PORTAGE COUNTY COMMON PLEAS COURT

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

THE STATE OF OHIO
JUDGMENT CREDITOR(S)

_____
_____
_____

PORTAGE COUNTY COMMON PLEAS CLERK
PO BOX 1035
RAVENNA OH 44266
(330) 297-3644

CASE NO. _____

JUDGMENT DEBTOR(S)

_____
_____
_____

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

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,
(cross out one)
to-wit, on the _____ day of _____, _____ duly recovered a judgment

before this Court against said Judgment Debtor _____

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

DESCRIPTION OF PROPERTY: _____
_____
_____

JUDGMENT CREDITOR OR
ATTORNEY FOR JUDGMENT CREDITOR

_____

_____
Address

_____
Phone

_____
Sworn to and subscribed before me
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 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.

AMOUNT of JUDGMENT $ _____
Including INTEREST TO DATE + $ _____
Plus UNPAID COURT COSTS TO DATE including the COST OF THIS PROCEEDING + $ _____
Minus AMOUNT RECEIVED ON JUDGMENT - $ _____
The TOTAL PROBABLE AMOUNT NOW DUE on this JUDGMENT = $ _____

Witness my hand and the seal of this court this _____ day of _____, _____

_____

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SECTION B. ANSWER OF GARNISHEE **CASE NUMBER**_____

(Answer All Pertinent Questions)

Now comes _____ the garnishee herein who says:

1. That the Garnishee has more than $450.00 in money, property, or credits, other than personal earnings, of the Judgment Debtor under the Garnishee's control and in the Garnishee's possession

   _____ YES _____ NO _____ If yes, amount over $450

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 COPY 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 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 _____, _____

_____
(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

NOTICE TO JUDGMENT DEBTOR

(O.R.C. 2716.12, 13)

_____	)	_____ **COURT,**
_____	)	_____, **Ohio**
Plaintiff----	)	
vs	)	*Case No.* _____
	)	
_____	)	
Defendant----	)	**MONEY-PROPERTY-CREDITS**

You are hereby notified that this Court has issued an order in the above case in favor of

_____

(Name and Address of Judgment Creditor)

the judgment creditor in this proceeding, directing that some of your money, in excess of four hundred fifty dollars, property, or credits, other than personal earnings, that now may be in the possession of

_____

(Name and Address of Garnishee)

the garnishee in this proceeding, be used to satisfy your debt to the judgment creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in _____ Court, Case No. _____ on ____ _____ 20_____.

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;
(2) Unemployment Compensation Payments;
(3) Cash assistance payments under the Ohio works first program
(4) Benefits and services under the prevention, retention, and contingency program
(5) Disability financial assistance administered by the Ohio department of job and family services
(6) Social security benefits
(7) Supplemental security income (S.S.I)
(8) Veteran's 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 request for hearing form, appearing below, 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 on 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 reasons 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, and 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 receive this notice, said hearing will be added to the court docket and notification of time and date will be sent to you. 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 this court. If you want legal representation you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association. _____ 20_____ _____*Clerk of Court*

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