

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

The State of Ohio
County of _____, SS

Case No. _____

Judgment Creditor(s)

vs.

FAIRBORN MUNICIPAL COURT
1148 KAUFFMAN AVE
FAIRBORN, OH 45324
(937) 754-3044

Judgment Debtor(s)

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

AFFIDAVIT

The undersigned, being first duly cautioned and sworn, affirmed according to law, says that I am the Judgment Creditor herein/Attorney for Judgment Creditor herein, and that said Judgment Creditor heretofore, to-wit, on the _____, duly recovered a judgment before this Court against said Judgment Debtor _____.

Amount Now Due: \$ _____

DESCRIPTION OF PROPERTY: _____

Name and address of Garnishee who may have in the garnishee's hands or control money, property, or credits, other than personal earnings of the judgment debtor: _____

ATTORNEY FOR JUDGMENT CREDITOR

Sworn to and subscribed before me

Date: _____

Notary Public / Deputy Clerk

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 this 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 also are ordered to hold safely anything of value 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

Now comes _____ the GARNISHEE, who says:

1. That the Garnishee **has more than \$500.00** in money, property, or credits, other than personal earnings, of the judgment debtor under the Garnishee's control and in the Garnishee's possession.

_____ **NO** _____ **YES** IF YES, **AMOUNT OVER \$500.00: \$** _____

2. That property is described as: _____

3. If the answer to line 1 is "yes" and the amount is less than the probable amount 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 that 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 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)

The State of Ohio
County of _____, SS

Case No. _____

FAIRBORN MUNICIPAL COURT

1148 KAUFFMAN AVE

FAIRBORN, OH 45324

**NOTICE TO THE JUDGMENT DEBTOR OF
GARNISHMENT OF OTHER THAN
PERSONAL EARNINGS**

Judgment Creditor(s)

vs.

Judgment Debtor(s)

You are hereby notified that this court has issued an order in the above case in favor of the Judgment Creditor, _____, in this proceeding, directing that some of your money **in excess of \$500.00**, property, or credits now in the possession of the Garnishee, _____, in this proceeding, be used to satisfy your debt to the Judgment Creditor. The order was issued on the basis of the Judgment Creditor's judgment against you obtained in or transferred the FAIRBORN MUNICIPAL Court, in Case No. _____ on _____.

Upon your receipt of this Notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

- | | | |
|--|--|-------------------------------------|
| (1) Workers' compensation benefits; | (4) Benefits and services under the prevention, retention, and contingency program; | (7) Supplemental security benefits; |
| (2) Unemployment compensation payments; | (5) Disability financial assistance by the Ohio department of job and family services; | (8) Veteran's benefits; |
| (3) Cash assistance payments under the Ohio works first program; | (6) Social security benefits; | (9) Black lung benefits; |
| | | (10) Certain pensions. |

There may be other benefits not included in the above list that apply in your case.

If you dispute the Judgment Creditor's right to garnish your property and believe that the Judgment Creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the Garnishee 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 enclosed Request for Hearing Form, enclosed herein, 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 property 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.**

If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the garnishee, if any, that can be used to satisfy all or part 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 received this notice, it will be conducted in COURTROOM 2, 1148 KAUFFMAN AVE, FAIRBORN, OH 45324, at _____ .m. on _____.

You may request the Court to conduct the hearing before this date indicating your request in the space provided on the form; the Court then will send you notice of any change in the date, time, or place of the hearing. 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 money, property, or credits, other than 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 court. If you want legal representation or need legal advice, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

DATE _____

Clerk of Court

By _____
Deputy Clerk

**REQUEST FOR HEARING
(MONEY – PROPERTY – CREDITS)**

Case No. _____

I dispute the judgment Creditor’s right to garnish my money, property, or credits, or other than personal earnings, in the above case and request that a hearing be held _____

(Insert “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: (1)

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

Date: _____

(Name of Judgment Debtor-Print)

(Signature)

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 At This Time And You May Be Required To Give Up The Property Sought Without A Hearing.