

## FAIRBORN MUNICIPAL COURT

### SMALL CLAIMS DIVISION

#### HOW TO COLLECT AFTER YOU RECEIVE A JUDGMENT

Once you have obtained a judgment, the next step is to collect the money owed to you on your judgment. This instruction sheet indicates step by step the various procedures you may follow in collecting the money owed when the judgment debtor has refused to voluntarily pay you the amount of your judgment plus court costs.

The Small Claims Court Office will not prepare the legal papers for you, however, personnel will be available if you need assistance in completing any of the forms described in this instruction sheet.

It is important that you keep your current address and phone number on file with the Court during the time you have an active Judgment.

1. **BANK ATTACHMENT: SAVINGS OR CHECKING**  
(Complete packet may be obtained at the Clerk's Office)

To Execute on a savings and/or checking account of your judgment debtor, you must obtain the name, address and branch of the bank in which the account is deposited, along with the exact name and account number, if possible.

Having obtained the above information, you must complete the attached forms marked "Bank Attachment." The Affidavit needs to be signed in the presence of a notary or Deputy Clerk. The Court fee for filing a Bank Attachment is \$40.00A \$1.00 check made payable to the Bank receiving the Attachment must also be included.

Response times vary from bank to bank, however, the Court should receive a response on the Attachment Order within two weeks. If no funds are available for attachment, the Court will send information to that effect. If money is paid in on the attachment, the Court will make distribution to the appropriate party within thirty days.

2. **GARNISHMENT OF WAGES**  
(Complete packet may be obtained at the Clerk's Office)

The first step is to complete the form called "Notice of Court Action to Collect Debt" (copy attached hereto) After completing the top portion of the form and making a copy for your records, mail this form by certified mail, return receipt requested or certificate of mailing to the judgment debtor at his usual place of residence.

At least fifteen days, but no more than forty-five days after sending this form, you may

file with the Small Claims Clerk the forms to complete the Garnishment proceedings (see copies attached hereto). After completing the forms, be sure to include a copy of the fifteen day demand and your return receipt from certified mail or certificate of mailing or unclaimed letter. The Deputy Clerk will collect \$ 115 . as filing fee for the Garnishment. The Garnishment that the Clerk's Office forwards to the employer is good for 182 days without re-filing the paperwork. If, after the 182 days has expired and your Judgment remains unsatisfied, you may repeat this procedure and the new paperwork will also be good for 182 days.

As with the Bank Attachment, the Clerk will keep you informed regarding responses from the employer on your Garnishment. No Garnishment proceedings shall be taken if the Judgment Debtor is in Bankruptcy.

### 3. REVOCATION OF THE JUDGMENT DEBTOR'S DRIVING PRIVILEGES

If your Judgment is for personal injury or damage caused through the negligent operation of a motor vehicle by the judgment debtor, you may send a Certified Copy of the Judgment to the Bureau of Motor Vehicles, requesting the revocation of the Defendant's driving privileges in the State of Ohio. The court costs for the certified copy of the Judgment is \$2.00. Mail the certified copy to:

Bureau of Motor Vehicles, ATTN: MVOS, P.O. Box 16520, Columbus, Ohio 43216,  
Phone No. (614) 863-7526.

The more information about the judgment debtor (date of birth, social security number, driver's license number, etc.) you include, the less trouble you will have in getting the Bureau of Motor Vehicles to revoke the judgment debtor's driver license.

### 4. JUDGMENT LIENS

If you know that the judgment debtor owns real estate in a particular county, you can easily obtain a judgment lien on his/her real estate by obtaining a Certificate of Judgment and filing same. Although obtaining such a lien will probably not cause the judgment debtor to immediately pay you on your judgment, it will guarantee that the judgment debtor's real estate cannot be transferred without dealing with your judgment lien. It is a simple, inexpensive, yet effective way of obtaining some assurance that your judgment will be paid.

To obtain a CERTIFICATE OF JUDGMENT (CJ), you must pay a fee of \$10.00 and file a request to issue a CJ with the Clerk of the Court where you obtained your judgment. After you have obtained the CJ, you must file it in the Common Pleas Court of the county in which the real estate owned by the Judgment Debtor is located. After you have filed your judgement lien, you should advise the judgment debtor that you have filed a lien on his/her real estate and that it will not be removed until he/she pays you the amount of your judgment. This may be enough to cause the judgment debtor to begin payment. You must be sure to cancel the CJ when the amount of your judgment is paid in full.

## 5. EXECUTION OF PROPERTY

To attach property is costly, complicated, and knowledge of the law regarding this will be required. It is considered to be more practical in this case to consult an attorney.

## 6. DEBTOR'S EXAMS

When there is no knowledge of the judgment debtor's assets, the Clerk will provide you with the forms for a Debtor's Exam. The filing fee is \$25 and includes service by certified mail. There is a \$0.00 fee for bailiff service if the Defendant is in our jurisdiction. If Defendant is not in our jurisdiction you will have to prepare instructions for service for Sheriff and/or Process Server. If you request service by Sheriff, a \$40 deposit will be collected. A hearing date will be given at the time of filing.

The debtor is summoned to Court, put under oath and you ask questions regarding his/her assets. If the debtor fails to appear you may consider filing contempt charges.

## 7. MOTION TO SHOW CAUSE FOR CONTEMPT

When a Debtor fails to make an ORDERED Court appearance, they may be found in CONTEMPT of Court for failure to appear (if they were personally served with Debtor's Exam). These forms are available in the Civil/Small Claims Division of the Court and will be provided and explained as needed.

WHEN PAYMENT IN FULL IS RECEIVED, YOU ARE REQUIRED TO NOTIFY THE COURT IMMEDIATELY SO THAT A SATISFACTION OF JUDGMENT MAY BE PREPARED AND FILED.

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

THE STATE OF OHIO  
COUNTY OF GREENE, SS

FAIRBORN MUNICIPAL Court  
FAIRBORN, Ohio

(NAME AND ADDRESS)

Docket No. \_\_\_\_\_ Page \_\_\_\_\_  
Case No. (YOUR CASE NUMBER)

## JUDGMENT CREDITOR

-vs-

(NAME AND ADDRESS)

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

## JUDGMENT DEBTOR

## AFFIDAVIT

The undersigned, \_\_\_\_\_, the Judgment Creditor, being first duly cautioned and sworn  
states that:

1. The name of the Judgment Debtor whose property, other than personal earnings, the Judgment Creditor seeks to  
garnish is (JUDGMENT DEBTOR).

2. The property is described as follows: PROPERTY TO BE ATTACHED (SAVINGS, CHECKING, ETC)

3. The name and address of the garnishee, who may have in the garnishee's hand or control money, property, or credits,  
other than personal earnings, of the judgment debtor is (NAME & ADDRESS OF BANK)

4. The judgment creditor has obtained judgment against the judgment debtor which remains unsatisfied on  
\_\_\_\_\_ (date), in the \_\_\_\_\_ COURT.

ATTORNEY FOR JUDGMENT CREDITOR

AFFIANT \_\_\_\_\_

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOTARY PUBLIC



**SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT**

TO: \_\_\_\_\_ NAME & ADDRESS OF BANK \_\_\_\_\_ 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) on the back 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 \$400** 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 \$400: \$ \_\_\_\_\_

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)  
(Sign all copies)

Copy delivered to Judgment Debtor this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Section A of the form described in this division shall be completed before service. Section B of the form shall be completed by the garnishee, and the garnishee shall file one completed and signed copy of the form with the clerk of the court as the garnishee's answer. The garnishee may keep one completed and signed copy of the form and shall deliver the other completed and signed copy of the form to the judgment debtor.

**FAIRBORN MUNICIPAL COURT  
CIVIL/SMALL CLAIMS DIVISION  
1148 KAUFFMAN AVE.  
FAIRBORN, OH 45324**

Case No. \_\_\_\_\_

\_\_\_\_\_  
JUDGMENT CREDITOR

Vs.

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

\_\_\_\_\_  
JUDGMENT DEBTOR

**NOTICE TO THE JUDGMENT DEBTOR**

You are hereby notified that this court has issued an order in the above case in favor of the Judgment Creditor, \_\_\_\_\_,  
(Name and Address of Judgment Creditor)

in this proceeding, directing that some of your money in excess of \$400, property, or credits, other than personal earnings, that now may be in the possession of the Garnishee,

\_\_\_\_\_  
(Name and Address of 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 obtained in \_\_\_\_\_ 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;
- (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 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 enclosed 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 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,  
\_\_\_\_\_, at \_\_\_\_\_ .m. on \_\_\_\_\_,  
(Address of Court)

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

BANK ATTACHMENT  
MAKE 2 COPIES

**REQUEST FOR HEARING<sup>1</sup>**  
**ON GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS**

(ORC 2716.13)

Case No. \_\_\_\_\_ FAIRBORN MUNICIPAL \_\_\_\_\_ Court,  
\_\_\_\_\_ 1148 Kauffman Ave \_\_\_\_\_ Street Address,  
\_\_\_\_\_, 19 \_\_\_\_\_ FAIRBORN \_\_\_\_\_, Ohio

I dispute the Judgment Creditor's right to garnish my money, property, or credits, other than personal earnings, in the above case and request that a hearing in this matter be held \_\_\_\_\_  
(Insert "on" or "earlier than")  
the date and time set forth in the document entitled "NOTICE TO JUDGMENT DEBTOR" that I received with this request form.

I dispute the Judgment Creditor's right to garnish my property for the following reasons:

Optional

\_\_\_\_\_  
(Name of Judgment Debtor - Please Print)

Date \_\_\_\_\_

\_\_\_\_\_  
(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 AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS,**

**NOW IN THE POSSESSION OF \_\_\_\_\_<sup>2</sup> WILL BE PAID TO  
\_\_\_\_\_<sup>3</sup> TO SATISFY SOME OF YOUR DEBT TO HIM.**



**AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF GARNISHEE**  
(PERSONAL EARNINGS)

REVISED 8/00

THE STATE OF OHIO  
COUNTY OF

Greene

SS

Fairborn Municipal  
FairbornCourt  
Ohio

Plaintiff's Name

Address, City, State, Zip

Judgment Creditor

vs.

Defendant's Name

Address, City, State, Zip

Judgment Debtor

Docket No. \_\_\_\_\_ Page \_\_\_\_\_

Case No. Your Case Number**AFFIDAVIT**

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

The undersigned, first duly cautioned and sworn, deposes that I am the Plaintiff Judgment Creditor herein, and that said Judgment Creditor on the \_\_\_\_\_ day of date of judgment, \_\_\_\_\_, duly recovered a judgment in the Fairborn Municipal Court Court against the Judgment Debtor named above, I, the affiant, have good reason to believe and do believe that Name of Employer is an employer of the judgment debtor who may have personal earnings of the same, nonexempt under R.C. 2329.66, that the written demand required by R.C. 2716.02 has been made, that the payment demanded has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings pursuant to R.C. 2716.02. I further have no knowledge of any application by Judgment Debtor for the appointment of a trustee so as to preclude garnishment, nor knowledge that the debt is the subject of a debt scheduling agreement of a nature precluding garnishment under R.C. 2716.03(B).

ATTORNEY FOR JUDGMENT CREDITOR

Signature must be notarized

Sworn to and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_

NOTARY PUBLIC

**SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT**

TO: Name of Employer, Employer's Complete Address \_\_\_\_\_ GARNISHEE

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 and that some of that money may not be exempt from garnishment under the laws of Ohio and the United States. 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 clerk of this court 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 copy of this form for your files.

The total probable amount now due on this judgment is \$ Total. (The total probable amount due includes the unpaid portion of the judgment in favor of the Judgment Creditor, which is \$ Judgment Amount on that judgment and, if applicable, prejudgment interest at the rate of \_\_\_\_\_ % per annum payable until that judgment is satisfied in full; and court costs in the amount of \$ Court Costs (Interest Rate)

This garnishment order 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 have been paid in full. You must pay that specified amount calculated each pay period at the statutory percentage to the Clerk of Court within thirty (30) days after the end of each pay period of the Judgment Debtor and must include with that amount calculated each pay period at the statutory percentage a completed photocopy of the enclosed "Interim Report and Answer of Garnishee" form. 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 "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 garnishment order will generally remain in effect until one of the following occurs:

- 1) The total probable amount due is paid in full as a result of your withholding 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 staying this garnishment;
- 4) A federal bankruptcy court issues to you an order staying this order of garnishment;
- 5) A municipal or county court or a common pleas court 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 common pleas court 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", which is attached to this garnishment order. Under 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 R.C. 2716.041 an employer guide to processing continuous orders of garnishment is included with this order of Garnishment and you should become familiar with them.

Witness my hand and the seal of this court this \_\_\_\_\_ day of \_\_\_\_\_



# NOTICE TO JUDGMENT DEBTOR\*

(Signed by Clerk of Court)

Wage Garnishment

Plaintiff's Name \_\_\_\_\_  
Full Address \_\_\_\_\_  
Judgment Creditor \_\_\_\_\_  
vs  
Defendant's Name \_\_\_\_\_  
Defendant's Full Address \_\_\_\_\_  
Judgment Debtor \_\_\_\_\_

Fairborn Municipal Court,  
Fairborn, Ohio.

Case No. Your Case Number

## PERSONAL EARNINGS

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

Plaintiff's Name and Address

(Name and Address of Judgment Creditor)

the judgment creditor in this proceeding, directing that some of your personal earnings, be used in satisfaction of your debt to the judgment creditor instead of being paid to you. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in Fairborn Municipal

Court in Case No. Your Case # on Date of Judgment

The law of Ohio provides that you are entitled to keep a certain amount of your personal earnings free from the claims of creditors. Additionally, wages under a certain amount may never be used to satisfy the claims of creditors. The documents entitled "ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER" that are enclosed with this notice show how the amount proposed to be taken out of your personal earnings was calculated by your employer.

If you dispute the judgment creditor's right to garnish your personal earnings and believe that you are entitled to possession of the personal earnings because they are exempt or if you feel that this order is improper for any reason, you may request a hearing before this court by disputing the claim in the request for hearing form, attached, 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 personal earnings 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.

The hearing will be limited to a consideration of the amount of your personal earnings, if any, that can be used in satisfaction 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, it will be conducted no later than twelve days after your request is received by the court and the court office will send you notice of the date, time, and a place. You may indicate on the form that you believe that the need for the hearing is an emergency and that it should be given priority by the court. If you do so, the court will schedule the hearing as soon as practicable after your request is received, and will send you notice of the date, time, and place. 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 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.

Date \_\_\_\_\_

Clerk \_\_\_\_\_

by \_\_\_\_\_  
Deputy Clerk

make (2) Copies  
BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD,  
Wage Garnishment

**REQUEST FOR HEARING  
(PERSONAL EARNINGS)  
TO BE FILED WITH FORM (MC404A) AFFIDAVIT, ORDER AND NOTICE OF  
GARNISHMENT AND ANSWER OF GARNISHEE**

Case No. \_\_\_\_\_ Your Case Number \_\_\_\_\_  
Fairborn Municipal \_\_\_\_\_ Court,  
\_\_\_\_\_  
\_\_\_\_\_  
Fairborn \_\_\_\_\_, Ohio.

I dispute the judgment creditor's right to garnish my personal earnings in the above case and request that a hearing in this matter be held no later than twelve days after delivery of this request to the court.

I \_\_\_\_\_ feel that the need for the hearing is an emergency.  
(insert "Do" or "Do Not")

I dispute the judgment creditor's right to garnish my personal earnings for the following reasons: (1)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that no objections to the judgment itself will be 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 AND SOME OF YOUR PERSONAL EARNINGS  
WILL BE PAID TO \_\_\_\_\_**

(Judgment Creditor's Name)

**N SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR**

1) OPTIONAL



**INTERIM REPORT AND ANSWER OF GARNISHEE**

\_\_\_\_\_  
vs. *Judgment Creditor* Case No. \_\_\_\_\_  
In the \_\_\_\_\_ Court  
\_\_\_\_\_, Ohio  
*Judgment Debtor*

The garnishee, \_\_\_\_\_, in the above case states as follows:

1. The date that the garnishee received the order of garnishment of the judgment debtor's personal earnings was \_\_\_\_\_, \_\_\_\_\_ (YEAR).
2. The total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in section A of the order of garnishment of the judgment debtor's personal earnings, is \$ \_\_\_\_\_.
3. The amount that has been withheld from the judgment debtor's personal earnings during the judgment debtor's present pay period (which amount represents the amount specified on line 6 of the "ANSWER OF EMPLOYER (GARNISHEE)" unless otherwise stated) and that is submitted with this "INTERIM REPORT AND ANSWER OF GARNISHEE" is \$ \_\_\_\_\_.

I certify that the statements above are true.

\_\_\_\_\_  
(Print Name of Employer)

\_\_\_\_\_  
(Print Name and Title of Person who Completed Form)

\_\_\_\_\_  
(Signature of Person who Completed Form)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (YEAR)



# NOTICE OF COURT PROCEEDING TO COLLECT DEBT

(O.R.C. 2716.02)

2

Date of Mailing or Date of Service by the Court \_\_\_\_\_, \_\_\_\_\_ Year

To: \_\_\_\_\_  
Name of Judgment Debtor

\_\_\_\_\_  
Last Known Residence Address of Judgment Debtor

You owe the undersigned \_\_\_\_\_  
Name of Judgment Creditor

\$ \_\_\_\_\_, including interest and court costs, for which a judgment was obtained against you or certified in the \_\_\_\_\_ Court on \_\_\_\_\_, \_\_\_\_\_ Year, payment of which is hereby demanded.

If you do not, do one of the three things listed below within fifteen days of the date of the mailing of this notice or of its service by the court, we will go to court, unless we are otherwise precluded by law from doing so, and ask that your employer be ordered to withhold money from your earnings until the judgment is paid in full or, if applicable, is paid to a certain extent and to pay the withheld money to the court in satisfaction of your debt. This is called garnishment of personal earnings.

It is to your advantage to avoid garnishment of personal earnings because the placing of the extra burden on your employer possibly could cause you to lose your job.

## YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE THREE THINGS WITHIN THE FIFTEEN DAY PERIOD:

- (1) Pay to us the amount due;
- (2) Complete the attached form entitled "Payment to Avoid Garnishment" and return it to us with the payment, if any, shown due on it; or
- (3) Apply to your local municipal or county court or, if you are not resident of Ohio, to the municipal or county court in whose jurisdiction your place of employment is located, for the appointment of a trustee to receive the part of your earnings that is not exempt from garnishment, and notify us that you have applied for the appointment of a trustee. You will be required to list your creditors, the amounts of their claims, and the amounts due on their claims, and the amount you then will pay to your trustee each payday will be divided among them until the debts are paid off. This can be to your advantage because in the meantime none of those creditors can garnish your wages.

You also may contact a budget and debt credit counseling service described in Division (D) of Section 2716.03 of the Revised Code for the purpose of entering into an agreement for debt scheduling. There may not be enough time to set up an agreement for debt scheduling in order to avoid a garnishment of your wages based upon this demand for payment, but entering into an agreement for debt scheduling, you will have to regularly pay a portion of your income to the service until the debts subject to the agreement are paid off. This portion of your income will be paid by the service to your creditors who are owed debts subject to the agreement. This can be to your advantage because these creditors cannot garnish your wages while you make your payments to the service on time.

\_\_\_\_\_  
Signature of Judgment Creditor or His Agent

\_\_\_\_\_  
Name of Judgment Creditor

\_\_\_\_\_  
Address of Judgment Creditor



FAIRBORN MUNICIPAL COURT

Case No. \_\_\_\_\_

\_\_\_\_\_  
John Doe Creditor

\_\_\_\_\_  
Address

Plaintiff

vs.

\_\_\_\_\_  
Daniel Debtor

\_\_\_\_\_  
Address

Defendant

**AFFIDAVIT IN AID OF  
EXECUTION**

STATE OF OHIO,  
COUNTY OF GREENE, SS:

Before me, personally appeared the undersigned, who being first duly sworn, says is plaintiff/attorney for plaintiff who recovered a judgment against the defendant upon which, including interest and costs \$totalowed remains unpaid and that the money owed is not exempt from execution or attachment under the laws of Ohio.

\_\_\_\_\_  
Plaintiff/Attorney for Plaintiff

Sworn to before me by the said

\_\_\_\_\_  
and by him subscribed in my presence  
this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public or Deputy Clerk

**ORDER FOR DEBTOR EXAMINATION**

WHEREAS, Plaintiff recovered a judgment herein on which the amount set forth in the affidavit opposite remains unpaid, including interest, costs and increased costs, and an affidavit was filed herein;

THEREFORE, IT IS ORDERED that Defendant \* Daniel Debtor is to appear before a Judge or Magistrate of the Fairborn Municipal Court, 1148 Kauffman Avenue, Fairborn, Ohio, 45324, on the \_\_\_\_ day of \_\_\_\_\_, 2005 at \_\_\_\_\_ a.m./p.m..

Then and there to answer under oath all questions concerning wages or other income of Defendant.

IT IS FURTHER ORDERED that the BAILIFF shall serve the defendant Daniel Debtor with a copy of this Order at the address hereon personally.

IN WITNESS WHEREOF, I have hereunto set my hand on the date time-stamped hereon.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Attorney for Plaintiff/Plaintiff

\_\_\_\_\_  
Telephone \_\_\_\_\_

\*Said defendant Daniel Debtor needs to bring with him any and all financial records and documents regarding transactions with creditor.