

**Affidavit and Order of Garnishment of
Personal Earnings and Answer of Employer**

In the State of Ohio, County of Ashtabula:

Ashtabula Municipal Court, 110 W 44th Street, Ashtabula, OH 44004 (440) 992-7109

JUDGMENT CREDITOR (PLAINTIFF)

CASE NO _____

GARNISHMENT

AGAINST

JUDGMENT DEBTOR (DEFENDANT)

Before me, the undersigned NOTARY PUBLIC/DEPUTY CLERK, personally appeared _____ (JUDGMENT CREDITOR), who being duly sworn according to law, says that he/she is the Judgment Creditor herein and that said Judgment Creditor heretofore, to-wit, on _____ (DATE OF JUDGMENT) duly recovered or transferred a Judgment to the ASHTABULA MUNICIPAL COURT against said Judgment Debtor which remains unsatisfied.

Amount of Judgment: \$ _____

INCLUDING Interest to Date: \$ _____

PLUS Court Costs to Date: \$ _____

Affiant's Signature

MINUS Amount Received on Judgment: \$ _____

Amount Now Due: \$ _____

The Garnishee named in Section A of this form is an employer of the Judgment Debtor who may have personal earnings of the Judgment Debtor. And that a true copy of the Demand required by ORC 2716.02 has been made and a true copy of said Demand which was made is attached hereto; the payment demanded in said Demand has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in ORC 2716.02. The affiant has no knowledge of any application by the Judgment Debtor for the appointment of a trustee so as to preclude the garnishment of the Judgment Debtor's personal earnings and has no knowledge that the debt to which this affidavit pertains is the subject of a debt scheduling agreement of such a nature that it precludes the garnishment of the personal earnings of the Judgment Debtor under ORC 2716.03(B).

Sworn to and subscribed before me _____ (Date)

Deputy Clerk/Notary Public

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT

TO: _____
(Employer Name/Address)

The total probable Amount Now Due on the Judgment is the Amount Now Due as specified above plus interest at the rate as specified above from the day of garnishment on the smaller of the amount of the Judgment or the Amount Now Due.

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.

You are therefore ordered to complete the "ANSWER OF EMPLOYER (GARNISHEE)" in Section B of the attached form. Return one COMPLETED and SIGNED copy of this form to the Clerk of Court within five (5) business days after you receive this order of garnishment. Deliver one completed and signed copy of Section B and the accompanying documents entitled "NOTICE TO THE JUDGMENT DEBTOR" and "REQUEST FOR HEARING" to the Judgment Debtor. Keep the other completed and signed copy of the 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 said Judgment at the rate of _____% per annum; and court costs in the amount of \$ _____.

This order of garnishment 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 this order until the Judgment in favor of the Judgment Creditor and the associated court costs, Judgment interest and, if applicable, prejudgment interest awarded to the Judgment Creditor as described above have been paid in full. You generally must pay that specified amount, calculated each pay period at the statutory percentage, to the Clerk of Court within 30 days after the end of each pay period of the Judgment Debtor and must include that specified amount, calculated each pay period at the statutory percentage in an "INTERIM REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in ORC 2716.07. A copy of the "INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings and you may copy it to use each time you pay the specified amount to the Clerk of Court. You are permitted to deduct a processing fee of up to three dollars (\$3.00) from the Judgment Debtor's personal disposable earnings for any pay period of 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 part of the court costs). You are not required to file with the Court the "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 order of garnishment of personal earnings shall remain in effect until one of the following occurs:

- 1) The total probable amount due on the Judgment as described above is paid in full as a result of your withholding of 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 files with the Court a written notice that the total probable amount due on the Judgment as described above has been satisfied or the Judgment Creditor files a written request to terminate this order of garnishment and release you from the mandate of this order of garnishment.
- 3) The Court appoints a trustee for the Judgment Debtor and issues to you an order that stays this order of garnishment of personal earnings.
- 4) A federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.
- 5) Another Court issues to you another order of garnishment of personal earnings with a higher priority than this order.
- 6) Another Court issues to you another order of garnishment of personal earnings without 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" substantially in the form set forth in ORC 2716.08. 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 or garnishment with respect to the same Judgment Debtor. These rules are set forth in ORC 2716.041.

Under Ohio law, you are required to abide by all rules regarding this and all garnishments of personal earnings. The Court cannot provide any legal advice and must remain an independent third-party. If you need legal advice, you should contact an attorney. If you need assistance finding an attorney, you should contact your local Bar Association.

WITNESS my hand this _____ day of _____, _____

JUDGE LAURA DIGIACOMO

SECTION B: ANSWER OF EMPLOYER (GARNISHEE)

CASE NO: _____

Now comes _____ the Employer (Garnishee), who says:
(An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the Judgment Debtor)

1) This order of garnishment of personal earnings was received on: _____

2) The Judgment Debtor is in my/our employ: Yes _____ No _____

If the answer is NO, please give last date of employment _____

If Judgment Debtor was never employed, please check box:

3(A) Is the debt to which this order of garnishment of personal earnings pertains 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 of these questions is Yes, give all details available of the agreement, sign this form and return it to the Court.

Details of Agreement: _____

3(B) Were you, on the date that you received this order of garnishment of personal earnings, withholding moneys from the Judgment Debtor's personal earnings pursuant to another order of garnishment or personal earnings that Ohio or Federal Law provides with a higher priority than this order of garnishment of personal earnings (such as a support order or IRS levy)?

Yes _____ No _____

If the answer to this question is Yes, give the name of the Court that issued the higher priority order, the associated case number, the date upon which you received that order, and the balance due on the relevant Judgment Creditor under that order.

Name of Court: _____ Date Received: _____

Associate Case Number: _____ Balance Due: _____

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 for 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?

Yes _____ No _____

If the answer to this question is Yes, give the name of the Court that issued 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 them.

Name of Court: _____ Date Received: _____

Associate Case Number: _____ Balance Due: _____

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE:

Return one Completed and Signed copy of this form the Clerk of this Court within five (5) business days after you receive this order of Garnishment of Personal Earnings

Print name of Employer/Agent

Print name and title of person completing form

Signed _____ Dated this _____ day of _____ 20____