

AFFIDAVIT, ORDER & NOTICE OF GARNISHMENT & ANSWER OF GARNISHEE (WAGE GARNISHMENT)

Name(s)

Street Address

City, State, Zip Code

V.

Name(s)

Street Address

City, State, Zip Code

Plaintiff(s)/Judgment Creditor(s)

Defendant(s)/Judgment Debtor(s)

**ASHLAND MUNICIPAL COURT
1209 EAST MAIN STREET
ASHLAND, OHIO 44805
(419) 281-4890**

Case No. _____

| |
|------------------|
| AFFIDAVIT |
|------------------|

STATE OF _____)
COUNTY OF _____) ss:

The undersigned, being first duly cautioned and sworn, do affirm and state that I am _____
Judgment Creditor Name/"the attorney for"
the judgment creditor herein, and that said judgment creditor on _____, duly recovered or transferred a
Judgment/Transfer Date (mm/dd/yyyy)
judgment in/to the **Ashland Municipal Court** against the judgment debtor named above. Said judgment remains unsatisfied as follows:

| | |
|---|-----------------|
| Amount of Judgment | \$ _____ |
| + Interest to Date at a Rate of _____% | \$ _____ |
| + Court Costs to Date (Including Cost of Filing This Garnishment) | \$ _____ |
| - Amount Received Since Judgment | \$ _____ |
| TOTAL AMOUNT NOW DUE | \$ _____ |

I state that the name and address of the garnishee that may be an employer of the judgment debtor and that may have personal earnings of the same is: _____

Employer (Garnishee) Name and Address

I state that the written demand required by Ohio Revised Code Section 2716.02 has been made and that a true copy of said demand, sent by certified U.S. mail or ordinary U.S. mail (certificate of mailing) to the judgment debtor's last known address, is attached hereto; that 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 Ohio Revised Code Section 2716.02. I have 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 I have no knowledge that the debt to which this affidavit pertains is the subject of a debt scheduling agreement that may preclude the garnishment of the personal earnings of the judgment debtor under Ohio Revised Code Section 2716.03(B).

FURTHER AFFIANT SAYETH NAUGHT.

Affiant's Signature

Affiant's Name (Please Print)

Sworn to and subscribed before me on _____, 20____.

Notary Public

SECTION A. ORDER & NOTICE OF GARNISHMENT

To: _____, Garnishee
Employer (Garnishee) Name and Address

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this court stating that you may owe the judgment debtor money for personal earnings.

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 **Civil and Small Claims Division of the Ashland Municipal Court, 1209 East Main Street, Ashland, Ohio, 44805**, within **five (5) 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 (30) 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 Ohio Revised Code Section 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 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 higher 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 Ohio Revised Code Section 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 of garnishment with respect to the same judgment debtor. These rules are set forth in Ohio Revised Code Section 2716.041. 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 _____, 20_____.

JOHN L. GOOD, JUDGE

TURN OVER FOR SECTION B: ANSWER OF EMPLOYER (GARNISHEE)

SECTION B: ANSWER OF EMPLOYER (GARNISHEE)

An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the judgment debtor. **Answer all pertinent questions.**

NOW COMES _____, the employer (garnishee) herein, who says:
Employer (Garnishee) Name and Address

(1) This order of garnishment of personal earnings was received on (specify date, mm/dd/yyyy): _____

(2) The judgment debtor is in my/our employ: Yes No

If the answer is "No," give the date of last employment (specify date, mm/dd/yyyy): _____

(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 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. Attach additional page(s) if necessary. Details (3)(A): _____

(B) Were you, on the date that you received this order of garnishment of personal earnings, withholding moneys 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 a support order or Internal Revenue Service 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 to the relevant judgment creditor under that order. Attach additional page(s) if necessary. Details (3)(B): _____

(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 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. Attach additional page(s) if necessary. Details (3)(C): _____

I certify that the statements above are true.

DATED: _____

Signature of Employer/Garnishee or Employer's/Garnishee's Agent

Name and Title of Person Who Completed Form (Please Print)

Employer's/Garnishee's Name (Please Print)

TURN OVER FOR SECTION A: ORDER & NOTICE OF GARNISHMENT