

**AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF GARNISHEE
(Personal Earnings)**

The State of Ohio, County of Summit

AKRON MUNICIPAL COURT
217 S. HIGH STREET, Room 830
Akron, OH 44308
330-375-2923 #5

(Name and address of Plaintiff)
Vs.

Case No. _____

(Name and address of Defendant)

The undersigned, says that I am the plaintiff herein, or Attorney for the Plaintiff, and that said plaintiff heretofore, to wit, on the _____ day of _____ 20____, duly recovered a judgment before this court against said defendant _____.

Amount of Judgment	\$ _____
Interest to date (rate of _____%)	\$ _____
Unpaid courts costs(includes cost of this garnishment)	\$ _____
Minus Amount received on Judgment, costs, & interest	\$ _____
Amount Now Due =	\$ _____

The Plaintiff has good reason to believe and does believe that _____ is an employer of the judgment debtor who has money owing to said judgment debtor for personal earnings prior to the date hereof, and that amount thereof over legal exemptions, Section 2329.66, is subject to execution, garnishment or sale to satisfy a judgment or order under the laws of the State of Ohio. And, that a true copy of the Demand, as required by Section 2716.02 ORC was served upon the judgment debtor herein and that a copy of said Demand is attached hereto, and that judgment debtor is not in the military service of the United States. That the payment demanded in the notice required by Section 2716.02 of the Ohio Revised Code has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in Section 2716.02 of the Ohio Revised Code. That the Plaintiff affiant has no knowledge of any application by judgment debtor for the appointment of a Trustee so as to preclude the garnishment of judgment debtor's personal earnings. That Plaintiff affiant has no knowledge that the debt to which the 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 division (B) of 2716.03.

Name of Attorney for/or Judgment Creditor and Address

Judgment Creditor or Attorney for Judgment Creditor

Notary Public or Deputy Clerk (Commission expires)

Section A:

To: _____
(Name of Garnishee)

The judgment creditor in the above case has filed an affidavit, satisfactorily to the undersigned, in this court stating that you owe the judgment debtor money for personal earnings and that some of that money may not be exempt from garnishment under the laws of the State of Ohio or the laws of the United States. You are therefore ordered to complete the "Answer of Employer (Garnishee)" in section B(on back) of this form. Return one completed and signed copy of this form to the clerk of this court within **five** business days after you receive this order of garnishment. 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 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 \$ _____. 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 the 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 this court within thirty days after the end of each pay period of the judgment debtor and must include with that specified amount calculated each pay period at the statutory percentage an "Interim Report and Answer of Garnishee" substantially in the form set forth in section 2716.07 of the Ohio Revised Code. A copy of the "Interim Report and Answer of Garnishee" is attached to this order of garnishment of personal earnings, and you may photocopy it to use each time you pay the specified amount to the clerk of this court. You are permitted to deduct a processing fee of up to three dollars from 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 a 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 generally will 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 or the judgment creditor's attorney files with this court a written notice that the total probable amount due on the judgment as described above has been satisfied or the judgment creditor or the judgment creditor's attorney files a written request to terminate this order of garnishment and release you from the mandate of this order of garnishment.
3. A municipal or county 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. A municipal or county court or a court of common pleas 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 high priority than this order.
6. A municipal or county court or a court of common pleas 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.
7. The judgment creditor or the judgment creditor's attorney files with this court a written request to terminate and release the order of garnishment, and as a result, the order of garnishment will cease to remain in effect.

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 section 2716.08 of the Ohio Revised Code. 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 of garnishment with respect to the same judgment debtor. These rules are set forth in section 2716.041 of the Ohio Revised Code. An employer guide to processing continuous orders of garnishment is included with this order of garnishment. You should become familiar with these rules.

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

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 _____ the employer herein who states:

1. This order of garnishment of personal earnings was received on _____
2. The Judgment Debtor is in my/our employ: Yes _____ No _____

If answer is no, give date of last employment _____ sign, date, and return form to court.

- 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 days after the date on which the payment was due? Yes _____ No _____ If yes to both parts, give all available details of this agreement, sign, date, and return form to court.

Details of agreement _____

(B). Were you, on the date that you received this order of garnishment of personal earnings, withholding monies from the judgment debtor's personal disposable earnings pursuant to another order of garnishment of personal earnings that Ohio or Federal Law provides with a higher priority than this order of garnishment of personal earnings (such as an IRS levy or support order). Yes _____ No _____ If yes, please give following details: Name of Court, Case Number, Date Received, and Balance Due _____

(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 (3B), and are you currently processing one or more of those orders of 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 is yes, please give the following details:

Name of Court, Case Number, Date Received, and Balance Due to the relevant judgment creditor under each of those orders. List first the previously received order that you are currently processing, and list each of the other previously received orders in the sequence that you are required to process them. _____

I certify that the above statements are true, and that a copy of the notice to the judgment debtor, two copies of the employer's answer, and a request for hearing form have been delivered to the judgment debtor.

(Print name of employer)

(Print name and title of person who completed form)

Dated this _____ day of _____, 20____.

(Signature of person completing form)