____

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

(Name of Judgment Debtor - Print)

(Signature of Judgment Debtor - Print)

(Date)

(Address & Street)

(City, State & Zip Code)

(Area Code) (Phone Number)

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 THE JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

Garnishee/Employer to deliver one copy of the Request for Hearing/Personal Earnings form to Judgment Debtor/Employee upon receipt.

THE MUNICIPAL COURT OF MONTGOMERY COUNTY, OH

**WESTERN DIVISION
CIVIL DEPARTMENT**

195 South Clayton Road, New Lebanon, Ohio 45345

**EASTERN DIVISION
CIVIL DEPARTMENT**

6111 Taylorsville Road, Huber Heights, Ohio 45424

FINAL REPORT AND ANSWER OF GARNISHEE

(R.C. 2716.08)

JUDGMENT CREDITOR

vs.

JUDGMENT DEBTOR

Case No. _____

Exec. No. _____

**This number must be used on all references
THIS LAW FIRM IS A DEBT COLLECTOR ATTEMPTING TO
COLLECT THIS DEBT FOR OUR CLIENT AND ANY
INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

THE GARNISHEE, _____, IN THE ABOVE CASE, STATES AS FOLLOWS:

1. The date that the Garnishee received the Order of Garnishment of the Judgment Debtor's personal earnings was _____.
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 \$ _____.
3. The total amount that has been withheld from the Judgment Debtor's personal earnings and paid to the court while the Order of Garnishment of the Judgment Debtor's personal earnings remained in effect is \$ _____.
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 reason(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 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 that the higher priority order was received, and the balance due to the relevant judgment creditor under that order): _____

- (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): _____

- (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:

ONE COPY OF THE FINAL REPORT AND ANSWER SHALL BE SERVED UPON THE GARNISHEE IN ACCORDANCE WITH R.C. 2716.05. THE GARNISHEE SHALL FILE THE FINAL REPORT AND ANSWER WITH THE COURT WHEN THE CONTINUOUS GARNISHMENT CEASES TO REMAIN IN EFFECT. (See R.C. 2716.08(A) and R.C. 2716.041).

PRINT NAME OF EMPLOYER

PRINT NAME AND TITLE OF PERSON WHO COMPLETED FORM

SIGNATURE OF PERSON WHO COMPLETED FORM

DATE

(TELEPHONE NUMBER)

Note:

After completing this "FINAL REPORT AND ANSWER OF GARNISHEE", you are required to send one copy to the Clerk of this court at the address printed on this form by Regular U.S. Mail, and one copy to the Judgment Debtor/employee. One copy is for your file.

(Attorney Name)

(Attorney Address)

(Attorney City, State & Zip Code)

(Attorney Phone Number)

Attorney for the Judgment Creditor

THE MUNICIPAL COURT OF MONTGOMERY COUNTY, OH

WESTERN DIVISION
CIVIL DEPARTMENT

195 South Clayton Road, New Lebanon, Ohio 45345

AREA TWO
CIVIL DEPARTMENT

6111 Taylorsville Road, Huber Heights, Ohio 45424

INTERIM REPORT AND ANSWER OF GARNISHEE

(R.C. 2716.07)

JUDGMENT CREDITOR

vs.

JUDGMENT DEBTOR

Case No. _____

Exec. No. _____

This number must be used on all references

THE GARNISHEE, _____, IN THE ABOVE CASE, STATES AS FOLLOWS:

1. The date that the Garnishee received the Order of Garnishment of the Judgment Debtor's personal earnings was _____.
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, 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, semimonthly, or monthly. Do not enter a 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 thirty above, if paid biweekly, enter sixty, if paid semimonthly, enter sixty-five, if paid monthly, enter one hundred thirty, 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 AND TITLE OF PERSON WHO COMPLETED FORM

SIGNATURE OF PERSON WHO COMPLETED FORM

DATE

Telephone Number

THIS LAW FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT THIS DEBT FOR OUR CLIENT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

One copy of the Interim Report and Answer was served upon the Garnishee in accordance with R.C. 2716.05. The Garnishee may photocopy that copy to send with each garnishment of the Judgment Debtor's personal earnings. (See R.C. 2716.07(A) and R.C. 2716.041).

CASE NO.

JUDGMENT CREDITOR(S)

Against

AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT ORDER

JUDGMENT DEBTOR(S)

The undersigned being first duly sworn states as follows:

Affiant states the undersigned is an attorney employed by _____ which represents the Judgment Creditor set forth in the caption above.

Affiant further states that the within Affidavit is being made pursuant to Section 2716.031 of the Ohio Revised Code in order to set forth the current balance due on the Garnishment Order previously filed in the within action.

Affiant further states that the undersigned is the custodian of said records and that they are regularly kept in the ordinary course of business and made at or near the time of the transactions reflected therein. Said records are made either by a person having personal knowledge of the information contained therein or based on information conveyed by person having personal knowledge of the information contained therein and that _____ regularly relies on said records in conducting its business.

Affiant further states that the current balance due on the Garnishment Order is calculated as follows:

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

Accrued interest to date: \$ _____

Court costs assessed to date: \$ _____

All moneys paid to the judgment creditor and the Judgment Creditor's Attorney on the judgment to date: \$ _____

Current balance due: \$ _____

Name and address of the Judgment Creditor is: _____ Name and address for the Creditor's attorney is: _____

Affiant further states that this Affidavit is made this date _____.

Affiant's Signature

Sworn to and subscribed before me. _____
Notary Public

Certificate of Service

A copy of this affidavit was mailed to the Judgment Debtor by Regular U.S. Mail on _____ (with a properly completed and stamped certificate of mailing) addressed to the Judgment Debtor's last known residence.

THIS LAW FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT THIS DEBT FOR OUR CLIENT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Judgment Creditor's Attorney

**REQUEST FOR HEARING
DETERMINATION OF CURRENT BALANCE DUE ON GARNISHMENT ORDER**

Judgment Creditor(s)

CASE NO. _____

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

Judgment Debtor(s)

I *dispute* the judgment creditor's determination of current balance due on garnishment order 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 *do/do not* (circle one) feel that the need for the hearing is an emergency.

I dispute the Judgment Creditor's determination for the **following reasons:**

Optional: _____

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT INTSELF WILL BE CONSIDERED AT THE HEARING.

(Print Name of Judgment Debtor)

(Signature of Judgment Debtor)

(Date)

(Address & Street)

(City, State, & Zip Code)

(Area Code) (Phone Number)

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 CONTINUE TO BE PAID TO THE JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

Garnishee/Employer to deliver one copy of the Request for Hearing/Personal Earnings form to Judgment Debtor/Employee upon receipt.

NOTICE TO THE JUDGMENT DEBTOR
OF AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT ORDER

Judgment Creditor

VS.

CASE NO. _____

Judgment Debtor

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 this 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, accompanying this form, 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.

Judgment Creditor or Judgment Creditor’s Attorney

Date

This law firm is a debt collector attempting to collect this debt for our client and any information obtained will be used for that purpose.

THE STATE OF OHIO

CASE NO.

JUDGMENT CREDITOR(S)

Against

**NOTICE THAT THE TOTAL PROBABLE AMOUNT
DUE ON THE JUDGMENT HAS BEEN PAID IN
FULL OR OTHERWISE SATISFIED**

JUDGMENT DEBTOR(S)

Notice is hereby given that the total probable amount on the Garnishment Order previously served on the Garnishee in the within action has been paid in full or otherwise satisfied and that the Order of Garnishment is to terminate to the provisions of Ohio Revised Code Section 2716.041(C)(1)(b).

Judgment Creditor's Attorney

Certificate of Service

A copy of this Notice is being filed with the Court and mailed to the Garnishee and Judgment Debtor by certified U.S. Mail

Judgment Creditor's Attorney

THIS LAW FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT
THIS DEBT FOR OUR CLIENT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE.