

THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. AFFIDAVIT AND ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

THE STATE OF OHIO
CUYAHOGA COUNTY SS.

Berea Municipal Court
11 Berea Commons
Berea, OH 44017

Clerk's Filed Date Stamp

JUDGMENT CREDITOR(S)

Against

JUDGMENT DEBTOR(S)

CASE NO. _____

OTHER THAN

ANSWER DAY

Before me, the undersigned NOTARY PUBLIC OR DEPUTY CLERK OF BEREA MUNICIPAL COURT, personally appeared _____ who being first duly sworn according to law, says that he is the JUDGMENT CREDITOR OR ATTORNEY FOR THE judgment creditor herein and that said judgment creditor hereto, to-wit, on the _____ (date) duly recovered judgment before Berea Municipal Court against said judgment debtor _____ which remains unsatisfied.

(Judgment Debtor)

(Address of Judgment Debtor)

AMOUNT OF JUDGMENT \$ _____
Including INTEREST TO DATE + \$ _____
Plus UNPAID COURT COSTS TO DATE including the COST OF THIS PROCEEDING + \$ _____
Minus AMOUNT RECEIVED on Judgment - \$ _____
AMOUNT DUE NOW = \$ _____

The affiant has good reason to believe and does believe that _____, Garnishee, has property other than personal earnings, of the judgment debtor and that is not exempt under the laws of the State of Ohio or the laws of the United States. The property described as follows: _____

Signed at _____, Ohio on _____, 20 _____

AFFIANT'S SIGNATURE

Sworn to and subscribed before me this _____ day of _____ 20 _____

NOTARY PUBLIC OR DEPUTY CLERK

TO THE DEPUTY CLERK OF SAID COURT –You are commanded to serve upon the garnishee three copies of the following court order and notice of garnishment and answer of garnishee. Also serve upon the judgment debtor two copies of the notice to judgment debtor and a request for hearing.

SECTION A: 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 the Berea Municipal 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:

NOT LATER THAN

Deliver one COMPLETED and signed copy of this form, to the judgment debtor prior to that date. Keep the other copy of the form for your files.

The TOTAL PROBABLE AMOUNT NOW DUE on this judgment Is \$ _____. The total probable amount 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 \$ _____

Judgment Creditor or Attorney for Judgment Creditor

Address

Phone

You also are ordered to hold safely anything of value that belongs to the indicated judgment debtor 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 is cannot be delivered, until further order of the Court.

Witness my hand this _____ day of _____ 20 _____

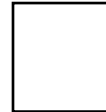
JUDGE OF SAID COURT

SECTION B: ANSWER OF GARNISHEE

Now comes _____ the Garnishee who says:

YES _____ If Yes amount over \$500 _____
NO _____

1. That the garnishee has more than \$500 in money, property, or credits, other than personal earning of the judgment debtor under the garnishee's control and in the garnishee's possession.
2. Said 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, including interest and costs, 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 the line 1 is "YES" and the AMOUNT is GREATER THAN that probable amount now due, sign and return this form and **pay that probable amount now due** from Section (A), 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 this Court, indicate that by placing an "X" in the box provided. 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 Court.



I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE

Print name of Garnishee

Print name and title of person who completed form

Signed _____ Dated this _____ day of _____, 20 _____
Signature of person completing form

**BEREA MUNICIPAL COURT
11 Berea Commons
Berea, Ohio 44017**



Clerk's Filed Date Stamp

JUDGMENT CREDITOR

vs.

JUDGMENT DEBTOR

Case No: _____

**NOTICE TO THE JUDGMENT DEBTOR
OF GARNISHMENT OF PROPERTY
OTHER THAN PERSONAL EARNINGS,^{1,2}**

You are hereby notified that this Court has issued an order in the above case in favor of _____,³ the Judgment Creditor in this proceeding, directing that some of your money in excess of five hundred dollars, property, or the credits other than personal earnings, that now may be in the possession of _____,⁴ 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 _____⁵ Case No. _____⁶ on _____, 20_____.⁷ Upon your receipt of this notice, you are prohibited from removing or attempting to remove such money, property, or credits until expressly permitted by the Court. Any violation of this prohibition subjects you to punishment from 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:

1) Workers compensation benefits; 2) Unemployment compensations 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) Veterans benefits; 9) Black lung benefits; 10) Certain pensions.
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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 indicated 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 on the reverse side, 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 Creditors right to garnish your property in the space provided on the form, but 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, and 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 OF 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 of control of the indicated 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 at

BEREA MUNICIPAL COURT 11 BERA COMMONS BERA, OHIO 44017

At _____ M. on _____, 20_____. You may request the Court to conduct the hearing before this date by 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, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

Deputy Clerk of Court

Date

**BEREA MUNICIPAL COURT
11 Berea Commons
Berea, Ohio 44017**

Case No. _____, _____, 20 _____

**REQUEST FOR HEARING ⁹
ON GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS**

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 the matter be held _____
insert "on" or "earlier than"

the date and time set forth in the document entitled "NOTICE TO THE JUDGMENT DEBTR" that I received with this request form.

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

**I UNDERSTAND THAT NO OBJECTION TO THE JUDGMENT ITSELF WILL BE
HEARD OR CONSIDERED AT THE HEARING**

Name of Judgment Debtor

Signature

Date

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 THE RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF _____

**BE PAID TO _____ ¹⁰WILL
TO SATISFY SOME OF YOUR DEBT TO HIM. ¹¹**

¹ File two copies of this notice which the Court is required to serve on the Judgment Debtor, ORC §2716.13(C)(1).

² Service by regular mail unless otherwise requested. ORC §2716.13(C)(1).

³ Name and address of Judgment Creditor.

⁴ Name and address of Garnishee.

⁵ Name of Court

⁶ Case Number

⁷ Date.

⁸ Address of Court.

⁹ A Postage paid envelope addressed to the Court must be attached.

¹⁰ Garnishee's name.

¹¹ Judgment Creditor's name.

NOTE – Some courts may themselves provide some of the required forms.

Bank Attachment